UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS
FIRST SESSION

VOLUME 149—PART 3

FEBRUARY 12, 2003 TO FEBRUARY 24, 2003
(PAGES 2887 TO 4274)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2003

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of America

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HOUSE OF REPRESENTATIVES—*Wednesday, February 12, 2003*

The House met at 10 a.m.

The Reverend Wayne Jenkins, Pastor, First Baptist Church, Alexandria, Virginia, offered the following prayer:

Dear Father, I lift to You the Members of Congress, their staff members, their spouses and their children. I pray that You draw them into personal relationship with You today. Reveal Yourself to them. Fill them with Your Holy Spirit.

By the authority of Jesus Christ, cast out all dark and evil spirits. Allow no influence to come near to them except that which is first filtered through the light of Your Son, Jesus Christ. Cover them with the blood of Christ. Seal them with the cross of Christ. Redeem them by Your grace. Transform them by Your power. Teach them by Your wisdom. Unite them by Your love. Lead them by Your purpose. Focus them on Your vision. Remind them of their total dependence upon You. Sustain them by Your word. Sanctify them for Your Holy Service. Encourage them by Your counsel. Protect them by Your sovereignty.

Father, I entrust them to You and I pray this prayer through Your Son, Jesus Christ. In the name of the Father and the Son and the Holy Spirit, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma (Mr. CARSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CARSON of Oklahoma led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND WAYNE JENKINS

(Mr. CARSON of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, it is a great pleasure today to welcome Pastor Wayne Jenkins from First Baptist Church of Alexandria, Virginia, as our guest chaplain.

Pastor Jenkins has served as the Pastor for Education and Married Adults for 8 years. His wife of 34 years, Carolyn Jenkins, is the Minister of Education at Downtown Baptist Church in Alexandria, and they have two adult children, Rand Jenkins who works with the Baptist General Convention of Texas and lives in Fort Worth with his wife, Denise, and Clare Jenkins, who serves on my staff as a legislative assistant.

A man of strong faith, members of his church and community recognize Pastor Jenkins as a wise spiritual leader and encourager. As Pastor of Education and Married Adults, Pastor Jenkins enjoys a wide range of ministry at First Baptist and impacts lives through counseling, teaching and preaching. Pastor Jenkins leads a growing ministry for developing Christians, starting 40 new Bible study classes in 5 years and baptizing 82 into the faith last year. Throughout his career of over 30 years, Pastor Jenkins has demonstrated consistent church leadership and a passion for God's service.

Admired by his parishioners and loved by his family, it is my pleasure to introduce Pastor Jenkins today, and I thank him for giving us a wonderful word to start our business this morning.

TRUSTING REPUBLICAN PRINCIPLES TO CHANGE AMERICA

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, America's success in reforming the dysfunctional welfare system during the mid-1990s is one of our House Republican majority's proudest hours. We reached out with the hand of hope to millions of Americans who lost control of their own destinies as they fell, trapped within the grip of a destructive Federal-funded life-style of apathy and ambivalence.

Welfare reform gave millions of families a powerful message of inspiration and achievement. They had not been written off. They were not trapped behind. They were not the perpetual prisoners of perverse incentives.

Our House Republican majority said, Your American dream is alive and we appeal to each of you to discover your passion and follow your heart. Millions of formerly dependent people seized the challenge. They lifted their family to security, stability, and they discovered the inherent nobility of work, all types of work. There is virtue in hard work of any kind. A job done well earns our respect in any arena.

This success also taught Republicans a potent lesson. When we trust our principles, they work. By applying Republican principles to social policy, we demonstrated that our approach works even better in practice than it appeared on paper or theory. And our principles will work just as well when we apply them to many of the other difficult social problems that are diminishing young lives, straining families, and weakening our broader society.

We need to be confident. We need to engage our Republican approach to individual empowerment across the full spectrum of problems that we are confronting as a country. And we need to guard against the erosion of the important principles that are turning lives around in cities, counties and States from north to south, ocean to ocean.

Specifically, we have to promote work to foster independence; improve young lives by lifting children from the grip of poverty; strengthen families by fostering respect for the institution of marriage; and finally, to boost the fortunes of every single American by unleashing a broad economic expansion

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that will spread opportunity to every willing worker.

Mr. Speaker, that is our dream for the people of this country, fulfilling America's promise for every man, woman and child.

SUPPORT DEMOCRATIC SUBSTITUTE OF H.R. 4, PERSONAL RESPONSIBILITY, WORK AND FAMILY PROMOTION ACT OF 2003

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to comment on H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003 and to voice my support for the Democratic substitute.

The Republican bill is an unfunded mandate for the States. H.R. 4 will cost the States a total of $11.1 billion, with my State, California, being hit the hardest with almost $2.5 billion.

In contrast, the Democratic bill properly funds employment services and quality child care for families. The Democratic bill would replace the current caseload reduction credit with an employment credit, which means we would reward States for moving people into jobs, not just off the welfare rolls.

Finally, the Democratic proposal ensures fairness for legal immigrant families. It removes the 5-year ban on States to help legal immigrants with Federal TANF funds, Medicaid services for pregnant women and children, and SSI benefits for disabled children.

Mr. Speaker, speaking as a daughter of immigrants who are now U.S. citizens, it is un-American to enact laws that discriminate against those who come here legally looking for a chance to start a new life.

CONGRATULATING ELDER HIGH SCHOOL FOOTBALL TEAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, on the blustery, frigid evening of November 30, 2002, the Elder High School football team made their championship dreams a reality. The Elder Panthers overcame the weather, a 4-hour bus ride, and a spirited Warren Harding team to return the Ohio State football championship to Cincinnati for the first time since Princeton High School won in 1987.

Thousands of Elder faithful flocked to Fawcett Stadium to urge the Panthers to victory. Those who could not make the cross-State trip sat glued to their TVs, hanging onto every play. From the opening kickoff to the game-saving defensive stand, fans were thrilled by the championship effort and heart displayed by the young men from Elder.

Mr. Speaker, Elder's hard-fought and inspiring victory has brought pride and honor to Price Hill, and to our entire community. Football fans throughout the Cincinnati area congratulate the Panthers and share in their celebration. As a former LaSalle Lancer myself, let me conclude by saying, Go Panthers.

RESOLUTION OF INQUIRY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this morning I will be introducing a resolution of inquiry which demands the President transmit to the House of Representatives the complete Iraqi declaration on its weapons of mass destruction, that was provided to the United Nations on December 7, 2002.

If the administration is intent on taking this country into a war, I believe it is incumbent upon them to make the document which was portrayed as evidence of an Iraqi threat available for all to evaluate. As of today, neither Congress nor the media nor the American people have seen the full Iraqi declaration of weapons of mass destruction. Instead, we have only heard interpretations of the document from the White House and the United Nations.

Let the American people and we, their elected Representatives, who under our Constitution have the power to declare war, determine the justification for war, let the primary documents be transmitted in their complete and unedited form and be brought to the light of day.

Mr. Speaker, the American people have the right to see this information. Congress has the right to see this information, and the administration has an obligation to show it before sending any of our sons and daughters into battle.

DERAIL AMTRAK FUNDING

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to bring to the attention of my colleagues a grave error I feel is being made in the negotiations of the Omnibus Appropriations Act.

Mr. Speaker, I ask my colleagues to go to their computers, check a travel Web site or call their travel agent and find out how much it would cost to fly from Orlando to Los Angeles. When I did this last night, I found nine different flights that cost less than the average per-passenger loss the Federal Government subsidizes on the Amtrak Sunset long-haul route. To put it simply, the government would save money if we bought a plane ticket for every person taking the Sunset Limited from Orlando to Los Angeles.

Mr. Speaker, our country is at war with terrorism and may soon have to go to war with Iraq. Our economy is slowly recovering from the double whammy of recession and the 9/11 attacks. There are tough choices to be made and scarce resources available from which to fund our key priorities. We cannot continue to provide unaccountable and never-ending sums of money for Amtrak, a system which refuses to reform itself.

TRIBUTE TO COACH ROBERT HUGHES

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Coach Robert Hughes of Dunbar High School in Fort Worth, one of the greatest legends in Texas sports history.

Last night, before 7,000 fans, Coach Hughes earned his 1,275th win, surpassing legendary Coach Morgan Wooten of DeMatha High School in Maryland, to become the winningest high school boys basketball coach in U.S. history. During that time, his team has lost just 248 games.

Coach Hughes' remarkable career began almost half a century ago, in 1958, at I.M. Carroll High School in Fort Worth. Coach Hughes won his first State championship in 1963. More State titles would follow in 1965, 1967, and 1993. Coach Hughes has been coaching for Dunbar since 1973, and he continues to serve as a role model for young players and students who take pride in calling themselves Wildcats.

After more than 20 district titles, Coach Hughes clearly is not finished yet. Last night Dunbar earned its fourth consecutive Texas Division 7–4A basketball title and is off to the playoffs. His team is 39–1 this year.

It is a pleasure to honor Coach Hughes. Go Wildcats in the playoffs.

□ 1015

A HIGHER CALLING

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, it was made official last week: our alert status is high. For many Americans, this call for high vigilance has resulted in high anxieties. And in these days of war and rumors of war, we are even hearing the voice of our enemy echo across the airwaves of the world.

But I offer, Mr. Speaker, that we need to hear a different voice today. It is the voice that comforted our founders and has comforted every American hero throughout our history. As the Psalmist wrote so many years ago, "He who dwells in the shelter of the Most High will rest in the shadow of the Almighty. He will say, 'He is my refuge and my fortress, my God in whom I trust.' He will save you from the fowler's snare, from the deadly pestilence; he will cover you with his feathers, and under his wings you will find refuge."

May the favor of the Lord our God rest upon our President, our troops in the field, and all those brave men and women who serve in every Federal place in this Nation this day.

THE WAR ON TERRORISM

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, tomorrow we are going to pass the welfare reform act without a single hearing in the subcommittee or in the full committee. It simply went to the Rules Committee and will come to the floor without debate in this House.

I implore you, Mr. Speaker, to bring the domestic security enhancement bill to the committee and then to the floor with full debate before you try and run it through in the confusion around some terrorist act.

I give two quotes and let people decide who said what. The first is: "The people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country."

The second quote is: "To those who scare peace-loving people with phantoms of lost liberty, my message is this: 'Your tactics only aid terrorists, for they erode our national unity and diminish our resolve.' "

The first is a quote from Hermann Goering, the propagandist for the Nazis. The second is John Ashcroft. Consider the similarity. We do not need to lose more of our liberties to defend ourselves in this country.

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today on behalf of the ethnic minorities of Burma, otherwise known as Myanmar. In January, I visited the Thai-Burma border and met with refugees, democracy activists, prisoner-of-conscience groups and others working to help the people of Burma. Sadly, the international community has failed to recognize that there is, under international legal definitions, a campaign of genocide against the ethnic minorities by the ruling SPDC dictatorship in Burma.

We met with victims' groups, land mine victims, orphans, rape victims and others. One little boy I met was an 8-year-old orphan. He had seen both of his parents killed, then he was trafficked over the border into Thailand and there he escaped to the refugee camps. This little boy was so traumatized that he could not even smile. I saw many children like him.

Mr. Speaker, the U.S. Government and the international community must do something to assist the people of Burma and stop the brutality. Otherwise, we will all be responsible for the successful genocide campaign ethnic cleansing going on by the vicious military of the SPDC.

ELIMINATE THE UNFAIR DOUBLE TAXATION ON DIVIDEND INCOME

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to call for an end to the unfair double taxation on dividend income. President Bush has made it known that it is fundamentally wrong to tax any income twice.

Many would like to play class warfare politics with this issue, but that argument simply does not stand up. Since 1990, stock ownership in the United States has doubled. Today in America more than half of all households own stock and half of all dividend income is owned by seniors. Economists anticipate that the stock market will rise between 10 and 20 percent once this unfair double taxation is eliminated. This creates more capital for spending and investment which leads to job creation.

I thank President Bush and Federal Reserve Chairman Greenspan for their leadership on this issue. Also, I want to commend Grover Norquist, president of Americans for Tax Reform, for his outspoken advancement of a more fair tax system. That is why I have introduced H.R. 225, the Double Taxation Elimination Act of 2003. I ask my colleagues to join me in stopping this unfair double taxation on dividend income.

THE JUDICIAL NOMINATION OF MIGUEL ESTRADA

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, I rise today to support Miguel Estrada to be United States circuit judge for the District of Columbia circuit. Mr. Estrada was nominated nearly 21 months ago. He has argued 15 cases before the United States Supreme Court. He would also be the first Hispanic judge on the U.S. Court of Appeals for the D.C. circuit. Mr. Estrada has served in the Justice Department under Presidents of both political parties as a Federal prosecutor and as the assistant to the Solicitor General.

Despite all of that, to date the Senate has not acted on the nomination of Miguel Estrada, along with many other judicial nominations. There is no question that Miguel Estrada is highly qualified to serve on the Federal bench.

Mr. Speaker, it is time to give the President what he has asked for and what the American people deserve, a great judge in Miguel Estrada.

HONORING LEGENDARY WICHITA, KANSAS, RADIO PERSONALITY MICHAEL C. "OL' MIKE" OATMAN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise today to honor a man who had a tremendous impact on the country music industry, was a strong advocate for Wichita, Kansas, and was a great friend to many, including me.

Michael C. Oatman, or "Ol' Mike" as we all knew him, left this Earth on January 27. Although we wish he could have spent more time with us, he certainly made the most of the time that he had.

Mike was born in west Texas where he began a legendary radio career. In 1964 he moved to Wichita and built not only a radio empire but a reputation that earned him love and respect. His morning show of 36 years was popular not because of the music he played but because of the man who played the music.

Ol' Mike received just about every award a radio broadcaster could earn. All of those honors pale in comparison, though, to his final reward. Mike accepted Christ as his personal Lord and savior and now is in a much better place. And oh how I wish I could have been at those pearly gates to see St. Peter's response when he was introduced to the tee-legged, toe-legged, bee-legged, bow-legged, curly-haired, pee-williker Ol' Mike. That was Ol' Mike's radio show sign-on and was certainly as unique as the man himself.

We will miss you, Mike, but we will keep our old Hank Williams records and look you up when we join you on those streets of gold.

ON THE ISSUE OF THE MIGUEL ESTRADA CONFIRMATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to address the House on a very important matter. I would like to speak about Miguel Estrada, President Bush's nomination for the United States Court of Appeals for the District of Columbia. I applaud the nomination. Miguel Estrada would not only be the first Hispanic to sit on this court but more importantly he is a very well-qualified nominee. Miguel Estrada has argued 15 cases before the Supreme Court. He received a "well-qualified" rating from the American Bar Association, the highest rating possible. He has also received an "outstanding" rating in every performance category during his tenure in the Solicitor General's office under a previous administration.

It is interesting to note that five of eight judges currently serving on the D.C. circuit had no previous judicial experience. Mr. Speaker, it is clear Miguel Estrada is a well-qualified candidate for the bench. Yet the Senate has still not acted on this important appointment.

THE JUDICIAL NOMINATION OF MIGUEL ESTRADA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to discuss an issue that affects all Americans: judicial nominations. It is imperative that we in this Congress take a stand today and say enough is enough, that together we will end the politics of ethnic and gender exploitation and begin an era where our constitutional prerogatives override personal or party political ambition.

Mr. Speaker, the judiciary is the branch of the Federal Government that people rely on for impartiality and sound judgment. If they must be impartial, then as a coequal branch of government, we should be impartial in selecting them. It stands to reason that America's diversity extends to the judiciary, not simply for diversity's sake but because citizens of this great Nation have the right to be judged by their peers. As Americans are diverse, so should be its jurists.

Mr. Speaker, in the past 2 years we have seen nominees for the Federal bench swept aside not because of ideological disagreements or their prior decision-making record, but due to political calculations about the effect their ethnicity or gender may have on the next election. The base politics of ethnicity and gender, couched in rhetoric of ideological bias, is destroying qualified nominees' potential for good public service.

Mr. Speaker, let us go forth today and end ethnic and gender political maneuvering and begin an era of true impartiality in our judicial system and improved public service for our fellow citizens.

ON MEDICAID "CASH AND COUNSELING" DEMONSTRATION PROJECT: CONSUMER DIRECTED CARE WORKS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Medicaid is a mounting expense and a source of frustration to beneficiaries, providers, and taxpayers. Our States need long-term solutions, not short-term cash infusions. But there is good news. There are regulations in Medicaid, section 1115 waivers. These give States more flexibility to design and implement programs that work. One success story has the potential to save money and even more importantly instill choice into the program.

Florida, Arkansas, and New Jersey have a demonstration project called the Cash and Counseling Program. It permits participants, with minimal assistance, to direct their own health care and manage the funds allocated for their needs. In Florida, it is entirely voluntary for frail elders, the developmentally disabled and physically disabled. The eligible are given their own personal cash allowance to spend on established health care purchases. This is resulting in choice, heightened personal responsibility, and potential cost savings. I commend Governor Jeb Bush for his success and only hope that Cash and Counseling is expanded across this Nation.

REGARDING THE NOMINATION OF MIGUEL ESTRADA

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to support the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia. Mr. Estrada has proven himself to be an extremely qualified candidate for this position. A lawyer with a distinguished educational background, Mr. Estrada has argued 15 cases before the United States Supreme Court, all before the age of 40, which is truly an accomplishment. In addition, he has received a unanimous "well qualified" evaluation from the American Bar Association, its highest ranking.

Mr. Estrada has spent time at the Justice Department under both Republican and Democratic administrations and has demonstrated a commitment to upholding the integrity of the law. He has been called "an extraordinarily legal talent" and "genuinely compassionate" by a former Solicitor General, two accolades which lend much support and credibility to his nomination.

☐ 1030

SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is the deal with the Democrats and Miguel Estrada? Is it racism or is it that they just do not like the guy? Because he is definitely qualified to sit on the D.C. Court.

He would be the first Hispanic on that court. He graduated magna cum laude from Harvard, graduated Phi Beta Kappa from Columbia College. He has argued 15 cases before the Supreme Court and was unanimously rated "well qualified" by the American Bar Association and called an extraordinary legal talent by the Clinton Solicitor General.

So what seems to be the problem, Democrats?

Let us go on further. He is 41 years old. He has been in private practice 7 years. He was a U.S. attorney for 2 years. He worked for the U.S. Justice Department. But do the Members know what? He is Hispanic, and what the Democrats are saying is because he has no prior judicial experience. That is interesting because out of the seven judges on the D.C. judicial court circuit, five of the seven did not have judicial experience. Is it not interesting that two of the Supreme Court justices did not have judicial bench experience? And yet this Hispanic guy comes along, and suddenly the Democrats are really concerned about judicial experience.

Mr. Speaker, I urge the Democrats to let this nominee go and put him on the D.C. Court. We need people like this. He is an American success story, and I applaud President Bush for nominating him.

RECESS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 32 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1505

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 3 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

Mr. HUNTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 62) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam conflict.

The Clerk read as follows:

H. RES. 62

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who daily defend our homeland;

Whereas the honor and valor of past and present members of the United States Armed Forces have inspired many young people, once again, to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the "Hanoi Hilton";

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on February 12, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a Member of Congress from the Third District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam, who spent more than half of his time as a prisoner in solitary confinement, conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor and country, who, during his military career, was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with "V" device for valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards, who retired from active duty in 1979 in the grade of colonel, and who personifies the verse in Isaiah 40:31, "They shall mount with wings as eagles";

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas the 30th anniversary of Operation Homecoming begins on February 12, 2003, and ends on April 1, 2003;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, "Freedom has a taste to those who fight and die for it that the protected will never know", are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including particularly Sam Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,902 members of the United States Armed Forces who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution authored by the distinguished majority leader and gentleman from Texas (Mr. DELAY). It recognizes the courage and sacrifice of American military personnel held prisoner during the Vietnam conflict and especially highlights the courage and sacrifice of one of our own, the gentleman from Texas (Mr. SAM JOHNSON), a POW for 7 years.

Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding me this time. I greatly appreciate the chairman for bringing this resolution to the floor at this time. It is a timely resolution, as we all know.

Madam Speaker, most of us feel something very special for the gentleman from Texas (Mr. SAM JOHNSON). We feel a profound sense of gratitude to every American who has suffered greatly in defense of freedom. And prisoners of war frequently suffer levels of abuse that most of us could scarcely imagine, let alone endure.

Each of our American prisoners of war should know that the people of this country cherish their service. They have our solemn gratitude and our solemn appreciation.

Let me say a few words about my friend, the gentleman from Texas (Mr. SAM JOHNSON), because there is a lesson in SAM's story for the rest of us. Even during the most trying and emotionally wrenching experiences that life can possibly confront us with, the eternal qualities endure and they will sustain us.

SAM emerged from those years of brutality with his essential virtues only that much stronger. His captors attempted to strip away the qualities that took him to Vietnam, but the torturers' twisted objective utterly failed, because far from eroding SAM's defining principles, the abuse only tempered his convictions and raised them to a new plane upon which they were forever beyond the reach of evil or intimidation.

SAM JOHNSON came home with his love of country, his passion for family, his reverence for freedom, and his faith in the Lord immensely strengthened.

And, as it was for SAM JOHNSON in the Hanoi Hilton, so too will it be for the United States during our war against tyranny and terrorism. Our enemies may think that acts of brutality and mass murder will divert Americans from our purpose, but they do not understand America. As SAM JOHNSON and most Texans would tell them, we have drawn our line in the sand and will never back down until every last terrorist stands before judgment.

Thank you, SAM JOHNSON, for your service to your country. God bless you, and God bless America.

Mr. SNYDER. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. McNULTY).

Mr. McNULTY. Madam Speaker, I thank the gentleman (Mr. SNYDER) for yielding me this time, and I thank the gentleman from Texas (Mr. DELAY) for bringing this important resolution to the floor.

As I get older, I work more on trying to keep my priorities straight. Among them are remembering that had it not been for all of the men and women who wore the uniform of the United States military through the years, people like me would not have the privilege of going around bragging, as I often do, about how we live in the freest and most open democracy on the face of the Earth. Freedom is not free. We have paid a tremendous price for it.

I try not to let a day go by without remembering with deepest gratitude all of those who, like my own brother Bill, made the supreme sacrifice. I'm thankful to all those who wore the uniform of the United States military, put their lives on the line for us and all that we hold dear, and then came back home and rendered outstanding service in our communities, and raised beautiful families to carry on in their fine traditions.

Today, most especially, we salute and pay tribute to all those who endured torture on our behalf as prisoners of war. Chief among them are my friend and colleague from the Committee on Ways and Means, the gentleman from Texas (Mr. SAM JOHNSON), Senator JOHN McCAIN, and Ambassador Pete Peterson.

I join my colleagues in saluting them for what they went through remembering all of those who endured torture on our behalf as prisoners of war, and renewing our collective commitment to account for all of the American military personnel who are still missing in action.

Mr. HUNTER. Madam Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. GRANGER), and this was at the request of the gentleman from Texas (Mr. SAM JOHNSON), that we have the best-looking Texans go first. We made a mistake with the gentleman from Texas (Mr. DELAY), but we are going to make up for it now.

Ms. GRANGER. Madam Speaker, since September 11, 2001, Americans have had great lessons in what it means to be a hero. We realize more than ever that we owe a debt of gratitude to those patriots and their families who fight to protect our freedoms.

Today, I am rising to particularly recognize a man whose life is a lesson in heroism.

I did not know SAM JOHNSON before I campaigned to join him here in the Congress, but I knew him from his reputation and his record.

After I came to Washington, I read the book he wrote of his experiences in Vietnam. Although it is not a long book, and I am a pretty fast reader, I could not read it all in one sitting as I often do, because I would have to put the book down to wipe my eyes, because I have never known anyone to go through what he went through in the name of America.

He is being recognized today on the 30th anniversary of his release from a North Vietnamese prison camp in Hanoi, where he spent 7 years as a prisoner of war, 7 long years, 3½ in solitary confinement and 2½ in leg irons. During that time, he was a hero to all he came in contact with.

How did he come in contact with his fellow prisoners? By tapping a code on the wall and by memorizing 374 names of other prisoners, because he never lost hope of getting out of that confinement and bringing those names home.

For his service, he was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, three Outstanding Unit Awards, and the admiration, respect, and the appreciation of millions of Americans and Vietnamese.

That makes SAM a tough son of a gun, but he is also a man of great depth and great faith. On the 47th day of his confinement, a typhoon blew the window open for the first time and he said, "I saw the sunrise, the trees; it was God in all His glory."

I think God's glory shines through SAM JOHNSON. He is a hero to all of us and he certainly has been that to me.

□ 1515

Mr. SNYDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise and join my colleagues in support of House Resolution 62, which recognizes the courage and sacrifices of American prisoners of war during the Vietnam conflict and calls for a full accounting of those who remain unaccounted for from the Vietnam conflict.

Thirty years ago today the first group of American prisoners of war was officially released from captivity in Vietnam. Operation Homecoming began on February 12, 1973; and the last repatriation occurred on April 1, 1973. Who can forget those dramatic news photographs of families being reunited with their POWs, their loved ones. In less than 2 months, over 500 Americans returned to the United States.

During the Vietnam War, over 700 American military personnel were taken prisoner by enemy forces. The first prisoner of war in the Southeast Asia conflict occurred in Laos on March 23, 1961. For some like Floyd Thompson, who was the longest held POW, it would be nearly a decade before his family saw him again. Many were held in infamous prison facilities, such as the Hoa Lo prison, which was referred to by the prisoners as the Hanoi Hilton. Many Members of the House have visited the Hanoi Hilton.

On January 23, 1973, the United States and North Vietnam agreed to a cease fire and a return of the prisoners of war. Operation Homecoming resulted in the release and return of 591 Americans. One of the prisoners held, and the one we particularly honor today, was then-Major SAM JOHNSON of the United States Air Force, now a Member of Congress from Texas' third district. He was shot down on April 16, 1966, while flying his 25th mission over Vietnam.

He was labeled a die-hard resister and spent the majority of his time as a prisoner of war in solitary confinement. During his captivity, SAM demonstrated an unshakeable devotion to duty, honor, and country. He retired from the Air Force with the grade of colonel in 1979. It is clearly an honor and privilege to serve with SAM in the House of Representatives.

My colleague mentioned the book that SAM wrote. It is called "Captive Warrior: A Viet Nam POW Story." This is a young-looking version of Congressman JOHNSON here on the front, and I will take the liberty of at least plugging the book.

Texas A&M University Press is where I got my copy, and like my preceding colleague, it is an unadulterated and captivating version of what the life of these men was like in captivity.

Back home, Madam Speaker, I do a talk primarily in schools. I call it my congressional heroes speech in which I have blown up photos of Members of Congress and talk about a 1-, 2-, or 3-minute summary of their life. One of the people I talk about is Floyd Spence, our great and beloved chairman, now passed away, and his courage in the face of having an organ transplant, one of the first in the country that had, I believe, a lung transplant.

One of the people I talk about is SAM, and I make the point that SAM and I often disagree on political issues on the floor of this House. And when you see those votes where it is 220 to 190, well, I am usually in the 190 and he is in the 220; but the differences in policy and politics does not change the fact that SAM JOHNSON is truly one of America's heroes and I will continue to talk about him.

I also mention a former colleague of ours, Pete Peterson from Florida, who was also a prisoner of war during the Vietnam conflict, shot down on September 10, 1966. He also had a distinguished career in the Air Force and retired as a colonel in 1981. He left Congress and served with distinction as our Nation's first ambassador to Vietnam following the Vietnam conflict. I met with him in Hanoi as many Members did, and he is also a very fine American.

Also a note, Madam Speaker, about civilians. We recognize the sacrifices and courage of our servicemembers who were held as POWs. Twenty-five civilians were also released as prisoners of war during Operation Homecoming. Twelve were released prior to the operation and four escaped. Of the 97 individuals listed by the services that were not returned during Operation Homecoming, 80 were servicemembers but 17 were civilians.

Madam Speaker, recent world events remind us that our freedoms are not free. Men and women in uniform volunteer to protect the liberties and ideals that we hold dear, but there are risks. In our recognition today of our colleague, Congressman SAM JOHNSON, and his former colleagues that served as POWs, once again brings home the sacrifices that are made. We use SAM today as our symbol of all the POWs from that conflict, and we salute them today.

Madam Speaker, I reserve the balance of my time.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong support of this resolution to honor all of our prisoners of war from the Vietnam conflict. In particular, I want to join the House in paying a special tribute to my good friend and colleague, the gentleman from Texas (Mr. SAM JOHNSON). SAM's service to his country has spanned the Korean War and the Vietnam War, where he was a prisoner of war for 7 years.

In his office on Capitol Hill, SAM has a photo of his favorite plane. On it is inscribed part of a special Bible verse from Isaiah, "They shall mount up with wings as eagles," an inscription that embodies the continuing spirit of this great patriot in our midst and one which should inspire all Americans with the courage to face the critical, difficult challenges facing this Nation in the days ahead.

It is my distinct honor and privilege to serve with SAM in this great body and on the Committee on Ways and Means. SAM, you are a true champion for all Americans and a true hero to me. America is better off for your service, and I am very proud to call you my friend.

Mr. SNYDER. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Madam Speaker, I certainly want to recognize the gentleman from Texas (Mr. SAM JOHNSON). He is a friend of mine. He is a neighbor of mine. Our boundaries are contiguous. They talk about redistricting and I have always said, If they ever put me in SAM's district, he will have the best campaign manager in the world. It would be me because no one would want to run against this great man with his history, his background, the gifts he has given to this country, the suffering that he has suffered for this country.

I rise in support of this resolution and call for a full accounting of the 1,902 members of our Armed Forces who still remain unaccounted for in unmarked graves or uncharted jails somewhere out there. Among those we honor today are SAM JOHNSON and a number of others that together they put together a series of codes of communication with one another.

This resolution marks the 30th anniversary of his return home from being held captive for 7 years. Can you imagine that? Seven years. I think almost half of that in solitary.

If you have ever shaken hands with him you will feel the hands of a man who has had every bone in both of his hands broken, probably from holding the bars and being hit with bamboo, being beaten and treated unmercifully at the hands of an enemy.

In April 1966 during his 25th combat mission over North Vietnam, Major JOHNSON was shot down. He was taken prisoner. He was taken near Hanoi where he and his fellow POWs were subjected day and night to physical and mental abuse but refused to give up sensitive information on the American military campaign, using tap codes at the camp where they were able to keep in contact with one another.

Mr. JOHNSON began his career in the United States Air Force after graduating from my alma mater, Southern Methodist University. He served his country with distinction in the Vietnam War as well as the Korean War.

Listen to this: he earned two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star of Valor, two Purple Hearts, four Air Medals and two Outstanding Unit Awards. He also served as a director of the Air Force Fighter Weapons School, popularly known as Top Gun and coauthored the first Air Force tactics manual for fighter pilots.

I am honored to count the gentleman from Texas (Mr. SAM JOHNSON) as my good friend and his wife as our good friend. I hold him in high regard and respect very much the work he has done in strong support of our men and women in the military. As one of the few men and women in Congress who has fought in combat, he is a valued and respected advisor on military readiness for all of us here on this floor.

I also appreciate his tireless work on retirement, health and labor issues. Since being elected to Congress he has risen to the post of the highest-ranking Texas member on the Committee on Ways and Means and the Committee on Education and the Workforce, where he serves as chairman on the Subcommittee on Employer-Employee Relations.

Madam Speaker, I proudly support this resolution and join my colleagues today in honoring this man and the men and women who served in Vietnam. The gentleman from Texas (Mr. SAM JOHNSON) is a true American. I am also proud to record our thoughts today on behalf of those on all wars and remember SAM JOHNSON, who school children, 200 years from now, will read about this great man. God bless him.

Mr. HUNTER. Madam Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. WILSON) in the wake of that eloquent statement by the gentleman from Texas (Mr. HALL).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, as we celebrate the 30th anniversary of the gentleman from Texas' (Mr. SAM JOHNSON) return from Vietnam after nearly 7 years of brutal captivity, I am confident his courageous example will serve as an inspiration to our pilots preparing for possible attacks against Saddam Hussein.

Congressman JOHNSON's devotion to his comrades and his country during 2,500 days of captivity should also serve as a reminder to all Americans of the support our servicemen and women deserve before, during, and after war.

Our voluntary Armed Forces are replete with men and women of extraordinary devotion to duty who are willing to following Congressman SAM JOHNSON's example of steadfast devotion to duty in the face of torturous conditions. We must unite as a Nation in support of our troops as we face a time of great danger to our freedom from terrorists at home and abroad.

Like Congressman JOHNSON, we can rely on our troops' dedication to protect our way of life. We need to do our duty to ensure that they have the material and moral support they need to accomplish the difficult task ahead.

Congressman JOHNSON's service demonstrated the highest virtues of patriotism. It is humbling to me as a current member of the South Carolina Army National Guard and a source of pride as I am the father of three sons in the military service who strives to follow Congressman JOHNSON's historic and heroic example.

We thank Congressman JOHNSON for his service to our country. It is an honor to know you. It is an honor to have you as chairman of the subcommittee that I serve on in the Committee on Education and the Workforce. God bless you.

Mr. SNYDER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, through this resolution we express our deepest gratitude to those who endured the cruel conditions as POWs in Vietnam, to their families who suffered at home, and to the sacrifice of every American who defends our freedom.

Our congressional colleagues, the gentleman from Florida, Mr. Peterson; Senator JOHN MCCAIN of Arizona; and the gentleman from Texas (Mr. SAM JOHNSON) spent bitter years in the Hanoi Hilton in Vietnam.

In my area of southwest Georgia, the Andersonville Historic Site where the Nation's Prisoner of War Museum and memorial are located tell the story intensely of the suffering and the limitless courage of our prisoners of war throughout history.

One of my boyhood friends was a fighter pilot lost for 30 years on a combat mission in Vietnam whose remains were just recently found. One of my constituents was a soldier serving on the joint task force in Southeast Asia who lost his life last year in an air crash during a search mission. I know these wonderful young men personally, and I know what their families went through.

Madam Speaker, this resolution pledging never to rest until we have a full accounting for every American lost in action honors the services and the sacrifices that literally made America the home of the free, the land of the brave.

Madam Speaker, I am proud to stand here today to give tribute to our colleague, SAM JOHNSON, and others and all Americans who have served as prisoners of war and to also salute ex-prisoners of war who worked so hard to dedicate the memorial in Andersonville to the cause that our men and women sacrificed for as prisoners of war. I thank them for this honor. I thank them for what they do and the sacrifices they have made.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I am privileged to speak today in honor of my friend, the gentleman from Texas (Mr. SAM JOHNSON). The gentleman is one of the kindest, most thoughtful human beings I know, a principled and unwaivering man. He fights like a lion for what he holds dear. He is truly a man of mettle and conviction.

□ 1530

SAM is also a war hero if ever there was one. I cringe when I think of the incredible price he paid for the freedom of this great Nation, 7 years as a prisoner of war. We all owe him a debt of gratitude.

Today Congress recognizes SAM JOHNSON's sacrifice and his service to America. In so doing, we again acknowledge freedom at its high cost and remember those soldiers who did not return home. Fortunately for us, SAM did.

I thank the Chair for the chance to honor SAM.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise on this occasion to salute the tremendous courage and profound sacrifices that American POWs made for our country during the Vietnam conflict. One of those courageous POWs is my friend and our distinguished colleague, Congressman SAM JOHNSON of Texas.

Forced to endure severe torture, solitary confinement, malnutrition and attempts by their captors to force confessions for propaganda, SAM JOHNSON and countless other American POWs conducted themselves with uncommon courage and heroic strength of character.

I recall a veterans breakfast that Congressman JOHNSON attended in my District with our distinguished colleague, the gentleman from California (Mr. CUNNINGHAM), a fellow Vietnam veteran. While trying to convey the ideals that kept him going as he once thought capture by the North Vietnamese was imminent, the gentleman from California (Mr. CUNNINGHAM) was choked by emotion.

Putting his arm around him, SAM JOHNSON finished his sentence, stating those ideals simply and eloquently, "God and country, God and country." Every veteran in the room rose to their feet in standing ovation.

Madam Speaker, as a Texan and as an American, I am proud to rise and salute patriot SAM JOHNSON.

Mr. SNYDER. Madam Speaker, I have no speakers, and I yield 4 minutes of our time to the gentleman from California (Mr. HUNTER) to use as he sees fit.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUNTER. Madam Speaker, I want to thank the gentleman from Arkansas (Mr. SNYDER) for his bipartisan gesture and great work on this particular issue.

Madam Speaker, I yield 45 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I am going to quote SAM JOHNSON's wife. I do not think anybody today has done that. Let me tell my colleagues what Shirley says: "When he makes up his mind he's going to do something, he doesn't make a big deal of it. He just does it."

These words, of course, stood true in perhaps one of Mr. JOHNSON's greatest tests, the hellish 82 months he spent as a prisoner of war in the Hanoi Hilton. Bound by a faith in God and a love of country, Congressman SAM JOHNSON is a man who has given 29 years to the United States Air Force, 52 years to his wife Shirley, and a lifetime to his country.

SAM, congratulations on the 30-year anniversary of freedom and patriotism for this country. I am proud to serve with him on the Air Force Caucus, which he helped to start.

Resilient, courageous, steadfast, a patriot, and a friend; SAM JOHNSON is all of these things to me. He is a man of unwavering commitment to the betterment of this country. As both a statesman and an airman, SAM JOHNSON has fought both for the sovereignty of democracy and our children's future. From the battlefields of Korea and Vietnam to the Halls of Congress, this "Top Texan" has never lost sight of his objective, because in his wife Shirley's words, "When he makes up his mind he's going to do something, he doesn't make a big deal out of it. He just does it." These words of course stood true in perhaps one of Mr. JOHNSON's greatest test, the hellish 82 months he spent as a prisoner of war at the Hanoi Hilton. Under constant physical and mental duress SAM JOHNSON never forgot his commitment to his family, his men, and his country. One of the 12 remaining combat tested members of Congress, Mr. JOHNSON represents an elite club of men who have taken up arms in the defense of our way of life. We gather today to commemorate the 30th anniversary of Mr. JOHNSON's release from imprisonment and the amazing things he has accomplished in those short 30 years. Bound by faith in God and a love of Country, Congressman SAM JOHNSON is a man who has given 29 years to the Air Force, 52 to his wife, and a lifetime to his country.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to another gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Madam Speaker, February 12, 1973, I was a graduate student at the Krannert School in Purdue University up in West Lafayette, Indiana, just another day for me; for Lieutenant Colonel SAM JOHNSON, it was the first day he had been able to breathe free air in over 7 years.

If we look in the dictionary under "patriot," we ought to see SAM JOHNSON. If we look in the dictionary under "hero," we ought to see SAM JOHNSON.

Director of the Top Gun school; Thunderbird pilot; decorated for two wars, Vietnam and Korea; holder of two Silver Stars; two Legions of Merit; the Distinguished Flying Cross; one Bronze Star with Valor; two Purple Hearts; four Air Medals; and three outstanding unit citations.

By any means he is a hero. He is an American patriot. He is my friend. I am glad he is in the House of Representatives. God bless you, SAM and Shirley JOHNSON.

Mr. HUNTER. Madam Speaker, in the wake of that eloquent statement by the gentleman from Texas (Mr. BARTON), I yield 45 seconds to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Madam Speaker, I stand here to recognize a distinguished

Member of the House of Representatives, a 29-year veteran of the United States Air Force, Colonel SAM JOHNSON, who is my next-door neighbor in North Texas.

Today marks the 30th anniversary of Congressman JOHNSON's return from Vietnam as a result of Operation Homecoming, the project that brought home hundreds of men and women who had sacrificed their lives for our great country and served in Vietnam.

It is a tremendous honor for me to serve in this Chamber with Colonel JOHNSON. He is a true American hero, a man who sacrificed his life for the betterment of all of us and this country. He knows the true meaning of freedom because he fought for it, and he spent 7 long years as a POW in Vietnam, over half of that in solitary confinement.

He has dedicated his life to God, his country and his family. Congressman JOHNSON is a fine example to our future generations of a hero. Congressman JOHNSON was willing to give of his life in the fight for freedom.

Today and every day, when I look at the American flag, the flag that he fought for, I will remember the sacrifice that he made.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Madam Speaker, I rise today to join my colleagues in honoring the extraordinary accomplishments of a true hero. On the 30th anniversary of his return from captivity, SAM JOHNSON deserves a far greater tribute than we can offer today. However, the debt of honor we owe to this great American compels us to do our part to bring attention to the impact his example and leadership provide to each of us.

Every person in this room, in the gallery and on the floor, has served his country, but even the achievements of those of us with a lifetime of military service pale in comparison to the service and sacrifice exemplified by Congressman SAM JOHNSON. Not one individual in this room has attained the level of service and sacrifice exemplified by the gentleman from Texas. He is an American hero.

It has been a privilege to know SAM during my brief tenure as a Member of Congress. I look forward to learning from his wisdom as we serve together.

His service is exemplary, his experience unparalleled. I rise to honor this American hero.

Mr. SNYDER. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Madam Speaker, I thank the gentleman for yielding me the time; and thanks to my colleagues who had the compassion and the wisdom to bring forth this very vital resolution before the House today.

I wanted to add my gratitude and my applause to the Honorable SAM JOHNSON for the yeoman service that he has given to this great United States, the gentleman from Texas, and oftentimes when I have barely been able to get over to the floor, he walks through the tunnels with a great deal of pride and strength, and I just admire him so much. He does not know the many ways that he has given me the momentum to walk on here to the House.

Along with Congressman JOHNSON and all of the other wonderful women and men who have made this extreme sacrifice in terms of serving our country to preserve its freedom, I wanted to give my thanks and gratitude to that yeoman group of people and to pray for the safe return of those yet unfound.

I would also like to add, Madam Speaker, that I come from the State of Indiana. The lieutenant governor there is the Honorable Joe Kernan, and Mr. Kernan entered the United States Army in 1969 and served as a naval flight officer on the USS *Kitty Hawk*, and in May of 1972, he was shot down by the enemy when he was engaged in a reconnaissance mission over North Vietnam.

He was held as a prisoner of war for months. He was repatriated in 1973 and continued on active duty until December 1974.

For his service, the Honorable Joe Kernan has received numerous awards, including the Commendation Medal, two Purple Hearts and the Distinguished Flying Cross. He is also a graduate of Notre Dame in Indiana.

So there are countless unnamed and unrecognized heroes who are similarly situated, and I just wanted, on behalf of the people that I represent, the proud State of Indiana, to add my support to this needed resolution.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Texas (Mr. CARTER), another one of SAM's Texas colleagues.

Mr. CARTER. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, as a freshman member of the Texas delegation, I am honored to be serving alongside Congressman SAM JOHNSON. It was on this day 30 years ago that SAM arrived home after almost 7 years as a prisoner of war in Vietnam. He spent his first 3½ years as a prisoner of war in solitary confinement.

SAM managed to survive these years while maintaining a strong sense of pride and an unrelenting faith in God, country and duty. Not only is SAM a Vietnam veteran, he is a testament to the greatness of American military men and women.

Upon returning with his fellow officers, his first words were, "Lieutenant Colonel SAM JOHNSON reporting for duty, sir." SAM reported for duty, and to this day he has never left his post serving America.

I thank SAM for all the sacrifices he has made and for the example he makes for this House.

Mr. SNYDER. Madam Speaker, I yield myself such time as I may consume.

If I might, reference was made earlier to SAM's wife. I know this is a very small book, but I have here a picture of Shirley and SAM from 1952, and our staff member Debra Wada says SAM is even better looking today than he was here in 1952.

Madam Speaker, I reserve the balance of my time.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Texas (Mr. CULBERSON), another one of SAM's Texas colleagues.

Mr. CULBERSON. Madam Speaker, the book of Proverbs teaches that the greatest profession, the most valuable profession on Earth, is our good name, and by that measure, SAM JOHNSON is one of the wealthiest men in America.

It has been my privilege to serve with SAM in the Texas house, to sit next to him on the floor there, and my great privilege to serve with him here; and I have seen firsthand SAM's devotion to duty, to his country, to honor, to his core principles. SAM JOHNSON does not take polls to help him decide how to vote.

He has been a mentor to me, to all of us who serve with him. We love him and admire him, and we are immensely grateful to him for his service to this Nation, and it truly is one of the great privileges of my life that I have had the privilege to be here with him, to serve with him; and I salute him and thank him so much for his service to this country.

Mr. SNYDER. Madam Speaker, I yield whatever time I have remaining to the gentleman from California (Mr. HUNTER) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUNTER. Madam Speaker, first, I thank my colleague for that gracious gesture. How much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) has 12¾ minutes remaining.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, those of us who have served our country in the war understand in our hearts what every American understands in his head. We understand the words carved in stone down at the Korean War memorial, the words, "Freedom is not free."

Thousands of Americans have died in a war, but of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam. For years he suffered torture, imprisonment and solitary confinement. They worked on him relentlessly to break his spirit, but the spirit of SAM JOHNSON could not be broken. He refused to betray his country. He refused to give up his faith in God.

I had the privilege of visiting in that prison where he was in solitary 2 weeks ago. It was a horrible place. SAM is a living hero. He is an example to us all. He is living proof that what America stands for is right and just and good.

I thank SAM for his service to our country, and as a fellow vet, I salute him.

Madam Speaker, those of us who have served our country in war understand in our hearts what every American understands in his head. We understand what it says—carved in stone—on the Korean War Memorial down at the other end of the National Mall. The words "FREEDOM IS NOT FREE." Thousands of families have died in war. But of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam.

For years he suffered torture, imprisonment, and solitary confinement. They worked on him relentlessly to break his spirit. But the spirit of SAM JOHNSON could not be broken. He refused to betray his country. And he refused to give up his belief & faith in his God.

I visited that prison 2 weeks ago in Hanoi. Sam is a living hero. He is an example to us all. Thank you SAM. SAM, I salute you.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding me the time.

I have not read this book "Captive Warriors" yet, but I am going to read it. I have known the gentleman for many years, and I have never been able to get out of him a lot of the things that happened to him in Vietnam, but I want him to know that from other people I have learned that he really is a hero, and he is a credit not only to the service of this country, the armed services, but he is a credit to this House as well.

One of the proudest things that I can say about being a Member of Congress is, SAM JOHNSON is my friend.

□ 1545

Mr. HUNTER. Madam Speaker, I yield myself 2½ minutes.

In that great book, "The Bridges at Toko Ri," one of James Michener's main characters was the commander of an aircraft carrier. After the hero in the book had flown off against those bridges at Toko Ri in North Korea and been lost, he stood on the ship and he asked where does America find these men who are willing to go in the service, in this case in the U.S. Navy, who fly off these small pitching aircraft carriers, fly to a distant target, heavily defended, and if they are successful in penetrating all that flack and air cover they try to get back and find that little postage stamp out at sea and make a successful landing?

That book was set against the backdrop of a war that was not widely heralded in the United States: the Korean War. It was a time when a lot of folks were focusing on having a rush-back from World War II, having families and building lives and getting jobs and building businesses; and we were not concentrating on that area of the world, that conflict. Yet a lot of Americans gave their lives. That question that was asked, where does America get these men, could just as easily have been a question about those great people that flew off the tarmac in those TAC air bases and strategic air bases or long-range air bases that flew missions over North Vietnam. SAM JOHNSON is one of those guys, a guy from San Antonio, Texas.

Madam Speaker, it has been brought out in all this discussion of whether we should have a draft and who participates and who bears the burden and who does not bear the burden that there is a disparate burden of defending this country, and that is why I think it is important for all of us to look to SAM because he is a model of our finest citizens. And like the gentleman from California (Mr. CUNNINGHAM), the gentleman from Pennsylvania (Mr. PITTS), and others who have been pilots, like a lot of our great veterans who have been here in this body, he embodies that call to a higher duty, a duty that is most of the time inconvenient, and some of the times dangerous, but always the most important duty that one can fulfill on behalf of this country, and that is protecting us, giving us our security.

Madam Speaker, I yield 45 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I could not resist this tribute to the gentleman from Texas (Mr. SAM JOHNSON).

When I think of many of America's heroes, individuals who were challenged, when you give your reflection, you know you were challenged. When America's children ask the questions: Who are our heroes? Do mentors still exist? Are there living idols? The answer is yes.

Sam lived his life in such a manner that his character is formed with the virtues and values that have been tested. I am privileged to serve here in this body with him, and I know that he represents a lot of his comrades who served with him, some of whom were not the lucky ones because they did not get to come home. I know SAM holds them close to his breast in memory, along with their families.

It is a true and distinct honor to serve in this body with you, SAM. Godspeed, my friend.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me this time, and I would also like to pay tribute to those who were held prisoners of war during the Vietnam conflict.

I do not know a lot of those individuals, obviously Senator MCCAIN; but I do know SAM JOHNSON, who is a representative of that, and I know that he has all the strengths that one could ever want in an American.

Sam and I are a little different politically, shall we say. I am a little more moderate than he is. He can be pretty tough on some issues. And no matter what I say today, he will probably still not vote the way I would want him to all the time. But sitting next to him in the Committee on Education and the Workforce, I can still say for certain that he is a person of tremendous character.

To go through the experience that he has gone through, to represent all the interests of defending our country, and then to come back to be able to contribute the way he has on a regular basis is something in his system that I do not think the average person has in his or her system. And for all those reasons I have to believe that all the others who went through that must have been men of incredible strength and character.

So it has been an honor and a pleasure and a privilege to work with SAM, and to work with all the others. But I just wanted to also say thanks to SAM for his service to this country.

Madam Speaker, I rise today to pay tribute to the military personnel who were held captive during the Vietnam conflict, and to those who have yet to be accounted for.

Today, as we consider the prospects of a war with Iraq, it is important that we remain mindful of the great sacrifices our past soldiers have made in the defense of freedom.

The Vietnam conflict has often been categorized as a dark spot in our nation's history, yet for the U.S. soldiers who suffered from unspeakable acts while prisoners within Vietnam, the pain that they carry with them is not a part of history; it is as real today as it was thirty years ago. And for the 1,902 Members of the U.S. Armed Forces who remain unaccounted for, we must emphasize our commitment to not forget their continued sacrifices.

In the midst of such uncertainty, we must honor the POWs who languished in horrible conditions until their release beginning in February of 1973, during "Operation Homecoming." A part of them may have been left behind in Vietnam, but in the end, they were able to rely upon the courage and determination that makes the U.S. Armed Services the best in the world, and ultimately survive to return home to their country and to their families.

Today, I want to remember these POWs and the 1,902 Members of the U.S. Armed Forces who remain unaccounted for. And I would also like to pay tribute to my friend SAM JOHNSON, who was among those released during the first day of Operation Homecoming.

SAM, whose distinguished service to his country did not end after his return, followed up an illustrious career in the Air Force with a successful career as a developer, a Texas Legislator, and a Member of Congress since

1991. I have served with SAM on the Education and Workforce Committee and value his friendship and resolve.

Like many others, who could have shrunken away from the duties of society because of the war, SAM rose above and celebrated his cherished freedom. Now a distinguished public leader, SAM has endured the horrors of war for our country, and in turn has given us much hope and optimism for the future of our nation.

In conclusion, I want to thank SAM for his service to the United States; and I want to honor all of those who were POWs in Vietnam. You all served your country admirably and we must not rest until everyone is accounted for.

Mr. HUNTER. Madam Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California (Mr. HUNTER) has 7¼ minutes remaining.

Mr. HUNTER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would just like to say that the gentleman from California (Mr. CUNNINGHAM), I know if he possibly could he would be here speaking for his old buddy, SAM JOHNSON, another great pilot and the only MiG ace from Vietnam, and a guy who really, really loves SAM JOHNSON.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the man who is the subject of this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, I thank the gentleman so much, and all our colleagues; but you know, this is not about me. This is about our American fighting men that keep America free, the guys and gals the world over. And they are all over the world right now, defending freedom not just for the United States of America but for the world.

I have been a member of the U.S.-Russia Commission on POWs and MIAs now for almost 10 years. We are trying to find out what happened to our missing in action, to those who did not return home from World War II, Korea, the Cold War, Vietnam and Iraq, if we have one there. So we have not given up on anyone, and I think that is what America stands for. It stands behind its military. We will go to extreme measures to make sure we recover our people and/or find out what happened to them. We are still pursuing that effort. There are as many as 70,000 from World War II that are missing in action, some 8,000 from Korea, some 1,800 from Vietnam, and maybe one from Iraq.

So this Nation is the greatest Nation in the world, and I and my colleagues who fought for it would say that, even though we were POWs, if we were required to go fight for this Nation again for the freedoms we enjoy, we would do it in a New York minute. So I thank all my colleagues for recognizing the POWs and for recognizing our servicemen and women around the world and all the great things they do for us, and many thanks as well for helping me in this House of Representatives to make this a better Nation for all of us to live in. We are free and independent, one Nation under God.

God bless you all. Thank you for today.

Mr. HASTERT. Madam Speaker, there just aren't enough words to describe a man who has led such an adventurous, challenging, and courageous life as SAM JOHNSON. He is a decorated war hero, a distinguished public servant, and a dedicated husband, father, and grandfather.

There have been many great public servants who have passed through these great Halls of Congress, and SAM is certainly one of them. These are men and women who have worked tirelessly for their constituents, who have faced difficult challenges, and who rarely, if ever succumbed to the challenges that have come before them, even when it seemed impossible. SAM JOHNSON has brought honor, dignity and respect to this great institution.

During his 29 years as a U.S. Air Force pilot, SAM flew combat missions in both the Korean and Vietnam Wars, and was a prisoner of war in Hanoi for almost seven years. His service in the military earned him many medals that serve as reminders to us all of his courage and personal sacrifice for our country. In total, he was bestowed with fifteen medals and awards, all of which were given to him for the heroism he displayed during both wars. In fact, today is the 30-year anniversary of his arrival back to America after his long torturous imprisonment in Vietnam. It was this day thirty years ago that SAM left that distant land and returned home to his loved ones.

I will always remember SAM to be a man of great accomplishments, a gentleman that I have had the honor to serve with for over ten years. He will be remembered not only for his public service to those in Texas, but also for his selfless sacrifice for all Americans. Thank you SAM.

Mr. CUNNINGHAM. Madam Speaker, I rise in support of this resolution recognizing the courage and sacrifice of those who were held prisoners of war in Vietnam on the 30th anniversary of their release, and calling for a full accounting of those who never returned. This remembrance has a special meaning—not just for those like myself who served in Vietnam and saw the horrors inflicted by our enemy, but for those held captive so long, it is an especially emotional day. And I rise in honor of each of those POWS, for their service to this nation and the sacrifice that stands today as a testament to the greatness of our free nation.

On this fitting occasion, I also want to honor one of those POWs, a great friend and hero of mine and many Americans, and our colleague, SAM JOHNSON. SAM and I shared long careers as fighter pilots before coming to Congress. Although we continue to argue to this day over the accomplishments of Navy versus Air Force fighters, we have developed a strong bond over those shared experiences and our commitment to carry forward the lessons we learned from them.

SAM and I have travelled together extensively, speaking to veterans' groups and working to ensure that Americans understand the importance of supporting the military—particularly at times like these when our troops are defending freedom around the globe. As one who was shot down in combat myself, I know how difficult it is to talk about those harrowing experiences—and you won't hear that from SAM, nor him boasting that record of service or sacrifice. But it is clear from the historical records and the testimony of those who served with him that he is an American hero, and more than worthy of the numerous military awards and national recognition he ultimately earned. From his numerous combat missions and enemy kills, to the inner strength that earned him the label "die hard" by his captors, SAM stands out as an example of true American strength. On this anniversary of Operation Homecoming, I want to recognize SAM'S accomplishments, his bravery, courage, sacrifice and service to this nation. Godspeed, my friend, from this Navy pilot.

Mr. SIMMONS. Madam Speaker, I rise today in support of H. Res. 62, recognizing the members of the United States Armed Forces who were held prisoners of war during the Vietnam War, while calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam War.

As a member of the House Armed Services Committee, and a veteran of the Vietnam War, I take great care in this matter. For generations, Americans have taken extraordinary steps to account for all members of our Armed Forces who were lost fighting to preserve the freedoms we enjoy today.

I wish to share with my colleagues the compelling story of Captain Arnold Holm, a native of Waterford, Connecticut, whose recovery case remains active. Captain Holm was declared killed in Vietnam when his helicopter was shot down on June 11, 1972. Arnie Holm was a sports star in high school, went to Springfield College on a sports scholarship and left to enlist in the U.S. Army. He was fighting for what he believed in when his helicopter was hit in the summer of 1972. In an even more tragic twist, a second helicopter, sent to execute a rescue mission for Capt. Holm and his men, was also shot down, resulting in the death of pilot Lt. McQuade and his entire crew.

After relations with the Vietnamese government improved, missions to discover and recover the remains of nearly 2,000 personnel lost in Vietnam began. While the crash sites of Capt. Holm and Lt. McQuade were very close to one another, only the remains of Lt. McQuade were recovered. This year the United States will support a recovery mission in Vietnam to seek and recover Capt. Holm.

As we consider legislation to recognize the sacrifice made by Prisoners of War, we also commit again to accounting for all armed services members who remain Missing in Action. We must find and return the remains of Capt. Holm, and all MIAs, so that their families and friends see the real commitment our government has for our men and women in uniform.

Mr. REYES. Madam Speaker, I wish to voice my strong support for House Resolution 62, which honors the observance of the 30th Anniversary of Operation Homecoming. This resolution honors the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during Vietnam and returned home as part of Operation Homecoming.

For most Americans, it is difficult to conceive of the harsh reality that these prisoners of war had to endure. And it is important to appreciate the sacrifice that these men made, and that service members today are prepared to make, in defense of our freedoms.

The first group of American prisoners of the Vietnam War returned home as part of Operation Homecoming on February 12, 1973 and the last returned in April of the same year. These American prisoners of war fought for our country with valor and sacrifice. Mr. SAM JOHNSON, our very own esteemed colleague, is among these heroes.

After entering the U.S. Air Force at the young age of 20, Mr. JOHNSON was held captive as a prisoner of war in Hanoi. For seven years, half of that time in solidarity confinement, this brave individual was held captive, until returning back home on February 12, 1973, 30 years ago this day, as part of Operation Homecoming.

Mr. JOHNSON returned home a hero with several distinctions including two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, Two Purple Hearts, four Air Medals, and three Outstanding Unit Awards. The service he offered to his country is one that we, as a nation, recognize as the greatest sacrifice for the survival of freedom and liberty. He has dedicated his career to the safety and security of his country, and has further dedicated his professional life to civic service.

Ironically, JOHNSON was one of the lucky ones. He came back home. Almost two thousand members of the United States Armed Forces remain unaccounted for. We must never forget their sacrifices and we must continue the effort to determine what became of them.

As a veteran of the Vietnam War, and as the U.S. Representative of a district that proudly includes nearly 60,000 veterans, I urge my colleagues and everyone across the nation to remember the ordeals experienced by our former prisoners of war. They carried a great burden so that we might live in freedom and prosperity.

Mr. BOEHNER. Mr. Speaker, I rise today in support of the resolution; but more than that, I rise to honor my dear friend and colleague, SAM JOHNSON of Texas,

Thirty years ago today, SAM was released from captivity as a prisoner of war in Hanoi during the Vietnam War. He spent nearly seven years as a prisoner—half of that time in solitary confinement. His experiences in Hanoi were nothing short of remarkable.

For example: while held captive, SAM committed to memory 374 names of other prisoners of war by tapping a special code on the wall.

Why? In case some got out.

In Hanoi, he also endured unspeakable torture—72 days in leg stocks, followed by another two and a half years in leg irons, and of course, 42 months in solitary confinement.

After his three and a half years in solitary confinement ended, SAM was finally allowed to return to a joint cell. According to a fellow prisoner of war, he walked into the room with the two other detained American officers, stood at attention with tears in his eyes, and simply said, "Lieutenant Colonel SAM JOHNSON reporting for duty, sir."

Madam Speaker, there's no better way to describe a hero than retelling that story.

Today, I am proud to serve with SAM on the House Education and the Workforce Committee. Together, we're working to reform our education, pension, and health care laws for generations to come.

SAM is an effective subcommittee chair, an astute legislator, and a terrific representative of his constituents at home in Texas. His continued service to his nation is most admirable.

To SAM, I thank you for your 29-year career in the Air Force, your courage and sacrifice, and your continued commitment to this country by serving in its Congress. On this important anniversary, I salute you and wish you and your wife Shirley the very best in the years to come.

Mr. COLLINS. Madam Speaker, I have the privilege to sit on the Ways and Means Committee here in Congress with SAM JOHNSON. I consider him to be my friend. More than that. He is a true American Hero. You see, SAM JOHNSON was an F-4 Fighter-Bomber pilot in Vietnam. SAM was shot down and captured by the North Vietnamese in 1966. For the next 7 and a-half years he was a prisoner of war in what the POWs referred to as Alcatraz. This was a prison for the strongest willed of American prisoners of war. A place where the Viet-cong would try to break the will of those who stood against it.

For three years of his time, SAM was in solitary confinement. Other than the frequent times when the enemy took him and brutally tortured him, he never had any contact with another human being for that entire time.

To communicate with one another, the prisoners developed a system of taps with their fingers on the walls and floors of their cells. This allowed them to provide each other their names and ranks so that if one of them should escape or be released, they would be able to tell American intelligence who was alive and in what prison they were being housed.

While in Alcatraz, SAM met another pilot. This pilot was also in the camp for 7 and a-half years, three of which were spent in solitary confinement. Colonel Jeremiah Denton also endured years of torture, abuse, degradation, untreated injuries, malnutrition, years of separation from his wife and family, and conditions that most human beings would consider impossible to survive.

Both of these men were in Vietnam to serve their country. To fight for American interests and to bring democracy to an oppressed people. While some back home were protesting the war, these men didn't let that influence their mission. They were heroes who stood strong, never renouncing their nation. They always supported the United States throughout.

During an interview with the media during his imprisonment, Denton was asked about his support of U.S. policy concerning the war. He replied: "I don't know what is happening now in Vietnam, because the only news sources I have are North Vietnamese, but whatever the position of my government is, I believe in it, I support it, and I will support it as long as I live."

When the prisoners were released in 1973, they were flown to Clark Field in the Philippines before being flown home. President Ronald Reagan summarized that moment best in his State of The Union Address before Congress in 1982:

He said, "We don't have to turn to our history books for heroes. They are all around us. One who sits among you here tonight epitomized that heroism at the end of the longest imprisonment ever inflicted on men of our armed forces. Who will ever forget that night when we waited for the television to bring us the scene of that first plane landing at Clark Field in the Philippines—bringing our POWs home. The plane door opened and Jeremiah Denton came slowly down the ramp. He caught sight of our flag, saluted, and said, 'God Bless America,' then thanked us for bringing him home."

As the senior officer on the plane, Denton was asked to go to the mircrophone and say a few words. What he said that day fully captures that American spirit which so motivates young men and women to serve their country. "We are honored to have had the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our Commander-in-Chief and to our Nation for this day. God bless America."

It is no wonder to me that the American people elected Jeremiah Denton to the United States Senate, and SAM JOHNSON to the United States House of Representatives. But their story is repeated countless times in the thousands of American prisoners of war who returned home after that long conflict and after other wars and conflicts throughout the years.

It is repeated in every voice of every serviceman and woman who takes an oath to support and defend the Constitution of the United States. It is echoed in every snap of the American flag as it flaps in the wind, and seen meandering through the rows of crosses in every military cemetery in which American soldiers, sailors, airmen, and Marines are buried.

You see, America has never been an oppressor nation. Each time troops have been sent to battle, it has been to carry on the ideals of freedom and liberty. Each free breath we take, every moment we live without oppression makes that sacrifice worthwhile.

Yes, serving your country can be hard. Just ask SAM JOHNSON and Jeremiah Denton. But if it was easy, everyone would do it. It is the fact that it is hard that makes it worth doing.

Since the fall of Saigon in 1975, we have failed to locate 1,948 Americans in Vietnam, including 38 civilians.

It is our duty, as a nation, and as a Congress, to continue pursuing every available avenue, until we have located and brought home every one of our service personnel from Vietnam.

One veteran we were able to bring home after many years summed up this duty best before he disappeared in 1970.

Major Michael O'Donnell, who flew many rescue missions in his helicopter while in Vietnam, expressed it this way.

"If you are able, save for them a place inside of you and save one backward glance when you are leaving for the places they can no longer go. Be not ashamed to say you loved them, though you may or may not have always. Take what they have left and what they have taught you with their dying and keep it with your own. And in that time when men decide and feel safe to call the war insane, take one moment to embrace those gentle heroes you left behind."

After many years, Major O'Donnell's remains were finally returned home in 1995 and positively identified in 2001.

It is my hope that some day, we can say that every one of our men and women who have served their nation has finally come home.

Madam Speaker: It is my honor to stand on this floor today and express my profound gratitude for the service of our men and women in our armed forces. Their commitment and sacrifice are the ultimate price for our security and liberty. It is my prayer that every one of them would come home to us healthy and safe. It is my commitment that if that is not possible, we will still bring them all home so they may rest among those they served in the peace they helped to forge. To me, that is the greatest memorial we can provide for these brave souls.

In closing, I just want to echo the sentiment of my colleagues in saying to every POW and MIA; you are not forgotten.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 62.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I respectfully request permission to resign from the House Committee on Education and the Workforce effective immediately. Thank you for your consideration of this request.

Sincerely,

MARK SOUDER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR DENNY: As discussed with you and your staff, in response to your request I am happy to accept a position on the Budget Committee as its Vice-Chairman.

It is my understanding this requires me to temporarily resign, or go "on leave," from the Committee on Science, but that I will be able to retain my position and seniority on that committee for the future.

I am grateful for this opportunity and appreciate the confidence you have placed in me.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: With this letter, please accept my resignation from the House Committee on Veterans Affairs, effective immediately.

Should you have any questions, please feel free to contact me.

Sincerely,

JIM GIBBONS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Homeland Security:

Mr. COX of California, Chairman;
Ms. DUNN of Washington;
Mr. YOUNG of Florida;
Mr. YOUNG of Alaska;
Mr. SENSENBRENNER of Wisconsin;
Mr. TAUZIN of Louisiana;
Mr. DREIER of California;
Mr. HUNTER of California;
Mr. ROGERS of Kentucky;
Mr. BOEHLERT of New York;
Mr. SHAYS of Connecticut;
Mr. SMITH of Texas;
Mr. WELDON of Pennsylvania;
Mr. GOSS of Florida;
Mr. CAMP of Michigan;
Mr. LINCOLN DIAZ-BALART of Florida;
Mr. GOODLATTE of Virginia;
Mr. ISTOOK of Oklahoma;
Mr. KING of New York;
Mr. LINDER of Georgia;
Mr. SHADEGG of Arizona;
Mr. SOUDER of Indiana;
Mr. THORNBERRY of Texas;
Mr. GIBBONS of Nevada;
Ms. GRANGER of Texas;
Mr. SESSIONS of Texas;
Mr. SWEENEY of New York;
Mr. TURNER of Texas;
Mr. THOMPSON of Mississippi;
Ms. LORETTA SANCHEZ of California;
Mr. MARKEY of Massachusetts;
Mr. DICKS of Washington;
Mr. FRANK of Massachusetts;
Ms. HARMAN of California;
Mr. CARDIN of Maryland;
Ms. SLAUGHTER of New York;
Mr. DEFAZIO of Oregon;
Mrs. LOWEY of New York;
Mr. ANDREWS of New Jersey;
Ms. NORTON of the District of Columbia;
Ms. LOFGREN of California;
Ms. MCCARTHY of Missouri;
Ms. JACKSON-LEE of Texas;
Mr. PASCRELL of New Jersey;
Mrs. CHRISTENSEN of the Virgin Islands;
Mr. ETHERIDGE of North Carolina;
Mr. GONZALEZ of Texas;
Mr. LUCAS of Kentucky;
Mr. LANGEVIN of Rhode Island; and
Mr. MEEK of Florida.

□ 1600

DO-NOT-CALL IMPLEMENTATION ACT

Mr. TAUZIN. Madam Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a "do-not-call" registry, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 395 is as follows:

H.R. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Implementation Act".

SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

The Federal Trade Commission may promulgate regulations establishing fees sufficient to implement and enforce the provisions relating to the "do-not-call" registry of the Telemarketing Sales Rule (16 C.F.R.

310.4(b)(1)(iii)), promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.). Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Fees may be collected pursuant to this section for fiscal years 2003 through 2007, and shall be deposited and credited as offsetting collections to the account, Federal Trade Commission—Salaries and Expenses, and shall remain available until expended. No amounts shall be collected as fees pursuant to this section for such fiscal years except to the extent provided in advance in appropriations Acts. Such amounts shall be available for expenditure only to offset the costs of activities and services related to the implementation and enforcement of the Telemarketing Sales Rule, and other activities resulting from such implementation and enforcement.

SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-CALL REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall issue a final rule pursuant to the rulemaking proceeding that it began on September 18, 2002, under the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.). In issuing such rule, the Federal Communications Commission shall consult and coordinate with the Federal Trade Commission to maximize consistency with the rule promulgated by the Federal Trade Commission (16 C.F.R. 310.4(b)).

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORT ON REGULATORY COORDINATION.—Within 45 days after the promulgation of a final rule by the Federal Communications Commission as required by section 3, the Federal Trade Commission and the Federal Communications Commission shall each transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

(1) an analysis of the telemarketing rules promulgated by both the Federal Trade Commission and the Federal Communications Commission;

(2) any inconsistencies between the rules promulgated by each such Commission and the effect of any such inconsistencies on consumers, and persons paying for access to the registry; and

(3) proposals to remedy any such inconsistencies.

(b) ANNUAL REPORT.—For each of fiscal years 2003 through 2007, the Federal Trade Commission and the Federal Communications Commission shall each transmit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

(1) an analysis of the effectiveness of the "do-not-call" registry as a national registry;

(2) the number of consumers who have placed their telephone numbers on the registry;

(3) the number of persons paying fees for access to the registry and the amount of such fees;

(4) an analysis of the progress of coordinating the operation and enforcement of the "do-not-call" registry with similar registries established and maintained by the various States;

(5) an analysis of the progress of coordinating the operation and enforcement of the "do-not-call" registry with the enforcement activities of the Federal Communications Commission pursuant to the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.); and

(6) a review of the enforcement proceedings under the Telemarketing Sales Rule (16 C.F.R. 310), in the case of the Federal Trade Commission, and under the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.), in the case of the Federal Communications Commission.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of Tuesday, February 11, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 395.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, whatever happened to the quiet evening at home? Most people have experienced it, that annoying ring on the phone just as dinner goes to the table. When one answers, it is not a call from a friend or family member or even from work, it is someone calling to sell something, a telemarketer.

Today we have before us of a bill that will allow hundreds of thousands of American citizens to enjoy the peace and quiet of their own home. H.R. 395, the Do-Not-Call Implementation Act, authorizes the Federal Trade Commission to establish a national do-not-call registry that will allow consumers to opt out of unwanted and harassing telemarketing calls. This landmark do-not-call list will provide consumers with one central contact to stop unwanted telemarketing calls. The new do-not-call list will be a free service to all American consumers, and those telemarketers who choose to ignore the do-not-call registry will face stiff penalties of up to $11,000 for each violation.

In order to coordinate the do-not-call programs among all of the agencies with jurisdiction over telemarketing, H.R. 395 directs the Federal Communications Commission to complete its pending do-not-call rulemaking within 180 days. The bill further directs the FCC to consult and coordinate with the Federal Trade Commission to ensure that both regulations are as similar as possible. This coordination will not only prevent consumer confusion, but it will provide the telemarketing industry with coordinated rules upon which to function.

Lastly, H.R. 395 sets out reporting requirements for both the Federal Trade Commission and the Federal Communications Commission. Without the passage of H.R. 395, the FTC will be forced to wait until the year 2004 to implement its national do-not-call list.

I am hopeful the other body will act swiftly to pass H.R. 395 so all Americans can enjoy the benefits of the national do-not-call list sooner rather than later. In fact, if anyone holds this legislation up, we are prepared to give out their home phone number to all who want to give them a call.

Today Congress is answering the call from consumers for help in combating annoying and harassing telemarketing calls. Therefore, to empower the American consumer, I ask that Members support H.R. 395, the Do-Not-Call Implementation Act.

Madam Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bipartisan legislation, and I thank the gentleman from Louisiana (Mr. TAUZIN) and, I am proud to say, my chairman as a new member of the Committee on Energy and Commerce; the gentleman from Florida (Mr. STEARNS), chairman of the subcommittee; and the ranking member, the gentleman from Michigan (Mr. DINGELL), who strongly supports this legislation, for their outstanding leadership in advancing this proconsumer bill.

As a new member of the Committee on Energy and Commerce and as ranking Democratic member of the Subcommittee on Commerce, Trade and Consumer Protection, I look forward to working with my colleagues to implement this important measure.

Madam Speaker, we all appreciate the precious time we have at home with our families after a long day of work, but who has not had that time interrupted by commercial telemarketers? We all know from personal experience how intrusive these calls can be. I hear complaints from many of my constituents who are tired of receiving telemarketing calls at home. They should be able to stop these calls, if they so choose, and the FTC's creation of a national list will make it easier for people to enjoy peace and quiet at home.

This proconsumer legislation authorizes the Federal Trade Commission to collect fees from telemarketers to create a national do-not-call registry. Consumers who do not wish to be solicited at home can put themselves on the registry. Telemarketers are required to check the database every 3 months and remove names that appear on the list from their call list.

In December, the FTC amended the Telemarketing Sales Rules to create a national do-not-call list. This legislation will help the FTC implement this important initiative. I am pleased that the FTC's proposal will protect the First Amendment rights of telemarketers. Telemarketers will be able to continue to solicit consumers who do not put themselves on the list. Telemarketers will still be allowed to call those who are on the do-not-call list when an existing business relationship exists. However, all solicitors who qualify for this exception have to honor requests from individuals if they ask not to be contacted in the future.

It is my understanding that the FTC hopes to have the list up and running within the next few months. And this legislation protects the ability of legitimate charities and not-for-profit organizations to make calls, and they are not regulated by this legislation. However, even if in those circumstances any person asks not to be called again by that organization, that request must be honored.

So, again, I support this legislation. I urge all Members to vote in favor of its passage. I also want to urge appropriators to provide full funding for this program in the omnibus appropriations bill. I hope that they will consider incorporating the text of this legislation in the conference report.

Madam Speaker, I reserve the balance of my time.

Mr. TAUZIN. Madam Speaker, I yield the balance of my time to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Commerce, Trade and Consumer Protection, and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Louisiana (Mr. TAUZIN) has outlined the reason for this bill, and obviously I support it. It is under the jurisdiction of my subcommittee, the Subcommittee on Commerce, Trade and Consumer Protection, and it authorizes the Federal Trade Commission to collect the needed fees to maintain such a national registry. It is a very important bill, and as such, I seek all of my colleagues' support this afternoon.

I commend the chairman of the Federal Trade Commission for taking the initiative on this issue, and its hard work in promulgating the recent amendments to the Telemarketing Sales Rule. Specifically, the do-not-call amendments. As a Member that has championed consumer information privacy legislation for the past 2 years in my subcommittee, and we have had six hearings on it, I think a national do-not-call list is important. Although small, it is a step towards further enhancing consumers' privacy.

There is no question that I, along with most of my constituents, welcome any effective measure designed to protect us from unwanted telephone solicitations. A national do-not-call list goes a long way in fulfilling our want for a little peace and quiet at the family dinner table. It is important that the national do-not-call list truly be a one-stop shopping experience for the consumer.

As directed by H.R. 395, the Federal Trade Commission must work to ensure harmonization among the myriad of States and Federal telemarketing rules and do-not-call lists. That is not an easy job. As it now stands, I understand that 28 States have their own do-not-call lists, and the Federal Communications Commission may be considering another.

I strongly encourage the FTC chairman, Chairman Muris, to work very closely with the FCC on its national do-not-call registry proposed rulemaking so that if the FCC was to promulgate its own rule, it is substantially harmonized and in agreement with the Federal Trade Commission rule.

For American consumers to enjoy one-stop shopping when seeking to protect him- or herself from unwanted telephone solicitation, there ought to be a single national registry governed by one set of Federal rules. I think we need a single national list for all interstate calls so there is only one toll-free number or one Web site address and one government agency we, as consumers, need to remember and go to for assistance. Passage of H.R. 395 is an important step in making that possible.

In closing, I reiterate my strong support for an effective national do-not-call list. I think the Federal Trade Commission's do-not-call amendments to the Telemarketing Sales Rule creating a national registry is a giant step in the right direction and, as such, deserves our support. I urge Members to support the bill.

Madam Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY), a very eloquent member of the Committee on Energy and Commerce.

Mr. MARKEY. Madam Speaker, I congratulate the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. STEARNS), the gentleman from Louisiana (Mr. TAUZIN), and all of the members of the majority and minority for coming together to work out a very important piece of legislation.

This is a bill which I think is long overdue and is going to be very well received in every single home across our country, because the legislation authorizes the Federal Trade Commission, after its recent decision, to create a national telemarketing do-not-call database. This do-not-call database proposal is a winner for millions of consumers who are plagued by unsolicited commercial telemarketing calls at home or on their mobile phones, and it is important that we give the Federal Trade Commission the support it needs to implement this new policy as soon as possible, and that is what we are doing today here on the House floor.

The bill the House considers today permits the Federal Trade Commission to proceed on a timely basis and begin implementation of the database process this year while also ensuring that the Federal Communications Commission finally gets its regulatory task done so that no major corporate telemarketing loopholes remain.

I am pleased to be a cosponsor of this legislation. Every Member who has worked on this legislation deserves a lot of credit. After having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country will finally be able to put an effective "no soliciting" sign on their home phone or cell phone and bring to a halt the seemingly nightly ritual of phone calls interrupting dinner or precious family time. Those telephone rings invade the tranquility of the home and the do-not-call database will help consumers restore peace.

Rather than having consumers act as veritable slaves of those rings, forced to get up and to answer insistent and incessant telemarketing calls time after time, the do-not-call database will effectively make consumers the "Lord of the Rings." They can put an end to those calls. They can protect their own domain.

Consumers have waited a long time for the benefits of the same digital and telecommunications technology that has so advanced the ability of telemarketers to efficiently and cost-effectively reach consumers to also be harnessed on behalf of consumers to help them address legitimate privacy concerns.

□ 1615

I see the gentleman from Texas (Mr. BARTON) over there. There are Members on the left and right, Democrat and Republican, that want privacy in their own homes. This has no ideology. Every American believes they have that inherent right.

Finally, I want to commend Federal Trade Commission Chairman Timothy Muris for his pro-consumer action in promulgating the FTC's recent do-not-call rules, as they will give the consumers who are often plagued by unwanted, intrusive, unsolicited telemarketing a powerful new tool in which to battle such intrusions. Again my congratulations to everyone who worked on this important legislation.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Subcommittee on Energy and Air Quality.

Mr. BARTON of Texas. Madam Speaker, I want to commend Subcommittee Chairman STEARNS, Ranking Member SCHAKOWSKY, the gentleman from Louisiana (Mr. TAUZIN) of the full committee, and the gentleman from Michigan (Mr. DINGELL) of the full committee for bringing this bill to the floor. I am a cosponsor. I think there are improvements that could be done to the bill, but I think it is a good step in the right direction.

I have been in the Congress for 18 years. I have been on the Committee on Energy and Commerce for the last 16 of those 18 years. I was one of the Congressmen who led the fight in committee to make sure that caller ID could be used as an option for those that wished to know who was calling them. I also helped lead the fight in committee to make sure that if somebody was trying to call you and blocked their identity, you could block their call, that block-the-blocker technology. This is another step in that protection of privacy that the gentleman from Massachusetts (Mr. MARKEY) talked about, so that when you are in the privacy of your home, if you choose to not have any unsolicited phone calls coming into your home, you can sign up for this.

I have signed up for the do-not-call list in Texas. I have lived in the same house for the last 14 years. I have subscribed to the Dallas Morning News that entire time. And until recently I continued to get solicitation calls from the Dallas Morning News asking me to subscribe to the Dallas Morning News. Maybe with the do-not-call list in Texas and the do-not-call list at the national level, I will not get that call. Unfortunately, I will still get a phone call from Majority Leader TOM DELAY. I have raised substantial sums of money for the NRCC, but I do get solicitation calls asking me to help Majority Leader DELAY continue to raise necessary funds for various good political causes. That is one of the exceptions.

So there are things that we could do to improve the bill, but it is a good step in the right direction and I hope that we pass this bill on a bipartisan basis unanimously because it is a good piece of legislation.

Again I want to commend the gentleman from Florida (Mr. STEARNS) for his excellent leadership and the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her leadership on this necessary piece of legislation.

Ms. SCHAKOWSKY. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), a great consumer advocate and member of the Committee on Energy and Commerce.

Mr. WYNN. Madam Speaker, I am also delighted to join my colleagues in supporting the Do-Not-Call Implementation Act. Let me commend the gentleman from Florida (Mr. STEARNS), our subcommittee chairman, as well as our newest and quite-generous-with-her-flattery new subcommittee ranking member, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for her leadership on this bill.

As we debate great global and national issues, this may not seem to be such a big deal. On the other hand, if you have worked hard all day, fought through traffic to get home to be with your wife and family to sit down to a simple dinner and you get a phone call from someone from Acme advertising something that you really do not want, this is a very big deal. It is something that Congress can and, I am pleased to say, is taking care of. We are doing something about this, the annoyance of unwanted solicitations.

I get lots of complaints about it. I think it is a great idea that we are addressing this issue. As an elected official, I am not usually home at dinnertime; I am usually here in Washington or out in the district at some event. But when I go home, when I am home on those rare occasions and I am trying to have dinner and I get a call, I get quite annoyed. So I know how folks feel. But it is also people who work at home who are trying to conduct their own business who are interrupted. It is also seniors who are at home and are maybe anxious or nervous or sitting alone. They get these repeatedly aggravating calls which they have to struggle to get up to answer only to find someone from Acme on the line.

This is a good piece of consumer legislation. Combined with what the States have already done in 27 States and what the FCC and FTC can do, we can have a blanket of protection around consumers from the annoyance of unwanted calls. I am really pleased to see Congress acting so swiftly. I thank Chairman TAUZIN as well as Ranking Member DINGELL for their leadership. I think it is a great piece of legislation, I am proud to support it, and I look forward to its rapid implementation.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, in my home State of Indiana, our own no-call registry has been met with great success. While in Indiana there are over 6 million people, a little over 1.2 million phone lines in Indiana have registered to stop these unwanted telephone solicitations. I want to thank Indiana Attorney General Steve Carter for not only his leadership but also his persistence to succeed in this endeavor on behalf of consumers.

I am very pleased that the Federal Government is now responding to the concerns of consumers with legislation that will work to restrict these unwanted callers. It is my understanding that Indiana's no-call registry is more stringent than the Federal guidelines that are presently being proposed. It is also my understanding that those agencies crafting the Federal no-call guidelines, the FTC and the FCC, have no intent to preempt State law. I would urge both agencies to abide by this understanding.

Last July, I wrote a letter to FTC Chairman Muris asking that any creation of a Federal do-not-call registry would clearly express that the Federal rule would in no way preempt State law. And last month the entire Indiana delegation sent a letter to FCC Chairman Powell making the very same request. So while the creation of a national do-not-call registry delivers to the consumer the assurance that they may once again answer the phone in peace, I do hope that those States that have created their own do-not-call registries for the benefit of consumers will not be negatively affected in this rulemaking process.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of this bill. I would first like to commend the chairman from Louisiana and the ranking member from Michigan, as well as the gentleman from Massachusetts, for bringing this important piece of legislation to the floor. As we have heard, this bill will give the Federal Trade Commission the authority to collect fees from telemarketers, long overdue, to implement and run the national do-not-call list which was created by the amendment to the telemarketing sales rule effective December 18.

The FTC has got it right. Something has to be done to protect consumers from the many annoying calls telemarketers place at all hours of the day and night, 7 days a week. These calls are indeed an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older Americans.

The Federal Trade Commission's national do-not-call list is a one-stop shop for consumers who are fed up with annoying and often intrusive telemarketing calls. Consumers by registering their telephone number with the FTC's list will eliminate, we hope, about 80 percent of all telemarketing calls.

Madam Speaker, I would also like to thank the FTC for working closely with me to include provisions of my "Know Your Caller" legislation which makes it illegal for telemarketers to block their numbers on caller ID devices. Consumers pay a monthly fee to subscribe to the caller ID service because they want to protect their personal privacy and their pocketbooks; but until now they have had little recourse to protest intrusions on their privacy because most telemarketers intentionally block their identity from being transmitted to caller ID devices.

Madam Speaker, as a Member of Congress and, more importantly, as a consumer, I applaud the FTC's amendment to the telemarketing sales rule; and I applaud and thank the committee for sponsoring this bill.

Ms. SCHAKOWSKY. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who is not only a distinguished member of our class to the House of Representatives but the only Member of Congress who is a rocket scientist.

Mr. HOLT. Madam Speaker, I thank the gentlewoman for yielding me this time, and I concur with the remarks of my colleague from New Jersey who just spoke. I rise in support of H.R. 395, the Do-Not-Call Implementation Act; and I would like to salute Chairman TAUZIN and Ranking Member DINGELL for introducing what my colleagues will tell you, and my constituents especially will tell you, is important legislation. I cannot count the number of e-mails, phone calls, and letters I receive from constituents, many of them irate, complaining about telemarketing. The residents of my district have pleaded with me to do something so that they can have a peaceful family dinner, not interrupted by credit card solicitations or the latest condominium offerings on some tropical locale. I know what they are talking about, because frequently my dinner is interrupted by these calls, too. They have been described as nuisances, extremely annoying, and by stronger language.

We should not stop companies from developing and using innovative ways to sell their products and services, but there is little question that this kind of telemarketing is out of hand. It has become a form of harassment. Just as citizens have the right to tell door-to-door solicitors to leave their property, Americans should have the right to tell telemarketers to stop calling and to make it happen.

The Do-Not-Call Implementation Act will be widely appreciated. It does not prohibit telemarketing. It does not stop companies from using phone solicitation to sell legitimate products and services. It empowers individuals by creating a realistic and enforceable way for them to get their names off telemarketing lists.

We have had do-not-call lists on the books, legislation, for more than a decade. But when Congress first mandated such lists, the FCC chose to leave creation and maintenance up to individual businesses, making enforcement next to impossible. That is why the Do-Not-Call Implementation Act is a great step forward in creating a real nationwide do-not-call list.

Finally, Madam Speaker, people will be able to opt out of telemarketing by registering online or making a simple phone call. Telemarketers will face serious consequences for noncompliance. I think a fine of $11,000, up to that amount, for each call will get their attention. It is about time that the Federal Government protect the citizens from this unwanted harassment. After we are successful in implementing this, I hope we will turn our attention to electronic mail spam.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise today in support of the Do-Not-Call Implementation Act. We have do-not-call lists now in 21 States, but we seem to have the calls only increasing in frequency. The fact that these calls seem to occur at the most inopportune times and, thanks to predictive dialing software, often result in an immediate disconnection only adds to the frustration of consumers.

I am very pleased that the Federal Trade Commission is amending the telemarketing sales rules to create a central do-not-call registry. As a new member of the appropriations subcommittee that funds the Federal Trade Commission, I am committing my efforts to make sure that this effort is fully funded so that we can implement this needed legislation.

I want to commend Chairman TAUZIN, Ranking Member DINGELL, and also subcommittee Ranking Member SCHAKOWSKY for her efforts on this. I think working together in a bipartisan way, we will ensure that the Federal Trade Commission not only has the underlying legislation but also the appropriations to make sure that every person's castle can be a quiet home and that we do not have to worry about the telemarketing barbarians at the gate every single evening.

Ms. SCHAKOWSKY. Madam Speaker, I am happy to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who has stood up for the rights of consumers so many times on this floor.

□ 1630

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank the distinguished gentlewoman for yielding me this time, and I congratulate her again for her membership on the Committee on Energy and Commerce and her very rightful position dealing with consumer advocacy.

This is a legislative initiative that I wanted to applaud and speak to because I live in a community that has a substantial number of senior citizens. I have had the occasion to be engaged with these senior citizens in town hall meetings when they have held up mail or they have said, I got a call and how should I respond; or maybe unfortunately some have already responded, and that is by sending money, by buying whatever the individual was trying to sell or be frightened for not being able to secure it.

This legislation is extremely important and balanced.

Certainly we realize that telemarketing is an industry, that people work in telemarketing, that many of my constituents, likewise in hourly wages, survive by being telemarketers. We want them to continue to be able to do their work. At the same time, I think it is important that as they do their work, they also respect those who may be intimidated by the process.

I am grateful that the legislation was thoughtful, that it seeks to balance by providing the FTC with the responsibility of imposing user fees on telemarketers, for establishing and maintaining a national do-not-call list. What is wrong with consumers having a choice, being able to be on the list? So therefore I would like to add my support to this legislation.

And before I go to my seat, I wanted to also make sure that I acknowledged the legislation previously on the floor regarding the POWs and to acknowledge the 30 years after Mr. SAM JOHNSON of my State found his way home and to simply say how appreciative we are of the service of our men and women, in particular those who were willing or understood that even though they were prisoners of war, they were never forgotten.

So I thank him for his service, and I add my support to H.R. 395 and to the proceeding legislation.

Ms. SCHAKOWSKY. Madam Speaker, I look forward to all our colleagues supporting this legislation.

Madam Speaker, I yield back the balance my time.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of the Do Not Call Implementation Act, H.R. 395, which will authorize the Federal Trade Commission to establish a landmark national do-not-call registry that will allow consumers to opt-out of unwanted and harassing telemarketing calls. With passage of this bill, our families will be able to wind down their long days by eating a peaceful dinner without the incessant calling that so often annoys and disrupts our time with our families.

Electronic market capabilities and strategies have become more aggressive as technology has advanced and action needs to be taken to protect the peace and privacy of people in their homes. I feel that this legislation, which is similar to a Connecticut law, goes a long way in accomplishing that. The intention of telemarketers and others are by no means sinister, but Americans must have the means to protect themselves from different kinds of intrusions, including the frequent bothersome telemarketing calls interrupting a family dinner, which this legislation would enable them to do. As different kinds of technology continue to move forward, we must be vigilant in ensuring that the personal privacy rights of our citizens are not being encroached upon.

The larger issue of privacy in our nation does not end with this legislation, obviously, but rather this bill becomes one of several tools that Congress has been able to employ to protect our citizens. There are still other avenues of privacy that must continue to be safeguarded including wireless services, financial information as well as computers and communications. This legislation is certainly an important step in this direction.

I urge my colleagues to support this legislation.

Ms. HOOLEY of Oregon. Madam Speaker, I rise today in support of privacy protections for consumers nationwide as we consider the Do-Not-Call Implementation Act. My home state of Oregon is one of a growing number of states that have recognized the growing importance of protecting consumer privacy. Oregon's legislature has parlayed its respect for individual privacy into legislation regulating telemarketing calls. Like those in more than two dozen other states, Oregon's lawmakers have seen fit to compile a list of individuals who no longer wish to receive unsolicited telemarketing calls. And, they have vested the attorney general with the power to levy harsh sanctions on those firms who call listed consumers anyway. Oregon's law is powerful and effective because it allows for the local enforcement of telemarketing rules with narrow exceptions. Only political organizations and a few not-for-profit groups are exempt from the restrictions on calls placed to listed consumers.

It is important to me that Federal legislation authorizing the creation of a national "do not call" registry does not unnecessarily widen the carefully carved exceptions of state laws like Oregon's. States that have developed strong protections on privacy should not see their rules watered down. I sincerely hope and expect that FTC will show deference to determinations made by states as it coordinates the national "do not call" registry with existing state lists. Consumers deserve the continued benefit of well-designed state laws. Though Oregon has a strong "do not call" system in place, I realize that many consumers live in places without state law protections. It is for these consumers that creation of a national "do not call" database is most vital. In Oregon, more than 125,000 people have added their names to the state managed "do not call" list. This is evidence of the widespread public appeal of being able to vastly reduce the number of sales calls to which one is subjected. Subsequently, I have no doubt that many Americans would consider a national "do not call" list a welcome weapon in fending off nightly invasions of their peace and privacy by telemarketers.

In short, a national "do not call" registry would extend to all Americans the benefits already realized by subscribers to similar lists in varying states. I've heard firsthand from Oregonians about the success of their "do not call" list. I would very much like the expanded opportunity for privacy of "do not call" lists to be available nationwide. In the twenty-first century, our names, addresses, phone numbers and spending habits have all become commodities for commercial trade. Our telephones often function as much as a marketing tool for salesmen as a tool for our convenience. As a rule, unwanted sales calls come at the most inopportune time, steal our time from our families and children, and reduce the quality of our lives. We should make sure that Americans have real tools for mitigating the damage that telemarketing calls can have. That is why I support a national "do not call" registry that respects strong state privacy protections. That's why I support the recognition of those state lists by the FTC. And that's why I support the rights of consumers to control telemarketer access to their phones.

Ms. McCARTHY of Missouri. Madam Speaker, today members of the House will approve H.R. 395, the Do-Not-Call Implementation Act. This measure is designed to return privacy to consumers, but more must be done to close loopholes and fully protect consumers from unwanted telemarketing phone calls to their home.

My main interest in the implementation of a national Do Not Call registry is to ensure that such a list improves rather than diminishes the laws already in place in 27 states, including my State of Missouri. Missouri's Do Not Call list, which was implemented on July 1, 2001, gives consumers the ability to choose whether they would like to receive unsolicited telemarketers calls. 1,133,636 phone lines have registered with the Missouri Attorney General's office as of this February to avoid unsolicited phone calls, more than half of the households in the State. These results are representative of other states that have implemented a Do Not Call list.

More than 90 percent of the reported "violations" of the state law are not illegal, which confuses consumers. This is due to freedom of speech which enables political, charitable, and government regulated businesses to make unsolicited phone calls. Financial services companies and phone companies are not regulated by the Missouri Attorney General, thus these entities can legally solicit anyone in Missouri by phone. These loopholes, as well as others permitting "consultations" but not sales, have allowed unsolicited calling to continue, even of those consumers who have registered on the state Do Not Call list. I urge the Federal Trade commission (FTC) and Federal Communications Commission (FCC) to follow the spirit of H.R. 395 and restrict calls by regulated industries such as credit card companies and phone companies which account for a majority of the telemarketing calls. In addition, the FTC and FCC must work to transfer state Do Not Call lists to the federal list so that consumers who have signed up locally will not have to do so nationally. Even though not explicitly stated in the bill, a rule to provide this convenience will enhance the effectiveness of this effort.

FTC Chairman Timothy Muris told the Energy and Commerce Committee that the Federal Do Not Call list is to be funded by the telemarketers who must purchase an updated Federal Do Not Call list every three months, ensuring protection to consumers. The text of H.R. 395 does not explicitly state this, thus the measure leaves room for loopholes for specific telemarketers. I look forward to studying the required FTC & FCC reports to Congress ensuring that H.R. 395 successfully protects those who choose not to receive telemarketer calls. H.R. 395 should follow the original intent of state Do Not Call laws and use Federal jurisdiction to close loopholes that states cannot.

Mr. UDALL of New Mexico. Madam Speaker, I am pleased that the House is taking action today on H.R. 395, the Do-Not-Call Implementation Act, to help establish a national do-not-call registry. I strongly support this important legislation that will greatly benefit consumers by providing them with a simpler, more effective and efficient way to notify telemarketers that they do not want to receive unsolicited phone calls.

According to the FTC, consumer complaints regarding unwanted telemarketing calls increased over one thousand percent between 1998 and 2002. Although telemarketers are currently already required to maintain do-not-call lists, the FTC's decision to create a national do-not-call registry is a critical step towards further decreasing the hundreds of annoying and unwanted telemarketing calls that consumers receive each year. The do-not-call registry would allow consumers to list their phone numbers to notify all telemarketers that they no longer want to receive unsolicited calls, rather than having to contact each telemarketer individually.

Among other provisions, H.R. 395 provides a five-year authorization for the FTC to collect offsetting fees from telemarketers to pay for a National "do-not-call" registry, which is estimated to cost $16 million annually. It also requires important consultation and coordination between the FTC and FCC to maximize consistency of its rules. both of these provisions, and passage of this bill, are important steps toward making a national do-not-call registry a reality.

I urge my colleagues to join me in support of this important legislation.

Mr. DINGELL. Madam Speaker, H.R. 395, the "Do-Not-Call Implementation Act," authorizes the Federal Trade Commission (FTC) to collect fees to fund its national do-not-call registry. Unwanted sales calls have become a nuisance that many consider an invasion of privacy. A national do-not-call registry will allow consumers to limit these unwanted intrusions and once again answer their telephones without aggravation.

Consumers, charities, telemarketing companies, local governments and other interested parties, have voiced their complaints and communicated their concerns. In the Telemarketing and Consumer Fraud and Abuse Prevention Act, passed in 1994, we gave the FTC the discretion to create a national do-not-call program. Based on that authority, the FTC has considered a wide range of complicated issues and has produced a reasoned result. I urge the appropriations in the Omnibus Appropriations Conference to include full funding of this program now. In fact, I have no objection under these circumstances to inserting H.R. 395 itself into the Conference Report.

As the FTC launches the do-not-call registry, we must monitor its progress closely. By any measure, coordinating the efforts of the Federal Trade Commission, the Federal Communications Commission and state authorities into one national system will be a challenge. The rewards, however, can be great. As these many parts work together as one, we can achieve a comprehensive program that will empower consumers without unnecessarily burdening industry.

This is an important issue to consumers across the nation that should not be delayed any further.

Mr. COSTELLO. Madam Speaker, I rise today in strong support of H.R. 395, the Do-No-Call Implementation Act of 2003. This legislation authorizes the Federal Trade Commission (FTC) to collect fees from telemarketers for the implementation and enforcement of a national do-not-call registry. This legislation also requires that the Federal Communications Commission (FCC) finalize its rules for such a list in coordination with the FTC to ensure there are no inconsistencies in the regulations.

Unfortunately, we have all experienced those annoying unsolicited phone calls as we sit down to enjoy dinner with our families. A national registry will help limit unwelcome phone calls and restore a sense of control over the telephone where it belongs, with the consumer. The FTC's decision to develop such a registry comes after nearly a year of analysis, in which more than 60,000 public comments were received, the overwhelming majority of which supported a national do-not-call list. A national list will provide consumers with a quick and efficient mechanism to remove their names from telemarketing lists. Consumers will be able to register for free online or by calling a toll-free number. This will be less burdensome than forcing consumers to make such requests on a company-by-company basis, and will work in concert with states such as Illinois that either have or are implementing such lists.

I have received numerous messages from my constituents in the 12th District of Illinois concerning their frustrations with telemarketers. A national do-not-call list will answer a long-felt consumer need for better control over telemarketing calls to the home. I urge my colleagues to support this pro-consumer legislation.

Mr. TOWNS. Madam Speaker, today, along with my colleagues, Mr. UPTON and Mrs. WILSON, as original co-sponsors, I re-introduce the "Telecommunications Development Fund Improvement Act."

The Telecommunications Act of 1996 included an important provision, which I cosponsored with the former Subcommittee Chair, Mr. Fields, to expand the availability of investment capital to small businesses in the telecommunications industry working to develop new technologies to improve telecommunications services to under-served urban and rural communities. The 1996 Act created the Telecommunications Development Fund ("TDF") and financed the Fund from interest collected on the initial deposits the FCC required of all bidders in the FCC's spectrum auctions.

Currently, in order to qualify to participate in FCC auctions of spectrum for telecommunications services, the FCC requires prospective bidders to deposit a specified dollar amount with the FCC. Under the legislation adopted in 1996, the FCC places these deposits—sometimes called "up-front payments"—in an interest-earning account. A "successful bidder" is identified through the auction process. The "deposits" of the unsuccessful bidders that had been held by the FCC are returned to these bidders without interest. The principal amount of the successful bidder's deposit is paid to the U.S. Treasury. The interest earned on the upfront payments of all the bidders is remitted to the TDF.

Prior to the 1996 Act, tens of millions of dollars of bidders' deposits had been held in non-interest bearing accounts. By requiring that these funds be held in interest-bearing accounts, Congress provided a mechanism to finance the important goals of the TDF without any budgetary impact, without requiring any appropriations and without imposing either new taxes or fees. To date, fifty million dollars has been collected—at no cost to the taxpayer or the regulated industry—from interest earned on spectrum bidder's deposits. But more could be done to make telecommunications products and services available to under-served communities—rural and inner city—of every kind.

Once the successful bidder has been identified through the auction, a formal licensing process gets underway. At that time, the successful bidder is required to increase the amount of the deposit held by the Federal Government to 20 percent of the amount of the successful bid. The remainder of the successful bid is payable when the license is issued. Typically, a number of months pass between when the successful bidder is identified and when the license is formally issued by the FCC. The interest that could be earned on the additional deposits—sometimes called "down payments"—during the licensing process represents a significant source of funding for the TDF.

Unfortunately, despite the language of the 1996 Act—which makes no distinction between bidders' "up-front payments" and successful bidders' "down payments," referring to both simply as "deposits,"—the FCC has not required increased "down payment" deposits of initially successful bidders to also be placed in interest bearing accounts for the benefit of the TDF. As a consequence, small telecommunications companies, and the people in under-served urban and rural areas that might have been the beneficiaries of the technology these companies are working to develop, have been deprived of access to tens of millions of dollars of additional investment capital that the TDF could have made available. This additional source of investment capital would have come from the interest that could have been earned on the additional down payment deposits during the period between the identification of the successful bidder and the issuance of the license.

The Telecommunications Development Fund Reform Act ("TDFIA") rectifies this drafting oversight to close the loophole created by the FCC. The TDFIA renames the bidders' initial deposits as "up-front payments" and preserves existing law treatment of the interest earned on these payments. The TDFIA also defines the additional deposits made by successful bidders as "down payments" and treats these down payments the same way as existing law treats the bidders' initial deposits/up-front payments, i.e., the down payment funds will be required to be placed in an interest-bearing escrow account and, upon issuance of the license, the interest earned will be required to be remitted to the TDF.

The amendments made by the TDFIA are purely prospective in effect, applying only to future FCC spectrum auctions. The amendments would have no effect on existing down payments held by the FCC in connection with previously conducted auctions. In particular, the TDFIA would have no effect on the controversy or pending litigation related to the so-called "NextWave" licenses, and would not affect any bidder's entitlement to a refund of deposited funds or any bidder's claim for payment of interest on any refund.

The FCC does not oppose these provisions of the TDFIA.

Finally, the 1996 Act requires the TDF to satisfy the requirements of the Federal Credit Reform Act of 1990 ("FCRA"), 2 U.S.C. § 661 et seq., prior to making loans. Except for this reference, the FCRA applies only to loans made by Federal Government agencies.

One of the purposes of the FCRA was to "place the cost of [Federal] credit programs on a budgetary basis equivalent to other Federal spending." 2 U.S.C. § 661(2). Consistent with this purpose, among the provisions of the FCRA are requirements for "budgetary authority" in an appropriations act to cover the cost of new Federal loans or loan guarantees, 2 U.S.C. § 661c(b), and application of budgetary accounting requirements to loans subject to the FCRA, 2 U.S.C. § 661c(d). These requirements have no logical application to the TDF's funds, which are not subject to congressional appropriations or the Federal budget process. The Office of Management and Budget, to which administration and oversight of the FCRA is entrusted, concurs with this view.

Imposing the requirements of the FCRA on loans made by the TDF has erected an insurmountable barrier to the use of loans by the TDF as a financing option, notwithstanding the intent of the 1996 Act that the TDF be authorized to make loans to credit-worthy small businesses. By making TDF subject to FCRA, TDF would be required to obtain appropriations before it could make loans to prospective borrowers. Requiring the TDF to comply with the FCRA makes no sense from a policy standpoint (TDF receives no appropriated funds) and can only be explained as a drafting error.

The TDFIA repeals this requirement to enable the TDF to enjoy the same flexibility in making loans as any other non-governmental entity. The amendment to the TDF's loan authority made by the TDFIA preserves the requirement that the TDF comply with any other "applicable" Federal law in making loans to eligible small businesses. The amendment to the TDF's loan authority made by the TDFIA is narrowly focused and does not affect the existing substantive criteria of the 1996 Act under which the TDF is authorized to make loans.

Madam Speaker, I hope that the Commerce Committee will schedule hearings on this important technical amendment to the 1996 Telecommunications Act and report the Bill to the full House for consideration early in this Session. I invite my colleagues to join me in passing this important legislation at a time when infusion of additional capital investment into struggling small telecommunications companies may help create jobs, stimulate new technology and expand telecommunications services to under-served urban and rural areas of the nation suffering from the current economic slowdown. This legislation can stimulate important economic activity without enactment of new taxes, appropriation of additional federal funds or any adverse effect on the federal budget deficit. I recommend it to my colleagues for their consideration and thank Mr. UPTON and Mrs. WILSON for their support of this worthy endeavor.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). All time having expired, pursuant to the order of the House of Tuesday, February 11, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. STEARNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 346) to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 3 of that Act.

The Clerk read as follows:

H.R. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Spirit Fraud Prevention Act".

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

"(D) In the case of a violation involving an unfair or deceptive act or practice in an emergency period or disaster period, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period.

"(E) In this paragraph—

"(i) the term 'emergency period' means the period that—

"(I) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).".

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

"(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in an emergency period or a disaster period, and if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than $22,000 for each such violation.

"(2) In this subsection—

"(A) the term 'emergency period' means the period that—

"(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

In the weeks since September 11, 2001, this Nation has mourned, has been angry, has been anxious, and has been very generous in response to the needs of those who were affected. This American spirit has reached record levels and now stands as symbolic as this Nation's greatness and ability to support a just cause, the relief of the victims and their families.

But we have also seen the darker side of humanity. Reports of people using this tragedy and the generous American spirit for their own gain have appeared. Scam artists and frauds know that in the aftermath, Americans are all too eager to help. They also appear in the wake of hurricanes, earthquakes, floods, and other such similar disasters.

The Department of Justice, the Federal Trade Commission, and the States' attorneys general already have some powers to prosecute those engaged in fraud and deceptive practices, but we must make it clear that we will severely punish those who aim to take advantage of America's charity or an organization's good name during such an emergency.

Congress must also make sure that consumers are not inundated with false and deceptive claims about goods and services that would exploit the circumstances of an emergency or of such a disaster. Whether it is selling Cipro and other drugs under false information or offering fraudulent terrorist insurance, these practices must carry a penalty commensurate with their nature. We cannot let stand the detestable actions of so few that mar the pride and patriotism we all share over the phenomenal generosity and outpouring of support from across the United States and world. And we cannot let the fear and anxiety of our citizens be preyed upon by scam artists peddling their cheats and their swindles.

Madam Speaker, I have no doubt that the victims of any tragedy, their families and their friends and all Americans are as humbled as I am with the response of this country to disasters. Now we need to ensure that those who would abuse this determined American spirit are equally staggered at our response.

The American Spirit Fraud Prevention Act would double the penalties that the Federal Trade Commission would levy during times of presidentially declared emergencies and disasters if the offending action aims to exploit the crisis.

These times, Madam Speaker, sadly occur more often than one might think, and the attempts to profit from them follow just as regularly. All hope of profit and gain must be removed from the equation for these people.

I personally would like to thank the gentleman from New Hampshire (Mr. BASS) for taking the initiative on this very important bill authoring H.R. 346, the American Spirit Fraud Prevention Act.

Madam Speaker, I reserve my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 346, the American Spirit Fraud Prevention Act, and I also want to commend the gentleman from New Hampshire (Mr. BASS) for his leadership on this issue, as well as my colleagues on the Committee on Energy and Commerce for ensuring this measure's swift passage through the committee.

September 11 was the worst attack and loss this country has ever experienced on our own soil. Countless lives were lost, and the Nation was confronted with a new reality, a harsh sense of our vulnerabilities. It was the single darkest day this Nation has faced. The one saving grace, the one ray of hope that helped combat the pain, suffering, and sadness of the Nation was the heroism, leadership, and commitment displayed by Americans who were determined to help.

Some helped by giving their lives, and their stories will inspire us forever. Others from across the country helped by giving. Americans made generous donations to provide aid to victims of the terrorist attacks. Over $1 billion was raised for relief efforts and aid to victims' families in the wake of September 11, from donations, large and small, made by the American public.

Unfortunately, however, some in our country demonstrated the shameful side of humanity by attempting to illegally profit from the tragedy. Those individuals tried to exploit the generosity demonstrated by so many through fraudulent solicitations in which they claimed to be representing organizations benefiting the victims or providing emergency response services. While those despicable acts are already illegal, it is important for the Congress on behalf of our constituents to send a clear message that such behavior will be subjected to even more severe penalties in the future.

Under this measure the maximum civil fines for actions of fraud and attempts to profit from national emergencies in violation of the Federal Trade Commission Act will be doubled. These increased penalties will apply to all violations that occur within 1 year of the time the President declares a disaster and all violations that occurred during and up to 1 year after the expiration of a presidential emergency declared under the National Emergencies Act.

Madam Speaker, the public is caring and committed. We care about the well-being of our neighbors, and we are committed to do what we can to ensure prosperity and security for this Nation, and we will not tolerate those who undermine and abuse the American spirit.

I urge all of my colleagues to join me in supporting this measure.

Madam Speaker, I yield the balance of my time.

Mr. STEARNS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 346.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, this 15-minute vote on H.R. 346 will be followed by 5-minute votes on the two questions previously postponed.

Votes will be taken in the following order:

H.R. 346, by the yeas and nays;

House Resolution 62, by the yeas and nays; and

H.R. 395, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 11, as follows:

[Roll No. 24]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Lorretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Lowey
Simpson
Smith (MI)
Taylor (NC)
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are less than 2 minutes remaining on the clock.

☐ 1701

Mr. FLAKE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1704

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 62.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 62, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 25]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Baca
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Simpson
Smith (MI)
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there is less than 2 minutes remaining on the clock.

☐ 1710

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BACA. Mr. Speaker, on rollcall No. 25, I was detained in the Chamber when the time elapsed on the vote. Had I not been detained and as a veteran, I would have voted "yea."

DO-NOT-CALL IMPLEMENTATION ACT

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 395, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 9, as follows:

[Roll No. 26]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest

Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Bishop (UT)
Flake
Paul
Ryan (OH)
Strickland
Tancredo
Terry

NOT VOTING—9

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Larson (CT)
Simpson
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that 2 minutes are remaining on the vote clock.

☐ 1717

Mr. TANCREDO changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 26, on final passage of H.R. 395, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, unfortunately, personal business required me to return to the district this evening before the House considered votes on legislative business for which the "yeas and neas" were ordered. Had I been present, I would have cast my votes as follows: Rollcall No. 24 (H.R. 346), The American Spirit Fraud Prevention Act, "yea"; rollcall No. 25 (H. Res. 62), A resolution recognizing Vietnam prisoners of war, "yea"; and on rollcall No. 26, H.R. 395, The Do-Not-Call Implementation Act, "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-9) on the resolution (H. Res. 69) providing for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. DOOLITTLE. Madam Speaker, I offer a resolution (H. Res. 70) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 70

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives: Education and the Workforce: Mr. Burns.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

CONFIRM MIGUEL ESTRADA AS FEDERAL JURIST

(Mr. DRIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I have taken this time during 1-minutes to simply rise in strong support of some very important work that is taking place, and that is the prospect of confirming Miguel Estrada.

I do not personally know this man, but I wanted to say, Madam Speaker, that I have read about his record and I have talked to many people who know him very well; and I happen to believe that he would be a superb jurist. And having spoken with people of both political parties, I have heard very good things about him. And I would simply like for the record to make it clear that I believe that he would be a phenomenally good jurist, and I hope very much that will take place.

APPOINT MIGUEL ESTRADA AS FEDERAL JUDGE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Madam Speaker, I too join my colleague from California (Mr. DREIER). I do not know personally Mr. Estrada, but I understand he is considered to be quite outstanding by all those who have known him. It is remarkable. It is also my understanding that at the age of 17 he came from Honduras and had very limited English abilities, and then he ended up going to a university and graduating from Harvard Law School magna cum laude and served as an editor of the Harvard Law Review. He was, I understand, an official in the Clinton administration, actually in the Solicitor General's office and has support from former Clinton administration people and has support from, I believe, the past six or seven Solicitors General of the United States. Truly a premiere candidate to serve in this important U.S. Court of Appeals for the D.C. circuit.

I just wanted to register my support for this individual, someone who is very outstanding, a great American, the first Hispanic to be appointed to the court of appeals. It would be outstanding, Madam Speaker, and I appreciate the opportunity to voice my support for him today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, Thomas Jefferson said, "The great object of my fear is the Federal Judiciary. That body, step by step, holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

And today, Mr. Speaker, the object of my fear is an unrestrained judiciary, a judiciary too quick to abandon the ideals of our forefathers and the tenets of our Constitution, a judiciary swelling with unchecked authority.

The heart of a republic rests on its judiciary, Mr. Speaker, and the confirmation of Miguel Estrada is vital to this Republic. He is a brilliant attorney who has repeatedly upheld and has been upheld repeatedly and will continue to be upheld. He also upholds the virtues of this Nation's sacred Constitution.

Arriving from Honduras at age 18, speaking no English, this man has become the personification of the American dream. And I urge the President to stand strong in his support of Miguel Estrada and to stand strong in his support of making sure that we maintain a judiciary in this country that reads the law for what it is.

For if our judiciary continues on the path that it is, Mr. Speaker, I think perhaps the rest of us can go home. I just call upon the President to be encouraged and to recognize that there are Americans that are very grateful to him for the courage that he shows and for the clarity that he shows in his appointments.

Mr. Speaker, I hope that this appointment and this confirmation can go forward unfettered.

□ 1730

EXPLORING SPACE MORE EFFICIENTLY

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, now, some more than 7 days after the fateful return of the Columbia seven, those of us from Texas and around the Nation are quick to understand the headline in a local newspaper that says, Astronauts, the hero next door. For those of us in Texas, these were, in fact, our neighbors, our friends, certainly those who many worshiped with. But today, now more than ever, we recognize that these individuals were willing to give the ultimate sacrifice, and that was their lives, for the betterment of humanity.

Unfortunately, what tragedy causes us to do is to reflect, to understand that what we often take for granted is, in fact, precious and unique. It is unique to send man, woman, humanity into space. It is unique what the United States has been able to do now for almost 40 years.

I want to applaud the NASA employees' commitment that they have as a unified group. I know that they are hurting because of this tragedy.

I have always said over the last 7 days that it is important for us to heal and to be able to acknowledge the pain that the families are feeling, but today was appropriate for the first congressional hearing to be held; and I thank the Members of the other body and the chairman of the House Committee on Science and the ranking member for convening us today to begin the process of reality.

The words that I often say are that we find fault without blame, that we are not afraid to acknowledge mistakes and that we make it better. For example, it is important to note that there is now some interest in an orbital plane, a very good vehicle, but we must be reminded that what the space shuttle meant was not just a transportation vehicle, but it was a floating laboratory where scientists, medical professionals and others were able to engage in science and research that helped to create better lives for all of us, research in diabetes, research in HIV/AIDS, heart disease, cancer, stroke, research in prostate cancer and breast cancer.

So we cannot fail to understand the mission and out of fear or expeditiousness move to another vehicle because we are concerned about this tragedy. Be concerned and get the facts.

We understand that the shuttle cost $450 million. The fatality rate is about 1 in 57. On the other hand, we realize that there are better ways of enhancing the safety. One of them, of course, is finding the facts and being able to provide the resources for putting the United States at the cutting edge of science. I cannot imagine that because of where we are that we will not listen to the families who issued the statement, "The human space flight must continue." That should be the legacy.

Yet we must not fall away from the fact that in 1994 a commissioned NASA study by Stanford and Carnegie-Mellon said that 15 percent of tiles could cause 85 percent of failure, or of the observations of a NASA engineer in 1997 that said debris striking the tile would cause damage. Let us not run away from facts or the mistakes.

I believe that we have seen a considerable imbalance of funding. I am gratified by the increase that we see coming in the 2004 fiscal year proposal, and I hope the Congress will recognize that in addition to the moneys we need and have received, or will receive, for the investigation, let us put NASA and the space program and human space flight on the track it needs to be.

Let us not forget the dream that we would go to Mars, we would go to the moon, but most importantly, what we would do would enhance humanity with the research and understanding of these bright and outstanding men and women who are willing to give us the ultimate sacrifice.

Can we as Americans and the United States Congress do any less for them? Yes, these are ordinary people who have been chosen to do extraordinary things. These are the astronauts, the heroes next door. We cannot falter, we cannot stop or stumble. We must pay tribute to their legacy by exploring space more efficiently, more safely and with the resources we need to have.

HONORING BISHOP BORGESS HIGH SCHOOL AND ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, as our Nation's space program has touched the lives of all Americans with both triumph and tragedy, I rise today to honor the special bond of courage and discovery between our seven *Columbia* astronauts and Mr. Ronald Ferenczi's science class at Bishop Borgess High School, which is located in my district.

In conjunction with NASA's initiatives to foster a love of scientific knowledge and exploration amongst America's youth, Mr. Ronald Ferenczi's science class created a space experiment to study the effects of solar radiation on the T-4 virus, antibiotics and related drugs and materials. Then, to their delight and awe, the students' ingenious experiment was then chosen for inclusion on *Columbia*'s mission of discovery, and brimming with curiosity and pride, the students eagerly watched and awaited *Columbia*'s return, until . . .

Mr. Speaker, our Nation's space program, buoyed by courage and dedicated to discovery, echoes the journey of life, for cradled within our frail vessels, our lives constitute courageous voyages of discovery about our world and about ourselves; and as with every worthy journey of discovery, the road ahead is often hard and as often filled with triumph as it is with tragedy.

Consequently, how we cope and continue along our path of self-discovery is now and will always be our greatest trial and our greatest triumph because the courageous endurance of unfathomable suffering on the path to self-discovery is now and will always be the greatest moral measure of humanity.

In conclusion, then, to Mr. Ferenczi and his students at Bishop Borgess Academy whose names are Jason Bowens, Tangie Brooks, Evan Collins, Christopher Hill, Lawrence Nelson, Melvin Packer, Ashleigh Roberts, Darryl Earthen, Arielle Williams, Kelsey Dean, Martez Mitchell and Pauline Smith, I offer my sincerest accolades on their accomplishment.

My deepest condolences on their suffering, and I join them in thanking *Columbia*'s fallen crew, not only for what they have taught us about space, but for what they have taught us about ourselves. May we honor their memory by continuing their voyage of discovery.

MAKING AMERICAN PEOPLE SAFER IN THEIR HOMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, Americans are nervous. The United States is on Orange Alert. The reports are that stores have sold out of duct tape, plastic sheeting, bottled water, minimal supplies for people to defend themselves against the unthinkable, chemical or biological attack, and to make themselves safe in their homes. Americans do not feel safe in their homes or here in the United States of America.

We are told by intelligence sources and the FBI that there are hundreds of al Qaeda operatives at large in the United States of America who they are either tracking or cannot find. Yesterday Osama bin Laden, their fanatical leader, gave a speech urging them to attack, suicide attacks against the United States of America.

Osama bin Laden. My colleagues remember him. Remember, the President wanted, dead or alive; we will get him; we will bring him to justice. The President is not allowed to mention his name anymore. It has been more than 10 months since the President has mentioned the name Osama bin Laden because his administration has failed miserably in finding and bringing him to justice. In all probability, he has been given safe haven by the intelligence services in Pakistan, and he, according to our intelligence services and his operatives, according to our FBI and others, presents the greatest threat to the security of Americans and the most immediate threat to the security of Americans.

There are other threats that are out there that are making people nervous. We have here a poster from a rally in Pyongyang a week ago Saturday. Now, Kim Jong-il, psychopathic leader and oppressor of the people of North Korea, he has thrown out the U.N. inspectors, thrown them out, and he is actively pursuing more, not a, more nuclear weapons. He already has them. He is actively building more missiles of longer range.

We were told today by Mr. Tenet he may have already achieved a missile that can reach the western United States and target my home State in addition to Alaska and Hawaii.

He has threatened preemptive strikes against the United States of America or, minimally, against our 36,000 troops who are trying to safeguard the people of South Korea from this fanatic. This is a poster from a rally a week ago Saturday, and it says here, Merciless Punishment to the American Empire, and it depicts the United States Capitol being blown up by a North Korean soldier.

But this is a back-burner issue with the Bush administration. It pales in the face of the real threat to America. Osama bin Laden? No. Saddam Hussein, who is in a box, without nuclear weapons, without the capability of delivering whatever chemical-biological weapons he might have had hidden and he is shuffling around his country, trying to keep them away from the inspectors who are on the ground in Iraq, unlike the inspectors who were thrown out of North Korea.

But the Bush administration says, Do not worry, we will get around to this someday, sometime, maybe later, through diplomacy. This could be settled through diplomacy, a maniac who has nuclear weapons and is encouraging rallies, showing the United States Capitol being blown up, someone who has the capability of actually doing that; we can solve that diplomatically, but somehow we cannot work through the U.N. and the inspectors in Iraq.

We have got Saddam Hussein in a box. Get more inspectors in there. Get the overflights going. Keep him in that box, work with our allies. Keep him in that box. Sooner or later, the inspectors will find and destroy his weapons just as they did in the 1990s. Yeah, he is playing games. Yeah, he is hiding stuff. He did that then. We found it. We destroyed it. We can do that again.

Is the United States so diminished in the eyes of this administration and others that we cannot contain a threat like Saddam Hussein and deal with extraordinary threats like this up front, and find and apprehend and bring to justice Osama bin Laden and his operatives? I think not.

I think the American people have real doubts about this rush to war and real doubts about the priorities that this administration is putting on the threats to our Nation and our country.

I hope the administration begins to deal more seriously with this problem and gets out there and finds Osama bin Laden, and I will support those efforts, and then continue to contain and defang Saddam Hussein. That would make the American people safer in their homes.

TRIBUTE TO FOUR BRAVE MEN OF U.S. ARMY'S 160TH SPECIAL OPERATIONS AVIATION REGIMENT

(Mr. COOPER asked and was given permission to address the House for 1 minute.)

Mr. COOPER. Mr. Speaker, I rise today to pay tribute to four remarkable men, four brave men from the U.S. Army's 106th Special Operations Aviation Regiment who gave their lives recently while in service to our country.

On Thursday, January 30, 2003, the four-member crew was participating in training operations near Bagram Air Base in Afghanistan when their MH–60 Blackhawk helicopter crashed. The elite Night Stalker 160 SOAR unit, which is stationed at Fort Campbell near my home district in Tennessee, honored these four aviators at a memorial service last week. Chief Warrant Officer 3 Mark O'Steen, Chief Warrant Officer 2 Thomas Gibbons, Staff Sergeant Daniel Leon Kisling, Jr., and Sergeant Gregory Michael Frampton were remembered as deeply patriotic and devoted family men.

Their tragic loss will not be forgotten among family members, friends or fellow soldiers that they left behind, nor will it fade from the memories of those who live and work in Fort Campbell. Each of these men made the greatest sacrifice a soldier can make, to give his life for the cause of preserving our freedom.

I thank them for serving our country proudly and honorably.

□ 1745

LEGISLATION ESTABLISHING DELTA BLACK BELT REGIONAL AUTHORITY

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Alabama (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Alabama. Mr. Speaker, I rise tonight on behalf of the 635,000 citizens in my congressional district, which is one of the three poorest congressional districts in the United States of America. As we focus on this budget and all the pressing economic needs in our country, we ought to remember that there is a class of Americans whose needs often go unaddressed in this body and elsewhere. It is the millions of Americans who live in the Black Belt of the South, or the Delta Region of the South.

Just yesterday, I introduced legislation that I hope will crystallize attention on this problem that has gone for too long without a voice. We have a Delta Regional Authority in this country that is very ably led by Pete Johnson of the State of Mississippi. I seek to expand that authority to create a Delta Black Belt Regional Authority, and I seek that this body make a commitment that would be unprecedented in terms of its investment of resources in the southern and central parts of this country.

This legislation, if enacted, would ask that $100 million be appropriated in the first fiscal year to 552 counties and 14 States in this country of ours. I recognize that I come before this Congress asking that this commitment be made at a time when the priorities of the President are very different. Across the South we see economic development programs being cut. We see the enterprise communities and the empowerment zones that have been so critical in my State and so critical in the States of so many of my colleagues zeroed out, eliminated from funding. We see funding for rural hospitals cut back. Our priorities, I would submit, are firmly and fundamentally wrong on all these issues.

Too many people are losing their jobs. Too many companies are closing in the South. And I would submit that at this point we have two Souths. We have one that is prosperous, we have one that is growing, one that is in touch with the modern economy that we have. We have another one that is languishing; we have another one that has lagged behind. It is the second South that I represent in the seventh district of Alabama.

We need to make a commitment that when 40 percent of the people in various counties live in poverty, we need to make a commitment that when too many children in the South live in school districts that are underfunded, that we put their concerns at the top of our agenda. We can talk all we want about economic development, but until we find ways to grow the physical infrastructure of the South and, more importantly, capitalize and build the human infrastructure of the South, we will see two Souths. We will see the South that I represent lag behind.

When the President talks about compassionate conservatism, he does it with great eloquence. But his budget-makers need to meet his speech-makers. We need to make a commitment that we will put resources and that we will give these resources a chance to work in a part of our country that has gone ignored.

This legislation, and I have circulated "Dear Colleague" letters to many of the Members of the House, has a chance of passage if we remember two priorities: First of all, that this entire country is anchored and weighted down if the rural South continues to lag; and second of all, that no country can be strong when too many of the people who live in its borders are weak. No country can be strong when too many of the people who live in its borders are weak. There is too much weakness in the South tonight. There is too much poverty in the South tonight. And it is time that we make an unprecedented national commitment in this area.

This legislation would do one final thing. It would give local communities, through a constituent representation board that I would put in this legislation, it would give them an opportunity to control 20 percent of the funding that would be allocated to this new authority. It is important that the people who live on the ground, who do the work in our community and faith-based organizations have a chance to control and direct resources. It is important that they have an opportunity to control the way Federal funds are spent. Too many people are locked out of this process. Too many people are in situations where their voices go unheard as we think about how we spend economic development dollars.

So I speak tonight on behalf of the rural South. I speak on behalf of the millions of children who live in poverty in that region, and I call for a national commitment beyond any that we have made.

IN SUPPORT OF MIGUEL ESTRADA'S CONFIRMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the history of our Nation was forged in the balmy summer of 1787 in what was at the time the statehouse of Pennsylvania in Philadelphia. There the geniuses who created the Constitution of the United States created three separate branches of government and a system of checks and balances within that government that would provide for the common defense, promote the general welfare, and ensure the blessings of liberty for not only themselves but we, their posterity.

Central to that balance of power, Mr. Speaker, was the notion of an independent judiciary, which, at the level of the Federal Court, would be governed by the appointment of the President of the United States. But again it was not without checks and balances, Mr. Speaker, because the Senate itself, under the Constitution, was given the authority to review the qualifications of individuals that the chief executive would appoint for the judiciary.

And so our Nation proceeded from the basement home of the Supreme Court, which is still in this building today, back when it met just off the House Chamber for one day a year, to the august building and the awesome legacy of the U.S. Supreme Court today. And yet, Mr. Speaker, somewhere along the way, about the time of my youth, our Supreme Court seems, as it has done at different times in its history, the Dred Scott case comes to mind, the Supreme Court seems to have gotten out of step with the American people, banning innocuous voluntary prayer in the schools in the 1960s; and, as a pro-life American, striking down the laws against abortions in all 50 States in 1973.

Many, and me included, Mr. Speaker, believe that we have a judiciary that has begun to move left when America stayed as a center-right Nation in its philosophies. But we counted on the checks and balances, Mr. Speaker. We counted on the ability, through elections, to correct that imbalance for these lifetime-appointed jurists. When 1980 came along, a center-right majority elected Ronald Reagan President of the United States, and that President nominated to the Court individuals who reflected that philosophy, that center-right majority philosophy in America.

And that is when we all heard of Judge Bork. Because that was at a time, it seems to me, Mr. Speaker, and we are seeing it lived out again at the other end of this building this very night, when the Senate of the United States as an institution departed from its historic role of evaluating the qualifications of appointees to the Court to evaluating their thoughts, evaluating their ideology. Before, throughout American history, the ideology or the views of appointees to the Court were decided in elections. The President's values would no doubt be reflected in his appointees to all parts of the government. But beginning in the 1980s, with Judge Bork's defeat as a Supreme Court nominee, we saw a different impact on the process, an activist Senate joining with an activist Court.

This plays out again today in the nomination of an extraordinary man, Miguel Estrada, President Bush's nominee to the U.S. Court of Appeals for the District of Columbia, without a doubt the second most powerful court in the United States of America. This young man, an immigrant born and raised in Honduras, law degree, magna cum laude from Harvard Law, is an American success story, no less than my own immigrant grandfather was, who came to these shores, worked hard, and lived the American Dream. Miguel Estrada is an extraordinary example of the American Dream.

I rise today, Mr. Speaker, to, however impolite, simply urge his confirmation in the Senate and his expeditious review by our colleagues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that their remarks in debate may not include characterizations of the Senate or its actions or urge a course of action on the Senate.

TRIBUTE TO THE REVEREND DR. HENRY DELANEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to a great American. The Reverend Dr. Henry Delaney is an African American pastor in Savannah, Georgia. While I have not known the Reverend Delaney for long, what I have seen of him and his ministry has been mightily impressive. But I ask that you not just take my word for it. Many other national leaders in our country have recognized Reverend Delaney, including Senator LAMAR ALEXANDER from the State of Tennessee. Mr. ALEXANDER recognized Mr. Delaney in a chapter of his book entitled "We Know What to Do."

I would like to read a short excerpt from that chapter this evening. I have taken a few editorial liberties for the sake of clarity for this tribute.

Of Reverend Delaney Mr. ALEXANDER wrote: "If you roll back the Federal Government, then who is going to do what needs to be done? Henry Delaney, that's who. He already has. He has reminded us how to confront the drug plague and shut down crack houses. He did it with faith and commerce and mostly private funding. He has achieved dramatic results without millions in Federal aid and without trampling anyone's rights.

"Henry moved to one of the poorest sections of Savannah, Georgia, in 1989. It is fair to say that a lesser person would have been daunted by what Reverend Delaney found in Savannah. He moved into a house on 32nd Street that had been boarded up and occupied by crack addicts. He inherited a ramshackle church whose property was about to be foreclosed on by the Department of Housing and Urban Development. His congregation consisted of 216 members, many of whom were afraid to attend church because of the drug dealers who overran the area.

"Reverend Delaney quickly went to work to improve the situation. He sought loans so he could start buying up the houses where the drug dealers lived. He bought five of them on one side of the street and eight in the next block. He kicked out the drug dealers and he started moving in pastors.

"His wife Ethel helped him repair the church and Members of the congregation pitched in to renovate the houses. With every house they overhauled, they expanded their drug-free zone. The church activities expanded and membership leaped to 3,000 members. Delaney now has 16 ministers of the gospel, all of whom live within two blocks of his church.

"His converts includes some of the very drug dealers that he evicted. One was shot 16 times when he was caught in a crossfire from a drug deal gone bad at a car wash. He had a miraculous recovery and now he never misses a Sunday morning service. They say that no one in the congregation sings "Amazing Grace" with more feeling.

"Reverend Delaney is educating inner-city kids in Savannah who otherwise would not be in school, who would drop out and be rejected or be expelled. Ethel Delaney, meanwhile, opened the Saint Paul's Community Cultural Center, or what she calls a Christian charm school for girls. Since they don't accept Federal money, both schools instill a heavy dose of discipline and religion.

"Henry also runs a homeless shelter for young men who are recovering drug addicts and recent parolees from prison, helping them find jobs and keeping them clean from drugs. What is different is the evangelistic fervor Reverend Delaney brings to this task. Many of these fellas have gone through the 28-day detox programs, but within 4 or 5 days, they are back at it. So every week, Monday, Wednesday and Friday, he keeps them busy with evening worship. On Tuesday, they have Bible study. On Sunday they attend church regularly. So far it has worked very well.

"He calls his shelter the Hallelujah House. This is how you have to conduct a war against drugs, using a series of trenches. It starts in the family. If you fail there, you have to take them off the streets, and you have to reassemble them at the workplace.

"Of all the uphill battles he and his wife wage, Henry is most perplexed by the Nation's failure to focus consistently on the drug issue. His is a voice from the inner city of Savannah that we should be listening to. In the 1970s, when national voices suggested that marijuana was cool and drugs were okay, kids used drugs. In the early 1980s, when national leadership and some of the media said it wasn't okay, drug use began to decrease.

☐ 1800

Simply put, it is virtually impossible for people like Henry and Ethel Delaney to succeed if the streets of Savannah are awash with cocaine and crack. Keeping drugs out of the country is a matter of Federal law enforcement and foreign policy.

Of course, those local efforts depend on men like Henry Delaney. We need to learn from Henry Delaney and use his example to inspire others to achieve the same success in their communities.

So while there is no shortage of experts on national drug policy, it is probably time we started paying attention to the real experts like Reverend Delaney. He now has 60 preachers affiliated with his church, not all of them ordained, but his goal is to keep buying up the crack houses, moving in his ministers, and pushing out the drug dealers a block at a time until they are on the other side of the county line.

Mr. Speaker, we need more Henry Delaneys in this world.

VETERANS ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise this evening to talk about the shocking and shabby treatment that this administration is directing toward our Nation's veterans. I would like to share some of the reasons I would make such a statement.

Approximately a year ago this administration decided they were going to raise the copay on prescription drugs that veterans would have to pay from $2 to $7 a prescription. So if a veteran goes to a VA hospital today, they are likely to see this poster up on the bulletin board, "Did you know the medication copayment has changed from $2 to $7?"

I thought that was outrageous, and I introduced legislation in the last Congress to reduce that copayment back to $2, but in the President's most recent budget, he does not just want to charge veterans $7 a prescription, he wants to increase that to $15 per prescription. Think about that. In less than 2 years, the copayment will have gone from $2 to $7 to $15 a prescription.

Many of the veterans in Ohio get 10 or more prescriptions a month. If we multiply $15 times 10, that is $150 a month, and then veterans frequently get 3 months supply at a time. That is $150 times 3, for many veterans who are living on fixed income. It is shameful. It is shabby treatment.

Now, what else have they tried to do to veterans? Well, about a year ago they put out a memo from the VA headquarters saying that all of the health care providers were forbidden from marketing services that veterans are entitled to receive. In other words, the health care providers can no longer participate in community health fairs. They can no longer send out newsletters describing their services to veterans. They can no longer go to an American Legion post, for example, and sign up veterans for health care services. It is a gag order.

I call it the "if they do not ask, we will not tell" policy. If the veteran does not ask what they are entitled to receive, the VA will not tell them what they are entitled to receive. Furthermore, they will prohibit their health care providers from simply giving out that information.

Then, a few weeks ago, the VA decided to have a new category of veterans; priority 8, they called them. They said if you are a veteran and you are honorably discharged and you have served this country, but you make $26,000–$27,000 a year, you can no longer enroll in the VA health care system. Sorry, veteran, you paid the price, you have served the country, you have been honorably discharged, but we do not want to have anything to do with you because you make too much money. You make $26,000–$27,000 a year.

It gets worse. In the President's most recent budget, they are proposing that veterans who make as little as $24,000 a year, and they are referring to them as high-income veterans, would be required to pay a $250 annual enrollment fee just to participate in the VA health care system.

Here is what they are doing. They are saying, we are not going to tell veterans what you are entitled to receive, but if you happen to find out about our services, we are going to increase your copay from $2 to $15 a prescription. And then if you make $24,000 a year, which does not sound like a lot of money to me, not compared to those of us who make about $150,000 a year, but if you make $24,000 a year, we want to force you to pay a $250-per-year enrollment fee. And we want to increase the cost of going to a VA outpatient clinic from $15 to $20.

I think Members get the point. It is as if this administration has declared war on our Nation's veterans.

It is a shameful situation, and I urge this Congress to look at this veterans budget and to reevaluate what we are trying to do; and what we are suggesting needs to be done.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Young) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House, I am submitting for printing in the Record a copy of the Rules of the Committee on Transportation and Infrastructure for the 108th Congress, adopted on February 12, 2003.

Rules of the Committee on Transportation and Infrastructure

United States House of Representatives

108th Congress

(Adopted February 12, 2003)

RULE I. GENERAL PROVISIONS.

(a) Applicability of House Rules.—

(1) In general.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) Subcommittees.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Incorporation of house rule on committee procedure.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) Vice Chairman.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) Regular Meetings.—

(1) In general.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) Notice.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting.

(3) Cancellation or deferral.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) Applicability.—This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Prohibition on Sitting During Joint Session.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) Meetings To Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) Participation of Members in Subcommittee Meetings and Hearings.—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) Access to the Dais and Lounges.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) Use of Cellular Telephones.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.

(a) Authority to Sit and Act.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) Authority To Conduct Investigations.—

(1) In general.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) Major investigations by subcommittees.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) Oaths.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) Issuance of Subpoenas.—

(1) In general.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Enforcement.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) Quorum for Reporting.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) Approval of Certain Matters.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) Record Votes.—A record vote may be demanded by one-fifth of the members present.

(f) Postponement of Votes.—

(1) In general.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) Resumption of proceedings.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE VI. HEARING PROCEDURES.

(a) Announcement of Hearing.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) Procedures for Questions.—

(1) In general.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(l) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) CONTENTS.—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) OVERSIGHT SECTION.—The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.".

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (48 Members: 26 Majority and 22 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (15 Members: 8 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority).

(4) Subcommittee on Highways, Transit, and Pipelines (57 Members: 31 Majority and 26 Minority).

(5) Subcommittee on Railroads (28 Members: 15 Majority and 13 Minority).

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) AUTHORITY TO PRINT.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS.

(a) BIENNIAL BUDGET.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) TRAVEL REQUESTS.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) MONTHLY REPORTS.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) Travel Outside the United States.—

(1) In general.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) Initiation of requests.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) Reports by staff members.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

RECOGNIZING SHERIFF O'BRIEN'S 30 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. Hooley) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I stand today to recognize someone in my district, John O'Brien, who is the sheriff of Lincoln County. It is in honor of his 30 years of law enforcement in Lincoln County. I extend a sincere thank-you to Sheriff O'Brien on my own behalf and on behalf of all of the citizens of Lincoln County.

Our laws are of little utility if no one makes sure they are followed. Seldom do we take the time to recognize the routine achievements that allow our Nation to function as it should. Many times it is only the pitfalls, the unfortunate breakdowns in our system, that draw attention to law enforcement. Such fickle evaluation of our law enforcement officers is manifestly unjust. The fact is that the grand majority of our days are without incident. The rule of law reigns. The people reject upheaval.

These points demonstrate that the greatest victories of law enforcement are its contributions to regularity. We never recognize the people who give us plain, old, ordinary days. Perhaps we should.

Accordingly, it is with great pride that I congratulate Sheriff John O'Brien. His bravery, dedication and service in building a safer and stronger community have provided the people with Lincoln County with thousands of wonderfully uneventful days.

Sheriff O'Brien's career demonstrates a commitment to public service to which every officer of the law should aspire. John O'Brien began his career as a sheriff's deputy on February 6, 1973. The people of Lincoln County elected him to the office of Sheriff in 1994 and have subsequently seen fit to elect him to second and third terms. As all of us are aware, voters are properly cautious in selecting the people who represent them.

An official's first election often indicates a willingness in the people to chance their own best interests on someone who has shown that he has the ability to succeed. That official's second election is very often a barometer of the official's contact with the electorate during his term of service. With his third election comes proof that he has served his constituents to their satisfaction.

This is the satisfaction of Lincoln County reflected in its overwhelming choice of Sheriff O'Brien as the public face of law enforcement in their community. The confidence of Lincoln County's voting public in Sheriff O'Brien attests to the success of his efforts and his responsiveness to the people he serves.

I would like to tell a little story about John O'Brien. Every time, at the coast, at Lincoln County, John is always at my meetings. And I keep asking him, "John, you are always here." He says, "I just want you to know that we are here, what our needs are, and I want you to understand about our community."

To this day, John O'Brien remains an active protector of Lincoln County's public safety. He has risen to meet the challenges of an increasingly difficult job. Changing times have altered the issues with which Sheriff O'Brien is faced, but he has shown the ability to adapt and battle new problems with modern solutions.

Lincoln County has in recent years encountered an increase in the manufacture and sale of methamphetamines. Sheriff O'Brien has turned this growing problem into an opportunity to spearhead innovative new crime-reduction strategies. Through his work with the federally supported Lincoln Interagency Narcotics Team, Sheriff O'Brien has encouraged the sharing of resources and information between county agencies with an interest in reducing drug traffic. This work not only demonstrates Sheriff O'Brien's desire to get results, but also his complete disregard for who receives credit for those results. His willingness to work with other agencies in facing down a dangerous trend is evidence of a cooperative spirit and a will to succeed that we honor here today.

Mr. Speaker, Sheriff O'Brien is worthy of recognition today for more than simply putting in his time. While 30 years of service in the public interest is a feat in itself, Sheriff O'Brien's true contribution has been in its effect on Lincoln County. Today we recognize that Lincoln County is a better place to live, to work and raise a family because of the devotion of Sheriff John O'Brien.

I thank John for his 30 years of service given in the pursuit of safety, justice and peace.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RESOURCES 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Pombo) is recognized for 5 minutes.

Mr. POMBO. Mr. Speaker, I request that the Committee Rules for the Committee on Resources be submitted for the Record.

Rules for the Committee on Resources

RULE 1. RULES OF THE HOUSE: VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the

rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and the Subcommittee Chairman will appoint Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL.

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL.

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meeting and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Clerk to note the names of all Members present within the 15-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(g) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(i) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(j) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(k) Access to Dais and Conference Room.—Access to the hearing rooms' daises and to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(l) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

RULE 4. HEARING PROCEDURES.

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Chief Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information on the Committee's web site as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?".

(g) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Clerk no later than 10 business days following the last day of the hearing.

(i) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS.

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Clerk of this request, the Chief Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the ¦Committee on Resources¦ ¦Subcommittee¦ and may not therefore necessarily reflect the views of its Members.".

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS.

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks, Recreation and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserve water rights.

(2) The National Wilderness Preservation System, except for wilderness created from forest reserves from the public domain.

(3) Wild and Scenic Rivers System, National Trails System, national heritable areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund, except those in public forests.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963, except those in public forests.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(8) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(9) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(10) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(11) Cooperative efforts to encourage, enhance and improve international programs for he protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittees.

Subcommittee on Forests and Forest Health

(1) Forest reservations, including management thereof, created from the public domain.

(2) Public forest lands generally, including measures or matters related to entry, easements, withdrawals and grazing.

(3) Federal reserved water rights on forest reserves.

(4) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of Agriculture.

(5) Federal and non-Federal outdoor recreation plans, programs and administration in public forests.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environmental and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of he radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Rights of way over public lands for underground energy-related transportation.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Environmental and habitat measures and matters of general applicability.

(2) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(3) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(4) All matters regarding Native Alaskans and Native Hawaiians.

(5) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(6) All matters regarding insular areas of the United States.

(7) All measures or matters regarding the Freely Associated States and Antarctica.

(8) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(9) All measures and matters retained by the Full Committee under Committee rule 6(e).

(10) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES.

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority

Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Commerce.

RULE 9. COMMITTEE RECORDS.

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for other use of the Committee; and

(2) the result of each record vote taken in the Committee, including a description of the amendment, motion, order or other proposition vote on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any records otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee rule 3.

(d) Records of Closed Meetings.—Not withstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES.

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses. Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF.

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL.

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES.

the rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES.

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the rules of the House of Representatives.

MISGUIDED ADMINISTRATION POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I come to the floor this evening with a heavy heart. I came to Washington, D.C., in 1993 as part of the Clinton administration. We worked hard for 8 years. We passed on to the next administration a $5 trillion surplus. We passed on to the next administration peace and prosperity.

Today it is not that way. The great country singer Merle Haggard has a song that he sings; it is called "Rainbow Stew." One of the verses in there says when a President goes through the White House door and does what he says that he will do, we will all be drinking that free Bubble-up and eating that rainbow stew.

When the President came here a few weeks ago and gave us the State of the Union, one of the things he promised was that we would not pass our problems on to another Congress or on to another generation. And yet just a week ago Monday we are presented with a proposed budget from that same President that is nothing more than an assault on our children, on working people, on veterans.

We are asking our young men and women to go on the battlefield, and at the same time we just heard the gentleman from Ohio (Mr. STRICKLAND) tell us what the President is proposing to do to veterans.

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He said, "We're not going to pass this problem on to the next generation." Yet in his own budget, by his own Office of Management and Budget, we are faced with about another $468 billion in debt. Check with the CRS. The percent of the gross domestic product that the nation of Brazil has in debt is 60 percent. The percent of debt that the United States of America has of our gross domestic product is 62 percent. And that is what we owe today. That does not include 300-plus billion-dollar deficits for as long as anyone can imagine. Yet the President presents us with this idea that we can have it all: it's rainbow stew. Just reach out there and grab you some. Have a big drink. It's free Bubble-up. We can cut taxes, we can fight at least two wars, maybe more, we can provide everything that anybody is going to possibly dream up, and nobody has to pay. We'll just keep borrowing money.

I have a button back there at my desk that they told me I could not wear when I came on the floor to make a speech. It says, How much is the debt tax? How much are we going to pile on our children and grandchildren? How much of a debt are we going to continue to just put on our children and grandchildren that they cannot pay? No nation, I submit to you, Mr. Speaker, can be free and powerful and broke, and that is where we are headed.

I have been on this floor many times. I have heard people make great patriotic remarks, declare their intense love for this country; and I share that love. I think the Founders, our Founding Fathers, would absolutely be disgusted with what we are doing right now, with the idea that we are going to borrow ourselves into financial oblivion by just continuing to borrow money and borrow money and borrow money and not even acknowledge that we have got a problem.

It is time, Mr. Speaker, that we recognize that we cannot continue to do this irresponsible thing.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I appreciate the opportunity to speak. I very much want to thank the gentleman from Arkansas (Mr. BERRY) for what he had to say. I too heard the President of the United States just a couple of weeks ago stand in this well and tell the American people we would not pass our problems on to the next generation. Maybe the President does not read his own budget. I would hope he does. He signs it before he sends it to us. Maybe the President is not aware that since the passage of his budget and his tax cuts that our Nation's debt has increased by $758,108,651,628.89. The first $2 trillion budget in American history incidentally was not submitted by a guy named Dukakis or a wild-eyed liberal named McGovern. It was submitted by George W. Bush. The first $2.25 trillion budget in American history was not submitted by a wild-eyed liberal. It was submitted by George Bush.

Mr. Speaker, I would hope someone in this body would explain to me that when the tax cuts take place with great fanfare, they take place during the middle of the day or during prime time TV. But when my Republican colleagues want to raise the debt limit and burden the next generation with these bills, that vote takes place about 3 or 4 in the morning. You will notice there will not be a reporter up there. Most of our constituents will be asleep. If they are proud of raising the debt and seeing to it that an even larger percentage of our Nation's budget is squandered on interest and we are squandering a billion a day, that is a thousand times a thousand times a thousand, then why will you schedule a vote to raise the debt at 3 or 4 o'clock in the morning? Why will you change the House rules so that now, by just the adoption of the President's budget, we automatically raise the debt if you are proud of that?

Mr. Speaker, please explain to me and explain to the American people why a group of people is elected to govern this country who promised to balance the budget, who promised to be fiscally responsible, yet in the over 1,400 days that Speaker HASTERT has been Speaker of this House of Representatives, he will not even schedule one vote on a balanced budget amendment to the United States Constitution. We vote to condemn people across the world. We vote to commend people across the world. We have cast 25 votes since this session started. The way I figure it, thus far Congress is being paid $1,000 per vote this year. But you cannot find time, Mr. Speaker, to schedule a vote on the most important thing of all, which is balancing the American budget so that this generation does not ask the next generation to pay our bills.

Mr. Speaker, answer back. Would you go out and buy a car, go out and buy a Lexus and say, I don't care what it costs, I don't care what the interest payments are because my grandkid is going to pay for it? Would you go buy a house? The same deal. I want the most expensive house in town; I don't care what the interest payments are because my kid is going to pay for it. That is the way you are running this country.

What is particularly sad is that you promised the American people you would not do that. That is how you got in the majority. And then you flat turned around and did just the opposite. You will not let us vote on the balanced budget amendment, you are running up $300 billion a year deficits, and your only answer to that is more debt and more tax cuts.

I will remind you, Mr. Speaker, in every other conflict in American history, when we asked our young people to put their lives on the line, the rest of Americans were asked to pay the bill, right then and there. And quite frankly, the wealthiest Americans were asked to pay the most. The inheritance tax was a wartime tax. The luxury taxes were all wartime taxes. The folks who got to stay home and enjoy the benefits of America paid while someone else did the fighting. But at least they paid.

What do you say now, Mr. Speaker? You say those who have the most should pay even less and, by the way, the kids from across town, the kids from across the tracks, let them go get shot in Afghanistan, let them go get shot in Colombia protecting a pipeline owned by Occidental Petroleum. Let that kid get shot in Iraq and, by the way, send him the bill for this war when he gets home.

Mr. Speaker, there are a lot of good people in this body. A majority of people in this body came to this body saying they were going to be fiscally responsible. Where are they now? Where are they going to be tomorrow when we vote on a $300 billion bill that not one Member has read, that no one has any idea what sort of stuff is buried in it? Mr. Speaker, where are they going to be tomorrow? Because if those people care about their country, they will let us vote on a balanced budget amendment. If they care about their country, they will vote down this bill tomorrow until they have had a chance to read it. If they care about our country, they will quit sticking our kids with their bills.

IN RECOGNITION OF RESCUE TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, there is a movie that I saw recently which depicted three actors who became troubleshooters and helped to save a small town in Mexico. The name of the movie was "The Three Amigos." As I recall, they had a slogan that wherever there was injustice or poverty, they would be there. In reality, in real life, there are two amigos who have organized a small task force that is called Rescue Task Force and where there are problems in the world, where people are sick or need medical help or they are victims of a crossfire in a real shooting war, the two amigos are there.

In fact, they are with us today in these Chambers, Mr. Speaker. It is Gary Becks, who works on my staff, and Wendell Cutting, my chief of staff in my congressional district. Wendell is the cochairman of this task force and does it without any remuneration. They have gone to places like Albania. They were the first people into the Kosovo conflict. They went into the first refugee camp, a camp in which every single child had some type of an illness or a malady. They were the first people to distribute food and medicine. And they were the first people to go up into the very remote camps through what was basically a no-man's land where a number of nongovernmental organizations had taken rifle fire just a few days before.

If you look at the outline of what Rescue Task Force does, you can look at the pictures and see Gary Becks dressing wounds in Afghanistan. You can see Wendell in the slums of Thailand teaching sanitation. You can see them both distributing help in Kosovo. You can see them establishing the first-ever dental clinic in the area of the Nicaraguan-Honduran border.

Mr. Speaker, I am very proud of these two gentlemen and this organization, Rescue Task Force. They also started the program we call Hands

Across the Border, where they have directed literally tons and millions of dollars' worth of medical supplies and food and toys for people who hurt, to quote the President, in Mexico. They have gone around the world.

Interestingly, Mr. Speaker, a lot of us in this city are listening to people who are explaining to us why other nations in the world may not like us right now in this particular phase of our foreign policy in the Middle East and explaining that the United States needs to reach out and to educate people as to what we do and what we stand for. I would say, Mr. Speaker, that nobody reaches out as effectively nor is as good an ambassador as these folks, not only in Rescue Task Force but hundreds of American charitable organizations who bring food and medical supplies to Africa, to Afghanistan, to other vast areas of the world, very distant areas where it is obvious that they are not going to receive anything in return. In fact, if you looked at the situation in Afghanistan and you looked at the roster of nations that were supplying humanitarian help in Afghanistan, before the military operations, before we had to go in and find the al Qaeda, you will find the Americans leading the list, supplying most of the food, most of the medicine, and that is reflective of what Rescue Task Force does.

I am very proud of Rescue Task Force, Mr. Speaker. I think it is representative of the goodness that this country has and the willingness of our people to reach out and give some of their resources to other people around the world with no intention to ever receive anything in return except the good feelings that come from their values, that come to anyone who reaches out to help someone in need.

WHY DEFICITS MEAN SOMETHING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. TANNER) is recognized for 5 minutes.

Mr. TANNER. Mr. Speaker, I am a member of the Blue Dog Coalition, as everybody knows. The gentleman from Texas (Mr. STENHOLM) is here with me. The gentleman from Arkansas (Mr. BERRY) was here earlier, as was the gentleman from Mississippi (Mr. TAYLOR). This is going to be a first in a series of, I hope, enlightened or enlightening exercises that we do with regard to why deficits mean something in this country.

I heard some of the most astounding rhetoric I have ever heard in my life when there are some in this town who say deficits do not matter. We are going to try to point out why they do over the next few weeks.

Mr. Speaker, do you realize that today we are passing on to our children and our grandchildren an 18 percent mortgage on this country? We have literally mortgaged our children's future by our spending habits and our inability or our lack of courage to raise the necessary funds to pay for what my generation wants.

□ 1830

The President has submitted a budget that is another $300 billion in the red. Let me just say why that matters.

We already are paying, as a people, a billion dollars a day in interest on past consumption. If we do the math on that, there are 129.9 million individual taxpayers in this country, that means that every individual taxpayer last year paid on average $2,556 on the debt, interest on the debt, a debt tax that will continue to go up under these present economic policies that we are asked to follow.

It gets even worse than that, though, because what happens is, every time we borrow money, we have put a tax increase not only on us, but on our children and grandchildren, that can never be repealed because the interest must be paid. It is a tax increase every day we sit here spending more money or not having the courage to raise the money we need to protect this country and the people who live here.

Every day we do that is another tax on our children and us and our grandchildren that cannot be repealed. That is what the debt tax is. That is what the interest tax is.

And it really is ironic that people would sit here and say, we are not going to pass on the problems of this Congress on this day, in this hour, to those who come after us. If our forefathers had done to us what we are doing to our children and grandchildren, we would not have the standard of living we have today, that we have had and enjoyed. We would not have the opportunities, because we would not have the discretionary income for education, for health care, for veterans, for the world class military that we all know is necessary for the defense of this country.

We will not have that money. It will continue to go out in the form of interest payments.

What the gentleman from Arkansas (Mr. BERRY) said about Brazil, we are not creditworthy were it not for the full faith, credit and confidence of the people of this country in terms of what we have done in borrowing money. It is a shame what is going on each and every day.

The gentleman from Mississippi (Mr. TAYLOR) asked for a balanced budget amendment vote, 1,400-some pages. We do not have one. This Congress, if it does not come face to face with the fact that we are spending a lot of money that we did not count on because of 9–11 that we have to spend to protect this country, our first and foremost obligation as Members of Congress, if they do not come face to face with that and understand that we have to get the money up to pay for it or else pass it on to our children in the form of a debt tax that can never be repealed, then we have shamefully failed not only our oath of office, but we have shamefully failed those who will follow us.

And each and every day a billion dollars goes out of this place to pay interest, and each and every day we operate in the red, it is more piled on. That is why deficits matter and that is what the Blue Dogs are going to be talking about over the next few weeks.

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, just a few days ago the President stood in where the Clerk of the House stands and told the Nation that we will not pass along our problems to other Congresses, other Presidents and other generations. I stood and applauded that statement because I agree with my President. I agree with my commander in chief.

Then I was somewhat disappointed, considerably disappointed, when the administration's budget came through projecting a $307 billion deficit for next year and deficits as far as the eye can see. The President's budget protects cumulative deficits of over $2.1 trillion from 2002 through 2011. That is a $7.7 trillion deterioration of our fiscal matters of this country in 2 years.

The Blue Dogs stood on this floor and opposed the economic game plan that we are now under. We were not prophetic. We agreed with the majority party on the spending, but we were not even allowed to have our budget on the floor, and we have heard nothing but rhetoric ever since.

But now the results of the economic game plan are coming in, and I want everyone to understand, 60 percent of the deterioration has occurred because of 9–11–01 and the military homeland defense needs of this country and the recession. But 40 percent of that deterioration has occurred because of the economic game plan that we are now under.

I personally happen to agree with the President's leadership regarding solving the Social Security problem while we still had a chance. Again, I am ready to step forward in a bipartisan way and work with my colleagues to take care of that debt for our children. But that is not what we are talking about today. That is not what is being proposed and talked about in the budget.

After 4 years of reduction in the debt held by the public and warnings by administration and Republican after Republican in Congress that the government would pay off the debt too quickly 2 years ago, debt held by the public will exceed $5 trillion by 2008, a 50 percent increase, a debt tax increase on the American people that every taxpayer will have to pay, a debt tax increase under the administration's budget that is being proposed.

The administration requested the statutory debt limit be increased for the second time in less than a year. That ought to tell us something. When we are having to increase the debt limit so we can borrow more money, it ought to tell us there is something wrong with the game plan that we are now following.

The greatest danger of the deficits in the President's budget is that it will make it harder to address the challenges facing Social Security and Medicare when our baby boom generation begins to retire in the next decade. Instead of saving money to prepare for those costs, we will already be in a deep hole when the $18 trillion liability facing those programs begins to come due. The analytical prospectus volume of the President's budget, the administration warned us, as the baby boomers reach retirement age in large numbers, the deficit is projected to rise steadily as a percent of GDP. Deficits will grow from 2.2 percent of GDP in 2020 to 5.4 percent in 2030 to 8.8 percent in 2040 under the President's budget policies. How can we continue to ignore that today?

The debt tax is real. It is an increase. But instead of our paying for it today, what are we saying? We are going to give this generation another tax cut. And no one, including the President's own budget analysis, shows that it is going to do anything other than increase the debt.

And we are not even talking about paying for the war, the war that we all pray will not come, but it looks like it is; and I am behind my commander in chief 100 percent. But the rhetoric of the economy in the budget does not match the rhetoric of what is needed as the gentleman from Mississippi (Mr. TAYLOR) spoke so eloquently on a moment ago. The debt tax consumed 18 percent of all government revenues to pay interest on the $6.4 trillion debt last year. That debt tax will go up to 19.5 percent by 2008 under the economic game plan that we are being asked to support.

I ask my colleagues as one Democrat who used to vote with you and we passed the balanced budget constitutional amendment in 1995, what has happened to you? What has caused you to suddenly start saying, deficits do not matter, balancing the budget does not matter?

The Blue Dogs stand ready to work with our President and with the majority in seeing that we do not increase the taxes on our children through the debt tax.

SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise this morning in support of the nomination of Miguel Estrada. If Miguel Estrada were considered for Federal bench on merits alone, we would not be still debating his qualifications. He would already be serving.

Estrada was given the very highest recommendation by the American Bar Association, not what those who seek to tar and feather him would consider a right wing organization. While we prefer our Tennessee law schools, we do know that some consider Harvard to be a pretty good alternative. Mr. Estrada not only graduated from Harvard, but was the editor of the Law Review. Again, Harvard is not what Estrada's critics would consider a right wing organization. And in what can only be described as a stellar career, he went on to clerk for Supreme Court Justice Anthony Kennedy, who is also not considered by those on the left to be part of the right wing.

I think my point is clear. Partisan politics are behind the attacks on his character and the delay in his nomination.

With the country on alert for terrorist attacks, a potential conflict in Iraq, and effort on the way to enact economic stimulus, it is time to stand behind this extremely qualified candidate.

CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, last Friday, February 7, the General Accounting Office abandoned its efforts to obtain basic records about the operation of the Vice President's Task Force on Energy Policy. This action received only limited attention, and few people fully understand its profound consequences.

When we have divided government, the public can expect Congress to conduct needed oversight over the executive branch. But today we are living in an era of one-party control. This means the House and the Senate are not going to conduct meaningful oversight of the Bush administration. When there is one-party control of both the White House and Congress, there is only one entity that can hold the administration accountable, and that is the independent General Accounting Office. But now GAO has been forced to surrender this fundamental independence.

When GAO decided not to appeal the District Court decision in Walker v. Cheney, it made a fateful decision. In the Comptroller General's words, GAO will now require "an affirmative statement of support from at least one full committee with jurisdiction over any records they seek to access prior to any future court action by GAO." Translated, what this means is that GAO will bring future actions to enforce its rights to documents only with the blessings of the majority party in Congress.

This is a fundamental shift in our system of checks and balances. For all practical purposes, the Bush administration is now immune from effective oversight by the Congress. Some people say GAO should never have brought legal action to obtain information about the energy task force, but in reality GAO had no choice.

The Bush administration's penchant for secrecy has been demonstrated time and time again. The Department of Justice has issued a directive curtailing public access to information under the Freedom of Information Act. The White House has restricted access to Presidential records. The administration has refused to provide information about the identity of over 1,000 individuals detained in the name of homeland security.

The White House deliberately picked this fight with GAO in order to secure its power to run the government in secret. From the start, the White House assumed a hostile and uncompromising position, arguing that GAO's investigation "would unconstitutionally interfere with the functioning of the executive branch." Even when GAO voluntarily scaled back its request, dropping its demand for minutes and notes, the Vice President's office was intransigent. Faced with an administration that had no interest in reaching an accommodation, GAO was left with no choice. Reluctantly on February 22, 2002, GAO filed its first-ever lawsuit against the executive branch to obtain access to information.

□ 1845

In December, the district court in the case issued a sweeping decision in favor of the Bush administration, ruling that GAO had no standing to sue the executive branch. The judge in the case was a recent Bush appointee who served as a deputy to Ken Starr during the Independent Counsel investigation of the Clinton administration. The judge's reasoning contorted the law, and it ignored both Supreme Court and appellate court precedent recognizing GAO's right to use the courts to enforce its statutory rights to information.

Before deciding whether to pursue an appeal, the Comptroller General consulted with congressional leaders. He found no support from Republican leaders for an appeal.

This hypocrisy is simply breathtaking. During the 1990s, it was the Republicans in Congress who embarked on a concerted effort to undermine the authority of the President. Congressional committees spent over $15 million investigating the White House. They demanded and received information on the innermost workings of the White House. They subpoenaed top White House officials to testify about the advice they gave the President. They forced the White House to disclose internal White House documents, memos, e-mails, phone records, and even lists of guests at White House movie showings. They abused congressional powers, and they launched countless GAO investigations.

But now that President Bush and Vice President CHENEY are in office—

The SPEAKER pro tempore (Mr. PEARCE). The time of the gentleman has expired.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. The Chair cannot entertain the motion. The gentleman's time has expired.

THE BUSH RECESSION AND ITS IMPACT ON MINORITY WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding, because I want to make this point very clearly that now that the President is Bush and the Vice President is CHENEY, suddenly the priorities of the Republicans have changed. Oversight is no longer of interest to them. In fact, it is something to be avoided at all costs, including sacrificing the independence of GAO. Even when GAO asked for the most basic information, what private interest met with the White House task force, the answer is that GAO is not entitled to ask these questions.

Consider this irony. In their eagerness to undermine the Clinton White House, Republicans in Congress tried to tear down the Presidency. Now, in their eagerness to protect the Bush White House, they are willing to tear down Congress.

The implications of GAO's decision are enormous when they decided not to appeal; and without a realistic threat of legal action, GAO loses most of its leverage. This is a sea change in GAO's mission. It is no longer fundamentally nonpartisan nor fundamentally independent.

Mr. Speaker, I include for the record three short documents into the RECORD. They are an exchange of correspondence with the Comptroller General on this issue and a fact sheet on the Walker versus Cheney case that my staff has provided.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, January 31, 2003.

Hon. DAVID M. WALKER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR DAVE: I am writing to follow up on our conversation about the Walker versus Cheney litigation.

I have great admiration for the work you have done as Comptroller General. You have reinvigorated the organization and given it a new sense of purpose, accomplished important restructuring, and addressed pressing human capital needs.

But now you face another—and in some ways even more significant—challenge: how you respond to the district court decision in Walker versus Cheney. This decision goes to the very heart of GAO's independence.

As you have indicated to me (and your lawyers have indicated to my staff), you will read the decision as narrowly as possible if you decide not to appeal. The narrow reading is that the case does not apply when you are acting pursuant to a request from a committee. If you decide not to appeal, you will take the position that GAO can still use the courts to uphold its statutory rights to information when supported by a committee of Congress.

While I understand the desire to minimize the impact of the district court decision, allowing the decision to stand would do irreparable damage to GAO's independence. As Comptroller General, you have a 15-year tenure, so that you can exercise independent judgment and conduct independent investigations. You are not simply an agent of congressional committees: GAO exists, to quote your mission statement, "to ensure the executive branch's accountability to the Congress under the Constitution and the federal government's accountability to the American people."

If you do not appeal, you will in effect have sacrificed the independent that is essential to your mission. At best, you will be able to pursue effective investigations only when your work is supported by the majority in Congress. Investigations that are requested by the minority would become second-class investigations because GAO would have no ability to compel—or to threaten credibly to compel—the production of information in the face of executive branch recalcitrance.

Allowing the district court decision to stand would also do permanent damage to the Comptroller General's statutory authority to conduct self-initiated work. Under Walker versus Cheney, this essential independence is crippled because you would have no standing to assert your independent rights of access to agency information.

Now is exactly the time when an independent GAO is most important. When the White House is controlled by one party and Congress by another party, the public can rely on Congress to conduct oversight of the administration. But when—as now—there is one-party control of both the White House and Congress, congressional oversight will be minimal. If GAO is not available to conduct independent oversight, there simply won't be any.

The need for GAO independence is especially important given the inclinations of the current Administration. This Administration has taken a uniquely hostile approach to oversight and public disclosure. The Administration regularly ignores requests from members of Congress for information, resists GAO efforts to obtain records, and has even issued a directive curtailing public access to information under the Freedom of Information Act. This penchant for secrecy makes GAO's independence of paramount importance.

Given the current political alignment in Washington, it is clear what the easy decision would be: don't appeal. But the core values of GAO are "accountability, integrity, and reliability." I urge you to make your final decision on the basis of these core principles.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, February 7, 2003.

Hon. HENRY B. WAXMAN,
Ranking Minority Member, Committee on Government Reform, House of Representatives.

DEAR MR. WAXMAN: Thank you for your letter dated January 31, 2003, regarding the district court decision in Walker v. Cheney and your kind words on GAO's performance during my tenure as Comptroller General of the United States (CG).

I am announcing my decision today and have attached a copy of our press statement for your information (attachment). This decision, like my initial decision to file suit last February, was by no means an easy one to make because many factors needed to be considered, including legal, institutional and other issues. In addition, there were good arguments to be made both for and against an appeal. Please be assured that my decision was based on what, in my best judgment, is in the best overall interests of the Congress, the GAO, and the American public. I also feel comfortable that it is fully consistent with GAO's core values of "accountability, integrity, and reliability."

As noted in the attached statement, we strongly disagree with the district court decision. We do not, however, agree with your characterization of the opinion. In addition, we do not believe that the district court opinion will have a significant adverse effect on our ability to serve the Congress and the American people. Furthermore, with regard to GAO's policy of not disenfranchising the minority, the Court's decision did not address, and does not affect, our engagement acceptance policy or the CG's authority to conduct self-initiated work.

As you know, in enacting 31 U.S.C. §716, the Congress gave GAO the independent right to sue to compel the production of information irrespective of whether the request is made by a committee, a member, or is self-initiated by the CG. As the attachment notes, the district court's decision in Walker v. Cheney does not set a binding precedent on GAO's overall right to sue in the future. Importantly, it does not affect GAO's statutory audit authority, access rights, or the obligation of agencies to provide GAO information. As a result, we remain willing and able, should the facts and circumstances warrant, to file suit to press our access rights in connection with a different matter in the future. In addition, the court's decision does not affect GAO's ability to issue demand letters and statutory reports to the Congress in connection with an agency's refusal to disclose information to which we are entitled. There are also traditional remedies available to the Congress that can, have, and, we trust, will continue to be employed to aid our audit and access authority. However, as I noted when we met, given the district court's decision, and other considerations, as a matter of procedural prudence, I believe it would be appropriate to have an affirmative statement of support from at least one full committee with jurisdiction over any records access matter prior to any future court action by GAO. Furthermore, now that I have been in office for over four years, I believe it is appropriate to work with you and other Congressional leaders to review and update our current Congressional protocols and address certain other related matters.

We appreciate your past understanding and support and we trust that we can count on that same understanding and support in the future. I would be pleased to meet with you to discuss my decision should you so desire. In addition, I look forward to meeting with you soon to discuss our Congressional protocols and related matters.

Sincerely yours,

DAVID M. WALKER,
Comptroller General of the United States.

Attachment.

Fact Sheet—Walker v. Cheney

In December 2002, federal district court Judge John Bates issued a ruling in Walker v. Cheney that holds that GAO lacks "standing" to enforce its statutory rights to information. This ruling may do serious damage to GAO's ability to serve Congress. The court's ruling is so sweeping that the issue in the case is no longer about the actions of the Cheney energy task force: it's about the role of GAO.

GAO's ability to assist Congress in overseeing the executive branch is imperiled. Under the logic employed in the court's ruling. GAO has no standing to compel the executive branch to provide any documents or information. Thus, federal agencies may use the decision to argue that GAO cannot enforce its requests for information. In effect, agencies are likely to take the position that they—not GAO—can dictate what information is shared with GAO. According to the Congressional Research Service, the decision "could greatly limit the ability of GAO to compel production of information from the executive branch" and "the executive branch could become significantly less responsive to future GAO inquiries."

Other core GAO powers are also in jeopardy. GAO has statutory authority to demand important records from the private sector, such as information from Medicare or Medicaid providers or from federal contractors. Using the logic in the court's ruling, private companies being audited by GAO may argue that GAO does not have standing to enforce these rights.

Another important function of GAO is its role in preventing improper "impoundments" by the executive branch. The Impoundment Control Act sets forth the limited circumstances under which the executive branch can defer expending appropriated funds. To ensure compliance with these limits, the law authorizes GAO to sue the executive branch if the law is violated. This core GAO authority could also be challenged by the executive branch under the court's ruling.

The court's decision even challenges Congress' ability to sue the executive branch. The opinion says that "no court has ever ordered the Executive Branch to produce a document to Congress or its agents" and dismisses Department of Justice opinions which conceded Congress' ability to sue to enforce a subpoena. According to CRS, the decision "casts doubt on the ability of committees of the Senate and of the House of Representatives to bring suit to enforce subpoenas." If the decision is not reversed, CRS says that it "conceivably could be cited by the executive branch—or even a private party—for the broad proposition that the legislative branch does not have standing to enforce its demands for information in the courts."

No congressional remedy is available. In effect, the court ruled that Congress violated Article III of the Constitution when it authorized GAO to sue for access to information. This is not an issue that Congress can rectify by enacting more explicit legislation. If the opinion stands, a constitutional amendment could be required to revive GAO's powers.

There is a significant likelihood that the district court's decision will be overturned on appeal. The court's opinion is not well reasoned or well supported:

1. The court failed to recognize that heads of executive agencies routinely assert "institutional" injuries in litigation. The court rejects the Comptroller General's standing because the Comptroller General is asserting an "institutional" interest in obtaining information, not a personal injury. But heads of agencies always assert "institutional" interests in litigation. If standing required a "personal" stake in the litigation, the Attorney General and heads of other executive agencies could not bring legal action to assert federal rights. The court never explains why GAO's institutional interests asserted by agencies when they bring lawsuits to enforce their statutory rights to information.

2. The court improperly dictates to Congress how it must collect information needed for legislative purposes. The court's decision relies heavily on the fact that Congress did not vote to authorize the Walker v. Cheney litigation. The court does not hold that such a vote would be sufficient to give GAO standing, but it does hold that GAO cannot have standing without such a vote. This is an unprecedented intrusion into the internal operations of the legislative branch. Congress determined by statute that it was appropriate to create GAO to assist members in collecting information and conducting oversight, just as Congress has created CBO to assist members on budget issues and CRS to assist members with their research needs. Congress also determined by statute that GAO should have the power to sue agencies for information, if necessary. No provision of the Constitution forbids Congress from creating congressional agencies to assist members in carrying out their duties, and no provision bars Congress from giving these agencies authorities, such as the ability to sue to obtain information, necessary to carry out their assigned duties. There is no precedent for the district court to prohibit Congress from doing so in this case.

3. The court ignored key precedents. The district court completely ignore Bowsher versus Merck, 460 U.S. 824 (1983). In this case, the Supreme Court upheld GAO's rights to obtain certain records from a drug company, rejecting the company's request for a declaratory judgment that GAO was not entitled to the records. The district court's holding that enforcing GAO's rights to information would violate the standing requirements of Article III conflicts fundamentally with the Supreme Court's decision to enforce these very rights in Bowsher versus Merck. The district court also ignores United States versus McDonnell Douglas Corp., 751 F.2d 220 (8th Cir, 1984), and United States versus Abbott Laboratories. 597 F.2d 672 (7th Cir. 1979), which upheld GAO's statutory right to bring a lawsuit to compel a contractor to provide records.

4. Raines v. Byrd is distinguishable. The district court relies on Raines versus Byrd, 521 U.S. 811 (1997), a case in which several members sued to challenge the constitutionality of the line-item veto. But there are three fundamental differences between the Raines case and this one. First, GAO is seeking access to information and not trying to prevent an abstract, generalized harm like diminution of congressional authority. The Supreme Court has held that the denial of information is a concrete injury that conveys standing. Second, the line-item veto at issue in the Raines case had not yet been exercised. In essence, the congressional plaintiffs were seeking an advance ruling that any exercise of the authority would be unlawful. In this case, there is a specific dispute over specific documents that is being litigated. Third, the Raines decision placed some importance on the fact that the members were not authorized to represent Congress, and in fact both houses of Congress opposed their lawsuit. Here, by contrast, Congress has specifically delegated to GAO the power to sue.

As a practical matter, GAO may be bound by the ruling if it does not appeal. Under GAO's statute, the D.C. district court is the only court where GAO can litigate claims against agencies for refusing to provide information, so this is not a situation in which GAO can gain a strategic advantage by looking for another venue to litigate the issues in question. If the decision is not appealed and GAO files another access suit in the future, the district court judge might rule that the issue of GAO's standing has been decided and cannot be re-litigated. Even if the judge allows the question of standing to be re-argued, the judge is likely to follow the precedent set by Judge Bates's ruling, and any appellate court would question why GAO did not appeal the initial ruling. If no appeal is taken, GAO could be permanently bound by the decision.

An appeal leaves open other grounds for decision. The government offered many arguments in the litigation, including statutory claims such as the one that GAO's authority to obtain "agency" records does not extend to the Office of the Vice President. These other issues go the merits of the dispute about GAO's right to the energy task force records. A decision on these other grounds, even if adverse to GAO, would not have the profound impact on the operations of GAO that the district court's ruling potentially has.

Ms. WATSON. Mr. Speaker, the American economy has been mired in recession since March of 2001. This past December saw the unemployment rate rise to 6 percent, meaning that one in every 17 American workers was out of work.

One of the most troubling aspects of this rescission is the amount of time that workers have been idle. During the Clinton economic expansion of the 1990s, America dramatically reduced long-term unemployment, those workers who had been out of work 27 weeks or more. From February of 1993 until February of 2001, roughly the amount of time Bill Clinton was in office, long-term unemployment fell by two-thirds. That is 1.2 million long-term unemployed Americans who went back to work.

But in less than 2 years of this administration, there is a recession and the administration has managed to completely erase those gains. By this past December, the administration's economic mismanagement has managed to push long-term unemployment back up to where it was when his father was in office.

I remember feeling a certain amount of deja vu after having another President Bush in office. But I do not think that many people realized that this administration would mismanage the economy so badly that we would return to economic stagnation reminiscent of the early 1990s.

But these broader economic statistics only tell half the story. During the Clinton expansion of the 1990s, minority communities made enormous strides in breaking out of poverty, as more African Americans, Asian Americans, and Latinos found good jobs in the prosperous economy.

Since the beginning of this recession, however, these numbers have turned around sharply. More than one in 10 African American workers are now out of a job. American workers of minority heritage have historically worked at the edges of the economy. Because of the jobs they possess, too many of these workers are forced to bear the full brunt of swings in the labor market.

We need to get America back to work. We have to help this President realize that his fiscal and economic policies have not helped America out of the recession, and it is possible that it has been prolonged.

The budget that this President has submitted to Congress is a sweetheart deal for the President's wealthiest supporters. Meanwhile, budgets at all levels of government, Federal, State and local, are swimming in red ink. The President's budget, in effect, hides a $1 trillion tax increase. His budget borrows against the future, leaving us with a $1 trillion bill that Americans will have to pay over the next decade in higher taxes, higher interest rates, and lower growth.

We will only get out of this recession when average Americans get money back into their pockets. I urge the President to rethink his failed economic policies and get America back to work.

NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Armed Services, Committee on Financial Services, Committee on Energy and Commerce, Committee on Education and the Workforce, Committee on Government Reform, the Committee on International Relations, Committee on Transportation and Infrastructure, Committee on Ways and Means, Committee on Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security:

To the Congress of the United States:

I am pleased to transmit the 2003 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

A critical component of our Strategy is to teach young people how to avoid illegal drugs because of the damage drugs can do to their health and future. Our children must learn early that they have a lifelong responsibility to reject illegal drug use and to stay sober. Our young people who avoid drugs will grow up best able to participate in the promise of America.

Yet far too many Americans already use illegal drugs, and most of those whose drug use has progressed—more than five million Americans—do not even realize they need help. While those who suffer from addiction must help themselves, family, friends, and people with drug experience must do their part to help to heal and to make whole men and women who have been broken by addiction.

We know the drug trade is a business. Drug traffickers are in that business to make money, and this Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can.

Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE.

WHITE HOUSE DRUG POLICY, THE DEFICIT, AND SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I certainly appreciate the opportunity to address the House tonight. I wanted to start off by commenting on some of the comments that were made by our colleagues on the Democrat side of the House; but before I do that, I wanted to comment about the message that we just received from the President of the United States.

Mr. Speaker, as you know, the President has listed as one of his priority items this year to have a compassionate, conservative model to end drug addiction. His idea is let us reach out to people who are unfortunately trapped by drug addiction and let us work it through local agencies and local volunteers and local charitable groups, get people off drugs and stop addiction so they can go on to have productive lives.

I think it is just an example of the compassionate conservative side of George Bush, attacking drug abuse on one side, but doing it with a human face and a gentle hand guiding people to get off drugs. I think it is a good program, and I look forward to working with it and seeing more of the proposal.

Mr. Speaker, I also wanted to comment, we heard many Democrats tonight talking about the deficits. I want the Democrats, the Blue Dog Democrats who are the more moderate Democrats in this body, I want them to know that I would like to work with them on reducing the deficit.

I was disappointed last year when the Democrats did not offer a budget. I think that kind of hurt them, hurt their own credibility of leadership, frankly, because I think that when you come to Congress, you have to vote yes, you have to vote no, but you have to participate and you have got to get involved in the process. I do not believe it is right just to be present. You have got to engage.

So I hope this year that the Blue Dog Caucus will offer a deficit-free budget. I know it is very difficult, because we are in a time of war; and I think in a time of war that deficits, unfortunately, are to be expected. That is why what we are trying to do with the Republican budget is make sure that it puts us on the glidepath back into getting out of the red and into the black.

So I am excited to work on a bipartisan basis with the Democrats on this, if they can come up with ideas. That is what we are here for. Put your ideas on the table, and let us do what is best for the American people. It does not matter which party gets credit for it.

Now, having said that, that I want to work with the Democrats on that, I also want to work with the Democrats on something else that is not really before the House per se, but it is before the American people, and that is the nomination of a young potential judge named Miguel Estrada.

Mr. Speaker, it is unfortunate that the Democrats are rejecting the nomination of the first Hispanic on the D.C. court. I think it is unfortunate for the diversity of the court and for racial relations in general; but, more importantly, somehow that they seem to be attacking the American dream.

Here is a young guy that comes to America when he is 17 years old. He is an immigrant from Honduras.

By the time he is 41, he is nominated to be the first Hispanic to sit on the D.C. court. He graduated Phi Beta Kappa from Columbia College and magna cum laude from Harvard Law. By the age of 40 he had argued 15 cases before the Supreme Court and was rated "well-qualified" by the American Bar Association.

He has worked at the Department of Justice for both Republicans and Democrats, and he has been called an "extraordinary legal talent" and "genuinely compassionate" by the Clinton Solicitor General. But he is held up over in the Senate.

I am joined tonight by some colleagues from the great State of Florida, just south of the State of Georgia, the gentlewoman from Florida (Ms. HARRIS), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Florida (Mr. FEENEY) who is here somewhere, who is the former speaker of the Florida House.

I would be honored to yield to whoever is ready, the gentleman from Florida (Mr. DIAZ-BALART) and then the gentlewoman from Florida (Ms. HARRIS). I want to hear your comments on this important nomination.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the distinguished gentleman from Georgia for yielding.

Would it be all right if before I get into the specifics, I tell you a little bit about what it feels like to be a freshman, what I have learned? I have experienced some very interesting things while I have been here in Washington.

Mr. KINGSTON. Mr. Speaker, I am going to reclaim the time to say this to the gentleman from Florida. I am going to be honored to hear what it is like from both of you as a freshman, but I want to underscore for the folks back home that you are experienced legislators. The Secretary of State has been in the limelight many times before, and the gentleman's brother is the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who is also a Member of Congress, and who reminded us last night that the gentleman's family came to America as immigrants when he was the age of 4.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. The gentleman is right, I have been in the State legislature for a number of years, and the private sector; and I have to admit I have been kind of caught off guard by some things in the few weeks I have been up here in D.C.

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Some things that kind of hit me kind of in a strange way, I have to admit, maybe it is just because of the Washington phenomenon, is how I hear things thrown out there that are not based on facts. The gentleman just mentioned some of the qualifications of Miguel Estrada. I do not know of a more qualified individual.

The man, as the gentleman well said, got here when he was 17 years old, worked and studied; he was not a rich man, barely spoke the language, worked and studied and was able to educate himself, was able to graduate from Columbia University with honors, Harvard Law School with honors, worked in the Clinton administration. The people that he worked with have said publicly, in writing, that he is a decent individual, that he is a hardworking individual, that he is a talented individual, and yet I say to the gentleman from Georgia, then I hear some strange accusations coming out there which, frankly, I am not used to.

Because where we served, and coincidentally, the three others of us who happen to be here right now, as the gentleman from Georgia mentioned, are from Florida and the three of us served in the Florida legislature together, and it was a wonderful experience. And we have heated debates there, but we are used to at least basing those debates on facts. Yet, let us kind of analyze some of these "accusations du jour" that we have heard about Mr. Miguel Estrada.

We have heard from others in this process, some members of the minority party, that one of the reasons that Mr. Miguel Estrada should not be a judge, because he is not qualified to be a judge, is because he is a Hispanic individual who got here, as I repeat, when he was 17 years old and has lived, really lived, his part of the American dream through hard work, sacrifice, dedication. He was not given anything. He earned it. He earned it. Yet, there are some who have said, well, Mr. Estrada is not Hispanic enough. He is only Hispanic in name.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I am from Georgia, I am not Hispanic, the gentleman from Florida is Hispanic. What does not being Hispanic enough mean? Does that mean that one's mama was not and one's dad was? The Democrat thinking, how could one not be Hispanic enough? I mean one is either Hispanic or not.

I do not know. I hope the gentleman will tell me, because I would certainly appreciate him clarifying this, because I am a Republican, and Democrats probably can understand this better than me, but maybe the gentleman has some insight for all of us.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I can understand the reason for that very interesting question.

By the way, let me tell the gentleman a little bit about myself. I was born in southern Florida of Cuban parents, so I am Hispanic. I am American, obviously, 100 percent American, of Hispanic descent.

Mr. Estrada was born in Honduras, Central America, came over here, and he was a naturalized American citizen. He came here when he was 17 years old. He was not born an American here like I was; he was naturalized. He did not speak much English until after he got here at the age of 17.

And then there are others, by the way, some of them like me born here; some of them, by the way, who do not speak Spanish fluently who then claim that Mr. Estrada is not Hispanic enough.

I consider myself, and I am very proud of my heritage, but I think it would be ludicrous if I, who was born in the United States, who obviously was born, thank God, was born in the United States, thank God was born an American, was born into freedom, was born in the land of opportunity, I think it would be ludicrous and frankly maybe a bit offensive if I were to say to the gentleman from Georgia, to somebody that the gentleman and I know who was not born in the United States, who got here when he was 17, who is a Hispanic, whose mother, by the way, got here carrying a 3-year-old child when she came to this country, I think it would be frankly offensive.

I think, sir, that the gentleman would be offended if I said that about somebody, that that person is not Hispanic enough. Who am I to say that a man who got here when he was 17 years old, barely speaking English, from Honduras is not Hispanic enough. That is irresponsible. That is offensive to me, sir.

But it is just not only that. Here is a person who got here at 17, has lived his part of the American dream, and I do not think anybody can argue that he has been a successful lawyer, who again worked even in the Clinton administration, and the people that worked with him, his bosses, his coworkers have said in writing that he is extremely qualified and he is fair.

But then some of these other people that are accusing Mr. Estrada with some ridiculous, baseless accusations like the one that I just mentioned. To me, that one is more than ridiculous; it is offensive. It is offensive, by the way, to all of us of Hispanic heritage, but it is offensive and should be offensive to everybody who believes in equality and the American dream, and that anybody here, anybody here who works and sacrifices and loves this country can be an American, and we should not be judging them if they are too Hispanic or not Hispanic enough.

Again, I think that is offensive.

Mr. KINGSTON. If the gentleman will yield, as I understand it, that seems to be his biggest crime, because he is well qualified. But there seems to be this racial litmus test that the Democrats are putting on him.

I wanted to invite the gentlewoman from Florida (Ms. HARRIS) or the gentleman from Florida (Mr. FEENEY) to jump in. The floor is open.

Ms. HARRIS. Mr. Speaker, I rise today to salute the embodiment of an American dream.

Born and raised in Honduras, Miguel Estrada arrived in the United States at age 17 as an immigrant who knew little English, but who understood the essence of America. Five years later, as a result of his unparalleled drive, perseverance and vision, he earned a Bachelor's Degree magna cum laude and Phi Beta Kappa from Columbia College in New York City.

Within the following 5 years, he had graduated magna cum laude again from Harvard Law School, where he had served as editor of the Harvard Law Review and had become a clerk for the Supreme Court of the United States. He became an eminent practicing attorney who had argued 15 cases before the Supreme Court of the United States before he was age 40.

He served both in the Republican and Democratic Justice Departments, demonstrating a matchless strength of character and an incomparable depth of professional integrity. Ron Kind, who served as chief of staff to Vice President Gore and the Solicitor General for President Clinton, described Miguel Estrada as "An extraordinary legal talent and genuinely compassionate."

On May 9, 2001, President Bush nominated Miguel Estrada to serve in the United States Court of Appeals for the District of Columbia circuit. He would become the first Hispanic in history to serve on that court, which is widely recognized as the second highest court in the land. The American Bar Association unanimously awarded its highest rating to Miguel Estrada, deeming him well qualified to serve in this capacity.

Mr. Speaker, the Senate has not acted on this outstanding opportunity Mr. Estrada's nomination presents to our Nation. As a judge on the U.S. District Court for the D.C. circuit, his story would inspire Americans of all backgrounds, while his legal acumen would provide our system of justice with an eminently talented defender and advocate.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I want to congratulate the gentleman from Georgia for joining the Florida delegation this evening, and I want to thank him for his wonderful dialogue last night with my colleague from Florida. I am glad to be here with two great friends and colleagues from the Sunshine State.

I want to tell my colleagues that one of the reasons that my colleague here tonight from south Florida is so passionate about this issue is that his family shares something that apparently Mr. Estrada is now going through, and that is suffering because of their political philosophy. This is not just persecution of a man by denying him access to the door of the Federal bench because of his ethnic background or because he has assimilated into the American dream too quickly.

But there also is a component here, as we know, that has a philosophical component. There is a litmus test not just on how Hispanic one is that is being set up by the critics of Miguel Estrada, this incredible leader and a great American, but there is also a litmus test that is based on a certain philosophy that they are terrified will be lived from the bench, and that is is that there are some that would like to see the bench turned into a completely activist judiciary, full of biases where unelected judges would become a super legislature. They would rewrite the Constitution. They would ignore the laws passed by Congress or ignore those that they did not like.

For example, if we look at the First Amendment alone, there is an establishment clause that basically is very clear. It says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Because of that, we have liberal activists saying that judges should impose, because they know full well elected members in our great democracy that would never impose a provision that would say you cannot recite the Pledge of Allegiance, words like "one Nation under God." This is a liberal activist judiciary. And the real goal here, if I can tell my colleagues and the Speaker, is that we want to have a litmus test, according to the critics of Miguel Estrada, so that unless you are prepared to substitute your political bias and your judgment for that of the elected representatives of the people, then they do not want you on the bench.

And I will hopefully engage in a dialogue with the gentleman from Georgia and with my colleagues from Florida so that we can talk about some of the real, underlying reasons why this is going to become such a huge battle here in the Capitol.

I will finish with this, if I may, and that is that lot of us do not want; we joined a great justice, Antonin Scalia who, in his wonderful book, "A Matter of Interpretation," says, you should not have a judge who is going to have a conservative interpretation of the Constitution or a liberal interpretation or a strict interpretation or a loose interpretation, but a textural interpretation.

In other words, we want judges that will apply the rule of law, that will read the statutes that we as an elected body pass, that will look at the text of the United States Constitution, that will, in their fairness and wisdom and incredible credentials like Miguel Estrada has, will be able to protect the wonderful Constitution that we have.

Unfortunately, there are some critics of Miguel Estrada that do not want an independent judiciary; they want a litmus test by philosophy of judicial liberal activism, and I find that offensive as well.

Mr. KINGSTON. Mr. Speaker, I wanted to get back to the gentleman from Florida (Mr. MARIO DIAZ-BALART), because I wanted to say I was talking to the gentleman's brother last night, and one of the things we discussed is that I was blessed as a child growing up in Athens, Georgia. There were a lot of Cuban families who had to leave Cuba because of Castro, and they came to Athens, Georgia, among other places, but a lot to Athens. Many could not speak English, and they were very similar to families all over Georgia and Florida. Their parents, regardless of what their jobs were in Cuba, they basically lost often their professional licenses. A doctor or a lawyer, they had to step down a notch or two. But their kids assimilated quickly.

Those kids never forgot what freedom was and what it was like to lose it, those families. If anything, I found, particularly among, I would say, those types of immigrants, more patriotism than they afford Americans. They were all Americans, but still they did not forget that lesson of having freedom pulled out from under them.

So, in my opinion, you have somebody who lives in America by choice, like Miguel Estrada; he came here when he was 17, he could have left when he was 21. He could have told his parents, I am not staying here in America. But he left Honduras, he came here.

I never met the man, but I would be willing to bet that he is probably one of the most patriotic, God-fearing, pro-American citizens that we have out there today. That has been my experience with so many of the wonderful immigrants who have made this country what it is today.

I wanted to hear what the gentleman has to say, because it is just amazing that the gentleman's family, two sons who grow up to be United States Congressmen, the gentleman was telling me earlier, one is an investment banker, probably making more money than the ones in Congress, and then the other one is a newscaster, probably reporting to the world what the two in Congress are doing wrong, so you are covered either way. But that is a wonderful American success story and American dream, just like Miguel Estrada.

Mr. Speaker, I think the Democrats are not just attacking Hispanics with this, they are attacking the American dream.

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Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the honorable gentleman from Georgia (Mr. KINGSTON) for those words.

I have had the opportunity to speak to Miguel Estrada, and what you say is just so on target. He is a patriot. He is 100 percent American. He is one who came here by choice, who did not ask for anything other than an opportunity to live in freedom. And he worked hard and he studied hard and he has become one of the most prestigious attorneys in the country.

And a little while ago you were also saying how strange is the distinguishing factor that Miguel Estrada has that he is treated differently for.

My distinguished colleague from Florida mentioned, I think, some of the reasons why he is being treated differently, but I must add a couple facts to this conversation that we are having today. I have mentioned in the beginning how that is something that I have not seen a lot coming from the other side.

I have heard stories. I have heard accusations, but no facts because one of the accusations that I keep hearing is that, well, Miguel Estrada cannot be a judge in this court because he has not been a judge in a different court and, therefore, he is not qualified. But I did a little bit of research, and I found that five of the eight judges on that same court where the President has nominated Miguel Estrada were not judges before. They had no previous judicial experience, with all due respect. If that is what makes you qualified, where was the outrage for the other five judges, or is it only if you are Hispanic do you have to have previous experience as a judge? And if you are, you cannot serve on that court and there is no outrage.

Furthermore, I did a little bit more research, and I found that two current Justices of the Supreme Court were not judges before either, wonderful members that we respect and admire: former Justice Byron White, a respected member of that illustrious body; and the other one by the way is the current Chief Justice of the Supreme Court of the United States. So if the requirement, if what makes you acceptable to be a judge and that you are not acceptable, I should say, if you do not have previous experience, where was the outrage from these individuals who say that Miguel Estrada is not qualified because he did not serve as a judge before when the other five in that same court were nominated and approved and when those Supreme Court Justices were nominated and also approved?

See, there is a double standard. And I do not know if the double standard is because of his idealogy. I can state that his nomination has been sitting there for about 600-plus days. The distinguished members of the other party had ample opportunity to sit down with him to discuss these issues because now they are saying, we should have more hearings. Why is it now? They were in control of the Senate until just a couple months ago. Why did they not have hearings before if they wanted some questions answered? Oh, no, they did not want hearings then because they were just trying to torpedo the nomination of this individual. He is a fine American and a fine human being.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). The Chair must remind Members that remarks in debate may not include characterizations of the Senate or its actions.

Mr. KINGSTON. As tempting as it might be.

Mr. MARIO DIAZ-BALART of Florida. I am a freshman. I apologize for that.

Mr. KINGSTON. Mr. Speaker, I wanted to underscore what the gentleman is saying that Mr. Estrada is on 632 days awaiting action by the other body, and yet it is not happening.

Now a similar nominee about 3 years ago, and I mean exactly similar, a man named Merrick Garland, who was also Phi Beta Kappa, also editor of the Harvard Law Review, also graduated from Harvard Law School magna cum laude, was a clerk of the U.S. Court of Appeals, a law clerk of the U.S. Supreme Court, everything except this guy was 44. Mr. Estrada is 41. Everything else is similar, and it took him 100 days to get through. And Mr. Estrada comes along, seems like the only difference is he is Hispanic, 632 days.

Mr. MARIO DIAZ-BALART of Florida. Again, it begs a difference. You have these incredible double standards. You have the double standards of judges that did not have previous judicial experience, were nominated and approved for the same court that Mr. Estrada was nominated before. They were not judges before, and yet now there are some people saying that that is what disqualifies Mr. Estrada.

You have certain people saying that Mr. Estrada, who, I repeat, was born in Honduras who came here at age 17, barely speaking English, worked hard, studied hard, became a model American and a wonderful attorney, even worked in the Clinton administration and actually for more than one President. And now they are saying that, well, this individual is not Hispanic enough. Why this double standard?

You have some people that have said that, for example, that the ABA's rating provided the gold standard, American Bar Association's rating provides, they said, the gold standard for how a judge should be measured, whether one is qualified or not. Well, now those same people are saying that Mr. Estrada is not qualified even though Mr. Estrada got the highest possible rating from the ABA unanimously. So why the double standard? Why is this individual being treated differently than others just like him with the same or less qualifications, with the same or less merits? Why is he being treated differently?

The gentleman mentioned the case a little while ago of a very similar case where he went right through the process. Nobody asked him any questions, and if you look at those questions that were asked, they were pretty amazing they were asked. They were total softballs. And yet Mr. Estrada, who nobody has been able to say anything negative about his record, about his integrity, about how he has lived his life, how he has really lived a piece of this American Dream. And for these accusations that come out of left field, ridiculous, unfounded, kind of really almost funny accusations to come out against this fine human being, this wonderful gentleman who has done nothing but work hard, study hard, work hard, live the American Dream, has given of himself because he has worked with two different Presidential administrations, for false accusations, for baseless accusations, for double standards to be used against him, so that he does not become the first Hispanic on that court, it is frankly very sad.

Mr. KINGSTON. It is an outrage.

Mr. FEENEY. It is not just the fact that Miguel Estrada, if the critics have their way, will be denied the opportunity to be the first Hispanic ever to serve on that great court but it is the way it is happening.

There have been several committee hearings. Normally judges at this level receive at most one or two committee hearings. They have had many more than that. But with respect to the problem and the issues they have had, they have been unable to identify any sin that this man is guilty of, either philosophically, with respect to his integrity, his background, his impeccable qualifications. And so what they have engaged in, the critics of this great man, is a whispering campaign. And they are trying, not to vote down the nominee, what they are suggesting, these critics, is that we will not have a vote at all. And after all, if the real reason you are sabotaging the opportunity for Miguel Estrada to go to the bench is not something you will admit in public, then do not have a vote. If it is something that you are willing to stand up with honor and respect in debate in a free forum in front of the entire world, then go into debate and have that vote. That is the democratic process.

But to use a procedural mechanism to deny the opportunity of a great man to get a fair vote up or down, my great colleague from Florida suggested that this incredible, a man has a 15-to-nothing highly qualified vote from the American Bar Association, but on top of that the American Bar Association says this: "Vote them up or down. But do not hang them out to dry."

The people that want to hang Miguel Estrada out to dry are afraid to explain to the American people in a public vote why they oppose the nomination.

Now, whether it is for, as some of us suspect, that terror that a great Hispanic leader that loves the Constitution and a textual defense of the Constitution may not be the liberal activist they want or whether it is some other political reason, that this would be a great opportunity to show the American people that folks from all different backgrounds, diversity, ethnicity, religions and philosophies can be great jurists, I do not know exactly what their real motives are and we will never know until we have a fair vote under the democratic process that all of us can all judge up or down.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to refrain from remarks that characterize actions of the Senate.

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 35 minutes.

Mr. MARIO DIAZ-BALART of Florida. The honorable gentleman from Georgia, if I may, I want to make sure everybody understands something very important, as I think most people know. With a name like Diaz-Balart, yes, I am of Hispanic heritage. It is something I am very proud of. And with a name like that, I cannot hide nor do I want to. But I am not here to support Miguel Estrada because he is a Hispanic. Absolutely not. I think it would be a sad day if we were here pushing for people based on their race or their religion or their ethnicity.

I am here to support Miguel Estrada because of his qualifications, because he is highly qualified. The honorable gentleman from Florida just mentioned that the bar association, what they said and how they qualified him as the highest qualifications that a lawyer can have, unanimously again, that is why he should be a judge. Because he has worked in the Solicitor General's office and he has been in front of the Supreme Court of the United States 15 times, I believe, has been fighting in cases in front of the Supreme Court in front of the United States, something that many lawyers do not do once in a lifetime. He has done it, I believe, approximately 15 times. Because his academic credentials are unbelievable, unbelievable, I know that a lot of the critics that he has cannot compare his experience in front of the Supreme Court, his academic credentials with theirs, his success as a lawyer with theirs.

I am supporting Miguel Estrada because of his qualifications. But what I have to admit, sir, is hard for me to swallow. Just like I am not supporting him because he is a Hispanic, I am supporting him because he is so highly qualified as everybody has said, including, by the way, people like Seth Waxman, the former Solicitor General to President Clinton who has said, "He was a model of professionalism and competence." Like Ronald Klain, the former counselor to Vice President Al Gore, a familiar face to the gentleman from Florida (Mr. FEENEY) and I in the State of Florida, as we well recall, not one who can be accused of being a right winger by any stretch of the imagination. He said, "Miguel will rule justly towards all."

The former Assistant General for the Office of Legal Counsel for President Clinton, Mr. Randolph Moss said, "A very principled guy, very honest and ethical."

That is why I am here supporting Miguel Estrada. That is why the President of the United States nominated him for this important position. But I have to tell you something. Just like he should not be supported, endorsed or get that position because he is Hispanic, he should not be denied that position simply because he is Hispanic. And that I think is highly offensive.

Mr. KINGSTON. And that, I believe, that is why House Members are speaking out on something that really does not come before the House. But we see it as the Democrats are after this guy, apparently because he is Hispanic, apparently because they do not like his views as an American, apparently because he challenges their concept of the American Dream.

In the welfare state mentality you do not want people to climb the ladder. In the welfare state, the big-government approach is keep people down, keep them low. You do not want them upwardly mobile, and then they will depend on the government. They will depend on our largesse. But that is the pattern he has broken. He has shown in America that you can make it in America. It is a great country. In America you can be proud and free and independent. I think that challenges so many of the liberals in this town; and they do not like him, particularly because he is Hispanic. And I think that is just a sad situation.

Mr. FEENEY. I thank the gentleman from Georgia (Mr. KINGSTON). I think that is especially true, that this man is a great role model.

As we have been discussing here tonight, Miguel Estrada was not born in America, much like Secretary Mel Martinez of Housing and Urban Development who comes from my community. We are so proud of our home son here in the Cabinet.

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This is a wonderful man who was not born on American soil, but I can tell my colleagues Mel Martinez defines what it is to be part of the American spirit and to be a success story. Much like Secretary Powell, who was not born specifically on the continental mainland of the United States, but now is a model for all of us, not just in the military, but his leadership internationally.

Now here is an opportunity for a young Hispanic man at the age of 17 to come live the American dream and be the first Hispanic on this very prestigious court, and some people are terrified that the bottle of success without handouts or welfare or any system of, for example, racial quotas, this man can have a huge success and a wonderful career because of his own merits and his deep belief in the United States system and our government.

One thing, if I may, I want to talk about not just the litmus test that we mentioned earlier of whether Miguel Estrada is Hispanic enough, because we do not understand what that means, but I want to talk about the fact that the litmus test is based on a certain nominee's judicial philosophy.

I would suggest to my colleagues that everybody I know supports the notion of judicial independence. The problem is, some of the critics of Miguel Estrada support the notion of judicial independence meaning the judges should be independent by the written words in the statutes and the Constitution and they should be free to essentially make it up as they go along.

Others of us believe deeply that judicial independence is critical, that we not have an over-excessive interference from one branch to the other. I do not believe the executive, for example, ought to be able to fire justices when they do not agree with them. The Constitution prohibits that. I do not believe that the Congress, if we were mad at a particular judge or a bench, should be able to reduce their salaries to punish them, and our Constitution prohibits that.

The Founding Fathers thought deeply about the judicial independence from other branches, but they also believed deeply that the judges should never be independent from the laws and the Constitution as written, and I want to quote Thomas Jefferson in a letter to Thomas Ritchie, "A judiciary independent of a king or executive alone is a good thing, but independence of the will of the Nation is a solecism, at least in a republican government."

The bottom line here is that I believe that many of the opponents of Miguel Estrada are terrified of this man because he believes deeply that the Founding Fathers wrote what they meant and meant what they wrote. And I will share one more example of a judiciary. I am still with the First Amendment. We will go through all of the amendments, if my colleagues like, in terms of judicial excessiveness and lack of willingness to stick to the text, but I already started with one portion of the First Amendment, and I want to go to another, the freedom of speech clause.

Liberal activists have argued, for example, that freedom of speech protects

Nazis that want to march through Skokie, Illinois, a place that had many victims of the Holocaust reside there, and yet the freedom of speech provision prohibits and the First Amendment prohibits school children from singing Silent Night as part of a Christmas choir play. I think that sort of overreaching is the kind of liberal activism that the opponents of Miguel Estrada are insisting on as their litmus test before they will support his or any other nomination.

Mr. KINGSTON. Well, I agree with the gentleman. The last thing we need is more whacked-out judges from California, no offense to the good judges there, but they seem to certainly have their quota of people who say we cannot pledge allegiance under God, and it is really not, let us keep public buildings religious-neutral.

What they want is religious free zones, and yet here we in Congress, this very day as we will tomorrow, as we did yesterday, we started out with a prayer. I am standing beneath the sign that says In God We Trust. Our money says, In God We Trust, and yet these same judges would have all that purged from the land because it is apparently harming somebody somewhere somehow.

Mr. FEENEY. If my colleague will yield on that point, I just said that the people that are criticizing Miguel Estrada, when they do not even want to have a vote, they want to suggest we ought to have these weird interpretations of the establishment clause, and yet the very people that enacted this Constitution, in my hometown where I was born, in Philadelphia, thanks to Ben Franklin, a great Philadelphian, who said this at the Constitutional Convention when he suggested that they ought to begin every day, as they put together the most wonderful document that ever defined the relationship between free individuals and their government, here is what he said as they suggested that they start with prayer.

He said, How can it be, basically referring to Matthew, that a sparrow cannot fall to the earth without God's watchful eye, and yet we can create this document without his watchful assistance? I am paraphrasing Mr. Franklin because, of course, we do not have the specific records from that convention.

But the bottom line is that the people who put our Constitution together do not want us here today, as they lie above us in heaven for their great deeds, they do not want us to allow the legislative branch to hijack the judicial branch and impose a litmus test that judges have to ignore, the written words of either statutes or the Constitution.

We are doing our constitutional duty by speaking out, and I thank the gentleman for the opportunity to be here.

Mr. KINGSTON. Well, I thank the gentleman and Mr. DIAZ-BALART.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do want to just leave one thought here tonight, which is a sad thought because the facts speak for themselves.

We are seeing what is going on with the nomination of Miguel Estrada and the false accusations, baseless accusations, almost funny accusations, that have been leveled against him. But what is really sad to me is that while our friends, the partisans on the Democratic side, claim to advocate for diversity, they fight to block the nomination of a well-qualified Hispanic. While our friends, our partisan Democrats, take credit all the time for helping the advancement of minorities to high positions in government, they block the first Hispanic, I repeat, the first Hispanic on the Nation's second highest court.

It is important to note, though, that a filibuster, a parliamentary process to avoid the votes against Miguel Estrada is not only the rejection of a highly qualified Hispanic, it is a rejection of diversity. It is a very sad day, very sad day, for our country if this stands. I am optimistic that it will not. I am hopeful that they will dig deep in their souls and realize what they are doing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members should avoid any improper references to Senate proceedings.

Mr. KINGSTON. Mr. Speaker, let me give this quote from a member of the other body. "The country is at Orange Alert. People are stockpiling water and duct tape."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must refrain from that quotation.

Mr. KINGSTON. Mr. Speaker, I can quote somebody without attributing it to it, I thought. Point of clarification, excuse me.

The SPEAKER pro tempore. The gentleman may not quote the Senator by name or otherwise.

Mr. KINGSTON. Thank you, Mr. Speaker, and I will stand admonished.

Think about this. The country is at Orange Alert. People are very concerned about what is going on in Washington, D.C. In the district that I represent, we have 18,000 soldiers who are already in Kuwait in the Middle East. We have thousands of wives and children and family left behind. We have an economy where the interest rates are not seeming to get the thing going. We have got a budget that is going to be in deficit.

We have got problems, and yet there are those in the other body that want to filibuster somebody who has graduated from Harvard magna cum laude, who was rated by the American Bar Association as highly qualified, and that is the priority during an Orange Alert, wartime, of a bad economy?

I agree with the gentleman from Florida (Mr. MARIO DIAZ-BALART), it is a sad day, but I am hoping that we can get this thing turned around, and I am hoping that people like the gentleman speaking out is going to make a difference.

I wanted to, if the gentlemen have time, make a comment on a piece of legislation we are going to be passing tomorrow in the House, and I think it is very important, and I want their comments because when the gentlemen were elected as freshmen in December, we were all up here meeting them and one of their members said to me, I think it was the gentleman from Arizona (Mr. FRANKS), he said, Tell me, you have been in Congress 10 years, what do you think the most important thing that you have done is, what is the most significant piece of legislation?

It is a hard question. There are a lot of things that have gone on that I voted for and I voted against and debated on and had the privilege to debate on, and yet I said, probably welfare reform is the most significant, the one that has affected the most lives in a very positive sense.

In 1994, when so many of us got to Congress, there were 14 million people on welfare; in 2001, 5 million. That is 5 million too many, and yet the reality is, 9 million less people are on welfare. It appears to be significant, the principles in our welfare reform package which we will be voting on tomorrow, promoting work, improving child well-being, promoting healthy marriages and strengthening families, fostering hope and opportunity. Those are the principles behind welfare reform which we have stuck to, and I think it is very important to keep these in mind.

And, of course, none of this was easy.

The Democrat leader, the gentlewoman from California (Ms. PELOSI), in 1995 said, I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass, and indeed, she and so many others of the liberal welfare supporting establishment, the status quo supporters, they fought against the legislation, and yet here is a real case.

Tanya, a single mother, went on public assistance when her twin girls were a year old, but since completing her program with CalWORKS, which is a job training program, she completed it last year, Tanya has been able to earn enough money to purchase her own home. Here is Tanya and here are her two girls. I wonder if that is who the distinguished Democrat leader was referring to, because they do not look like they are miserable or in pain or unhappy. In fact, they are probably very proud to have their own home.

I know the gentlemen, as members of the Florida legislature, were involved in this, and they saw many successes from welfare reform on the State level.

Mr. FEENEY. The gentleman from Georgia is so right. This is one of the greatest success stories of my legislative career. I am sure my colleague from south Florida will tell the gentleman the same thing.

Because of what the Congress did, we in the State of Florida were able to enact reforms that actually took some 780,000 Floridians off the welfare rolls, off of complete dependence on government and basically created opportunities and freedom and work and jobs for them. And we now are down to less than 150,000, almost a 75 percent reduction. We are so terribly proud of that.

As the gentleman knows, the old system of welfare was set up by compassionate people, by people with big hearts, but what they really did not realize is what the effect of the system that they built actually had on individual decision-making. Because as the gentleman from Georgia knows, poor people are not dumb. They respond to the same incentives as the rest of us.

If we look at the old welfare state in America, what it told, particularly and primarily young women with children, what it told them was this, look at it like a contract lawyer would look at it. It said, we will give you free gifts from government. We will give you AFDC checks, housing assistance, food stamps. We will give you health care for your children, some 72 other entitlement programs that you may be eligible for. But in order to get these free gifts for taxpayers, you have got to promise us a couple of simple things.

Number one, promise that you will not get married to anybody who is working because if you do, we will take all of your health care for your children away; we will take your AFDC checks, your food stamps. All these other benefits will disappear.

Number two, you have to promise us that you will not go to work yourself, because if you go to work, we will take away your health care benefits for your children; we will take away your food stamps, your AFDC checks, your housing assistance.

The third thing that this contract wants you to know is that if you have additional children while you are stuck in the system, we will give you bonuses.

Poor people are not dumb, my colleague knows that. They responded to the incentives we set up.

So we took advantage of the opportunities provided by the great leadership here in the Capitol, allowing the States, under the 10th amendment and principles of Federalism, to try to solve our welfare mess, and what we have done is this. We have gone from 750,000 Floridians stuck on this horrible system of perverse incentives that got them into a trap that they just could not crawl out of, and we have gotten them into free opportunities.

Let me tell my colleagues who the beneficiaries are of this, if I may as I close, on how grateful I am that you gave Florida the opportunity while I was there and while my colleague from south Florida was there.

Taxpayers are huge beneficiaries because they do not have to support people that are out there successfully working in their environment. Families are beneficiaries because many men actually are no longer the enemy of people that need help. We have designed a system that can reunite the mom and dad. That is great for the entire family. It is especially great for the mom and the dad that can spend time together and the children that can have the benefits of a two-parent family, which we know is so important.

□ 1945

Third is the huge benefits to single moms, who now get up at a certain time, get cleaned up, get showered, get off to a job where they are contributing members of society and taxpayers. They do not have to feel like they are enslaved by a system they cannot get out of. Those are all beneficiaries.

But the most important benefits I would suggest we have not even seen yet. Because we have a whole generation of young children in Florida and throughout the country that are growing up not watching their role model or their main parent watching TV all day or engaging in some more pernicious behavior, such as drugs, prostitution or black-marketing. They are watching the people that are raising them get into the work system, be part of the American Dream, pay taxes, and be contributing members of society. I believe that there is a long-term dividend in the psychology and the culture of young children thanks to what we accomplished on welfare reform.

I am so honored to be here now as we work hard to reenact this liberating bill, and I thank the gentleman for his leadership.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for his comments, and I now yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, one of the things that my dear friend and colleague, the honorable gentleman from Florida, central Florida, and, if I may add, a wonderful part of the State, that is a free plug while I can, stated something that is very true. The poor who are stuck in this cycle of dependence to this horrendous system that we had before, the old welfare system, did not want to be that way. We have to be very clear about this. Poor people that were on welfare did not want to be dependent on government.

Unlike what some would like to believe, that these are people that did not want to work, that were just there because that was their choice, that was their number one choice, no, these are good people. These were people that wanted to work, but all they needed was an opportunity; and yet they were stuck in this system that forced them to stay in that system. They could not save money to buy a piece of property because they would lose their benefits. So, therefore, they had to stay in the system. That is the cruelty of this sad joke that was the old welfare system. And the people that really hurt, yes, the taxpayers had to pay a lot of money for this broken system, but the people that were really hurt were those that were forced into the cycle of dependence, dependence on government.

So now, where are those people? Where are they? Millions of them, millions of Americans, are now working. They are earning a living in the free marketplace. It is not easy; it is tough. Hey, life is difficult. They have got to work hard. We know that. But they are working hard, and they are proud of it. They are paying taxes and they are leading by example. So, yes, this is wonderful for the taxpayers, but let me just say that it was even more wonderful for those millions of Americans that were finally allowed to break out of this vicious cycle of dependence and of poverty. That is the untold story, I think, in this wonderful experiment that was called welfare reform, that I think worked better than any of us ever suspected.

We knew that the system was broken. In Florida, we knew that the old system was broken. I did not expect the results to be so dramatic, so unbelievably dramatic. Imagine if in the rest of government we could get increased performance by 75 percent, or close to 75 percent, as we did in Florida of people getting off welfare and getting to work. That would be a miracle in government. We would all be ecstatic. That happened in welfare reform. And the true recipients of this wonderful experiment, the ones that broke out of the cycle of poverty, are those poor people, poor decent Americans that for a generation were told that they would always be there.

My colleagues may well recall the naysayers. The gentleman just pointed out a couple of those naysayers, saying this is going to destroy the country; that it was going to destroy the poor people. No, it helped more than anybody else those poor people who are now working, earning a living, and are a part of the American Dream. It helped the taxpayers by giving them a little bit of relief, and it was a wonderful thing for the country.

And as my colleague, the gentleman from Florida (Mr. FEENEY), just said a little while ago, I am so proud first to have been a part of it in Florida when the United States Congress and the leadership of the United States Congress gave our State the opportunity to participate and break the dependence on government and that cycle of poverty for millions of people, hundreds of thousands of people in the State of Florida. I am also so proud to now be here; and, hopefully, we will be a small part in making sure that this wonderful reform moves forward so that we can continue to help those that are truly needy; those that really need the help; and, yes, also create a system that breaks that cycle of dependency and of poverty.

Mr. KINGSTON. Well, Mr. Speaker, the gentleman spoke of naysayers. Here is what the gentleman from New York (Mr. RANGEL) said, who is the ranking member on the Committee on Ways and Means, a distinguished man, but clearly wrong on this: "The only losers we have now are the kids."

And yet here is another face of poverty, another success story: Mr. Bruce Mullins lost his home and entered the Welfare to Work program in September 1998. He now has a life of joy and promise for himself and his two children. Here is a picture of Mr. Mullins and his kids, and they do not look like losers. They look very happy.

The gentleman from New York (Mr. NADLER), a friend of mine, as they all are, but friends can be wrong, in 1996 said, "I am saddened that today it seems clear that this House will abdicate its moral duty and knowingly vote to let children go hungry in America." Pretty harsh words. Pretty wild predictions.

Mr. FEENEY. Mr. Speaker, if the gentleman will yield for just a second. Sadly, the truth of the matter is we have been told by our Surgeon General and other experts that the biggest problem children have in America today is not hunger but obesity. After 6 or 7 years of welfare reform, we need to get back to exercising, working out, and into good nutrition. But certainly hunger is not the major problem we have with today's youth after 6 years of welfare reform.

Mr. KINGSTON. Mr. Speaker, here are some interesting statistics: 3.6 million fewer Americans live in poverty today than they did in 1996; 2.7 million fewer children live in poverty today than in 1996, including 1 million African American children. These are statistics, incidentally, by the U.S. Census Bureau, not by the Republican Party or the committees in charge; but these are stats that I think people in the honest spirit of debate need to talk about.

I think it is good to have criticism and opposition on legislation, because I would think that it makes the legislation better. We should bring our ideas to Washington. Both of my colleagues are from Florida and have served in the State legislature together, but one is from south Florida and the other from central Florida. When I served in Georgia, I was from south Georgia, or coastal Georgia, which I still am, but when we come up here we are taking on a bigger role. We bring our ideas, be it from south or central Florida or coastal Georgia, we bring them up here and, if they are so good, doggone it, we ought to be able to get 218 people to agree with us. And if they are not founded in substance and fact, probably we are not going to get that to happen.

So I think criticism is good, but I think it has to be founded on facts; and that is one of the things we do not have around here.

Mr. Speaker, we are running short on time, but I know we have a few minutes, and certainly if the gentleman from Florida (Mr. MARIO DIAZ-BALART) wanted to add a few comments.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just wanted to thank my dear friend, the honorable gentleman from Georgia, for this opportunity.

I do want to end just again reminding all my friends and all our friends in this august Chamber and also the Chamber next door that we have a historic opportunity, a historic opportunity to pass welfare reform in order to continue the gains that we have made in the past. We also have a historic opportunity to do something that has never happened, which is to have the first Hispanic in the D.C. Court of Appeals. It would be a wonderful thing for all Hispanics, but more importantly it would be a wonderful thing for the entire country, a beautiful sign that diversity is acceptable and accepted.

Mr. KINGSTON. Mr. Speaker, I thank both gentlemen from Florida, and I appreciate their time this evening.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, I rise today in my role as Chair of the Congressional Black Caucus for the 108th Congress to talk about Black History Month and the state of our union for Americans of color.

Throughout the month, we should all take a moment to remember the heroes whose legacies of service have shaped this great country, America.

We should remember Rosa Parks, a leading force behind the 1955 Montgomery bus boycott. Activist Fannie Lou Hamer, the daughter of sharecroppers who fought for African American suffrage in Mississippi. Dr. Charles Drew, whose blood plasma research has saved millions of lives. Their bravery and sacrifice must not be forgotten.

While we celebrate the past, we also should honor the African American women and men who are making a difference today. We should thank Marion Wright Edelman for her tireless work on behalf of America's children. We should salute the nearly 300,000 African American men and women who proudly serve in our military. We should express our gratitude to the hundreds of thousands of African American police officers, firefighters, and first responders who dedicate their lives to serving and protecting us. Their constant acts of sacrifice serve as a model for all of us.

During Black History Month, the Congressional Black Caucus embraces this year's theme as determined by the Association for the Study of African American Life, whose theme is: The Souls of Black Folk: Centennial Reflections. We encourage all Americans to commemorate our shared past and work together toward creating a more just and fair society.

Mr. Speaker, tonight, I, along with my colleagues, want to take this time to reflect on the state of our union and focus on the issues that are central to the lives of most Americans; issues like education of our children, access to health care, for any who might need it, prescription drug coverage for our seniors, civil rights protections for all Americans, economic security and national security.

During the 108th Congress, we will face many challenges. We will face the challenges of securing our homeland, getting our economy going again, putting people back to work, closing the education and health care gaps that exist in our communities, providing prescription drug coverage for our seniors, and thwarting those who want to roll back civil rights protections.

Mr. Speaker, it gives me great honor and it is a privilege to yield to the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank the gentleman for yielding to me, our distinguished Chair of the CBC. I am honored and, indeed, I am right proud that in the middle of a month that has been set aside as Black History Month to stand in the well of the House of Representatives of the United States of America representing 619,000 citizens of rural, poor, eastern North Carolina, known as the first congressional district.

I am honored to be here as a freshman member of the 108th Congress. It is amazing that princes and kings and clowns that caper in sawdust rings, and ordinary people like a young boy who grew up on a tenant farm in Bertie County under civil rights, the 13th and 14th amendments to the United States Constitution, the Voting Rights Act, the Civil Rights Act, all of the great decisions of the United States Supreme Court guaranteeing that we hold these truths to be self-evident; that all men, including Africans in America, are created equal and that they are endowed by their creator with certain unalienable rights, among them life, liberty and the pursuit of happiness.

□ 2000

And I want to say that as we have struggled to gain equal rights and civil rights and to celebrate those rights and to build on those rights and to have the opportunities to work, to earn our living, to pay our taxes, to build institutions, to build businesses, to send our children to college, yes, to historically black universities founded by people fresh out of slavery, and even to those universities that at times in the past have denied our entry.

Is it not amazing, as we stand here tonight, there are great debates going on in these halls of this prestigious institution known as the United States Congress, and I am told that the debate that was going on a minute ago about issues of welfare reform that this majority and this Congress, this Republican majority, Mr. Speaker, is going to use brute power and minutia rules to deny freshman Members like me my civil rights and to deny my constituents their rights, their constitutional rights, to have an opportunity to debate those issues involved in the welfare rights reform bill.

That is to say, in this great, and I will call it the "great depression" that we are going into, where we are losing jobs all over this country because the party in power wants to give a tax cut to some rich Americans, and therefore we have no jobs. And now we have a bill that is going to say that people who cannot get a job have to work even longer hours or they will be thrown off the welfare rolls whether they deserve this assistance or not. Would it not be one of my civil rights?

And I know it is my constitutional right as a Member of this body to have an opportunity to debate that issue, to debate whether or not we are going to have funds to provide child care adequate so that those parents who are threatened to be thrown off welfare will indeed have an opportunity to go to work or to go to school.

Yes, in the midst of this Black History Month, we celebrate the birthday of Abraham Lincoln, the author of the Emancipation Proclamation. President Lincoln, a member of the Republican Party, a party that supported civil rights at one time, a party that supported the enfranchisement of African Americans and former slaves. Yet as we stand here today, the leader of that former great party and the President of our country has come out foursquare against the concept of affirmative action; and therefore I will contend that he is against Black History Month.

Why do I say that? What is Black History Month if it is not affirmative action? There was a time when those who wrote history left out of the pages of history about people of color, and so Carter G. Woodson came along, and as he read the history books, as he read the tabloids, he did not see anybody in the books that looked like him, and he saw none of the great works that Africans were doing in America. And so he started what became Black History Week, affirmative action, and then it became Black History Month, affirmative action.

And now we have an opportunity under a plan that has been approved by the United States Supreme Court to say that race can be one factor in deciding admissions to the University of Michigan, and we find that the President is opposed.

I am going to close by saying it is a long journey from Africa to America. It is a long journey from slavery to freedom. It is a long journey from the back of the bus to being the driver and owner of the bus company. But we have made it, and I contend that one reason we did was because of those human rights that were at one time properly enforced, and I hope and I pray that they will be in the future.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman and to say to him that several members of the caucus were moved, I think it was just yesterday, when the gentleman was talking about how at one time he was plowing fields and did not imagine himself in the Congress of the United States of America. And so many members of the Congressional Black Caucus have similar stories, have come through very, very difficult times and are doing everything in our power every day and every hour to make sure our children and our children's children have these same opportunities.

One area that is clearly of great importance to the souls of black folks would be our health care, and we are very honored to have in our Congressional Black Caucus the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), whom I will yield to.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding.

As amazing as it is, the words of the distinguished African American scholar, Dr. W.E.B. Du Bois, resound as loudly today as they did when he first wrote them more than 100 years ago. How appropriate and on target are his words as he remarks on the lack of health care for African Americans at that time and as we compare them to our situation today.

I want to take the liberty, though, of focusing on his treatise on the "Philadelphia Negro" because in chapter 10 we see in his description a clear indictment of this Nation's health care system as it existed in the African American experience. One hundred years ago, and shamefully still today it has been bereft of both health and care. In short, while there have been some advances in the last 100 years, on the whole, nothing has changed.

Several recent surveys, for example, clearly show that the general public even today thinks that health status and access to care is equal among all population groups. In this, we echo what Du Bois wrote over 100 years ago that "the fact of high death rates and other signs of neglect of the laws of physical health have not yet been apprehended by the general public," he wrote. After a wealth of articles and scientific and lay journals, reports commissioned by this body and with the Congressional Black Caucus and other organizations representing people of color giving voice to the inequities in health at every opportunity, my question is, is anyone listening?

Infant mortality in our community is 2.3 times more than in those of our white counterparts. AIDS affects African American eight times more than it does whites. Death rates from heart disease are 30 percent higher in blacks. Our incidence of diabetes is more than twice as much as in the white population. The black male has the lowest life expectancy of any population group in our country, and in our hemisphere only men in Haiti have a lower life expectancy than those in our Nation's Capital.

The chapter on Negro health also focuses on the lack of reliable or complete statistics, which is still an issue that is very relevant today. Just last week we cosponsored a Hill briefing on the Institute of Medicine's report on public health for the 21st century. In that briefing, the importance of collecting accurate data for minorities and using this data to build research, treatment, and prevention infrastructures was stressed. It is essential if we are ever to close the gaps in health status, as we must, that we collect and analyze important data on race, ethnicity, and other socioeconomic factors that are relevant or cause them.

Du Bois also spoke of poor health infrastructure, as he termed it, "the lack of nearly all measures to prevent the spread of disease." This is the state still of our deteriorating health care infrastructure in our community and many rural communities. A chilling thought in days such as these, where we are on high alert for a chemical or biological terrorist attack. If our communities are not prepared to protect our residents and respond to any such attack on their behalf, then no one is prepared and no one can be protected.

We in this caucus recognize, as Du Bois did back then, that health does not exist in an unhealthy environment, and our Congressional Black Caucus agenda reflects that. "Broadly speaking," he wrote, "the Negro, as a class, dwell in the most unhealthful parts of the city" and have "a large degree of poverty." We still have the lowest income levels, the highest unemployment, and many of us still live near toxic sites.

But the most compelling statement in that chapter in the Philadelphia Negro, which I would ask us all to contemplate as we go through yet another term, another budget process in the face of these glaring disparities in health is this:

Dr. Du Bois wrote: "The most difficult social problem in the matter of Negro health is the peculiar attitude of the Nation toward the well-being of the race. There have, for instance, been few other cases in the history of civilized people where human suffering has been viewed with such peculiar indifference."

Given the many deaths caused by the lack of health insurance in this, the last industrialized nation that does not guarantee health care to its residents, given the cuts or level funding of programs designed to address our health care deficiencies, the refusal of the department and this body to target dollars to build capacity in our, the most affected, communities, the movement to remove the words "minority" and "disparity" from the health lexicon, and the failure to respond adequately to the recommendations of several Institute of Medicine reports on the inequities of health care among people of color and those who speak different languages in this country, I think it is appropriate for us to ask ourselves the question whether this attitude has indeed ever changed in the more than 100 years since those words were written.

Mr. CUMMINGS. I thank the gentlewoman.

Tonight, as we celebrate Black History Month, we look at all aspects of African American history and again reflecting on our theme, the Souls of Black Folks Centennial Reflection, we have the gentleman from Alabama (Mr. DAVIS), one of our new Members, who has been just a tremendous asset to us, and we are anxiously looking forward to continuing to work with him.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding to me.

I have the distinction of representing the Seventh District of Alabama which, as so many people should know if they do not, is the home of the civil rights movement in this country. It is the battlefield where so many of the battles were fought in the 1960s: The City of Birmingham where 40 years ago this April, children were marshaled in defense of equality in this country, and they were met with literally the teeth of dogs and the bite of fire hoses; Selma, Alabama, where 38 years ago individuals had to march across a bridge under a threat and rumor of sniper fire in order to petition for their right to vote.

Montgomery, Alabama, is no longer in my district, but it is my hometown, and of course it is the city where Dr. King picked up the torch of the civil rights movement in part of the 20th century and gave it so much of its vibrancy and so much of its currency.

What is striking about my district in 2003 is that if Martin Luther King could somehow come back and visit west Alabama and visit the battlegrounds on which he fought, he would see cities and counties that look very much the same as they did four decades ago.

□ 2015

The rate of poverty in four counties in my district hovers around 40 percent, 40 percent in times of economic growth and 40 percent in times of economic decline. It is a constant condition of despair.

We have talked about health care tonight. Eight hospitals in my district have closed their doors in the last 2 years, and suffice it to say that the disproportionate number of people who have been disenfranchised on the health care front in my district have been people of color.

If Dr. King could somehow travel through the streets of Birmingham today, he would find parts of that inner-city that look exactly as they did 40 years ago. He would see young black men, able-bodied, casting about looking for some anchor in their life, looking for some economic anchor in their life.

Too much of my district, which has its urban and rural components, too much of my district looks like America looked in 1963; and that does not say as much as it should say about where this dream stands. Forty years after the fact, 40 years after the battles of 1963, America stands frozen in so many ways.

I had an opportunity to give a speech to a high school class in Selma, Alabama, on Martin Luther King Day. Selma is a racially divided city. It is a city that is 60 percent black, 40 percent white. As I stood in the gymnasium, Mr. Speaker, I looked around the gymnasium as I got to the part in the speech where I talked about Dr. King's legacy of integration, and it struck me all of a sudden that every single student sitting in that gymnasium was black. In a public school, 49 years after Brown v. Board of Education, 38 years after the Selma to Montgomery march, the legacy is a segregated public school system. And with inequality comes disparity in resources; with separateness comes a separateness in resources.

The dream is in an interesting state today, because too much of America is financially unchanged, unchanged in every measure that we could possibly draw on the floor of this House.

People sometimes wonder why we have a Congressional Black Caucus. People sometimes wonder why we have Black History Month. They wonder why there is a need to continue to talk about these things. And my answer to them is this: as long as we have a country where the conditions of one's life are determined in large measure by the conditions of one's birth, the American Dream is not what it ought to be. As long as we have a country where the lifespan of a black child born today differs dramatically from that of a child of any other race born today in this country, there is a story that still needs to be told.

Some say, including Justice Scalia, that we can get past the problem of race if we stop talking about it. That sounds good, but that is not the world that we live in. The world that we live in is one in which we have to keep talking about these struggles, because so many people have never lived them; but they have also never lived the lessons of that time.

We are the country that we are today; we are the envy of the world because of a very simple promise. The promise of America is that wherever you begin, you have an opportunity to rise. That is the rhetorical reality of our country. Until it becomes the political reality and the economic reality and the social reality, we fall short of the American Dream, and the state of this union is in some disrepair.

So I call on all people of conscience to recognize that America has work to do. I call on all people of conscience to recognize that there are battles that still need to be fought. Because until we smooth out the gaps in this society, until we tear down the walls that continue to divide us, the legacy that we honor and the dream that we honor is incomplete. There is work that needs to be done, and that is the unfinished task of this caucus.

Mr. CUMMINGS. I want to thank the gentleman.

The gentleman mentioned Martin Luther King. Certainly we are very proud of all that Dr. Martin Luther King did. One of the things he said is that a citizen must assert the full measure of his citizenship, and the very things that this Congressional Black Caucus stands for are merely asserting the full measure of our citizenship.

One thing about asserting the full measure of your citizenship, you have to serve, and you have to serve this country, and African Americans have played very significant roles in the military, have played very significant roles in exploration, in space.

I am very pleased now to yield to the distinguished gentleman from the great State of New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the gentleman very much. Let me commend the chairman of the Congressional Black Caucus for the outstanding job that he has done in the short time that he has been in that position. I think that we will reach all kinds of heights with his leadership.

Mr. Speaker, as we commemorate Black History Month this year, there is a sober and anxious mood in our Nation. Our communities are worried about the uncertain state of the economy, the loss of jobs, the growing budget deficit, the budget cuts, which threaten to eliminate vital services for our children, students and for our senior citizens.

We are going to work diligently in the months ahead to address these pressing concerns and to try to prevent the gains that African Americans have made from being reversed.

We have all been touched by the recent tragedy which took the lives of seven astronauts aboard the Space Shuttle *Columbia*. They represented the best of our Nation and our world: courage, diversity, optimism, and the pursuit of scientific knowledge for the betterment of humanity.

Among the crew were a young woman from India who immigrated to the United States of America to follow her dream, and with the *Columbia* mission she became the only Indian woman to travel into space; an Israeli man whom his country loved, the first Israeli astronaut, a symbol of national pride for Israel; and an African American astronaut from New York who was formerly a lieutenant colonel in the Air Force, Michael Anderson.

He was an outstanding student of physics and astronomy who was selected by NASA in 1998 to make his first flight, which was aboard the Space Shuttle *Endeavour*. It traveled 3.6 million miles in space during 138 orbits around this world to reach the Mir Space Station.

In 1998, there is a picture on my wall that I took with Michael Anderson when he came to my Washington office to discuss how he could try to get more African American boys and girls involved in the space program, in physics, in mathematics, and he was talking about promoting more interest in NASA.

In fact, there was another African American astronaut whose name was Robert E. McNair, who was one of the seven crew members killed on the *Challenger* that exploded 73 seconds after its launch on January 28, 1986. On this mission he was supposed to carry out extensive studies on Halley's Comet.

Another African astronaut, Frederick D. Gregory, served as the commander of the Space Shuttle *Discovery*, which also performed important missions for NASA.

The first African American woman to join the space program, Dr. Mae Jemison, traveled aboard the Space Shuttle *Endeavour* on September 12, 1992. Dr. Jemison is a chemical engineer, a scientist, physician and astronaut, who worked as a Peace Corps volunteer, a medical officer in Sierra Leon and Liberia in West Africa.

Looking back in history this month, we pause to remember the men and women who laid the groundwork, often at great personal risk, for the benefit of future generations.

We are reminded that African Americans have achieved greatness in many fields: law, medicine, physics, the military, education, journalism, music, theater and literary arts.

But we must remember outstanding men like Ralph Bunche, the United Nations Undersecretary who became the first African American to receive the Nobel Peace Prize.

We honor the memory of Thurgood Marshall, the first African American to become an Associate Justice of the U.S. Supreme Court with the great May 17, 1954 case that he argued.

While we are speaking of firsts, let us congratulate our colleague, the gentlewoman from Ohio (Mrs. JONES), who made history last month by becoming the first African American woman to earn a seat on the prestigious House Committee on Ways and Means.

We also pause to continue the debt of gratitude we owe to strong women of the past, like Sojourner Truth, the abolitionist and orator who risked her life, and Harriet Tubman, who helped conduct the Underground Railroad.

As a former teacher, I am committed to passing along stories of African American heroes to our children and grandchildren, so that they may dream of achieving great things in their lives.

I am proud of the fact that my brother, William Payne, who serves in the New Jersey State Assembly, authored a bill which was signed into law which the Governor of New Jersey, which establishes the New Jersey Amistad Commission to develop teacher-training programs to promote educational and awareness projects regarding the things that African Americans have done and their descendants, and the African Americans' contribution to the development of this country.

The commission will work to promote a more comprehensive study of African American history by revising the history books of New Jersey and promoting more extensive classroom discussion. The Amistad Commission is named after the enslaved crew of the ship *Amistad*, who organized an uprising in 1939 to gain their freedom. The crew had their case successfully argued before the United States Supreme Court.

As I conclude today, as our Nation awaits and watches the possibility of war which continues to loom, Black History Month is a good time to reflect that many African Americans have given service to our country.

African Americans fought in every major battle of the Revolutionary War: Lexington, Concord, Bunker Hill, Trenton, Long Island, Valley Forge, and Yorktown. Crispus Attucks, an African American, on March 5, 1770, was the first person to give blood at Boston Commons where he was brought down by the British when he protested taxation without representation.

It was a black Minuteman, Peter Salem, at the battle of Bunker Hill, when they said don't fire until you see the whites of their eyes, who brought down Major Pitcairn, who led the British military.

In the Civil War we had many top African Americans. In 1862, the First Kansas Colored Volunteers won one of the first battles at Island Mound, Missouri. There were 168,000 black combat troops in addition to 200,000 members of service units in the War Between the States.

One out of four Union Navy personnel was black. The black cavalry, with the Buffalo Soldiers, showed their importance at the Battle of San Juan Hill, where they prevented the Rough Riders, Teddy Roosevelt, from being annihilated at San Juan Hill. It was the Buffalo Soldiers that saved him, but we heard very little about them. As a matter of fact, they had a lower desertion and alcoholism rate than any other cavalry people in our history.

Concluding, W.E.B. Du Bois in World War I said, in spite of the problems, "first your country, then your rights," and urged African Americans to go to war.

The 369th Regiment from Harlem spent 181 days in the trenches, a half a year, without relief. This is history that no one knows about. And no one ever spent 181 days in the trenches. Yet a person who lived a block from me, Mr. Needham Roberts, along with Private Henry Johnson, captured 30 Germans and held them for weeks, and people still do not know how they were able to keep this large number of Germans at bay.

My Uncle John Garrett was in the invasion of Normandy. When that was over, D-Day, they allowed the white troops to march through the Arch of Triumph; but the black troops were brought up a day later, and they were unable to march through the Arch of Triumph.

President Eisenhower, then general of the Army, wrote a letter to every combatant on D-Day, except African Americans. My uncle did not get a letter. But my Uncle John Garrett, we brought that to the attention of President Clinton, and all of the surviving D-Day African American veterans who we could find, and we worked with the gentleman from New York (Mr. RANGEL) and his Committee on Veterans Affairs that he was working on, we found many African Americans, and President Clinton sent the letter that chief of our Army, Eisenhower, at the time refused, only because they were black.

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Mr. CUMMINGS. Mr. Speaker, one of the things I wanted to emphasize, the gentleman spoke about the astronaut who recently perished, coming to his office and talking about having more young African American boys and girls go into science and math, and that is one of the reasons why we even do this

this evening, to remind our children of all of the great things that African Americans have done, so that they can follow on that path and have models to emulate.

Speaking of a model to emulate, I am very pleased to yield to my friend and colleague from the great State of Georgia (Mr. BISHOP), who is going to address and will continue on with some of the things that the gentleman from New Jersey (Mr. PAYNE) was talking about with regard to our contributions, military contributions.

Mr. BISHOP of Georgia. Mr. Speaker, by learning about the good and the bad things that happened in our past, we gain a deeper understanding about how to correct the bad and preserve and strengthen the good. That is why the study of history is important. It tells us about the past and it guides us to a better future, for he who understands his past controls his future.

Black History Month is important for just this reason. I commend the gentleman from Maryland (Mr. CUMMINGS) and the members of the Congressional Black Caucus for arranging tonight's Special Order, and I thank all of our colleagues for their support and for their participation.

At a time when our country is intensely focused on national security, I will talk about some of the many African American contributions to our Nation's safety and well-being. Many have lost their lives in combat. They are part of a long tradition of service and sacrifice. As the gentleman from New Jersey (Mr. PAYNE) pointed out, that goes back to the Revolutionary War when more than 5,000 blacks served on the front lines.

By World War II, with black leaders calling on black citizens to fight fascism abroad and racism at home, more than a fifth of our men and women in uniform were, in fact, African American. Today, more than ever, blacks are at the forefront of defending the Nation, from the lower ranks to the top echelons of military leadership.

One of the trailblazers was Henry O. Flipper, the first black graduate of West Point. Henry Flipper was born in Thomasville in an area of southwest Georgia that I now have the privilege of representing. Although he was born into slavery and had little opportunity to acquire a formal education, his brilliance, his courage, and steadfast forbearance enabled him to secure an appointment to West Point and to graduate with distinction after years of mistreatment and ostracism.

Although he had an exemplary record on the western frontier while serving as the only black among the Army's 2,100 officers, he was unjustly dismissed from the military. Nothing stopped him, however. He went on to have an illustrious career as an engineer, a surveyor, a government official, playing a significant role in the development of the oil industry, the railroads, and the Nation's expansion in those formative years.

At the time of his death in Atlanta in 1940, he was a forgotten man. But in later years, he has been remembered with memorials at West Point, in Thomasville, Georgia, ceremonies at the Pentagon and at the White House as someone who resourcefully and bravely paved the way for others.

Lieutenant Flipper served at the time of the legendary Buffalo Soldiers, the thousands of black cavalrymen who were deployed in the West for some 20 years to protect settlers, escort wagon trains, assist homesteaders in remote areas, even carrying the mail when no one else would, playing an invaluable role in our Nation's growth and development in the late 19th century.

These young men, mostly in their early 20s, came from many States in the aftermath of the Civil War, who endured harsh and often dangerous conditions in the performance of their duty and they were greatly relied upon. There are countless stories, like the time 34 Buffalo Soldiers came to the rescue of a railroad camp which was under attack by a Cheyenne war party during the Indian wars. The soldiers broke through an encirclement of more than 100 warriors and successfully defended the workers, who were all saved. Many were seriously injured, one fatally. But, as always, they did their duty bravely.

Many of the senior military leaders who were still in office when the Tuskegee Airmen were formed in 1941 would have been familiar with the story of the Buffalo Soldiers and their record of service. Certainly the Buffalo Soldiers helped pave the way.

The military was still segregated at the outbreak of World War II, and the all-black fighter group that was activated at the Tuskegee Army Airfield had to deal with racism and prejudice every day. But the commitment of the pilots and the crews and the support personnel never wavered. They steadfastly went about their duties, about their business, and eventually flew scores of combat missions in Italy and other areas of Europe. They fought heroically, though some were lost. They proved to be tremendously effective in bringing down hundreds of enemy planes and providing support for ground troops advancing in Germany.

Today, we express the thanks of a grateful Nation to the soldiers, sailors, and airmen of all races and creeds and ethnic backgrounds whose service and sacrifice have kept us free and kept us strong for more than 2 centuries, and to those on the home front who also fought to make freedom available for all.

Today, we also pay tribute to those thousands of African Americans who are now engaged in protecting our national security here in the homeland and those deployed around the world. God bless you, and may God continue to bless your service to America.

Mr. CUMMINGS. Mr. Speaker, I would just say to the gentleman it was the great theologian Zwingli who said, so often people who make tremendous contributions make them when they are unseen, unnoticed, unappreciated, and unapplauded. And I appreciate the gentleman lifting the names of so many who have given so much to this country.

Eleanor Roosevelt once observed that human rights must begin in small places close to home. They are the world of the individual person where every man, woman, and child seeks equal justice, equal opportunity, and equal dignity without discrimination. Unless these rights have meaning there, she said, they have little meaning anywhere.

It is my great pleasure to yield to the gentleman from North Carolina (Mr. WATT), who has given his blood, sweat and tears to making sure that the rights of all Americans are protected.

Mr. WATT. Mr. Speaker, it is a great pleasure to join with my colleagues this evening in participating in this Black History Month Special Order. In my neighborhood, we do not only celebrate Black History Month in February; it is a year-round, ongoing celebration.

The thing that always gives me great pleasure when I rise on this floor and participate in this 1 hour of comment with my colleagues is that I am always fascinated that I learn a lot from my colleagues of their experiences and other things that I did not know about the history of the African American people in this country. I am tremendously proud to be a member of the Congressional Black Caucus and this body.

Our celebration of black history is a daily event because we understand that we stand on the shoulders of Martin Luther King and Frederick Douglass and W.E.B. Du Bois and Sojourner Truth and Fannie Lou Hamer and Rosa Parks who sat down so that we could stand up, and those four gentlemen from my congressional district in Greensboro, North Carolina, who sat in at the fountain, at the counter there, and started a movement that spread throughout our Nation to guarantee that the fight for justice and equality would continue.

Unfortunately, most of what we have talked about, a lot of what we have talked about today, suggests that many of the inequities, many of the injustices, many of the inequities still continue today. It is on that that I want to focus a little bit because some of our colleagues would have us believe, and our President, I think, would have us believe that the era of addressing these inequities is over, that there is no need to have an affirmative action program anymore.

I have often wondered, if you started a race at one point and you started somebody 100 yards ahead and the other participant in the race 100 yards behind, how long would it take and how fast would they have to run to make up that 100 yards. There is, I am sure, a mathematical formula that could anticipate that. Unfortunately, we cannot run faster, we cannot learn quicker, we cannot make up the economic disparities that exist. We cannot make up the health disparities that my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has described, that continue to exist, by running the same pace without some kind of adjustments being made.

We could not make up our position in this Congress of the United States from North Carolina from 1898 until 1992 without an affirmative action that took into account that racism existed and disparities existed and the unwillingness of part of our community to vote for another part of our community.

So I think Martin Luther King and Frederick Douglass and W.E.B. Du Bois and Sojourner Truth and all of these people that we pay tribute to during our Black History Month celebration would not want us to dwell necessarily on giving them honor because they were not about honor. They were about justice and equality and running faster and trying to catch up to close that gap. Unfortunately, that gap continues to exist today in education, in economic disparities, in health care.

As part of our obligation as members of this caucus, and as part of our obligation as Members of this Congress, not only members of the Congressional Black Caucus, to assure that what took 200 years or 300 years to create, we do not assume can be wiped out with running faster for 30 or 40 years. It is going to take a long time to make up these disparities, and I applaud my colleagues for continuing to run faster and work harder and to work for equality as all of these people on whose shoulders we stand worked for equality.

We must continue to do the same.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman, and I want to thank him for working so hard on the very issue that you just spoke about.

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I am very pleased, Mr. Speaker, to yield to my distinguished colleague from the great State of California who has made it her mission to address the issue of AIDS in Africa and made it her mission to address many, many concerns of people who have often been left out and unheard, the great lady from the State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for that very humbling introduction and for his leadership in putting together this very important Black History Month Special Order, also for his really steady and magnificent leadership of the Congressional Black Caucus.

Mr. Speaker, today we do stand at the crossroads in our battle against the global AIDS pandemic. Now because this is Black History Month, I would like to take a minute and set forth the historical record with regard to this issue and the role of the Congressional Black Caucus in bringing the African and the Caribbean AIDS pandemic to the attention of the United States Congress, the Clinton administration and the Bush administration.

After years of hard work on the part primarily of the Congressional Black Caucus and our friends in the activist and the NGO community, we are finally seeing the issue of AIDS in Africa and the Caribbean in the national spotlight. Now, several years ago my friend, a former colleague we all know and respected, Congressman Ron Dellums, and several American and South African activists developed a very comprehensive plan to combat AIDS in Africa.

Now, we envisioned creating an AIDS Marshall Plan in Africa that would mirror the original Marshall plan that helped our friends and allies in Europe rebuild from the aftermath of World War II. So I have introduced the AIDS Marshall Plan as legislation. Let me just say that each and every member of the Congressional Black Caucus signed on as co-sponsor. I think that is a historical fact that needs to be recorded.

As my colleagues on the Congressional Black Caucus, especially the gentlewoman from California (Ms. WATERS), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from New Jersey (Mr. PAYNE), as the CBC took up the cause in Congress and Ron Dellums forged ahead outside of Congress, the gentleman from Iowa (Mr. LEACH) helped us fashion the AIDS Marshall Plan into the legislative framework for a global trust fund to be housed at the World Bank. Finally in 2000, we began to see some progress as our pushing and prodding gained support for the issue in this House.

In July of 2000, we were successful in adding $42 million to the FY 2001 foreign ops bill for global AIDS spending, which was really a small amount compared to the actual need; but it took a monumental effort on the part of the Congressional Black Caucus, the activist community, and our minority leader, the gentlewoman from California (Ms. PELOSI).

Soon after, thanks to our consistent consultations with President Clinton and other administration officials, we won passage of the Global AIDS and Tuberculosis Relief Act, which was signed into law in the summer of 2000 and which formally committed the United States to seeking the establishment of the global trust fund to fight HIV and AIDS. This was in August of 2000.

The passage of this bill was a major achievement and really I must say a vindication of the very hard work that went into the initial AIDS Marshall Plan put forth by Congressman Ron Dellums.

Now in the last Congress, we made great strides towards the passage of other comprehensive global AIDS bills, and we really managed to engage this administration and our colleagues in the House and the Senate on this issue. Most importantly, we witnessed the international community, led by Secretary General Kofi Annan embrace the newly established global AIDS fund to fight AIDS, tuberculosis and malaria, again, an achievement which the Congressional Black Caucus is very proud of.

Now, in many ways the result and the leadership of primarily the Congressional Black Caucus' work over the last 5 years was evident at the State of the Union address 2 weeks ago when President Bush announced an emergency plan for AIDS relief in Africa and the Caribbean that would devote 15 billion over 5 years to treating those who were infected and those who are not. But our work on this issue does not end here, and we still have a long way to go before we can truly claim victory over this horrendous disease.

There are still an estimated 29.4 million Africans and 440,000 Caribbeans living with HIV and AIDS. Over a third of the populations of many sub-Saharan African countries are infected with AIDS, and in the Caribbean nearly 90 percent of all the AIDS cases are in Haiti.

In Africa and in the Caribbean, however, we are not just fighting against AIDS, but we are fighting tuberculosis, malaria and other diseases, high rates of infant mortality, the lack of access to health care, underfunded education systems, underdeveloped agricultural capacity, poor infrastructure and excessively high debt burdens. All of these developmental issues are tied to HIV and AIDS, and all of them contribute to its spreads in one way or another. That is why the fight for us continues.

The President's initiative represents a major step in a marathon, and we intend to make sure that the United States and the international community finishes the race. We cannot compromise on the substance of what our response to the pandemic should be, and in particular we will continue to push for your funding for the global fund because multilateral institutions do work and they deserve our support.

In conclusion, Mr. Speaker, let me say that during this Black History Month I hope that we all, members of the Black Caucus, this entire body, rededicate ourselves to the ideals that so many sung and unsung African American heroes and sheroes have lived and died for, and that is for liberty and justice for all.

Mr. CUMMINGS. Mr. Speaker, might I inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. PEARCE). The gentleman has 4 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I grant time to the gentleman from New York, who has fought issues with regard to education (Mr. OWENS) for many, many years and has stood at the forefront of that issue and many other issues.

Mr. OWENS. Mr. Speaker, I want to thank the chairman also for sponsoring this Special Hour on Black History Month, and I want to discuss a few milestones and events in African American history that are related to education and that should not be forgotten.

We should not forget that one time to teach reading to a slave was a crime. If you want to know why we are in a position where we need affirmative action, if you want to know why at present the median net worth of white families in America is $120,000 while the median net worth of black families is America is only $17,000 then take a look at where we had to come from.

For 232 years it was a crime to teach a slave to read, and then we went through a period where we had to endure separate but equal; but separate but equal was never equal. I came from the Southern schools, the Southern schools. All my life I was in Southern schools, and there was a point where the books and desks and everything that we had had been used for 5 or 6 years by white schools before they were shipped to the black schools. So in every way there was no equality.

We should remember this. We went through separate but equal, and now we are in a situation where it is official neglect. The money, the resources necessary for education is not there. We have a lot of rhetoric supporting public education where most of our black youngsters are educated, but we do not have any resources.

My time is short so I will have to cut this sort. I just want to say that education is a civil rights issue of our time. It is a civil rights issue we must focus on. The slaves who were set free understood very well the most important thing for them to do was to read. People who learned to read had a great deal of status in the new free-slave communities, and we have to get back to that in our African American communities.

Education must be our first priority. It is the only way out of poverty. It is the only way to achieve political equality.

Mr. CUMMINGS. Mr. Speaker, our last speaker is a lady from the great State of Texas, who I yield the balance of our time to. But we just remind America that as we celebrate Black History Month, every day black history should be celebrated. Without further ado, I yield the balance of our time to the great lady from the State of Texas (Ms. JACKSON-LEE), who is also the first vice chair of the Congressional Black Caucus.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. And I will count the conclusion, Mr. Speaker, to be the beginning. And that is to acknowledge that we are just beginning to explain to America some of the issues that still plague us but also offer to America a sense of hope, that we are Americans, African Americans who believe in this country and believe in America's promise.

That is why I think it is appropriate to cite from the letter in the Birmingham jail of Martin Luther King. And when he wrote this letter on toilet paper as he was incarcerated, he was responding to the clergy who had condemned him for coming from Atlanta to Birmingham to agitate in Birmingham. He simply said, "We have waited for more than 340 years for our constitutional and God-given rights."

And so I conclude this evening with a beginning and that is that we must continue to fight for our civil rights. And we hope that we can educate America that even though it appears that the civil rights era is over we begin anew. It is extremely important to recognize that the Kerner Report written in 1968 is in actuality a statement of America today. Oh, yes, we have made achievements. We are very gratified that we have leaders in academics, leaders of corporation, leaders in science; but yet we still find an unequal community as it relates to criminal offenses and judgments, racial profiling, the now attack on affirmative action which I believe is an attack out of lack of understanding and ignorance. Because if you understood the University of Michigan's very astute and very precise program, Mr. Speaker, you would understand that it is equal to giving 20 points for being an alumnus child, 20 points for living in northern Michigan, 20 points for speaking a different language. It is not in any essence a quota or preference. It is an outreach to make sure the university reflects America.

So we say today that even though we had Brown v. Board of Education in 1954 and many of us thought we had integrated America's school, we are in fact going backwards by showing a large degree of segregation. It means that our work is just beginning, Mr. Speaker. It means that I call upon my colleagues here in the United States Congress to join us not in celebrating African American History Month on a day or night when the members of the Congressional Black Caucus rise to speak to you, but let us do it in our actions by working with us to ensure the Supreme Court does not rule affirmative action unconstitutional. Let us encourage Republicans and Democrats to file briefs that will support the idea of a color blind society and an outreach society that ensures a diversity as it should be.

In conclusion, let me suggest to you, Mr. Speaker, that we are reminded of the words of Martin Luther King explaining why we cannot wait. We cannot wait because we are still unequal. The scale is still unbalanced, and it is necessary that we fight not isolated as one community against another but as Americans recognizing that this Nation is better by understanding our history, being able to suggest that our history is American history, and fighting with us for America to reach its promise.

Mr. Speaker, my entire statement is as follows:

Mr. Speaker, I rise today to discuss an issue that is timely: the State of Civil Rights. I am pleased that the Congressional Black Caucus has reserved this hour to focus on Black History Month. This year's theme is the "State of the Union 2003." We heard recently the President's State of the Union. The President did not speak to the real State of the Union for African Americans.

We celebrate Black History Month at a time when our civil rights are under attack. I joined many of my colleagues in filing an amicus brief in support of the affirmative action plan of the University of Michigan. Affirmative action is under attack in this country more than 30 years after the Supreme Court's decision in Baake.

Nearly 35 years ago, President Lyndon B. Johnson issued Executive Order 11365 to establish the National Advisory Commission on Civil Disorders to respond to the civil unrest in urban cities. The problems identified by the commission: disparities in police practices, unemployment and underemployment, inadequate housing and poor education remain problems in the African American community three decades later.

The 1968 Report of the National Advisory Commission, also known as the Kerner Commission Report, recommended expanding opportunities for higher education and removing the financial barriers to higher education. Yet, here we are, three decades later, defending affirmative action efforts, battling high unemployment rates in the African American community, dealing with poor housing and deteriorating education in urban areas for children in K–12.

Affirmative action has moved to the center of public debate with the challenge to the University of Michigan's affirmative action program. It has become the catchall phase for those who challenge efforts to promote diversity.

Affirmative action is a set of tools used to give qualified individuals equal access and equal opportunity to employment or education. It means taking positive steps to end discrimination so that managers or other people who make hiring decisions have to give every candidate a reasonable chance to compete. What it does not mean is quotas or preference for unqualified applicants.

I would like to remind my colleagues that before the release of the Kerner Commission Report, affirmative action law can be traced back to the early 1960s, when the Warren Court, and then the Burger Court, dealt with the problem of integration in America's public schools. The basic statutory framework for affirmative action in employment and education services is the Civil Rights Act of 1964. Public and private employers with 15 or more employees are subject to a comprehensive code of equal employment opportunity regulations under Title IV of the 1964 Act.

Affirmative action is needed to address present day discrimination, and the problems that women and minorities must contend with when they apply for jobs, educational opportunities or try to move up the corporate ladder. We need affirmative action because discrimination still exists and is holding America back from achieving the highest principles of fairness and equality.

It dismays me that affirmative action is under such intense scrutiny. If the Supreme Court rules against the University of Michigan, opportunities to enter the doors of our great higher educational institutions will be denied to thousands of minorities. This is truly a watershed case, and I am disappointed that the President has come out publicly against the school's affirmative action plan. The University of Michigan established a sound and well thought through admissions plan both in the undergraduate school and the law school. This was clearly a solid use of affirmative action. The school followed the spirit of the law and considered a range of variables in admitting students, including unique talents, interests, experiences, leadership qualities and under-represented minority status.

We do not live in a colorblind society. The 14th amendment to the U.S. Constitution guarantees that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

When affirmative action works, qualified women and minorities have a fair chance at employment, education, and business opportunities.

The 1968 Kerner Commission found that the extent of underlying socio-economic problems caused racial strife. While I believe that African Americans have made tremendous strides, we still have a long way to go to reach true equality. African Americans on a daily basis face prejudice, police brutality, and racial profiling. Unfortunately, we are not often in the position to seek redress through the judicial system. The judicial nominees to our nation's courts are becoming more and more conservative. I opposed the Pickering nomination and I oppose the Estrada nomination.

Socio-economic barriers still exist in the African American community. There are 36.4 million African Americans in the country, according to the latest census. This is 12.9 percent of the total population, yet the poverty rate for African Americans is 22.7 percent.

African American History Month is a celebration of people who have gone before us and on whose shoulders we stand, of people who stand among us today transfixed on a goal to achieve even more. It is a time to pause and renew our commitment to realize the progress and achievements of our people and to go much further as we write our own chapter. A time to continue the legacy of African American History.

President John F. Kennedy said in 1963 that "Every American ought to have the right to be treated as he would like to be treated, as one would wish to be treated, as one would wish his children to be treated." I believe those words ring true today 40 years later.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I commend my colleague, Mr. CUMMINGS for reserving this special order to celebrate Black History Month, a commemoration that dates back to 1926 when Black Americans celebrated Negro History Week.

Mr. Speaker, it is my hope that the citizens of the United States, especially young African-Americans, recognize how we've grown and developed since then. And also realize and appreciate the important contributions of their forebears and contemporaries to the development of this nation and American society.

I am proud to stand before you today to salute two outstanding citizens from my childhood home to Waco and congressional district of Dallas. James Andrew Harris was born on March 26, 1932 in Waco, Texas. As a graduate of Houston-Tillotson College in Austin with a chemistry degree, Mr. Harris worked in the Nuclear Chemistry Division of the Lawrence Radiation Laboratory at the University of California. There he was part of the team that discovered and identified elements 104-Rutherfordium and 105-Dubnium on the Periodic Table of Elements.

Dr. Otis Boykin was born in 1920 and raised in Dallas. His mother was a homemaker and his father a carpenter. Dr. Otis attended Fisk University and the Illinois Institute of Technology. Unfortunately, his parents could not afford his tuition and he dropped out of college after two years. Thereafter, Dr. Boykin built electrical devices used today in all guided missiles and IBM computers. He also developed a control unit for an artificial heart simulator (pacemaker) that helps millions of cardiovascular patients. Otis Boykin will be remembered as one of the greatest inventors of the twentieth century.

Mr. Speaker, today I am worried that given the current educational settings of our country, future Otis Boykins and James Andrew Harrises will not have the opportunity to pursue their dreams or realize their talents.

I want to focus briefly on what is going to happen in my State of Texas. It is reported that at least $2.7 billion must be cut from Texas public education over the next two years to balance the state budget without a major increase in taxes or fees. The University of Texas at Austin will hire fewer professors, forcing students to scramble for the classes they want. At Texas Women's University, fewer police officers may patrol the campus. Some intercollegiate sports may disappear from Collin County Community College. Tuition will probably rise at Dallas County Community Colleges. Universities, medical schools, community colleges and the Texas Higher Education Coordinating Board collectively must slash $343.8 million in the middle of the school year.

Mr. Speaker, one University of North Texas official summarized the current situation very clearly: "The monster came through our door, and now he's sitting on our lap."

I am further concerned as I read new stories, such as a Washington Post article which recently indicated that Oregon is on the verge of cutting as many as 24 days from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? They cannot!

Just a couple of weeks ago we listened to President Bush's well-written, well-delivered State of the Union address. Yes, it was nice to hear words about diversity, higher education, making college more affordable, and leaving no child behind. But words are cheap! What has been done to increase the diversity of our populations in higher education? What is being done to make higher education more affordable? And how will we ensure that no child is really left behind in our elementary and secondary public school education system?

Mr. Speaker we should invest in the education of under-privileged young people here at home. It will improve not only our educational system, but our society as a whole. So many Otis Boykins and James Andrew Harrises will have the opportunity to revolutionize technology that affects people's everyday lives.

Again, thank you to Congressman CUMMINGS for organizing tonight's special orders.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ABC CODES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the billing code system in the United States permits insurance reimbursement for health services and facilitates review of patient access and utilization of benefits.

Mr. Speaker, the way we determine health policy, evaluate health care services and codify those services for reimbursement impacts our health care system in dramatic ways. In health care reimbursement, if there is no code for the product, it will not get reimbursed.

Many Americans use complementary and alternative health care procedures, including nursing, chiropractic, acupuncture, naturopathic medicine, nutritional and botanical therapies. Too often there is no insurance reimbursement or inadequate reimbursement for these health-promoting services. And one reason is because there is no standardized tool to code these services and products. As a consequence, those who can afford it pay out of pocket and those who cannot are denied access.

Right now the Current Procedure Terminology code, or CPT codes as it is called, is the only approved coding standard available for insurance reimbursement. It is geared strictly to services provided by physicians and does not have the capability to represent services by other licensed providers including nurses. The CPT codes cover only about a quarter of all health care services used by Americans, leaving out three quarters of all health care products and services used to stay healthy and prevent disease. This creates critical gaps in knowledge about the health care marketplace.

On January 16, Health and Human Services Secretary Thompson authorized a pilot test of a new coding practice in accordance with the provisions and regulations governing the Health Insurance Portability Act that facilitates electronic transactions. These new codes supplement CPT codes and support tracking, measurement and analysis of the economic and health outcomes of complementary and alternative medicine, nursing and other forms of integrated health care. We have the opportunity as a result of this action to make major strides in addressing pressing issues in health care, accessibility, quality and cost management.

Mr. Speaker, this new technology is a set of alphabetic codes, called ABC codes, that function in a manner similar to the bar codes in the retail industry. This innovative new technology can provide us as health policy-makers with a more complete and accurate picture of the way U.S. health care is managed, financed, and delivered in terms of what works and what does not.

□ 2100

Head-to-head comparisons of conventional, complementary and alternative care are necessary to identify and advance the most health-promoting and cost-effective health care practices.

Mr. Speaker, I learned about the ABC codes because they address many health care services that have been largely ignored and undervalued and because studies show it is much more cost-effective to prevent disease than to treat it after it has developed.

The developers of ABC codes have designed ABC codes to fit into existing health care data fields, software application and information systems. So the cost and burden of implementation is small, but the benefits are large, and ABC codes help payers identify when reimbursement is justified as it relates to whether the provider is licensed under State law.

Mr. Speaker, I urge everyone to pay close attention to this pilot program to learn of the value of integrating complementary health care and assisting us in developing a model of care that is more cost-effective and health promoting.

SENATE CONFIRMATION OF MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I would like to yield to the majority leader, the gentleman from Texas (Mr. DELAY). I think his comments are especially pertinent this evening in consideration of the debate that is going on in this Capitol. So I yield to the gentleman.

Mr. DELAY. I greatly appreciate the gentleman giving me some of his time. The gentleman is on this floor on a very regular basis making some very important remarks about very important issues, and he will continue that, but the gentleman is right, Mr. Speaker.

Tonight is a very, very important night. There is a debate going on in this town that is highly important to the future of this country. The debate is so important that I hope the American people are tuning in and understand what is going on in this country.

Because, Mr. Speaker, there is a gentleman that has been nominated to serve on the D.C. Court of Appeals bench. The gentleman's name is Miguel Estrada. Miguel Estrada is exactly the type of highly qualified lawyer that America needs on the bench in this country. His story also mirrors America's best heritage of individual achievement and the blessings available to those who choose to hitch their futures to our republic. He represents the best tradition of hard work, perseverance, dedication and integrity. He built a strong record of academic excellence in leading universities.

The left often opposes conservative judicial nominees on the basis of an unfavorable rating from the American Bar Association, but in this case, Mr. Speaker, even the ABA recognizes that Miguel Estrada is well qualified. In fact, Al Gore's close legal adviser and former chief of staff Ron Klain had this to say about Estrada: Miguel is a person of outstanding character, tremendous intellect and with a deep commitment to the faithful application of precedent. The challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others and genuinely devoted to helping those in need.

Former President Bill Clinton's Solicitor General Seth Waxman said, During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views or indeed that they reflected any consideration other than the long-term interests of the United States. I have great respect both for Mr. Estrada's intellect and for his integrity.

There, Mr. Speaker, we have it. Objective observers from the other side of the aisle recognize that Miguel Estrada is a highly qualified and intellectually gifted legal superstar who would immediately raise the standard of the bench on his first day.

There is no substantive basis for opposing his candidacy beyond the vicious and intellectually dishonest tenets of an all-consuming leftist ideology that is driven entirely by an appetite to destroy anyone standing beyond its control.

The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life: faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions.

That last point in particular, Mr. Speaker, summons the deepest venom and bile from the left. They attempted over the four decades beginning in the 1960s to put forth a vast and sordid swindle upon the American people. The left claim that men and women could take any action, that they could ignore our most sacred and sacrosanct traditions, that in service of convenience they could callously destroy and step forward without consequences.

Now we know better. We know that the left's malevolent campaign to undermine the notion of truth itself comes at a frightful price. Their malignant hold over the intellectual life of this country must be exercised, and men and women who are willing to speak the truth offer our only hope of reclaiming our culture from the grip of a hedonistic, reckless and destructive descent into nihilism.

They oppose anyone who would reject the long reckless reach of the plaintiff's bar into everyday lives with frivolous and destructive lawsuits. The left are wracked with malice by the prospects that a Republican judicial appointee would approach the Constitution with reverence as a fixed defining document that offers a true north for the breadth and reach of the Federal Government.

The left prefers instead legal anarchists who approach the Constitution as a malleable document, subject to political manipulation and susceptible to the faddist legal theories of the moment.

Because Miguel Estrada is committed to upholding our founding principles and preserving the integrity of the rule of law, the left is targeting him for destruction. This we cannot and we will not allow.

Mr. Speaker, I must say that the other body is working late into the night, and I hope that the American people will tune in to C-SPAN that is carrying the other body's debate because it is a critical debate to what is going on in this country today. It is a critical debate, a debate that the Nation is having today, a debate that is so vitally important to the future of this country.

To take a man from Honduras, an immigrant that has worked his way up, realizing the American dream, going to college, getting his law degree, working in courts and working for the President of the United States, trying to advance an agenda that is vitally important to American people; but because he may have a name that is different than most, because he is a Hispanic, he is a danger to the left, and they are treating him as dangerous.

Mr. Speaker, I think it is vitally important that we as Americans stand and support Miguel Estrada in his quest to serve on the D.C. Court of Appeals, and I would urge this House to stand up with Estrada on this evening, a very important evening for this country, and I thank the gentleman for yielding.

Mr. McINNIS. Mr. Speaker, before the gentleman leaves, I would like to point out a couple of things about Mr. Estrada.

First of all, the American Bar Association has given him the highest qualifications. These are the people that go in, regardless of race and economic status, they take a look at their legal qualifications. He is at the top of the book. He is at the top of the group. He is at the top.

Second of all, I think it is very important some of the gentleman's remarks. He is a leader, a recognized leader in the Hispanic community. Why are they picking on him? They cannot pick on him because of substance. I think there is a double standard back here.

The Democrats on one hand stand and say they feel strongly about the Hispanic community, but when the going gets tough, where are they to be found? It is people like my colleagues sitting over here that have enough guts to stand up when something is going wrong and say, how can you do this? Or the American Bar, which by the way is nonpartisan, has said he ranks at the very top. And here we have the Democrats taking on what is going to be the first opportunity for a Hispanic in the history of our country to be named into this position, and it is the Democrats who take one of the most highly qualified attorneys in this country, according to a bipartisan group, the American Bar Association, and are at this very moment seeking to destroy him.

The gentleman's comments were well taken.

I would be happy to yield back to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

It is rather strange that it is okay to be Hispanic, but a person has to be Hispanic with a particular point of view. In this country, can my colleague imagine that a person has to be a Hispanic that only believes one way, that only believes the way that the left would have them believe, that is only controlled by the left?

But to have somebody that has brought himself up from poverty and present himself to the United States for a very important prestigious appointment, to have to kowtow to the control of the left because he may not think the same way they do, that he may not believe in the same things that they do, is just outrageous, and the American people need to see what is going on here in this town tonight.

They need to understand what is going on in this town tonight, and they need to reject those that would reject Miguel Estrada.

Mr. McINNIS. Again, reclaiming my time, in my opinion, this is the clearest example of a double standard that we have seen in a long time, and it is taking place right now in front of the American public; and the American public ought to stand up and say, look, just because one is not on the radical left does not mean they should not have an opportunity as a Hispanic leader, as one of the top-rated attorneys in the country by the American Bar Association, to take a position that has never before been held by a Hispanic.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman being here and I appreciate him yielding time to us, and I think I and my colleagues are going to go over to the other body and witness what is going on.

Mr. McINNIS. Mr. Speaker, reclaiming my time, I appreciate the majority leader taking time to share these comments with myself this evening.

Mr. Speaker, I thought long and hard before I came over here to the House floor tonight. My comments are coming from the depth of my heart of which I feel very very strongly about. I want to go through a couple of things with all of my colleagues this evening because I know most of them feel the same way I do. They understand our job responsibilities to the American people, our job responsibilities not only to the American people, but to the world.

As the President said in his State of the Union address, freedom is not just a gift to America, freedom is a gift to all humanity; and this Nation leads the world and has led the world throughout its history, throughout the history of this Nation as the one who carries the banner of freedom, as the one who has the ability and not just the ability, excuse me, but has the courage, the profound courage, to stand up for other countries that are not as fortunate.

It is the United States of America that today, when we match it against any country in the history of the world, not just the history of the United States, but any country in the history of the world, it is the United States of America that has gone to arms more often than any other country to defend another country. It is the United States of America that goes to military assistance; not to conquer, the United States did not go out and attempt to conquer other countries. That is not our mission in this life.

Our mission is to go out and allow freedom to spread throughout this world. It is the United States of America that today, if we take a look at all the food assistance in the world, it is the U.S.A. that provides 60 percent of it. It is the U.S.A. that provides more educational opportunities than any other nation in the world. It is the United States of America that provides more medicine to other countries than any other country in the world. It is the United States of America that allows more opportunities to immigrants than any other country in the world.

There is a reason that in the United States of America we have problems with immigration. Do my colleagues know why? Because of the fact we do not have any lining up to get out of this country. We have people lining up by the hundreds of thousands that want to come into this country, the country of great promise, but this country only achieved this position of strength through a position of commitment.

That is when we see something wrong going on, either against our citizens or against the citizens of our friends, we must take a position. We must stand up. In part, nobody else has the capability to do it.

Then sometimes when, as the case that I am going to go through with my colleagues in some detail tonight, there are other countries that have the capability to stand up and do it, but they will not stand up. When the going gets tough, that is when we count our friends.

□ 2115

There are a lot of people who will want you to be the first one out of the foxhole. But the fact is not a lot of people will follow you as you go onto that battlefield under heavy fire.

Now, let me say right at the onset of my remarks, the President of the United States has done a tremendous job. The Secretary of State, Colin Powell, has done a tremendous job.

Condoleezza Rice, Don Rumsfeld. Thank goodness, in this time of need, George W. Bush put together this kind of A squad. I do not care whether you are a liberal Democrat or a conservative Republican. The fact is when you take a look at a Condoleezza Rice, when you take a look at a Colin Powell, whether you agree or not, the fact is you have to say they are good. They are class. They are the top. They are the A squad. And fortunately, in this time of need, we have the A squad running this country.

Now, I want to go over this evening, number one, what I think our ultimate responsibility is to the American people, to the constituents that we represent. I want to go over a little background of Iraq and talk a little bit about Saddam Hussein, who unilaterally, by himself, has killed more Muslims than any other known person in the history of the world. He has killed more Muslims. Killed more Muslims. And that, by the way, includes men, women and children. He is the only leader alive today that we are aware of that has used chemical weapons and things like anthrax and other types of poisonous weapons to kill his own population, to kill his own people. He would just as soon take to war against another country, but use it against his own people. So I will talk a little about the history of this madman.

I will talk a little about the situation we face in regards to our allies, particularly the French and the Germans, who have stunned the world of NATO, which for 50-some years has been a close-knit organization, an organization in which the loyalty and the dedication to your fellow members has never been questioned, has never been questioned. Their moves in the last week and a half have shaken the very foundation of the North Atlantic Treaty Organization.

I will be going to Europe this week to participate in NATO meetings, and I can tell you that I am taking a message to my colleagues in Germany and Europe and Belgium and Luxembourg. My message is: Have you thought about what you are doing? Look what you are doing to the family. I know we may have a family dispute, we may have an inter-family dispute, but look what you have done to the family. The steps that the French and the Germans have taken this week reach far beyond the fact they refuse to provide assistance to the country of Turkey, which by the way is the most Muslim country in the world, a nation that has stood up against radical terrorists, against the radical believers of the Koran who have read it inaccurately. Yet our colleagues in France and Germany have refused to stand up, and they have really cracked the foundation of an organization that some now say has served past its due time.

I want to visit a little about what we do after this is all done, and I think it is very important. Because what other country in the history of the world, show me one other country in the history of the world that after they engage in a military conflict with another nation believes that it is as important to rebuild the nation that they just went to war with; that it is more important to rebuild that nation than to walk away. The United States of America did it in World War II with the Marshall Plan.

The United States of America built Japan. In fact, the aid we gave Japan, I can remember in the 1980s, when people were saying, my gosh, we restored this country, we saved this country from going into oblivion. We saved this country. We helped rebuild this country. We wrote their constitution and we put a general in charge, and now Japan is overtaking us in the business community. Remember those days in the 1980s? This Nation is not a Nation that seeks to conquer. This is a Nation that seeks to do good and do good for the right cause and for the right people. And this is also a Nation, although reluctant to do so, it is a Nation that is prepared to take that sword and show its terrible wrath against the evil people of this world. And, of course, Saddam Hussein fits at the very top of that list.

Let us visit just a little about Iraq. We all remember the situation in the Persian Gulf. And I have heard many people criticize, including myself, when I asked the question many times, Why did we not take out Saddam Hussein in the first Persian Gulf War? Why did we not do it? What kept us? We had a superior Army, and the so-called Republican Guard of the Iraq armed forces folded. They folded like that. In fact, many of the guard surrendered to unarmed American photographers, newspaper reporters. And we went, Why did we stop at Baghdad? Why did we not go in and take care of the problem?

Initially, I criticized the first George Bush. But when we take a look at what happened, it was not the President of the United States. Not at all. It was the United Nations. It was the United Nations mandate. That was the only authority, assuming we followed that mandate, the only authority this Nation and its coalition had, which was to take Saddam Hussein out of Kuwait, but not to go in and have a regime change. So as a result of the United Nations actions 12 or 13 years ago, it was the United Nations that kept Saddam Hussein in power, and it has been the United Nations, which resolution after resolution after resolution has turned a blind eye towards violation after violation after violation. Keep in mind that this country knows when it is called upon to do good for other countries.

My district is in the Colorado Rocky Mountains. I had the good fortune, the privilege, actually, of being in Aspen, Colorado, when George Bush, Sr., flew in to the news, as he was in flight, flew into the news that Iraq had just taken a smaller country, Kuwait. Had invaded it. Had invaded that country. It was Margaret Thatcher and George Bush, Sr., in Aspen, Colorado, that made the decision that the action taken by the Iraqi country and by Saddam Hussein would not stand. Remember those words? The President said this will not stand.

We prepared militarily. We built a coalition. But we yielded to the leadership of the United Nations, or at least the restrictions imposed by the resolutions of the United Nations, and that is that we not go into Baghdad and have a regime change. Furthermore, we yielded to the United Nations, who basically set out the terms of what the negotiation should be on the surrender of Saddam Hussein. These surrender terms allowed Saddam Hussein to stay in power. It allowed him to stay in power, but under very, or what we thought at the time, were very tough and stringent conditions. And those conditions being that he would never again arm that country with weapons of mass destruction; that he would allow inspectors into his country for the rest of the history of that country; that he would turn over to the allies and to the United Nations inspection forces all his weapons of mass destruction; that he would list the weapons of mass destruction that they still had in their inventory.

This was term after term after term after term that the United Nations insisted upon during the surrender. What happened? Violation after violation after violation.

Now, keep in mind that I think our responsibility as Congressmen to this Nation, and frankly to the world, but our ultimate responsibility is to provide for the security of the people of this country. I cannot think of any other responsibility that rises to the level of protecting the security of the people that live within these borders and our friends outside these borders. It, in my opinion, is an absolute obligation. And should we fail through negligence, or in this case what I would consider gross negligence, because we know what Iraq has; we know, at some point, what Iraq's intentions are, it would be a gross failure of our ultimate responsibility if we did not answer to the call, if we did not send fire trucks to this fire.

Sure, the fire is dangerous. Sure there are a lot of resources and a lot of fire trucks that we are going to have to send to that fire, but we have to send them.

Let me give some kind of comparison here. I think in a lot of aspects a medical doctor has the same type of responsibility to his patient or her patient. A medical doctor's responsibility is to provide for the security of their patient, security in the terms of their health. What is the health of the patient? How can we preserve the life? What can we do for this patient? The security of that patient. And sometimes that means the doctor has to give some pretty tough advice.

In this particular case, think of going to the doctor and you have sort of a hurt in your foot. So you say to the doctor, Doctor, my foot kind of hurts, but it is not really a big deal, I do not think. I am just kind of coming in here because my mom told me I needed to come in and see you. I wanted to get her off my back, so I am coming in to see you. So as the doctor, you come back to your patient and you say, I have some bad news and I have some good news. The bad news is you have cancer in that foot. The good news is we can take care of it now.

Now, it is going to require some sacrifice. It is going to require some pretty dramatic action, action that you never anticipated when you walked into this doctor's office, but nonetheless that action is required. And the patient looks at the doctor and says to the doctor, Doctor, I do not want to hear this. I do not want to hear this. It is going to disturb my lifestyle. It will interrupt me going to work, my work schedule. I did not come in here to hear I have cancer. I came in here just because my foot was bothering me a little. I do not want to hear it.

Or the patient says to the doctor, okay, Doctor, but I want to go home and pray about it. The patient wants to pray it away. I do not want this happening to me. Well, prayer is very important, do not get me wrong. I say prayers everyday, and thank goodness we have some guidance from our supreme being. But the fact is that alone does not do it. Does not do it.

Or the patient says to the doctor, I just want to go home and go to sleep and tomorrow I will wake up and it will all be a bad dream. But the doctor says to the patient, before you leave this office, keep in mind that today we can take that cancer and it is in the foot. If you wait too long, that cancer, the next time you come in here, that cancer will have spread throughout your body, and then my options are extremely limited. So I cannot allow you to go out of this office without being fully open with you and telling you that.

And that is exactly what we as Congressmen, that is exactly the fundamental responsibility that we have to the generation behind us and to the generations that live with us, and that is to be straightforward. We have an opportunity today to stop that cancer while it is still in the foot. To ignore that, to pretend that it is not occurring, to somehow kind of say, let us sleep on it and it will go away is a huge, huge, huge misstep in our obligations.

In fact, I think, I truly think that the failure to stand up to this threat that is so imminent and imminent to future generations, failure for us as a body to stand up to this threat is nothing short of treason. That is how strongly I feel. We know it is there.

Now, this Congress has not neglected its duties. This Congress has stood up and given to the President of the United States the authority the President needs to go in and engage in whatever operation, whether it is a peaceful operation or a military operation, to fix the problem. But this problem needs to be fixed now.

And the President, in my opinion, has been very patient. The nations across this world have been very patient. We have gone through 17 resolutions with the United Nations. Each resolution has been violated. Each resolution has been broken. At one point, Iraq kicked the inspectors out. Iraq has continued time after time after time to hide these weapons, to play a game of cat and mouse.

What would happen if Iraq surrendered those weapons? Do you know what would happen to Iraq if it joined the world economic community? It would be one of the wealthiest countries in the world. They would be able to provide for their citizens. Saddam Hussein could provide a standard of living for his citizens that would match many of the industrial countries in the world.

□ 2130

The people of Iraq could have education. The people of Iraq could have the kind of medication and health care that most industrial countries enjoy. The people of Iraq could enjoy the fruits of their hard work, but instead this horrible leader has focused on one issue and that is a self-serving image of himself to be a creator of disaster. And we have an opportunity to step forward.

Let me say what happened. We have got some examples in history where, when the obligation was there, the team that was responsible to handle it did not do it, did not carry out their responsibilities, and I want to speak briefly about that example.

Germany, World War I, Germany used poison gas. Germany in its surrender, very much, there are a lot of similarities between Germany and Iraq. Iraq in the Persian Gulf War, Germany in World War I. Germany surrendered to the international community. In fact, it is kind of weird how close those conditions that Germany surrendered upon are similar to the conditions that Iraq surrendered upon.

Germany agreed not to produce any more weapons of mass destruction. Germany agreed to allow inspectors into its country. Germany agreed to surrender all weapons of mass destruction or gas or weapons like this to the allies, to the world community.

What happened? It was not very long where Germany, just like Iraq, started saying to the inspection teams, "Wait a minute, this is sovereign territory, you have no right to enter this part of our country and inspect whether we are hiding weapons in there." And the international community, primarily led by France, by the way, gave in. They refused to force Germany to live up to its agreement. They refused to acknowledge the fact that the Germans had lied and the Germans had used those weapons in a very lethal fashion against the world and that they were not surrendering those weapons.

So they did not know what to do with this hot potato. Germany was not allowing the inspectors to carry out their duties. In fact, Germany kicked the inspectors out, just like Iraq did.

So what happened? What did the community do? The international community led by France, they turned it over to a group called the League of Nations. What did the League of Nations do? They talked tough just like the United Nations did, but they blinked, and when Germany continued to refuse to follow the agreement that they made, that they made, the League of Nations stood down. The League of Nations backed off.

What happened? Well, Germany rebuilt its inventories. Germany, in fact, had been lying about the weapons that it in fact possessed. The League of Nations became a paper tiger, and today there are very few people that one can stop who can tell them what the League of Nations is. And the United Nations faces the same challenge.

Keep in mind that under President Clinton on the bombing, the air war against Kosovo, against Milosevic, keep in mind that it was the United Nations which refused to pass a resolution supporting the air war in Kosovo. And now the United Nations stands up and beats on their chest as if they are the ones that saved Kosovo. Fortunately, President Clinton, through his leadership, was determined that that was what was necessary, and frankly he turned out to be right and the United Nations was wrong.

Keep in mind that these resolutions that the United Nations has passed are simply a reflection of the agreements that Saddam Hussein and his country agreed to. These are not conditions imposed by outside countries upon the sovereign immunity of Iraq. These are conditions that Iraq agreed to, and Iraqis themselves have time and time and time again broken the very things that they agreed to.

Now let us take a look at what kind of weapons Iraq has. I listened to some of the people that are protesting this action. I am appalled by the fact that they are ignoring the cancer that exists. I am appalled by the fact that they gunplay to the world, through public relations, a very sophisticated public relations campaign, that they underestimate the threat of these weapons, that they somehow think that we can trust Saddam Hussein, that they somehow think if we love him and hold his hand and talk warm and fuzzy talk with him, maybe share a piece of apple pie with the guy, that he is going to come clean and be a good neighbor.

This is a neighbor who has a vicious past. My guess would be that some of these protestors are some of the protestors that lead protests to disarm American citizens and take on battle with the National Rifle Association, but yet take a totally opposite stand when it comes to Saddam Hussein.

Now let us just see how serious this threat is. We are not talking about 13 empty missiles or shell casings. We are not talking about a couple Scud missiles that exist out there. Let us take a look at what we are talking about.

I refer you to the poster. This is the history of chemical weapons that Iraq has. These are weapons that Iraq has used in the past. So first I want to show this, and then we are going to progress from this poster to the next poster, which demonstrates what their inventory is. But just for those people out there that are in these protest lines, I think you have every right to be there, but I disagree fundamentally with the direction that you are leading a lot of innocent people. You are going to get them killed, in my opinion. You are leading them down the path of disaster if you ignore the history that Iraq has proven to the world.

Let us take a look at the history. My poster, Iraq's history of chemical weapons use. Date: 1983; type of agent, mustard; around 100; target, Iranians and Kurds. Keep in mind that Saddam Hussein has led his Nation on two invasions against other countries outside its borders, not in retaliation but in an offensive action. They attempted to invade Iran, and they did invade Kuwait.

October, 1983; mustard gas; casualties, 3,000; victims, Iranians and Kurds. And I should point out that the Kurds were Iraqi citizens.

February, 1984; mustard gas, 2,500 people. These are equivalent, 3,000. That is like the New York Trade Center and the Pentagon, 3,000 people, and he got them with mustard gas. The same thing, mustard; 2,500 Iranians.

March, 1984, Saddam Hussein, 100 more Iranians.

March, 1985, Saddam Hussein kills 3,000 other people through the use of these chemical weapons.

February, 1986, mustard gas, 8,000 to 10,000 people. Remember, these are not fighting men. These are men, women, and children that were extinguished, they were eliminated, they were murdered in cold blood though the use of chemical weapons as ordered by Saddam Hussein, 10,000 that time around.

1986, thousands, they cannot even estimate how many thousands were killed in that attack by Saddam Hussein using this type of weapon.

1987, mustard gas, 5,000; 1987, mustard gas, 3,000.

1988, hundreds, mustard gas, nerve agents.

How much clearer can it be? I mean, it would be one position if somebody came up and said, "Look, we think this guy might kill somebody with these. It is a threat, but he has no history of it."

We can use history to give us some kind of guidance of what is going to happen in the future. This is a cold-blooded killer. His only interest in being nice right now is to win the public relations battle in the international community. He knows that George W. Bush and the team of Colin Powell and Condoleezza Rice and Dick Cheney, he knows that that team is determined to do what is right. He knows that that team will not allow this threat to exist. So he is attempting, and frankly he is doing a pretty good job of it, to win a public relations battle throughout the world that, "Look, forget what" thou "has done in the past and believe what I am going to do in the future. I am going to be a good guy. It is America, it is America that is causing this problem."

So for everyone this evening who thinks that somehow we are dealing with a paper tiger or we are dealing with a threat that really does not exist, look at the history, look at the history of cold-blooded murder. Take our disaster of September 11 and multiply it and multiply it and multiply it, and we will get to the number of casualties that Saddam Hussein has carried out just through chemical weapons just as soon as other methods of war, which have killed hundreds of thousands of people, primarily Muslims, by the way.

Now let us take a look. We know through our intelligence, through the admissions made by Iraq after the surrender in the Persian Gulf that these following locations, and I will not go through each location, but every point on this poster to my left, every point on here is a weapons production facility, and a lot of these facilities are being utilized.

Let me refer to the next poster. This is one of those facilities, here to my left. It is very hard to see, but this is one of the facilities. On November 10, 2002, somehow the Iraqi leadership, Saddam, got word that the inspectors were going to be there. So on December 22 when the inspectors showed up, now take a look at what has happened.

The facility has been sanitized. It is an attempt to fool the American public. It is an attempt to fool the world. It is an attempt to divert our attention into thinking that this individual, who has twice in his history invaded other countries, who has murdered more Muslims than any other man alive, who has, through the use of chemical weapons, killed members of his own civilian population, who is responsible for hundreds and hundreds of thousands of deaths, and yet he is being persuasive with the world community in some areas in persuading them that he means no evil, that he is not a man of evil, that in fact America is the country of evil. Take a look at that sanitation.

Now let us take a look at what Iraq has under their last admission after Persian Gulf War Number One. If any poster should get your attention this evening, it should be this poster to my left.

These are inventories, not calculated by the intelligence communities of the rest of the world; these are inventories that Saddam Hussein himself admitted that he has and now refuses, time after time after time again refuses to turn those inventories over, refuses to account for those inventories and instead says to a couple of hundred inspectors in an area the size of the State of California, "Find them if you can." That is the message out there, "Find them if you can."

Take a look at what type of weapons we are speaking of. Mustard gas, 2,850 tons. 2,850 tons.

Take a look at the sarin nerve gas, 795 tons of sarin nerve gas.

VX nerve gas, and let me tell everyone about the VX nerve gas. After the Gulf War, Saddam Hussein said he never made VX, he never made VX. In 1995, under pressure from the international community, he admitted that he made VX. He admitted he made VX, but only a few milligrams. Now they admit to 3.9 tons of that.

Nerve agent, 210 tons; anthrax, 25,000 tons; uranium, 400 tons; plutonium, 6 grams. This individual is a very, very dangerous individual.

No other country in the world is capable of leading a coalition other than the United States of America. The United States of America will go forward with a coalition.

Now, when we take a look at the national press, the world press, one would think we have no European support outside of our long-time solid friend of Britain. The fact is we have lots of support on the European continent: Spain, Italy, Portugal, Hungary, Bulgaria. There are a number of different countries that support the position of the United States, that understand that this is not a problem that is unique to this country.

It is a problem that is spread across the entire world. It is a problem that threatens the safety of everybody in this world. And yet there is a coalition that is willing to stand up and do something about it.

And do not be mistaken about NATO. The majority of NATO, the vote that went against us, was 16 in favor of the United States and three against us. The shock of NATO is that a country like France, who now, as we know, are pretty fair-weather friends, meaning they are a friend when it is convenient for them; and the Germans, it is unprecedented in NATO's history that a partner would refuse to help a fellow partner, such as Turkey, in their time of need.

□ 2145

But the fact is do not underestimate the strength that we have within the membership of NATO. There are a lot of people in this world, there are a lot of countries in this world, that realize that this cancer must be addressed now; and we are attempting to do it.

I think we have an obligation to try and address it in the approach that has the least amount of impact; peaceful if we can do it, but do not let this game go on and on, because I am telling you that cancer spreads day by day, and that cancer does not discriminate on its victim. It will attack every man, woman and child alive. And it has no mercy. This cancer will show no mercy.

We can stop it today. And if these means of peaceful approach through the United Nations will not work, if the United Nations will not accept its responsibility and stand up to this madman, it is then inherent in the history of this country and the moral obligation of this country to stand forward and stop that cancer. That is our obligation.

It may not be what seems to be politically correct with some of the population with the French. And by the way, if you want to take a look at what is the incentive of the French and Germans to turn and invest against their long-term friend, the United States, take a look at their oil contracts with Iraq. I have heard people say this is all about oil. Well, with the French, it is. That is where they are getting their oil. Take a look at their long-term business contracts.

When I go to Europe this week, I am going to ask the French and my colleagues in Germany, Where is your investment? Where is your best, solid thought for an investment? Is it with the United States of America and the coalition of Spain and Italy and Bulgaria and Portugal and the British, or is your investment better with the country of Iraq and Saddam Hussein?

I know that we have an obligation to go in and do something about this cancer, but we also have an obligation, and we have accepted that obligation, to be there when we take the cancer off, the aftermath of what happens, after, for example, a military conflict.

This Nation will take into Iraq within hours, within hours of a military victory, we will supply that country of Iraq with medicine they have never seen under Saddam Hussein. We will supply them with food supplies and feed their hungry stomachs to the extent they have never experienced in their lifetime, many of them. We will offer that country, more than anything else we could give them, freedoms that they have never dreamed of under Saddam Hussein.

The United States of America will not rule Iraq. Iraq will rule Iraq. But it will rule it under a leader who cares about the people of that country, who does not place military weapons in school yards and missiles in hospitals. There are only good things that can happen to the country of Iraq if the United States of America and the world community stands up to its obligations.

There is a cost of leadership. Do not just stand up and say you are a leader. A leader is called upon when the challenges get tough. This is a tough challenge, and it is a long-term obligation to give these people what they deserve, and that is freedom, that is health care, that is food, that is the ability to do business.

It is our time. It is our time and our allies' time to stand up and get rid of this cancer. And if the French and the Germans and Luxemburg and Belgium do not have enough guts to do it, then get out of our way, because we are going to do what is right.

This Nation throughout its history, oh, sure, we hit a bump in the road here and there; sure, we made mistakes. This is not a mistake; this is an obligation. And I am confident that under the leadership of our fine President, this Nation will meet that obligation.

A year from now we will look back at many of these naysayers and I will say, now what do you have to say, because it will be our Nation that gave these people their freedom. It will be this Nation and people like the British and our good allies that had enough guts to do what is right.

And make no mistake, as that phrase is commonly used, this team down there in the White House and this Congress which has authorized that team in the White House, we will do what we need to do to give the Iraqi people exactly what they are entitled to.

I can tell you as a United States Congressman, I stand here with a great deal of pride, knowing that I am carrying out my fundamental responsibility to the people of this Nation and to the people of this world, and that is to provide security, to provide freedom, to share our wealth of food, to share our wealth of medicine. We will do the job. We are a can-do Congress. We have a President and an administration that is can-do. We will get the job done, and we hope that the world community will join us. The majority of them, I am confident will. Those allies like the French and Germans, who become weak-kneed now, at some point in time will look back and see it was probably one of the most serious mistakes they ever made.

So it is time for the people of this Nation to stand up in support of its leadership, and they have. We will not betray you. We will not let you down. We will do what we are charged to do, and that is to go out and protect not only our Nation and not only our friends, but the oppressed people of Iraq. And we will destroy those weapons of mass destruction. Iraq, for one, will never be a country, after we are finished, that will have the capability to once again make tens of thousands of casualties through the use of poison gas on innocent civilians.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. PEARCE) laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I will take a leave of absence from the Science Committee for the 108th Congress due to my appointment to the Select Committee on Homeland Security.

Sincerely,

BOB ETHERIDGE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Committee on Small Business due to my appointment to the Committee on Education and the Workforce.

Sincerely,

DANNY K. DAVIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am hereby taking a leave of absence from the House Small Business Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence on the House Committee on Science due to my appointment to the Select Committee on Homeland Security. I also would like to request that I retain my seniority on the Science Committee.

Sincerely,

ZOE LOFGREN.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Armed Services Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ROBERT E. ANDREWS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence from my position on the Government Reform Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ELEANOR HOLMES NORTON.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am requesting a temporary leave from the Resources Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

PETER A. DEFAZIO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER. I hereby give notice that, effective February 12, 2003, I am taking a leave of absence from my position on the House Budget Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely yours,

KENDRICK B. MEEK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Fourth District, Kentucky, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the Agriculture Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

KEN LUCAS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Small Business Committee due to my appointment on the Select Committee on Homeland Security.

Sincerely,

CHARLES A. GONZALEZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Education and the Workforce Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

LORETTA SANCHEZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the House Committee on Small Business due to my appointment to the Select Committee on Homeland Security.

Sincerely,

BILL PASCRELL, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Small Business Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,
DONNA M. CHRISTENSEN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Resources Committee in order to assume my appointment to the Select Committee on Homeland Security.

Sincerely,
EDWARD J. MARKEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

IN SUPPORT OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of the nomination for Miguel Estrada to the District of Columbia Circuit Court of Appeals. This is an extremely well-qualified candidate that I am happy to speak in support of.

This is someone that the American Bar Association, it is not just me who is saying positive things about him, has described as "well qualified."

He was born and raised in Honduras. He would be the first Hispanic ever to sit on the U.S. Court of Appeals in the D.C. Circuit, which many consider the second highest court in our land.

He has extensive appellate experience and is widely regarded as really one of this country's best appellate lawyers. He has argued 15 cases before the U.S. Supreme Court.

If we look at the background and the strong support and experience that he is bringing to this position, he graduated magna cum laude from Columbia, something that is a high distinction amongst any group. He also graduated magna cum laude from Harvard Law School, with a JD degree, where he was the editor of the Harvard Law Review.

After that he went on to become a clerk in the U.S. Court of Appeals in the Second Circuit and also a law clerk for justice Anthony Kennedy, no relation, on the U.S. Supreme Court. Following that, he was Assistant U.S. Attorney and Deputy Chief of the Appellate Section of the U.S. Attorney's Office in the Southern District of New York, a very highly respected district, and was Assistant to the Solicitor General of the United States under both President Clinton and under George Herbert Walker Bush. So he has had experience really working under both administrations and both sides had previously affirmed him to be a very well-qualified candidate.

So this is someone that brings some experiences that we should be very pleased to accept in this important position.

He has strong support among the Latino community. I know Robert Deposada, who I had the opportunity to be in a different event with here just recently, says of him, "to deny Latinos, the Nation's largest minority, the opportunity to have one of their own serve on this court in our Nation's capital is unforgivable." I would certainly agree.

□ 2200

Mr. Speaker, there are some that would make the claim that he lacks judicial experience, but I would say five of the eight judges currently serving in the D.C. court had no previous judicial experience, including Byron White, who was nominated by President Kennedy, and our current Chief Justice Rehnquist, who had no prior judicial experience. Some would say that he has refused to provide memorandum that he provided when he was assistant Solicitor General. But I would remind everyone that that was not requested of seven previous nominees to the court of appeals that had worked in the Solicitor General's office, and every living former Solicitor General, Democrat or Republican, has signed a joint letter to the committee stating that this request would be debilitating on the ability of the Justice Department to represent the United States before the Supreme Court.

So this is a justice and someone who brings unbelievable experience to our courts, someone who we should reach out and welcome, and I certainly am pleased to have the opportunity to join the many colleagues that have been on this floor here earlier today to speak on his behalf, and I would urge all of my colleagues to do so.

RECESS

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

645. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act and the Office of Management and Budget Circular A-11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

646. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

647. A letter from the Secretary of the Navy, Department of Defense, transmitting notification regarding the discontinuation of training at the Vieques Naval Training Range; to the Committee on Armed Services.

648. A letter from the Acting Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the twelth Annual Report on the renovation of the Pentagon; to the Committee on Armed Services.

649. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions," as required by Section 2492 of Title 10, United States Code; to the Committee on Armed Services.

650. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Conditions for Use of NON-GAAP Financial Measures [Release No. 33-8176; 34-47226; FR-65; File No. S7-43-02] (RIN: 3235-A169) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

651. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Transactions of Investment Companies with Portfolio and Subadviser Affiliates [Release No. IC-25888; File No. S7-13-02] (RIN: 3235-AI28) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

652. A letter from the Chief Counsel, Office of Foreign Assets, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcemernt Guidelines—received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department intends to consent to a request by the Government of Germany for a transfer of articles; to the Committee on International Relations.

654. A letter from the Director, Office of Personnel Management, President's Pay

Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

655. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Certification of the Fiscal Year 2003 Revenue Estimate in Support of the District's $374,200,000 Multimodal General Obligation Bonds (Series 2002A and 2002B)," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

656. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Annual Report on Commercial Activities; to the Committee on Government Reform.

657. A letter from the Inspector General, Department of Housing and Urban Development, transmitting the Department's inventory of activities as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

658. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Commercial Activities Inventory; to the Committee on Government Reform.

659. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

660. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting the Commission's inventory of activities prepared pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

661. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

662. A letter from the Chairman, National Mediation Board, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

663. A letter from the Director, Office of Personnel Management, transmitting the Office's strategic plan for fiscal years 2002 through 2007; to the Committee on Government Reform.

664. A letter from the Director, Office of Personnel Management, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

665. A letter from the Under Secretary and Director, United States Patent and Trademark Office, transmitting the Office's FY 2002 annual report on management of commercial activities; to the Committee on Government Reform.

666. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

667. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule--Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries [Docket No. 011219306–2283–02; I.D. 110501A] (RIN: 0648–AM44) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

668. A letter from the Secretary, Judicial Conference of the United States, transmitting the fifth Judicial Conference Report on the Continuing Need for Existing Bankruptcy Judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket No. FAA–1999–6411; Amendment No. 21–82] (RIN: 2120–AH85) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, FL; and Port of Key West, Key West, FL [COTP Miami 02–156] (RIN: 2115–AA97) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–102] (RIN: 2115–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–103] (RIN: 211 5–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Secretary, Department of Labor, transmitting the Department's ninth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2000 to 2001, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

674. A letter from the Secretary, Department of Commerce, transmitting a report on the executive branch strategy regarding WTO dispute settlement panels and the appellate body; to the Committee on Ways and Means.

675. A letter from the Chief, Regulations Unit, Interal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 9037] (RIN: 1545–AY52) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Voluntary Compliance Iniative (Rev. Proc. 2003–11) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Incoming Housing Credit (Rev. Rul. 2003–2) received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Early Retirement Benefit and Retirement-Type Subsidy [Notice 2003–10] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

679. A letter from the Acting General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104—1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

680. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality, Assessment and Performance Improvement (RIN: 0938–AK40) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

□ 0601

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURNS) at 6 o'clock and 1 minute a.m.

CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

Mr. YOUNG of Florida submitted the following conference report and statement on the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–10)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 2), "making further continuing appropriations for the fiscal year 2003, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Consolidated Appropriations Resolution, 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this joint resolution is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Justice
Title II—Department of Commerce and Related Agencies
Title III—The Judiciary
Title IV—Department of State and Related Agency
Title V—Related Agencies
Title VI—General Provisions
Title VII—Rescissions

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Title I—Federal Funds
Title II—District of Columbia Funds
Title III—General Provisions

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Title I—Export and Investment Assistance
Title II—Bilateral Economic Assistance
Title III—Military Assistance
Title IV—Multilateral Economic Assistance
Title V—General Provisions

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of the Interior
Title II—Related Agencies
Title III—General Provisions
Title IV—T'uf Shur Bien Preservation Trust Area
Title V—National Forest Organizational Camp Fee Improvement Act of 2003

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Title I—Legislative Branch Appropriations
Title II—General Provisions

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Transportation
Title II—Related Agencies
Title III—General Provisions

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Title I—Department of the Treasury
Title II—Postal Service
Title III—Executive Office of the President and Funds Appropriated to the President
Title IV—Independent Agencies
Title V—General Provisions—This Act
Title VI—General Provisions—Departments, Agencies, and Corporations

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Title I—Department of Veterans Affairs
Title II—Department of Housing and Urban Development
Title III—Independent Agencies
Title IV—General Provisions

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

DIVISION M—DEFENSE MATTERS

DIVISION N—EMERGENCY RELIEF AND OFFSETS

Title I—Election Reform
Title II—Agricultural Assistance
Title III—Wildland Fire Emergency
Title IV—TANF and Medicare
Title V—Fisheries Disasters
Title VI—Offsets
Title VII—Bonneville Power Administration Borrowing Authority

DIVISION O—PRICE-ANDERSON ACT AMENDMENTS

DIVISION P—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this joint resolution shall be treated as referring only to the provisions of that division.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $3,412,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $8,566,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,759,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $7,358,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $15,251,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,572,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

WORKING CAPITAL FUND

For the acquisition of remote mirroring backup technology of the National Finance Center's data, $12,000,000, to remain available until expended: Provided, That none of these funds may be obligated until the House and Senate Committees on Appropriations have approved a feasibility study to be submitted by the Secretary of Agriculture: Provided further, That if the study is not approved within 30 days of its submission, the funds appropriated shall be available for the authorized uses of the Working Capital Fund.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $400,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $664,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $196,781,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42

U.S.C. 6901 et seq.), $15,685,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $38,095,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,140,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $74,097,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,017,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $588,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $69,123,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $139,354,000, of which up to $41,274,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,052,770,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2003 and thereafter, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $119,480,000, to remain available until expended: Provided, That, in fiscal year 2003 and thereafter, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $620,827,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $35,643,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $112,264,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,264,000; for competitive research grants (7 U.S.C. 450i(b)), $167,131,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,196,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,250,000, to remain available until expended; for research grants for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,100,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,243,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,920,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $4,100,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,500,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,750,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $11,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,700,000; and for necessary expenses of Research and Education Activities, $29,659,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American

Samoa, $453,468,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $281,218,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,387,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $5,525,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $15,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,546,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,875,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $32,117,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $3,000,000; and for necessary expenses of extension activities, $20,877,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $46,743,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the regional pest management centers program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $3,250,000; payments for the organic transition program, $2,125,000; payments for the international science and education grants program under 7 U.S.C. 3291, to remain available until expended, $500,000; payments for the critical issues program under 7 U.S.C. 450i(c): Provided, That of the funds made available under this heading, $500,000 shall be for payments for the critical issues program under 7 U.S.C. 450i(c) and $1,513,000 shall be for payments for the regional rural development centers program under 7 U.S.C. 450i(c).

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $730,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $725,502,000, of which $4,103,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $62,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2003, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $9,989,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,702,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,619,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $14,910,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,950,000, of which $4,500,000, to remain available until expended, shall be for a packer concentration study: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for *the Food Safety and Inspection Service, $603,000.*

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $759,759,000, of which no less than $649,082,000 shall be available for Federal food safety inspection; and of which $5,000,000 shall be for enhanced inspection activities, to remain available through September 30, 2004; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $622,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $976,738,000: Provided, That the Secretary of Agriculture is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), $4,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in Public Law 106–387 (114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,130,000,000, of which $1,000,000,000 shall be for guaranteed loans and $130,000,000 shall be for direct loans; operating loans, $2,705,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans, $400,000,000 shall be for subsidized guaranteed loans and $605,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $22,593,000, of which $7,500,000 shall be for guaranteed loans, and $15,093,000 shall be for direct loans; operating loans, $205,513,000, of which $53,890,000 shall be for unsubsidized guaranteed loans, $47,200,000 shall be for subsidized guaranteed loans, and $104,423,000 shall be for direct loans; and Indian tribe land acquisition loans, $179,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $287,176,000, of which $279,176,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,708,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law; and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2003, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2003, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $750,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $825,004,000, to remain available until expended, of which not less than $9,162,000 is for snow survey and water forecasting, and not less than $10,701,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $11,197,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $110,000,000, to remain available until expended (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or *threatened species to other suitable habitats as may be necessary to expedite project construction.*

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $640,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $907,737,000, to remain available until expended, of which $96,800,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $723,217,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $87,720,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $7,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That of the amount appropriated for the Rural Community Development Initiative, not less than $1,000,000 shall be available until expended to carry out a demonstration program on Replicating and Creating Rural Cooperative Home Based Health Care: Provided further, That of the $1,000,000 made available, not less than $200,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: Provided further, That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $30,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed $18,333,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs; not to exceed $1,000,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each; and not to exceed $12,100,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $30,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any remaining funds specifically appropriated in fiscal year 2002 for rural communities with extremely high energy costs under the Rural Community Advancement Program shall be merged and transferred into the Account: Provided further, That any funds in the Account shall be used to provide grants authorized under section 19 of that Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $145,736,000: Provided, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $5,572,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,044,000,000 shall be for direct loans, and of which $4,528,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $115,805,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,046,000 for section 524 site loans; $12,000,000 for credit sales of acquired property, of which up to $2,000,000 may be for multi-family credit sales; and $5,011,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $234,950,000, of which $202,350,000 shall be for direct loans, and of which $32,600,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,857,000; section 515 rental housing, $54,000,000; section 538 multi-family housing guaranteed loans, $4,500,000; section 524 site loans, $55,000; multi-family credit sales of acquired property, $934,000; and section 523 self-help housing land development loans, $221,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $432,374,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $726,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) *of the Act, and not to exceed $20,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2003 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.*

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $42,498,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $36,307,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $19,304,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2003, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2003, for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2003, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,190,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,967,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,197,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2003, as authorized by section 313 of the Rural Electrification Act of 1936, $3,197,000 shall not be obligated and $3,197,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,103,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,600,000,000; Treasury rate direct electric loans, $1,150,000,000; 5 percent rural telecommunications loans, $75,029,000; cost of money rural telecommunications loans, $300,000,000; loans made pursuant to section 306 of that Act, rural telecommunications loans, $120,000,000; and for guaranteed underwriting loans pursuant to section 313A, $1,000,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,025,000, and the cost of telecommunication loans, $1,433,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $37,833,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2003 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,410,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $300,000,000; and for the principal amount of broadband telecommunication loans, $80,000,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $56,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That $10,000,000 may be available for grants to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $603,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,580,169,000, to remain available through September 30, 2004, of which $5,834,506,000 is hereby appropriated and $4,745,663,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, $3,300,000 shall be for a School Breakfast Program startup grant pilot program, of which no less than $1,000,000 is for the State of Wisconsin: Provided further, That $200,000 shall be for the Common Roots Program: Provided further, That $500,000 shall be for the Child Nutrition Archive Resource Center: Provided further, That up to $5,080,000 shall be for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,696,000,000, to remain available through September 30, 2004, of which $125,000,000 shall be placed in reserve, to remain available until expended, for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate $25,000,000 for the farmers' market nutrition program: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): Provided further, That $2,000,000 shall be available for the Food and Nutrition Service to conduct a study of WIC vendor practices: Provided further, That *no other funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.*

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,313,692,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $164,500,000, to remain available through September 30, 2004: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 and special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, $1,081,000, to remain available through September 30, 2004.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $136,560,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $7,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1769), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $129,948,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

In fiscal year 2003 and thereafter, none of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $116,171,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,059,000, of which $1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,026,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $25,159,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $1,200,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,058,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $834,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,630,727,000, of which not to exceed $222,900,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379h, including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended; and of which not to exceed $25,125,000 to be derived from device user fees authorized by 21 U.S.C. 379j shall be credited to this appropriation, to remain available until expended: Provided, That fees derived from applications received during fiscal year 2003 shall be subject to the fiscal year 2003 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That not to exceed $2,300,000 of the total amount appropriated shall be for activities related to legislative affairs: Provided further, That of the total amount appropriated: (1) $413,347,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $426,671,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $199,699,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $88,972,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $208,685,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,688,000 shall be for the National Center for Toxicological Research; (7) $36,914,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $108,269,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $107,482,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $85,985,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $38,400,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2003 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 374 passenger motor vehicles, of which 372 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2003 shall remain available until expended to cover obligations made in fiscal year 2003 for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunications Loans program account, the Rural Housing Insurance Fund program, and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service hereafter may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes *any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.*

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 722. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 723. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2004 appropriations Act.

SEC. 724. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–171 (2 U.S.C. 1161).

SEC. 727. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 728. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$26,000,000" and inserting "$26,499,000".

SEC. 729. Notwithstanding any other provision of law, the City of Coachella, California; the City of Dunkirk, New York; the City of Starkville, Mississippi; the City of Shawnee, Oklahoma; and the City of Berlin, New Hampshire, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 730. Notwithstanding any other provision of law, the Secretary shall consider the Cities of Hollister, Salinas, and Watsonville, California; the City of Caldwell, Idaho; the City of Casa Grande, Arizona; the City of Aberdeen, South Dakota; and the City of Vicksburg, Mississippi, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 731. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Waynewood Drainage Improvement Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,600,000.

SEC. 732. Notwithstanding any other provision of law, from the funds appropriated to the Rural Utilities Service by this Act, any current Rural Utilities Service borrower within 100 miles of New York City shall be eligible for additional financing, refinancing, collateral flexibility, and deferrals on an expedited basis without regard to population limitations for any financially feasible telecommunications, energy, or water project that assists endeavors related to the rehabilitation, prevention, relocation, site preparation, or relief efforts resulting from the terrorist events of September 11, 2001.

SEC. 733. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 734. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 735. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "2002" and inserting "2003".

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds made available for Watershed and Flood Prevention Operations by Public Law 107–76.

SEC. 737. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 738. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the Upper Tygart Valley Watershed project, West Virginia: Provided, That the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for installation of the water supply component of this project.

SEC. 739. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 740. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 741. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 742. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 743. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 (7 U.S.C. 8108) that exceed 77 percent of the payment that would otherwise be paid to eligible producers.

SEC. 744. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn

Bayou (Point Remove) project in Arkansas and the Matanuska River erosion control project in Alaska.

SEC. 745. The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsections (c) and (g), by striking "may" each place it appears and inserting "shall"; and

(2) by adding at the end the following:

"(o) PRIVATE VOLUNTARY ORGANIZATIONS AND OTHER PRIVATE ENTITIES.—In entering into agreements described in subsection (c), the President (acting through the Secretary)—

"(1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and

"(2) shall not discriminate against such eligible entities.".

SEC. 746. Of the unobligated balances of funds made available under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation in Public Law 104-180, $795,400 are hereby rescinded.

SEC. 747. None of the funds made available in fiscal year 2003 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 748. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Dry Creek/Neff's Grove project, Utah, and the Jefferson River Watershed, Montana.

SEC. 749. Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by adding a new subsection at the end thereof as follows:

"(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments which shall remain available until expended to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.".

SEC. 750. The $5,000,000 of unobligated balances available at the beginning of fiscal year 2003 for the experimental Rural Clean Water Program authorized under the heading "Agricultural Stabilization and Conservation Service—Rural Clean Water Program" in Public Law 96–108 (93 Stat. 835) and Public Law 96–528 (95 Stat. 3111) are hereby rescinded.

SEC. 751. The Secretary of Agriculture is authorized to make loans and grants to expand the state of Alaska's dairy industry and related milk processing and packaging facilities. There is authorized to be appropriated $5,000,000 to carry out this section for each fiscal years 2003 through 2007.

SEC. 752. The Secretary, if presented with a complete and fully compliant application, including an approved third party to hold the development easement, to protect the 33.8 acre farm formerly operated by American Airlines Captain John Ogonowski from development through the Farmland Protection Program, shall waive the matching fund requirements of the program, if necessary. Farmland Protection Program funds provided shall not exceed the appraised fair market value of the land, as determined consistent with program requirements. Any additional funding provided to carry out this project shall not come at the expense of an allocation to any other State.

SEC. 753. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 754. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2003.

SEC. 755. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 756. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of section 7404 of Public Law 107–171.

SEC. 757. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by FDIC or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the U.S. Treasury.

SEC. 758. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 759. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 245,833 acres in the calendar year 2003 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 760. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $695,000,000.

SEC. 761. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 762. In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated $250,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

SEC. 763. (a) Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting "crambe, sesame seed," after "mustard seed,".

(b) Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(2) in subsection (b), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(3) by adding at the end the following:

"(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

"(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

"(1) in the case of dry peas, United States feed peas;

"(2) in the case of lentils, United States number 3 lentils; and

"(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.".

(c) Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking "and extra long staple cotton" and inserting "extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)";

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

"(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

"(2) the repayment rate established for oil sunflower seed.

"(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).".

(d) This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

SEC. 764. Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

SEC. 765. (a) Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ": Provided, That" and inserting ", except that (1)"; and

(2) by inserting before the period at the end the following: ", (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year".

(b) During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 766. Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)" under the heading "RURAL HOUSING SERVICE" (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: ": Provided further, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)".

SEC. 767. (a) Notwithstanding any other provision of law, for purposes of administering sections 1101 and 1102 of Public Law 107–171, acreage planted to, or prevented from being planted to, popcorn shall be considered as acreage planted to, or prevented from being planted to, corn: Provided, That if a farm program payment yield for corn is otherwise established for a farm under such section 1102, the same yield shall be used for the acreage on the farm planted to, or prevented from being planted to, popcorn: Provided further, That with respect to all other farms, the farm program payment yield for such popcorn acreage shall be established by the Secretary on a fair and equitable basis to reflect the farm program payment yields for corn on similar farms in the area.

(b) This section shall take effect on October 1, 2003.

SEC. 768. Of the funds appropriated for fiscal year 2002 and prior years for grants and contracts to carry out section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c(b)(1)(A)), $11,000,000 is hereby rescinded.

SEC. 769. Notwithstanding any other provision of this Act, the $4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) shall be exempt from the across-the-board rescission under section 601 of division N.

SEC. 770. During the 180-day period beginning on the date of enactment of this Act, none of the funds made available by this Act or any other Act shall be available to the Secretary of Agriculture to pay the salaries of any personnel—

(1) to amend the terms of a licensing agreement for a grain warehouse (excluding rice) under the United States Warehouse Act (7 U.S.C. 241 et seq.); or

(2) to issue a new license for a grain warehouse (excluding rice) under that Act unless—

(A) the warehouse does not hold (as of the date of enactment of this Act) a Federal or State license for the operation of the warehouse; and

(B) the licensing agreement accompanying the new license conforms to the licensing requirements of the Secretary in effect on January 1, 2003.

SEC. 771. None of the funds made available in this Act may be used to require that a farm satisfy section 2110(c)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6509(c)(1)) in order to be certified under such Act as an organic farm with respect to the livestock produced on the farm unless the report prepared by the Secretary of Agriculture pursuant to the recommendations contained in the joint explanatory statement of the Managers on the part of the House of Representatives and the Senate to accompany Public Law 107–171 (House Conference Report 107–424, pages 672–673) confirms the commercial availability of organically produced feed, at not more than twice the cost of conventionally produced feed, to meet current market demands.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003".

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $100,579,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $10,172,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2002: Provided further, That not to exceed 31 permanent positions, 32 full-time equivalent workyears and $3,464,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,875,000 shall be expended for the Office of Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,973,000, to remain available until September 30, 2004.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED IDENTIFICATION SYSTEM INTEGRATION

For expenses necessary for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $9,000,000, to remain available until September 30, 2004.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $15,942,000, to remain available until September 30, 2004.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $81,354,000, to remain available until September 30, 2004: Provided, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfers made under this proviso shall be subject to section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $1,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $191,535,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,366,591,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended: Provided further, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $57,937,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,488,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $611,325,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $133,133,000: Provided, That, notwithstanding any other provision of law, not to exceed $133,133,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,503,767,000; of which not to exceed $2,500,000 shall be available until September 30, 2004, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,113 positions and 10,316 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2003: Provided further, That of the total amount appropriated, $5,000,000 shall be for Project Seahawk in Charleston, South Carolina.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $155,736,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $155,736,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $680,474,000; of which $15,800,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be available for development, implementation, maintenance and support, and training for an automated prisoner information system and shall remain available until expended; and $12,061,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended: Provided, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,158 positions and 4,023 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $15,126,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, for per diems in lieu of subsistence, as authorized by law, including advances, and for United States Marshals Service Witness Security program expenses, $175,645,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; of which not to exceed $19,500,000 may be made available for the United States Marshals Service Witness Security program; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,474,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community

Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $21,901,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $372,131,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,576 passenger motor vehicles, of which 1,085 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $4,234,587,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment, not to exceed $10,000,000 for facilities buildout, and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2004; of which $475,300,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not less than $153,812,000 shall only be for Joint Terrorism Task Forces; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed $50,000 shall be available for official reception and representation expenses: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 26,447 positions and 25,579 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $62,000,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,374 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,560,919,000; of which not to exceed $33,000,000 for permanent change of station shall remain available until September 30, 2004; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2004; of which not to exceed $50,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,815 positions and 7,661 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

IMMIGRATION ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol, detention and removals, intelligence, investigations, and inspections, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 4,565 passenger motor vehicles, of which 3,450 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service Buffalo Detention Facility, $2,880,819,000; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; of which not to exceed $245,236,000 is for information technology infrastructure: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds appropriated in this Act for the Immigration and Naturalization Service's Entry Exit System may be obligated until the Immigration and Naturalization Service submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: Provided further, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION SERVICES

For salaries and expenses for immigration services, $709,000,000: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That unencumbered positions in the aforementioned offices after the date of enactment of this Act shall be filled only by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis up to 10 full-time equivalent workyears: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed six permanent positions and six full-time equivalent workyears: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Immigration Enforcement and Border Affairs appropriation.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $258,637,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 713, of which 504 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments,

$4,071,251,000, of which $1,463,997,000 shall be for Inmate Care and Programs, $1,880,763,000 shall be for Institution Security and Administration, $571,077,000 shall be for Contract Confinement, and $155,414,000 shall be for Management and Administration: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2004: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $399,227,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $201,291,000, to remain available until expended: Provided, That all balances under this heading for counterterrorism programs may be transferred to and merged with the appropriation for "Domestic Preparedness".

OFFICE FOR DOMESTIC PREPAREDNESS

For grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, including training, exercises and equipment for fire, emergency medical, hazmat, law enforcement, and other first responders to prevent and respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $1,000,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) and other programs; $2,065,269,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): Provided, That $17,667,000 shall be derived from prior year unobligated balances from Local Law Enforcement Block Grants, and $3,323,000 shall be derived from prior year unobligated balances from residential substance abuse treatment for State prisoners: Provided further, That funding provided under this heading shall remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one "State" for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728, and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728; and

(C) $3,000,000 for Citizen Corps programs administered by the Department of Justice;

(2) $250,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $5,000,000 for the Cooperative Agreement Program;

(4) $18,000,000 for assistance to Indian tribes, of which:

(A) $5,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(5) $650,914,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $150,914,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $390,165,000 for programs to address violence against women, of which:

(A) $11,975,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(B) $2,296,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(C) $998,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(D) $184,537,000 shall be for Grants to Combat Violence Against Women as authorized by section 1001(a)(18) of the 1968 Act, of which:

(i) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(ii) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women; and

(iii) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(E) $64,925,000 shall be for Grants to Encourage Arrest Policies as authorized by section 1001(a)(19) of the 1968 Act;

(F) $39,945,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(G) $4,989,000 shall be for training programs as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(H) $3,000,000 shall be for grants to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(I) $10,000,000 shall be for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(J) $40,000,000 shall be for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(K) $5,000,000 shall be for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(L) $15,000,000 shall be for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386; and

(M) $7,500,000 shall be for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(7) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(8) $65,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(9) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(10) $45,000,000 for Drug Courts, as authorized by Part EE of Title I of the 1968 Act;

(11) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(12) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(13) $190,000,000 for Juvenile Accountability Incentive Block Grants, of which $25,000,000 shall be available for grants, contracts, and other assistance under the Project ChildSafe Initiative, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2003, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997;

(14) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act;

(15) $7,500,000 for a prescription drug monitoring program;

(16) $13,000,000 for implementation of prison rape prevention and prosecution programs including a statistical review and analysis of the incidence and effects of prison rape, the establishment of a national clearinghouse for provision of information and assistance for Federal, State, and local officials, grants to States, units of local government, prisons, and prison systems for prison rape prevention and prosecution efforts, and the development of national standards for enhancing the detection, prevention, reduction, and punishment of prison rape; and

(17) $15,000,000 for terrorism prevention and response training for law enforcement and other responders:

Provided, That funds made available in fiscal year 2003 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $928,912,000, to remain available until expended: Provided, That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: Provided further, That the officer redeployment demonstration described in section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $353,238,000 as follows: $200,000,000 for the hiring of law enforcement officers including school resource officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses; $20,622,000 for training and technical assistance; $25,444,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); $35,000,000 to improve tribal law enforcement including equipment and training; $57,132,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots"; and $15,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act: Provided, That funding agreements shall include the funding for the outyear program costs of new recruits;

(2) for crime technology, $400,567,000 as follows: $189,954,000 for a law enforcement technology program; $20,000,000 for the COPS Interoperable Communications Technology Program; $40,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $41,000,000 for DNA analysis and backlog reduction of which $36,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) and of which $5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); $40,538,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to laboratory general forensic science capacity and capabilities; and $69,075,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $85,000,000 as follows: $45,000,000 for a national program to reduce gun violence, and $40,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $57,107,000 as follows: $10,000,000 for Project Sentry; $14,934,000 for an offender re-entry program; $15,210,000 for the Safe Schools Initiative; and $16,963,000 for a police integrity program; and

(5) not to exceed $33,000,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $264,306,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,832,000 shall be available for expenses authorized by part A of title II of the Act, $83,800,000 shall be available for expenses authorized by part B of title II of the Act, including training and technical assistance to help small, nonprofit organizations with the Federal grants process, and $89,257,000 shall be available for expenses authorized by part C of title II of the Act and other juvenile justice programs: Provided, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $46,500,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $6,500,000 shall be available for the Safe Schools Initiative including $5,000,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption *of alcoholic beverages by minors, and for technical assistance and training: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.*

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $11,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: *Provided further*, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2003.

SEC. 108. Section 286(e) of the Immigration and Nationality Act (8 U.S.C. 1356(e)) is amended by striking paragraph (3) and replacing it with the following:

"(3) The Attorney General shall charge and collect $3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): *Provided*, That this requirement shall not apply to immigration inspection at designated ports of entry of passengers arriving by ferry, or by Great Lakes vessels on the Great Lakes and connecting waterways when operating on a regular schedule. For the purposes of this paragraph, the term 'ferry' means a vessel, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.".

SEC. 109. The Director of the Federal Bureau of Investigation shall appoint a standing advisory panel, reporting directly to the Director, to study, assess, and advise periodically on the research, development, and application of existing and emerging science and technology advances and other topics: *Provided*, That the panel shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act.

SEC. 110. Public Law 107–273 is amended—

(1) in section 12222(b), strike "on October 1, 2002" and insert in lieu thereof the following: "on the effective date provided in section 12102(b)";

(2) in section 12223(a), strike "on the date of the enactment of this Act" and insert in lieu thereof the following: "on the effective date provided in section 12102(b)";

(3) in section 12223(b), by replacing "Act" with "subtitle", and all the matter after "beginning" with "on or after the effective date provided in subsection (a).".

SEC. 111. The law enforcement training facility described in section 8150 of Public Law 107–248 is hereby established as a permanent training facility.

SEC. 112. The Attorney General, in consultation with the Secretary of Homeland Security, shall provide to the Committees on Appropriations by March 1, 2003 all National Security Entry Exit Registration System documents and materials: (1) used in the creation of the System, including any predecessor programs; (2) assessing the effectiveness of the System as a tool to enhance national security; (3) used to determine the scope of the System, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the System to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining whether the Department of Justice consulted with other Federal agencies in the development of the System, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of the System, including the role of the Federal Bureau of Investigation in conducting national security background checks of registrants; (7) explaining why certain Immigration and Naturalization Service District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.

This title may be cited as the "Department of Justice Appropriations Act, 2003".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $34,999,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $54,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $370,192,000, to remain available until expended, of which

$8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $67,669,000 shall be for Trade Development, $31,204,000 shall be for Market Access and Compliance, $44,229,000 shall be for the Import Administration, $202,040,000 shall be for the United States and Foreign Commercial Service, and $25,050,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

Bureau of Industry and Security

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $74,653,000, to remain available until September 30, 2004, of which $7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $290,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,765,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,906,000.

Economic and Information Infrastructure

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $72,158,000, to remain available until September 30, 2004.

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $183,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, $41,893,000, to remain available until expended: Provided, That, of the total amount available related to the 2000 decennial census ($41,893,000 in new appropriations and $41,817,000 in deobligated balances from prior years), $3,461,000 is for Program Development and Management; $42,651,000 is for Data Content and Products; $4,630,000 is for Field Data Collection and Support Systems; $12,826,000 is for Automated Data Processing and Telecommunications Support; $16,333,000 is for Testing and Evaluation; $2,472,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and $1,337,000 is for Marketing, Communications and Partnership activities.

In addition, for expenses related to planning, testing, and implementing the 2010 decennial census, $146,306,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $183,283,000, to remain available until expended: Provided, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,700,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,556,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,478,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

United States Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,015,229,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a fiscal year 2003 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2003, should the total amount of offsetting fee collections be less than $1,015,229,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed $166,771,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2003, to remain available until expended:

Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2003 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $9,886,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $359,411,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,623,000, to remain available until expended: Provided, That hereafter the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $180,000,000, to remain available until expended, of which $60,700,000 shall be expended for the award of new grants before October 1, 2003.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $66,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,313,519,000, to remain available until September 30, 2004: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That, in addition, $65,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than five percent or less than one percent of the additional funds: Provided further, That, of the $2,395,519,000 provided for in direct obligations under this heading (of which $2,313,519,000 is appropriated from the General Fund, $65,000,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $417,933,000 shall be for the National Ocean Service, $580,066,000 shall be for the National Marine Fisheries Service, $374,740,000 shall be for Oceanic and Atmospheric Research, $698,767,000 shall be for the National Weather Service, $150,616,000 shall be for the National Environmental Satellite, Data, and Information Service, and $173,397,000 shall be for Program Support: Provided further, That, of the amount provided under this heading, $273,022,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $243,000,000: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: Provided further, That the Secretary of Commerce will designate a National Marine Fisheries Service Regional Office for the Pacific Area within sixty days of enactment of this Act: Provided further, That the existing National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center shall not be merged or reorganized to form the new National Marine Fisheries Service Pacific Area Regional Office, that the current structure, organization, function, and funding of the Southwest and Northwest Centers will not be changed except for funds that are already dedicated to the Hawaiian Islands, and that each regional organization will have the lead responsibility for its own programs: Provided further, That the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $759,030,000, to remain available until March 1, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory and for the National Environmental Satellites, Data, and Information Service, which shall remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, $76,179,000, to remain available until expended: Provided further, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $90,000,000: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for a final payment pursuant to the 1999 Pacific Salmon Treaty Agreement, $40,000,000, of which $25,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, and of which $15,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $1,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), the American Fisheries Promotion Act (Public Law 96–561) and the International Dolphin Conservation Program Act (Public Law 105–42), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for Traditional direct loans, of which not less than $40,000,000 may be used for direct loans to the United States distant water tuna fleet: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $44,954,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,635,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Hereafter none of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Commerce, Justice, State Appropriations Act.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Hereafter the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2003 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2003 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $14,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, $4,000,000 is appropriated for the Institute for Politics, and $1,260,000 is appropriated to the Franklin Pierce Manse.

SEC. 209. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", $10,000,000 shall be provided to develop an Alaska seafood marketing program. Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter "Board") which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board.

SEC. 210. (a) The Secretary of Commerce is authorized to award grants and make direct lump sum payments in support of an international advertising and promotional campaign developed in consultation with the private sector to encourage individuals to travel to the United States consisting of radio, television, and print advertising and marketing programs.

(b) The United States Travel and Tourism Promotion Advisory Board (hereinafter "Board") is established to recommend the appropriate coordinated activities to the Secretary for funding.

(c) The Secretary shall appoint the Board within 30 days of enactment and shall include tourism-related entities he deems appropriate.

(d) The Secretary shall consult with the Board and state and regional tourism officials on the disbursement of funds.

(e) There is authorized to be appropriated $50,000,000, to remain available until expended, and $50,000,000 is appropriated to implement this section.

SEC. 211. From funds made available from the "Operations and Training" account, not more than $50,000 shall be made available to the Maritime Administration for administrative expenses to oversee the implementation of this section for the purpose of recovering economic and national security benefits to the United States following the default under the construction contract described in section 8109 of the Department of Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56): Provided, That the owner of any ship documented under the authority of this section shall offset such appropriation through the payment of fees to the Maritime Administration not to exceed the appropriation and that such fees be deposited as an offsetting collection to this appropriation: Provided further, That notwithstanding any other provision of law, one or both ships originally contracted under section 8109 of Public Law 105–56 may be constructed to completion in a shipyard located outside of the United States and the owner thereof (or a related person with respect to that owner) may document one or both ships under U.S. flag with a coastwise endorsement, and notwithstanding any other provision of law, and not later than two years after entry into service of the first ship contracted for under section 8109 of Public Law 105–56, that owner (or a related person with respect to that owner) may re-document under U.S. flag with a coastwise endorsement one additional foreign-built cruise ship: Provided further, That: (1) the owner of any cruise ship documented under the authority of this section is a citizen of the United States within the meaning of 46 U.S.C. 12102(a), (2) the foreign-built cruise ship re-documented under the authority of this section meets the eligibility requirements for a certificate of inspection under section 1137(a) of Public Law 104–324 and applicable international agreements and guidelines referred to in section 1137(a)(2) thereof and the 1992 Amendments to the Safety of Life at Sea Convention of 1974, and that with respect to the re-documented foreign-built cruise ship, any repair, maintenance, alteration, or other preparation necessary to meet such requirements be performed in a United States shipyard, (3) any non-warranty repair, maintenance, or alteration work performed on any ship documented under the authority of this section shall be performed in a United States shipyard unless the Administrator of the Maritime Administration finds that such services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port for such work, (4) any ship documented under the authority of this section shall operate in regular service transporting passengers between or among the islands of Hawaii and shall not transport passengers in revenue service to ports in Alaska, the Gulf of Mexico, or the Caribbean Sea, except as part of a voyage to or from a shipyard for ship construction repair, maintenance, or alteration work, (5) no person, nor any ship operating between or among the islands of Hawaii, shall be entitled to the preference contained in the second proviso of section 8109 of Public Law 105–56, and (6) no cruise ship operating in coastwise trade under the authority of this section or *constructed under the authority of this section shall be eligible for a guarantee of financing under title XI of the Merchant Marine Act 1936: Provided further, That any cruise ship to be documented under the authority of this section shall be immediately eligible before documentation of the vessel for the approval contained in section 1136(b) of Public Law 104–324: Provided further, That for purposes of this section the term "cruise ship" means a vessel that is at least 60,000 gross tons and not more than 120,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 1,600 passengers, the term "one or both ships" means collectively the partially completed hull and related components, equipment, and parts of whatever kind acquired pursuant to the construction contract described in section 8109 of Public Law 105–56 and intended to be incorporated into the ships constructed thereto, the term "related person" means with respect to a person: a holding company, subsidiary, or affiliate of such person meeting the citizenship requirements of section 12102(a) of title 46, United States Code, and the term "regular service" means the primary service in which the ship is engaged on an annual basis.*

SEC. 212. (a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of Public Law 107–206 and 16 U.S.C. 1861a (b)–(e); except that the program may apply to multiple fisheries; except that within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section; except that section 144(d)(1)(K)(3) of title I, division B of Public Law 106–554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section; except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness crab and Pink shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term "total annual revenue" means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term "fee-share fishery" means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term "reduction fishery" means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

SEC. 213. (a) The National Oceanic and Atmospheric Administration is authorized to enter into a lease arrangement whereby the National Oceanic and Atmospheric Administration will relocate the National Weather Service Forecasting Office in Galveston County, League City, Texas to a Galveston County facility and, in exchange, Galveston County may use the existing National Oceanic and Atmospheric Administration National Weather Service Forecasting Office.

(b) Neither the National Oceanic and Atmospheric Administration National Weather Service nor Galveston County will charge the other rent for use of the space and each will be responsible for the operation, maintenance and renovation costs it incurs.

SEC. 214. (a) Hereafter, habitat conservation activities, enforcement and surveillance—cooperative enforcement and vessel monitoring, stock assessments—data collection, and highly migratory shark fishery research under the heading, "National Oceanic and Atmospheric Administration, Operations, Research and Facilities", shall be considered to be within the "Coastal Assistance sub-category" in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) For fiscal year 2004 and thereafter, response and restoration activities, Cooperative Research, Protected Species activities, Endangered Species Act—Marine Mammals, Sea Turtles and Other Species, Endangered Species Act—Right Whales, Marine Mammal Protection, and Sea Grant (except for the fellowship program) under the heading, "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", shall be considered to be within the "Coastal Assistance sub-category" in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) All references to outlays in title VIII of Public Law 106–291 are repealed.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2003".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $45,743,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect as authorized by law, $41,626,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $20,313,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of *the court, services, and necessary expenses of the court, as authorized by law, $13,687,000.*

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,800,000,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,784,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $538,461,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $54,636,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $268,400,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $63,500,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $20,856,000; of which $1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $27,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,400,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $12,090,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the "Judiciary Appropriations Act, 2003".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,269,258,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, of the amount made available under this heading, $292,693,000 shall be available only for public diplomacy international information programs: Provided further, That, of the amount made available under this heading, $500,000 shall be available only for grants to the participating organizations in the War Against Trafficking Alliance for activities and services related to preparation, execution and follow-up for an international conference on sex trafficking: Provided further, That the Secretary shall appoint an advisory panel, reporting directly to the Secretary, to assess policy goals and program priorities with regard to United States relations with the countries of Sub-Saharan Africa and to advise the Secretary of any related findings and recommendations: Provided further, That this panel shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App): Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee U.S. participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $553,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $183,311,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,264,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $245,306,000, to remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $11,000,000, to remain available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $508,500,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $755,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $6,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $18,450,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $138,200,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $866,000,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $673,710,000, of which 15 percent shall remain available until September 30, 2004: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,482,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,450,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,472,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $17,100,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $10,444,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2003, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2003, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $18,000,000, of which $2,500,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $42,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, $468,898,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,996,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $12,740,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 405. (a) Within 90 days of enactment of this Act, the Secretary of the Navy shall transfer, without compensation, to the Secretary of State administrative jurisdiction over the parcels of real property, together with any improvements thereon, consisting in aggregate of approximately 10 acres at Naval Base, Charleston, South Carolina, described in subsection (b).

(b) The parcels of real property described in this subsection are as follows:

(1) A parcel bounded by Holland Street, Dyess Avenue, and Hobson Avenue to the entrance way immediately west of Building 202.

(2) A parcel bounded on the north by Dyess Avenue comprising Building 644.

(c) The transfer of jurisdiction of real property under subsection (a) shall not effect the validity or term of any lease with respect to such real property in effect as of the date of the transfer.

(d) The Secretary of State shall use the property transferred under subsection (a) for support of diplomatic and consular operations.

(e) The exact acreage and legal description of the property transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(f) The Secretary of the Navy may require such additional terms and conditions in connection with the transfer of property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 406. (a) The Interagency Task Force to Monitor and Combat Trafficking shall establish a Senior Policy Operating Group.

(b) The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (established under Executive Order 13257 of February 13, 2002).

(c) The Operating Group shall coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

(d) The Operating Group shall fully share information regarding agency plans, before and after final agency decisions are made, on all matters regarding grants, grant policies, and other significant actions regarding the international trafficking of persons and the implementation of this division.

(e) The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

(f) The Operating Group shall meet on a regular basis at the call of the chair.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2003".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until September 30, 2005.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $92,696,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $11,161,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,126,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $2,884,000, to remain available until expended.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $2,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,582,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,380,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by *title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $308,822,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.*

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $271,000,000, of which not to exceed $300,000 shall remain available until September 30, 2004, for research and policy studies: Provided, That $269,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at $2,000,000: Provided further, That any offsetting collections received in excess of $269,000,000 in fiscal year 2003 shall remain available until expended, but shall not be available for obligation until October 1, 2003.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $16,700,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $176,608,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed $168,100,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, and offsetting collections derived from fees sufficient to implement and enforce the do-not-call provisions of the Telemarketing Sales Rule, 16 C.F.R. Part 310, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), estimated at $18,100,000, shall be collected pursuant to this authority: Provided further, That all offsetting collections shall be credited to this appropriation, used for necessary expenses, and remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $8,508,000: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $338,848,000, of which $9,500,000 is to provide supplemental funding for basic field programs, and related administration, for service areas (including a merged or reconfigured service area) that will receive less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which $310,048,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively, and except that section 501(a)(1) of Public Law 104–134 (110 Stat. 1321–51, et seq.) shall not apply to the use of the $9,500,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission, $3,050,000, of which $500,000 shall remain available until September 30, 2004.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $716,350,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $716,350,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2003 shall be reduced as such offsetting fees are received so as to result in a final total fiscal 2003 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $314,457,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2003 or fiscal year 2004 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $12,422,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $3,726,000, to be available until expended; and for the cost of guaranteed loans, $85,360,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2003 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2003 commitments to guarantee loans for *debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.*

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $73,140,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $118,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $3,000,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2003.

SEC. 611. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 614. Hereafter, none of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing *of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.*

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2003.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $600,000,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107–38 and transferred to the Fund.

SEC. 618. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 619. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section: Provided, That the Attorney General shall notify the Secretary of State in every instance when a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the Government will accept the alien under section 243 of the Immigration and Nationality Act.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 621. (a) Hereafter, none of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 622. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 623. Of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $100,000 shall be available to each Department or agency only to implement telecommuting programs: Provided, That, six months after the date of enactment of this Act and every six months thereafter, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: Provided further, That each Department or agency shall designate a "Telework Coordinator" to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 624. The paragraph under the heading "Small Business Administration—Business Loans Program Account" in chapter 2 of division B of Public Law 107–117 (115 Stat. 2297) is amended by inserting "or section 7(a) of the Small Business Act (15 U.S.C. 636(a))" after "September 11, 2001".

SEC. 625. For additional amounts under the heading "Small Business Administration, Salaries and Expenses", $2,000,000 shall be available for a grant to the Innovation and Commercialization Center; $2,000,000 shall be available for the Mississippi State University MAF/TIGER database project; $1,000,000 shall be for the Black Hills Rural Tourism Marketing Program; $1,500,000 shall be for the Center for Tourism Research; $3,125,000 shall be for the National Inventor's Hall of Fame; $3,175,000 shall be for the Boston Museum of Science; $2,000,000 shall be for the Tuck School and Minority Business Development Agency Partnership; $2,000,000 shall be for the Oklahoma International Trade Processing Center; $300,000 shall be for the Providence, Rhode Island Center for Women and Enterprise; $500,000 shall be for the Ogontz Revitalization Corporation; $500,000 shall be for the Idaho Virtual Incubator, Phase III; $1,600,000 shall be for the Adelante grant; $300,000 shall be for the Immigration Services project in Iowa; $2,000,000 shall be for the Microdevice Fabrication Facility; $700,000 shall be for the Carvers Bay Library; $1,000,000 shall be for technical upgrades for the Northwest Center for Engineering, Science, and Technology; $200,000 shall be for the Southern New Mexico High Technology Consortium; $1,000,000 shall be for the American Museum of Natural History; $200,000 shall be for the Program for International Education and Training; $2,000,000 shall be available for a grant to the St. Louis Enterprise Center in St. Louis County, Missouri to expand programs, operations and facilities to assist in business incubation; $400,000 shall be available for a grant for the Promesa Enterprises to provide back office services and infrastructure support to community-based organizations in the Bronx, New York; $700,000 shall be available for a grant to the New York City Department of Parks, working in conjunction with Youth Ministries for Peace and Justice, for developing a facility in New York City's Starlight Park; $300,000 shall be available for a grant to the Urban Justice Center to provide legal assistance to groups engaged in community development in low-income neighborhoods; $650,000 shall be available for a grant to CAP Services of Stevens Point, Wisconsin to purchase and renovate property; $200,000 shall be available for a grant for the Promesa Foundation in South Bronx, New York to provide community growth funding; $400,000 shall be available for a grant to the Lower East Side Girls Club of New York to provide for facility development; $1,100,000 shall be available for a grant to J.F. Drake State Technical College in Huntsville, Alabama to construct and equip a media center in support of local business needs; $1,100,000 shall be available for a grant to the City of Los Angeles, California to develop a facility to support downtown business development; $1,100,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $700,000 shall be available for a grant to Lord Fairfax Community College for workforce development programs; $700,000 shall be available for a grant to the Village of Edgar, Wisconsin to purchase and redevelop property as a small business park to support local agriculture; $500,000 shall be available for a grant to the West Virginia High Technology Consortium to develop a small business commercialization grant program; $250,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania to develop small business technology centers; $250,000 shall be available for a grant to the Economic Growth Connection of Westmoreland to establish a Paperless Procurement grant program; $350,000 shall be available for a grant to the Fayette County, Pennsylvania Community Action Agency for the Republic Incubator Project; $1,000,000 shall be available for a grant to the Shenandoah Valley Discovery Museum to establish a new facility; $500,000 shall be available for a grant to the University of Tennessee at Chattanooga for the Riverbend Technology Institute for the technology incubator project; $500,000 shall be available for a grant to the California State University, San Bernardino for development of the Center for the Commercialization of Advanced Technology; $1,000,000 shall be available for a grant to the Rhode Island School of Design for the modernization of a building to establish a small business incubator; $500,000 shall be available for a grant to the University of Scranton to establish an Electronic Business Technology Center; $500,000 shall be available for a grant to Experience Works!, Incorporated for small business program activities; $500,000 shall be available for a grant to Wilberforce University to improve technology systems; $500,000 shall be available for a grant to Millikin University for facilities development for the Business and Technology Center; $500,000 shall be available for a grant to the Michael J. Quill Irish Cultural and Sports Center for facilities development; $2,600,000 shall be available for a grant to Iowa State University for the development of a research park biologics facility; $1,000,000 shall be available for a grant to the Southern Kentucky Tourism Development Association for continuation of a regional tourism promotion initiative; $450,000 shall be available for a grant to the Bronx Council on the Arts to help promote stabilization of small arts organizations; $500,000 shall be available for a grant to Southern Kentucky Rehabilitation Industries for internal development; $250,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania to continue the workforce development training program; $500,000 shall be available for a grant to the City of Monticello, Kentucky for commercial revitalization activities; $1,500,000 shall be available for a grant to Shenandoah University to develop a historical and tourism development facility; $500,000 shall be available for a grant to the City of Merrill, Wisconsin to purchase and redevelop industrial property to support economic growth; $2,500,000 shall be available for a grant to the Virginia Community College System (VCCS) for improvement of distance learning programs; $750,000 shall be available for a grant to Soundview Community in Action for a technology access and business improvement project; $100,000 shall be available for a grant to the

Gospel Rescue Ministries for facilities renovation; $450,000 shall be available for a grant to the Pregones Theater in the South Bronx, New York for construction improvements; $100,000 shall be available for a grant to the Atoka Preservation Society for facility restoration activities; $500,000 shall be available for a grant to the Virginia Science Museum for marine science and other environmental program activities at Belmont Bay; $500,000 shall be available for a grant to the Infotonics Center of Excellence for small business incubation activities; $500,000 shall be available for a grant to the Chicago Field Museum to renovate and develop a facility; $500,000 shall be available for a grant to the Cedarbridge Development Urban Renewal Corporation for office complex development activities; and $500,000 shall be available for a grant to the City of Belvidere, Illinois to establish a Small Business Agriculture-Technology Incubator and New Use Economy Information Center: Provided, That Section 629 of Public Law 107–77 is amended with respect to a grant of: (1) $500,000 to Johnstown Area Regional Industries for the High Technology Initiative and Wireless/Digital Technology Program by deleting the word "for" after "Industries" and inserting the words "to provide technical and financial assistance under a High Technology Initiative and Wireless Digital Technology Program."; (2) $2,000,000 to the Los Angeles Conservancy by adding the phrase ", including the use of subgrants and other forms of financial assistance" after "rebuilding and revitalization."; (3) $500,000 for a grant to Yonkers, New York by deleting "Yonkers, New York" and inserting "the Yonkers Industrial Development Agency"; and (4) $450,000 to the Southern Kentucky Rehabilitation Industries by deleting the words "financial assistance and small business development" after "for" and inserting "technology upgrades": Provided further, That, any grant made by the Small Business Administration to the MountainMade Foundation during fiscal year 2002 or to the NTTC at Wheeling Jesuit University during fiscal years 1998 through 2002 may be used by such entity to promote small businesses and artisans, and their products, through market development, advertisement, commercial sale, and other promotional means: Provided further, That the preceding proviso shall apply to promotional activities occurring on or after October 1, 1997.

SEC. 626. Any amounts previously appropriated for the Port of Anchorage for an intermodal marine facility and access thereto shall be transferred to and administered by the Administrator for the Maritime Administration including non-federal contributions. Such amounts shall be subject only to conditions and requirements required by the Maritime Administration.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $78,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $50,874,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $580,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL IMPACT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $7,000,000 are rescinded.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $920,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $5,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $13,750,000 are rescinded.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $10,500,000 are rescinded.

This division may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003".

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code: Provided further, That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on "Designing for Security in the Nation's Capital" and report to the Committees on Appropriations of the House of Representatives and Senate on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations: Provided further, That the report shall be submitted no later than April 11, 2003 and shall include the recommendations of each agency.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support hospital bioterrorism preparedness in the District of Columbia, $10,000,000, of which $5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $161,943,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,551,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $81,339,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $40,402,000, of which not to exceed $1,500 is for official reception and representation expenses; and $31,651,000 for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading *shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That funds made available for capital improvements may remain available until September 30, 2004: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.*

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $17,100,000, to remain available until expended: Provided, That $1,500,000 of this appropriation is to provide guardians ad litem to abused and neglected children: Provided further, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $154,707,000, of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; $95,682,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; $23,070,000 shall be transferred to the Public Defender Service; and $35,955,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 33 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

For a Federal payment to the District of Columbia Department of Transportation, $1,000,000: Provided, That such funds will be used to implement transportation systems management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $40,300,000: Provided, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

For a Federal payment to the District of Columbia Department of Housing and Community Development, $2,800,000 to continue improvements on the historic Potomac Southwest Waterfront: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR ASBESTOS REMEDIATION

For a Federal payment to the General Services Administration (GSA), $1,000,000 to reimburse Fairfax County, Virginia for the remediation of asbestos on the former site of the Lorton Correctional Complex: Provided, That GSA shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For a Federal payment to the District of Columbia Fire and Emergency Medical Services Department, $2,000,000 to repair, renovate, and rehabilitate fire stations in need of capital improvements: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR SPECIAL EDUCATION

For a Federal payment to the District of Columbia Public Education System, $3,000,000, to remain available until expended to establish special education satellite facilities in the District of Columbia.

FEDERAL PAYMENT FOR THE FAMILY LITERACY PROGRAM

For a Federal payment to the District of Columbia, $4,000,000 for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $50,000,000, to remain available until expended, to begin implementing the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, $5,000,000, to remain available until expended, for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CAPITAL DEVELOPMENT

For a Federal payment to the District of Columbia for capital development, $10,150,000, to remain available until expended, of which $150,000 shall be for renovations at Eastern Market and $10,000,000 shall be for the Unified Communications Center.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PUBLIC CHARTER SCHOOL FACILITIES

For a Federal payment to the District of Columbia for public charter school facilities, $17,000,000, to remain available until expended, of which $4,000,000 shall be used to supplement *the per pupil facilities allocation to public charter schools in fiscal year 2003; $5,000,000 shall be for the direct loan fund for charter school improvement; and $8,000,000 shall be for the credit enhancement revolving fund.*

TITLE II—DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,294,522,000 (of which $3,618,411,000 shall be from local funds, $1,712,498,000 shall be from Federal funds, and $873,313,000 shall be from other funds): Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2003, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Governmental Direction and Support

Governmental direction and support, $307,173,000 (including $207,971,000 from local funds, $80,854,000 from Federal funds, and $18,348,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, $2,500 for the City Administrator, and $2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not to exceed $500,000 of the funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Official Code, sec. 28–4516), not to exceed $100,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–308.20), and not to exceed $910,000 of the funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Official Code, sec. 28–3911) are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the laws establishing these funds.

Economic Development and Regulation

Economic development and regulation, $244,358,000 (including $56,872,000 from local funds, $97,796,000 from Federal funds, and $89,690,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That $725,000, of which no amount may be expended for administrative expenses, shall be available to the Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

Public Safety and Justice

Public safety and justice, $622,531,000 (including $602,678,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That not less than $170,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Official Code, sec. 24–101(h)), to support its operations and perform its duties: Provided further, That not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 22–4231 et seq.), to support its operations and perform its duties: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, $1,206,169,000 (including $939,174,000 from local funds, $208,470,000 from Federal funds, $31,525,000 from other funds, and not to exceed $27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403)), $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents, to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—$902,936,000 (including $713,494,000 from local funds, $150,800,000 from Federal funds, $11,642,000 from other funds, and not to exceed $27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403) shall be available for District of Columbia Public Schools: Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2003, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes.

(2) STATE EDUCATION OFFICE.—$49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, and $176,000 from other funds), shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2004 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$142,711,000 (including $125,711,000 from local funds and $17,000,000 from Federal funds) shall be available for District of Columbia public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(2)): Provided further, That of the amounts made available to District of Columbia public charter schools, $25,000 shall be

made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(6)): Provided further, That $589,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2003, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2004.

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$81,180,000 (including $49,462,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds) shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2003, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—$27,363,000 (including $26,216,000 from local funds, $610,000 from Federal funds, and $537,000 from other funds) shall be available for the District of Columbia Public Libraries: Provided, That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) COMMISSION ON THE ARTS AND HUMANITIES.—$2,292,000 (including $1,697,000 from local funds, $475,000 from Federal funds, and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,451,818,000 (including $1,002,284,000 from local funds, $1,373,680,000 from Federal funds, $52,987,000 from other funds, and $22,867,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403)): Provided, That the funds available from the Medicaid and Special Education Reform Fund are allocated as follows: $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $10,000,000 for the Department of Mental Health: Provided further, That $27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $7,000,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): Provided further, That no less than $2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 16 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): Provided further, That $3,209,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): Provided further, That no less than $500,000 of this appropriation shall be available exclusively for the Mobile Crisis Intervention Program for Kids: Provided further, That the amount available under this heading in Public Law 107–96 for Interim Disability Assistance shall remain available until expended: Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $320,357,000 (including $304,363,000 from local funds, $5,669,000 from Federal funds, and $10,325,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RESERVE

For replacement of funds expended, if any, during fiscal year 2002 from the budget reserve established pursuant to section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47–392.02(j)), $70,000,000 from local funds.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a), such amounts from local funds as are necessary to meet the fiscal year 2003 minimum balance requirements for such funds under such section.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–204.75, and 1–204.90), $260,951,000 from local funds: Provided, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $7,950,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $22,822,000: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $4,194,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, $48,186,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, including anticipated employee health insurance cost increases and contract security costs, $5.799,000 from local funds.

EMERGENCY PLANNING AND SECURITY COSTS

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, from funds previously appropriated in this Act as a Federal payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $253,743,000 from other funds, of which $43,800,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($18,094,000 payable to the District's debt service fund and $25,706,000 payable for other debt service).

For construction projects, $392,458,000, to be distributed as follows: $213,669,000 for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $56,561,000 for the combined sewer program, $50,000,000 Federal payment for the Combined Sewer Overflow Long-Term Plan, $5,635,000 for the stormwater program, $34,054,000 for the water program, and $8,000,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act *under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.*

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $57,847,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $232,881,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $20,510,000, of which $15,510,000 is from other funds and $5,000,000 is from Federal funds appropriated earlier in this Act as a Federal Payment for the Anacostia Waterfront Initiative.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $78,700,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $6,745,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $925,011,000, of which $555,097,000 shall be from local funds, $48,132,000 from Highway Trust funds, and $321,782,000 from Federal funds, and a rescission of $253,991,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $671,020,000, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.

TITLE III—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Official Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. At the start of fiscal year 2003 and any subsequent fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the actual borrowings and spending progress compared with projections.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center;

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of fiscal year 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2003 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition *is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.*

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2003 an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 123. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 124. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 125. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 126. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance *under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.*

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 127. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 128. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003 and any subsequent fiscal year.

SEC. 129. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 130. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2003 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 131. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 132. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. All funds from the Crime Victims Compensation Fund, established pursuant to section 16 of the Victims of Violent Crime Compensation Act of 1996 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) ("Compensation Act"), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established pursuant to section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 135. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 136. Section 47–363(a–1) of the District of Columbia Official Code is amended by adding at the end the following new paragraph:

"(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless—

"(i) the Mayor submits a request for such reprogramming to the Council and the Chief Financial Officer of the District of Columbia;

"(ii) the Chief Financial Officer transmits to the Council a statement certifying the availability of funds for the reprogramming and containing an analysis of the effect of the reprogramming on the financial plan and budget for the fiscal year; and

"(iii) the Council approves the request after receiving the statement described in clause (ii), but only if any additional expenditures provided under the request are offset by reductions in expenditures for another activity.

"(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) during the 15-day period which begins on the date the Chief Financial Officer receives the request for the reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. Upon written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

"(C) In this paragraph, the term 'control year' has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47–393(4)).".

SEC. 137. From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

SEC. 138. (a) Section 9001(1) of Title 5, United States Code, is amended by adding before the period "(other than an employee of the District of Columbia Courts)".

(b) Section 11–1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: "(F) Chapter 90 (relating to long-term care insurance).".

(2) in subsection (c)(1), by adding at the end: "(D) Chapter 90 (relating to long-term care insurance).".

SEC. 139. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the District of Columbia Appropriations Act, 2002, that remain available through September 30, 2003, $560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.

SEC. 140. No later than June 2, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.

SEC. 141. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act: Provided, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: Provided further, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the House of Representatives and Senate the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: Provided further, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.

SEC. 142. The Mayor of the District of Columbia, in administering funds provided under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113, as modified by Public Law 107–96, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 for adoption incentives and support for children with special needs: Provided, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the House of Representatives and Senate, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.

SEC. 143. (a)(1) There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

(2) The Office shall have the following three functions:

(A) To administer the credit enhancement fund for public charter schools under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, subiect to the provisions of such section.

(B) To administer the Direct Loan Fund for Charter School Improvement under subsection (b), subject to the provisions of such subsection.

(C) To develop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

(3) The functions described in paragraph (2) may be provided by the Office directly or under contract with a qualified provider.

(b)(1) There is established within the District of Columbia a Direct Loan Fund for Charter School Improvement.

(2) The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support, except that no loan may be made under this subsection without the approval of the committee described in section 603(e)(3)(C)(iii) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(C)(iii)).

(3) Funds distributed under this subsection shall be for construction, purchase, renovation, and maintenance of charter school facilities.

(4) Loans distributed under this subsection shall not exceed $2,000,000 per charter school.

(5) The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this subsection. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

(6) To be eligible for a loan under this subsection, an applicant shall be a public charter school with a charter in effect pursuant to the District of Columbia School Reform Act of 1995 which meets or exceeds its performance goals as outlined in its originating charter.

(7) In repaying a loan granted under this subsection, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.

(c) Section 603(e)(3) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)) is amended—

(1) in subparagraph (B)(ii) and subparagraph (C)(iii), by striking "The Mayor" and inserting "Subject to subparagraph (F), the Mayor"; and

(2) by adding at the end the following new subparagraph:

"(F) ROLE OF OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT.—During fiscal year 2003 and each succeeding fiscal year, the Office of Public Charter School Financing and Support shall be responsible for receiving applications, making payments, and otherwise administering this paragraph, except that no grant may be made under this paragraph without the approval of the committee described in subparagraph (C)(iii).".

SEC. 144. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 145. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 146. (a) Section 2403(b) of the District of Columbia School Reform Act of 1995 (sec. 38–1804.03(b), D.C. Official Code) is amended to read as follows:

"(b) PAYMENT TO CHARTER SCHOOLS FROM CHARTER SCHOOL FUND.—

"(1) ESTABLISHMENT OF FUND.—The 'New Charter School Fund', as established in the general fund of the District of Columbia prior to the date of the enactment of the District of Columbia Appropriations Act, 2003, shall be redesignated as the 'Charter School Fund'.

"(2) CONTENTS OF FUND.—The Charter School Fund shall consist of the following amounts:

"(A) Unexpended and unobligated amounts appropriated from local funds for public charter schools for any fiscal year that reverted to the general fund of the District of Columbia, but only to the extent that the balance of the Charter School Fund for the fiscal year involved is less than—

"(i) $10,000,000, in the case of fiscal year 2002; or

"(ii) $5,000,000, in the case of fiscal year 2003 and each succeeding fiscal year.

"(B) Any interest earned on such amounts.

"(3) EXPENDITURES FROM FUND.—Amounts in the Charter School Fund shall be used to make payments during a fiscal year to any public charter school operating in the District of Columbia during the fiscal year whose total audited enrollment (including enrollment in special needs categories) exceeds the student enrollment which served as the basis for determining the school's annual payment under this Act for the year.

"(4) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.".

(b) Notwithstanding any other provision of law, $5,000,000 from the Charter School Fund established pursuant to section 2403(b) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)), as amended by subsection (a), shall be deposited not later than 15 days after the date of the enactment of this Act into the credit enhancement revolving fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)).

This division may be cited as the "District of Columbia Appropriations Act, 2003".

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and *plans and specifications of projects prior to construction, $135,019,000, to remain available until expended: Provided, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to determine the advisability of undertaking restoration, modification, or modernization of the Great Lakes Navigational System, including the St. Lawrence Seaway; as provided for in section 456 of Public Law 106–53 (113 Stat. 332): Provided further, That in making such determination, the Secretary of the Army, acting through the Chief of Engineers, may partner with the St. Lawrence Seaway Development Corporation and Transport Canada or another designated representative of the Government of Canada and may accept from such partners cash, in-kind services, or any combination thereof, to be expended or used by the Secretary in addition to the funds identified herein for the purpose of making such determination.*

Construction, General

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,756,012,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $7,000,000;

Southern and Eastern Kentucky, Kentucky, $3,000,000; and

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Report dated January 2002, Floyd County, Martin County, and Johnson County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $26,100,000: Provided, That, using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Bois Brule Drainage and Levee District, Missouri, design deficiency project under the terms and conditions specified in Public Law 107–66: Provided further, That using $9,744,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $4,000,000 of the funds appropriated herein to undertake the Bowie County Levee, Texas, project, which is defined as Alternative B, Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That cost sharing for the Bowie County Levee, Texas, project shall be in accordance with the provisions of the Flood Control Act of 1946: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541, which are needed to maintain the project schedule: Provided further, That using $1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $13,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That, of the funds provided herein, $3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of $100,000,000, which shall be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $344,574,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $10,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. §621.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation,

$1,940,167,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That using $888,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake recreation improvements associated with the pool raise at Waco Lake, Texas: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,160,000 of the funds appropriated herein to undertake work to expand or improve recreational facilities and undertake environmental restoration activities at the Hansen Dam Recreation Area, California, consistent with the Hansen Dam Recreation Area Master Plan: Provided further, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2002, and September 30, 2003: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to initiate maintenance dredging of the Federal channel: Provided further, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection and related activities, $15,000,000, to remain available until expended.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $139,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $145,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $155,151,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the U.S. Army Corps of Engineers to support activities, including reconnaissance and feasibility studies, and planning, engineering and design, related to the Chicago Harbor Visitors Center.

SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 104. Section 595(h)(1) of Public Law 106–53 is amended by striking "$25,000,000" and inserting in lieu thereof "$100,000,000".

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104–303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking "$18,981,000" and inserting in lieu thereof "$52,300,000"; and

(2) striking "$12,239,000" and inserting in lieu thereof "$45,558,000".

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99–662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking "$2,700,000" and inserting in lieu thereof "$10,000,000".

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed $16,000,000.

SEC. 108. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by Section 339(h) of Public Law 104–59 is modified to authorize the Secretary to construct the project at an estimated cost of $46,000,000.

SEC. 109. None of the funds appropriated in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 110. The project for flood control for Terminus Dam, Kaweah River, California, authorized by Section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $50,000,000, with an estimated Federal share of $28,600,000 and an estimated non-Federal share of $21,400,000.

SEC. 111. The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of Public Law 99–662 is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $23,146,000, with an estimated Federal cost of $17,359,000 and an estimated non-Federal cost of $5,787,000.

SEC. 112. The non-Federal interest shall receive credit toward the non-Federal share of the cost of the feasibility study for work performed prior to the date that the Secretary of the Army, acting through the Chief of Engineers, enters into the feasibility cost-sharing agreement with the non-Federal sponsor for the Indiana Harbor Environmental Dredging, Indiana, feasibility study. The Secretary shall provide credit for work only if the Secretary determines such work integral to the feasibility study.

SEC. 113. In satisfaction of any normal requirement for mitigation identified by the pending Environmental Impact Study for the deepening of the Brownsville Navigation Channel, Texas, the Secretary of the Army, acting through the Chief of Engineers, shall provide credit to the Brownsville Navigation District for work performed before the completion of the Environmental Impact Study to restore the wetlands at Bahia Grande, Lower Laguna Madre, and Vadia Ancha. Such credit shall be at a ratio determined by the Secretary, considering the environmental value of the wetlands impacted by the project and the environmental value of the restored wetlands. The Secretary shall provide credit for work only if the Secretary determines such work integral to the project.

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, shall carry out the project for inland navigation, Chickamauga Lock and Dam, Tennessee, substantially in accordance with the plans, and subject to the conditions, described in the report of the Chief of Engineers, dated May 30, 2002, except that the Secretary shall construct the project in accordance with the plan that includes a 110-foot by 600-foot replacement lock at a total cost of $267,167,000. The costs of such construction shall be paid one-half from amounts appropriated from the general fund of the Treasury and one-half from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study for the James River, Greene County, Missouri, project for flood damage reduction, Greene County, Missouri, and, if the Secretary determines that such project is feasible, may *carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).*

SEC. 116. Section 101(a)(21), "Amite River and Tributaries, Louisiana," of the Water Resources Development Act of 1999 is amended in subsection (a)(21) by striking "$112,900,000" and inserting "$150,257,000", and by striking "$39,500,000" and inserting "$52,589,950".

SEC. 117. None of the funds appropriated in this or any other Act may be used by the U.S. Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 118. Section 101(a)(19) of the Water Resources Development Act of 1999 is hereby amended to increase the total project cost to $78,879,000 with an estimated Federal cost of $51,271,000 and an estimated non-Federal cost of $27,608,000 in accordance with the Corps of Engineers Post Authorization Change Report, dated January 2003, as amended by the Chief of Engineers.

SEC. 119. The Secretary of the Army, acting through the Chief of Engineers, is authorized to credit toward the non-Federal share of the cost of the Savannah Harbor Expansion, Georgia, project, authorized by section 101(b)(9) of the Water Resources Development Act of 1999, an amount equal to the Federal share of the costs incurred by the non-Federal interests subsequent to project authorization to the extent that the Secretary determines that such costs were necessary to ensure compliance with the conditions of the project authorization.

SEC. 120. The project for aquatic ecosystem restoration, Rose Bay, Volusia County, Florida, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the cost of the project the costs incurred by the Florida Department of Transportation in constructing that portion of the United States Highway 1 bridge that the Secretary determines is required for the proper functioning of the project.

SEC. 121. The Secretary of the Army, acting through the Chief of Engineers, shall modify the shoreline management plan for Lake Cumberland, Kentucky, to allow for construction of a privately owned moorage facility at Woodson Bend Peninsula on the South Fork of the Cumberland River at Lake Cumberland.

SEC. 122. The non-Federal sponsor shall receive credit in an amount not to exceed $10,000,000 toward their share of the cost of Des Moines Recreational River and Greenbelt, Iowa, projects for work performed by the sponsor, or others on behalf of the sponsor, including planning, design, and construction performed after October 1, 2002, provided the Secretary of the Army, acting through the Chief of Engineers, determines that such work is completed in accordance with U.S. Army Corps of Engineers standards and procedures and is integral to the Des Moines Recreational River and Greenbelt project.

SEC. 123. The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, authorized by Section 101(a)(24) of Public Law 106–53, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project substantially in accordance with the plans and subject conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed by December 31, 2003, at a total project cost of $73,380,000 with an estimated Federal cost of $45,304,000 and an estimated non-Federal cost of $28,076,000. The non-Federal interest shall receive credit toward the non-Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds that the work performed by the non-Federal interest is integral to the project.

SEC. 124. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct portions of the Long Lake Environmental Restoration Project, Indiana, that are located on non-Federally owned land in accordance with Section 206 of Public Law 104–303, as amended. Notwithstanding the provisions of Section 206, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct all the components of the Long Lake, Indiana, environmental restoration project that are located on Federal land at full Federal expense as identified in the Long Lake, Indiana, Reconnaissance Report, dated October 2002, and as further modified by subsequent study. After completion of the project, the Secretary of the Army shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs of the project allocated to benefits to the Indiana Dunes National Lakeshore.

SEC. 125. Section 514 of the Water Resources Development Act of 1999 is amended by striking "2000 and 2001" in subsection (g) and inserting "2003 and 2004".

SEC. 126. Section 595 of the Water Resources Development Act of 1999 is amended by striking "Sec. 595. Rural Nevada and Montana." and inserting in lieu thereof "Sec. 595. Rural Nevada, Montana, and Idaho." and in (b) strike "and Montana." and insert in lieu thereof ", Montana, and Idaho." and in (c) strike "and Montana," and insert in lieu thereof ", Montana, and Idaho," and in (h)(1) strike "and" and insert after (h)(2) "and; (3) $25,000,000 for Idaho;".

SEC. 127. SOUTHERN AND EASTERN KENTUCKY. (a) PROJECT PURPOSES.—Section 531(b) of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended by inserting before "and resource" the following: ", environmental restoration,".

(b) DEFINITION.—Section 531(g) of such Act (110 Stat. 3774) is amended by inserting after "Lee," the following: "Bath, Rowan,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 531(h) of such Act (110 Stat. 3774; 113 Stat. 348) is amended by striking "$25,000,000" and inserting "$40,000,000".

SEC. 128. With respect to the pre-construction engineering and design for the environmental dredging project at Ashtabula River, Ohio, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the pre-construction engineering and design work performed in-kind after the date of execution of the design agreement.

SEC. 129. Section 313(h)(2) of the Water Resources Development Act of 1992 is amended by striking "Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder and Westmoreland Counties" and inserting "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties".

Sec. 130. HERRING CREEK-TALL TIMBERS, MARYLAND. (a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,902,000, to remain available until expended, of which $11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,326,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $813,491,000, to remain available until expended, of which $36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and $34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That $10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, as amended: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2002, and 2003" in lieu of "and 2002": Provided further, That the Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities under the Lake Tahoe Regional Wetlands Development Program: Provided further, That the costs associated with such activities will be nonreimbursable.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles, of which 12 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301–6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 212 of the Energy and Water Development Appropriations Act, 2001 (114 Stat. 1441B–13) is amended as follows:

(1) In subsection (a)(2)—

(A) by inserting "all real and personal property rights and interests associated with such conduits and canals, all water rights of whatever nature or kind associated therewith, and" before "all recreational facilities"; and

(B) by inserting "and improvements" after "recreational facilities".

(2) In subsection (b)—

(A) by striking "as soon as practicable after date of enactment of this Act" and inserting "by no later than June 30, 2003,"; and

(B) by inserting "including all real and personal property rights, water rights, and facilities held by or appropriated to the United States" after "all right, title, and interest in and to the Sly Park Unit to the District".

(3) In subsection (c)—

(A) by striking "The Secretary" and inserting "(1) Subject to paragraph (2), the Secretary";

(B) by inserting "and subsequent interim renewal contracts associated therewith" after "contract number 14–06–200–9491R3"; and

(C) by adding at the end the following:

"(2) The amount the Secretary is authorized to receive under paragraph (1) shall be reduced by an amount equal to any payments received by the United States from the District under the contracts referred to in paragraph (1) in the period beginning on the date of the enactment of this Act and ending on the date of conveyance of the Sly Park Unit under this section.".

SEC. 204. Section 110(a)(3)(A)(i) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554), is further amended by inserting ", including all expenditures made by the Central Basin Municipal Water District between February 11, 1993, and December 21, 2000" before the semi-colon.

SEC. 205. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 206. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 207. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES. (a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Settlement Act, Public Law 101–618.

(b) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

SEC. 208. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

SEC. 209. Using previously appropriated funds, the Bureau of Reclamation is directed to undertake activities related to the development of the North Central Montana Rural Water Supply system. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 210. Section 8 of Public Law 104–298 (the Water Desalination Act of 1996) is amended further by—

(1) in paragraph (a) by striking "2002" and inserting in lieu thereof "2004"; and

(2) in paragraph (b) by striking "2002" and inserting in lieu thereof "2004".

SEC. 211. (a) NORTH LAS VEGAS WATER REUSE PROJECT.—

(1) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the "Project") to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the City of North Las Vegas and County of Clark, Nevada.

(2) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(3) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(4) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

(b) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.), as amended.

SEC. 212. None of the funds appropriated or otherwise made available in this Division or any prior Energy and Water Development Appropriations Act may be used for the settlement agreement of Sumner Peck Ranch, Inc. v. Bureau of Reclamation (Civ. No F–91–048 OWW (E.D. Cal)).

SEC. 213. Section 201(d) of the Salton Sea Reclamation Act of 1998 (Public Law 105–372) is amended by striking "$3,000,000" and inserting in lieu thereof, "$10,000,000".

SEC. 214. The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a feasibility study of options for additional water storage in the Yakima River Basin, Washington, with emphasis on the feasibility of storage of Columbia River water in the potential Black Rock Reservoir and the benefit of additional storage to endangered and threatened fish, irrigated agriculture, and municipal water supply. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 215. The Secretary of the Interior, in carrying out CALFED-related activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Reservoir Enlargement, and Upper San Joaquin Storage projects. These storage studies should be pursued along with ongoing environmental and other projects in a balanced manner.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Supply

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $701,477,000, to remain available until expended.

Non-Defense Environmental Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $215,100,000, to remain available until expended.

Uranium Facilities Maintenance and Remediation

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $456,539,000, of which $340,329,000, shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 28 passenger motor vehicles for replacement only, $3,305,894,000, to remain available until expended.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $145,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $7,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $207,404,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $120,000,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $87,404,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,671,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), $5,954,204,000, to remain available until expended: Provided, That $12,000,000 is authorized to be appropriated for Project 03–D–102, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: Provided further, That $113,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,113,630,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $706,790,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $330,929,000, to remain available for obligation until September 30, 2003.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Restoration and Waste Management

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 24 passenger motor vehicles, for replacement only, $5,470,180,000, to remain available until expended.

Defense Facilities Closure Projects

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $1,138,314,000, to remain available until expended.

Defense Environmental Management Privatization

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $158,399,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $546,554,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $315,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2003, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $16,455,000 in reimbursements, to remain available until expended: Provided, Notwithstanding the provisions of 31 U.S.C. 3302, that up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $168,858,000, to remain available until expended, of which $158,605,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $156,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, of the amounts appropriated in Public Law 107–66, not less than $400,000 to be spent as described in House Report 107–258 under this heading shall be nonreimbursable: Provided further, That, of the amount appropriated in Public Law 107–66 for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not less than $200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or a contract for environmental remediation or waste management in excess of $100 million in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $21,183,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas; and

(4) the Savannah River Plant, South Carolina.

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to *engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.*

SEC. 310. Section 310 of the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), is hereby repealed.

SEC. 311. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 312. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 313. Funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 314. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 315. (a) None of the funds made available under the accounts "non-defense environmental management", "uranium facilities maintenance and remediation", "defense environmental restoration and waste management", or "defense facilities closure projects" may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a site performance management plan for that site or laboratory consistent with the intent of the Department's environmental management acceleration and reform initiative.

SEC. 316. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at the Nevada Operations Office for a period of not less than 365 days, unless the Administrator seeks and is granted a waiver, in writing, from the House and Senate Committees on Appropriations.

SEC. 317. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science as directed in the statement of managers accompanying this bill.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, $8,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $48,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $578,184,000, to remain available until expended: Provided, That of the amount appropriated herein, $24,900,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $58,097,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,800,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $408,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 504. Section 309 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by striking "2003" and inserting in lieu thereof "thereafter".

SEC. 505. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking "2002 and 2003" and inserting "2002 through 2005".

SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. Title 42 U.S.C. §7274q is amended in subsection (b)(2), by adding the following new subsection:

"(D) Any successor, assignee, transferee, lender or lessee of a person or entity described in subparagraphs (A) through (C).".

SEC. 507. The Director of the Office of Management and Budget shall transmit to the Congress by April 1, 2003, a cross-cut budget displaying, by fiscal year, all CALFED Bay-Delta

Program related expenditures by the Federal government, actual and projected, for fiscal years 1996 through 2004.

This division may be cited as the "Energy and Water Development Appropriations Act, 2003".

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through September 30, 2003.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $512,900,000, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $68,300,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2003.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $39,885,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2003 and 2004: Provided further, That such sums shall remain available through fiscal year 2011 for the disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,512,000, to remain available until September 30, 2004.

In addition, for an additional amount for "Trade and Development Agency" for trade capacity building assistance, $2,500,000, to remain available until September 30, 2003: Provided, That any funds made available by this paragraph shall be made available subject to the regular notification procedures of the Committees on Appropriations.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2003, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,836,500,000, to remain available until September 30, 2005: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $324,000,000 for child survival and maternal health; $27,000,000 for vulnerable children; $591,500,000 for HIV/AIDS including not less than $18,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $155,500,000 for other infectious diseases; $368,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $250,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, up to $10,500,000 should be made available for the International AIDS Vaccine Initiative, and up to $100,000,000 should be made available for the International Mother and Child HIV Prevention Initiative: Provided further, That of the funds appropriated under this heading, up to $60,000,000 may be made available for a United States contribution to the Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under the preceding provisos: Provided further, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: Provided further, That of the funds appropriated *under this heading, $5,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons living with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS.*

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,389,000,000, to remain available until September 30, 2004: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That $159,000,000 should be allocated for trade capacity building: Provided further, That $218,000,000 should be allocated for basic education, of which $20,000,000 should be made available only for programs to increase the professional competence of national and regional education administrators: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $25,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $18,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated by this Act, $100,000,000 shall be made available for drinking water supply projects and related activities.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $230,000,000, to remain available until expended.

In addition, for assistance for Afghanistan, $60,000,000 to remain available until expended: Provided, That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to improve the status of women, infrastructure, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds when added to the funds transferred pursuant to the authority contained under this heading in Public Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,200,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $572,000,000: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $43,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be made available for costs related to the construction of temporary, secure facilities for United States Agency for International Development personnel in Afghanistan: Provided further, That the Administrator of the United States Agency for International Development *shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.*

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $33,300,000, to remain available until September 30, 2004, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,270,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, not less than $600,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $615,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, $250,000,000 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, up to $1,000,000 should be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That not less than $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided further, That notwithstanding section 534(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That of the funds appropriated under this heading, $60,000,000 shall be made available for the United States Agency for International Development for assistance for Indonesia: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 should be made available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: Provided further, That $3,000,000 should be made available for the international youth exchange program for secondary school students from countries with significant Muslim populations: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available during fiscal year 2003 for a contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2004.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $525,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2003 for assistance for Kosovo as of March 31, 2003: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for assistance for Kosovo, up to $1,000,000 should be made available for assistance to support training programs for Kosovar women: Provided further, That not less than $5,000,000 shall be made available for assistance for the Baltic States: Provided further, That of the funds made available under this heading for assistance for Bulgaria, $2,000,000 should be made available to enhance safety at nuclear power plants.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to

carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $760,000,000, to remain available until September 30, 2004: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading $17,500,000 shall be made available solely for assistance for the Russian Far East: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $20,000,000 should be made available for nuclear reactor safety initiatives, and not less than $1,500,000 shall be made available for coal mine safety programs, including mine ventilation and fire prevention and control.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(e) Of the funds appropriated under this heading, not less than $60,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, basic education, environmental and reproductive health/family planning, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(f) None of the funds appropriated under this heading may be made available for assistance for the Government of Ukraine unless the Secretary of State determines and certifies to the Committees on Appropriations that, since September 30, 2000, the Government of Ukraine has not facilitated or engaged in arms sales or arms transfers to Iraq: Provided, That this paragraph shall not apply to assistance to combat infectious diseases, nuclear safety programs and activities, or assistance for victims of trafficking in persons, and to activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(g) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,200,000, to remain available until September 30, 2004.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $18,689,000, to remain available until September 30, 2004: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $297,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2004: Provided further, That the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of five years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: Provided further, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed five years, and the percentage of appointments or assignments that can be made in excess of five years.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $197,000,000, to remain available until expended: Provided, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be apportioned directly to the Department of the Treasury, International Affairs Technical Assistance, to be used for financial crimes and law enforcement technical assistance programs: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for the demand reduction program: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $24,180,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $700,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $31,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That in fiscal year 2003, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided *further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act may be made available to support a Peruvian air interdiction program until the Secretary of State and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in a Peruvian air interdiction program, that an air interdiction program that permits the ability of the Peruvian Air Force to shoot down aircraft will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001 incident: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the amount appropriated under this heading, not less than $250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That of the funds appropriated under this heading and under the heading "Foreign Military Financing Program", not less than $5,000,000 should be made available to support a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations: Provided further, That of the funds made available for assistance for Colombia under this heading, up to $3,000,000 should be made available for commercially developed, web monitoring software, and training on the usage thereof, for the Colombian National Police: Provided further, That of the funds made available for assistance for Colombia under this heading, not less than $1,500,000 should be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; (3) complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (d) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2003: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for the Colombian National Park Service for training, equipment, and other assistance to protect Colombia's national parks and reserves: Provided further, That of the funds appropriated under this heading, not more than $15,680,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $787,000,000, which shall remain available until expended: Provided, That not more than $16,565,000 may be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $26,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $306,400,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), consistent with the provisions of section 562 of this Act, and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $675,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to provide not to exceed $250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $10,800,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Algeria, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,072,000,000: Provided, That of the funds appropriated under this heading, not less than $2,100,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That except as provided in the following proviso, none of the funds appropriated by this paragraph may be made available for helicopters and related support costs for Colombia: Provided further, That up to $93,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $38,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $356,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2003 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act .

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $115,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $147,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $850,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,631,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $7,609,793.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $18,351,667, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $24,590,667, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $97,886,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,602,688.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $108,073,333, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,804,955 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,328,178.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,003,667, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $195,150,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That of the funds appropriated under this heading, not less than $500,000 should be made available for a United States contribution to the International Coffee Organization (ICO) if the United States becomes a member of the ICO prior to June 1, 2003: Provided further, That if the United States does not rejoin the International Coffee Organization by June 1, 2003, the amount allocated under the previous proviso should be made available for the United Nations Center for Human Settlements (UN-HABITAT) in addition to other funds made available for UN-HABITAT under this heading.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to *any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.*

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That assistance or other financing under this Act or under prior foreign operations, export financing, and related programs appropriations Acts may be provided for humanitarian and relief assistance for Iraq notwithstanding the provisions of this section or any other provision of law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States: Provided further, That such assistance or financing shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of obligations of funds: Provided further, That the President shall submit a report to the Committees on Appropriations on the status of the allocation, obligation and expenditure of funds made available for Iraq not later than every 60 days during fiscal year 2003, beginning on March 1, 2003: Provided further, That each such report shall include information on programs, projects, and activities that are being funded or will be funded with such assistance or financing, and the departments and agencies responsible for managing each such program, project, and activity: Provided further, That the authority of the second proviso of this section to provide assistance for Iraq shall expire on the date of enactment of the first subsequent supplemental appropriations Act for fiscal year 2003 that contains supplemental funding for appropriations accounts contained in this Act.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. (a) None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(b) Notwithstanding subsection (a), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(c) None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(d) Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2003.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative","Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2004.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2003, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than $446,500,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 523. Of the funds appropriated by title II of this Act, not less than $295,500,000 shall be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than $50,000,000 should be from funds appropriated under the heading "Economic Support Fund" for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development, of which not less than $5,000,000 is to support activities coordinated by the Afghan Ministry of Women's Affairs, including the establishment and support of multi-service women's centers in Afghanistan: Provided further, That of the funds made available pursuant to this section from "Development Assistance", "International Disaster Assistance" and "Transition Initiatives", high priority should be placed on girls' and women's education, health, legal and social rights, economic opportunities, and political participation by women: Provided further, That assistance should be made available to communities and families that were adversely affected by the military operations: Provided further, That of the funds made available pursuant to this section, up to $9,850,000 may be transferred to and merged with funds appropriated by this Act under the headings "Operating Expenses of the United States Agency for International Development" and "Operating Expenses of the United States Agency for International Development Inspector General".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", "Peace Corps", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: Provided, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China: Provided further, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than $3,000,000 should be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than $9,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $7,000,000 shall be made available for such Fund to support the activities described in subsection (b): Provided, That funds made available in this section for such Fund are in addition to the $12,000,000 requested by the President for the Fund for fiscal year 2003.

(d) Of the funds made available under subsection (a), not less than $3,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $5,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): Provided, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President

determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

Sec. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

Sec. 529. (a) Separate Accounts for Local Currencies.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) Uses of Local Currencies.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) Programming Accountability.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) Termination of Assistance Programs.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) Reporting Requirement.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) Separate Accounts for Cash Transfers.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) Applicability of Other Provisions of Law.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) Notification.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) Exemption.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Sec. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

Sec. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

Sec. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

Sec. 534. (a) Afghanistan, Lebanon, Montenegro, Victims of War, Displaced Children, and Displaced Burmese.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) Tropical Forestry and Biodiversity Conservation Activities.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) Personal Services Contractors.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 20 personal services contractors in the United States, notwithstanding

any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 7 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Procurement; the Bureau for Africa; and the Bureau for Asia and the Near East: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—During fiscal year 2003, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(i) REPEAL.—Section 545(d) of Public Law 106–429, and comparable provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs, are hereby repealed.

(j) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for Intenational Development, from this or any other Act, not less than $6,000,000 should be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 541. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 542. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 543. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 544. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 545. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 546. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 547. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 548. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 549. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 550. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

CARIBBEAN BASIN

SEC. 551. (a) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(b) Of the funds appropriated by title II of this Act and of the funds appropriated to carry out food assistance programs managed by the United States Agency for International Development, a total of not less than $52,500,000 should be allocated for assistance for Haiti in fiscal year 2003.

(c) Of the funds appropriated by title II of this Act, a total of $37,680,000 should be allocated for assistance for Nicaragua and $40,130,000 should be allocated for assistance for Honduras, to address the conditions of increasing poverty in the rural sectors of those countries through programs that support, among other things, increased agricultural production and other income generating opportunities, improved health, and expanded education opportunities, especially for disadvantaged youth.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 552. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 553. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

PROTECTION OF BIODIVERSITY AND TROPICAL FORESTS

SEC. 554. Of the funds appropriated under the heading "Development Assistance", not less than $145,000,000 should be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: Provided, That of the funds made available under this section, $50,000,000 shall be made available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be made available for the cost, *as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.*

ENERGY CONSERVATION, ENERGY EFFICIENCY AND CLEAN ENERGY PROGRAMS

SEC. 555. (a) FUNDING.—Of the funds appropriated by this Act, not less than $175,000,000 should be made available to support policies and programs in developing countries and countries in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 45 days after the date on which the President's fiscal year 2004 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2003, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2002 obligations and estimated expenditures, fiscal year 2003 estimated expenditures and estimated obligations, and fiscal year 2004 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

ZIMBABWE

SEC. 556. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 557. None of the funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: Provided, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: Provided further, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

BURMA

SEC. 558. Of the funds appropriated under the heading "Economic Support Fund", not less than $7,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That of this amount $500,000 should be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", up to $5,000,000 may be made available for activities to support democracy, including assistance for democratic political parties.

(d) Of the funds appropriated by this Act, $3,750,000 shall be made available, notwithstanding subsection (b), as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by the United States Agency for International Development: Provided, That such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. None of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance to the Korean Peninsula Energy Organization (KEDO): Provided, That the President may waive this restriction and provide up to $5,000,000 of funds appropriated under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for assistance to KEDO for administrative expenses only notwithstanding any other provision of law, if he determines that it is vital to the national security interests of the United States and provides a written policy justification to the appropriate congressional committees: Provided further, That funds may be obligated for assistance to KEDO subject to the regular notification procedures of the Committees on Appropriations.

PALESTINIAN STATEHOOD

SEC. 563. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through

measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 552 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 564. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(E) The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

(3) The balance of such funds may be obligated after July 31, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 565. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 566. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 567. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a political transition in Iraq: Provided, That none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years: Provided further, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 568. (a) OVERSIGHT.—For fiscal year 2003, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

INDONESIA

SEC. 569. Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing access to witnesses, relevant military documents, and other requested information); and

(4) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 570. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 571. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking "December 31, 2002" and inserting in lieu thereof "January 1, 2003".

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 572. Funds appropriated in Public Law 107–115 that were available for the United Nations Population Fund (UNFPA), and an equal amount in this Act, shall be made available for the UNFPA if the President determines that the UNFPA no longer supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the other conditions on availability of funds for abortion and abortion-related activities contained in either this Act or Public Law 107–115, including but not limited to section 576(c), shall apply to any assistance provided for the UNFPA in this Act or Public Law 107–115, respectively: Provided further, That the conditions on availability of funds for the UNFPA as contained in section 576 (c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act: Provided further, That the amount of funds that the UNFPA plans to spend in the People's Republic of China in calendar years 2002 and 2003, as determined by the Secretary of State, shall be deducted from funds made available to the UNFPA under Public Law 107–115 and this Act.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 573. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) taking steps to establish an independent fraud and corruption investigative organization or office;

(4) implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

CENTRAL ASIA

SEC. 574. (a) Funds appropriated by this Act may be made available for assistance for the Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America".

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding six month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2003, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the six-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 575. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 576. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 577. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 578. (a) Funds appropriated by this Act may be made available for assistance for Serbia after June 15, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After June 15, 2003, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by

the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 579. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2003 by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors, as of the date of the enactment of this Act, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2004 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REFUND TO THE TREASURY AND REPROGRAMMING OF FUNDS.—Of the funds withheld from obligation for each country or entity pursuant to subsection (b), one-half may become available for reprogramming for other purposes (pursuant to section 515 of this Act and consistent with the purposes for which such funds were originally appropriated) and one-half shall be deposited in the General Fund of the Treasury on, or within 5 days after, September 1, 2004, pursuant to the certification required under subsection (b).

(e) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(f) REPORT.—Not later than February 1, 2004, the Comptroller General of the United States shall submit a report to the Committees on Appropriations which assesses the following—

(1) the extent to which existing bilateral agreements provide exemption from taxation;

(2) the status of negotiations of new framework bilateral agreements or modifications of existing framework bilateral agreements;

(3) the reasons why new framework bilateral agreements or modifications of existing bilateral agreements, entered into within the previous 5 years, have (as appropriate) failed to include exemption from taxation; and

(4) the administrative procedures that foreign governments use to ensure that United States assistance commodities are not taxed or, if they are, that such taxes are reimbursed to the United States Government, and the adequacy of those procedures.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

GAO REPORT

SEC. 580. Not later than November 1, 2003, the Comptroller General of the United States shall provide a report to the Committees on Appropriations on the extent to which the Department of State is complying with section 301(c) of the Foreign Assistance Act of 1961, and on the implementation of procedures that have been established to meet the standards of the Department of State regarding compliance with the requirements of section 301(c).

TRAINING PROGRAM EVALUATION

SEC. 581. Not later than June 30, 2003, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations describing in detail the steps that the Departments of State and Defense are making to improve performance evaluation procedures for the International Military Education and Training (IMET) program and the progress that the Departments of State and Defense are making in implementing section 548 of the Foreign Assistance Act of 1961.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 582. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—

(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency's Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(2) The requirements of paragraph (1) are in lieu of the requirements contains in section 587(b) of Public Law 107–115.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 583. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds, or taking other measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

TRADE CAPACITY BUILDING

SEC. 584. Of the funds appropriated by this Act, under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", and "International Organizations and Programs", not less than $452,000,000 should be made available for trade capacity building assistance.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 585. (a) FINDINGS.—The Congress finds that—

(1) There is a lack of transparency in the revenues and expenditures of the national budgets of many developing countries that receive United States assistance.

(2) In such countries, official revenues—particularly from natural resource extraction—are often unreported, under-reported, or inaccurately recorded by foreign government agencies.

(3) Such inefficiencies—which in some instances mask outright theft—result in the failure of such governments to adequately provide their citizens with social, political, economic, and legal benefits and opportunities, and undermine the effectiveness of assistance provided to such countries by the United States and other international donors.

(4) Good governance and respect for the rule of law are critical to a nation's development.

(b) REPORT.—Not more than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, describing in detail—

(1) Those countries whose central governments receive foreign assistance from the United States;

(2) Relevant laws and regulations in such countries governing the public disclosure of revenues and expenditures in national budgets;

(3) The adequacy of those laws and regulations, and the extent to which they are implemented and enforced;

(4) Those countries receiving such assistance where no such laws or regulations exist, and the extent to which such revenues and expenditures are publicly disclosed; and

(5) Programs and activities sponsored by the United States Government to promote accurate disclosure of revenues and expenditures in the national budgets of such countries, and the results of those programs and activities.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 586. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003".

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $825,712,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which $2,500,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $825,712,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $654,406,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $33,450,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–

1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $917,429,000, to remain available until September 30, 2004, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,427,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the expansion of the Clark R. Bavin Forensics Laboratory in Oregon may be issued, which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $73,370,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

(INCLUDING RESCISSION)

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands: Provided further, That from unobligated balances of prior year appropriations, an amount of $40,000,000 is rescinded.

STEWARDSHIP GRANTS

(INCLUDING RESCISSION)

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species: Provided further, That from unobligated balances of prior year appropriations, an amount of $10,000,000 is rescinded.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $81,000,000, of which $29,529,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $51,471,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,800,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $65,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,565,565,000, of which $10,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $85,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $61,667,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $300,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $69,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004: Provided, That, of the amount provided herein, $2,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $327,843,000, to remain available until expended, of which $1,800,000 for the Virginia City Historic District and $500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, of which not to exceed $3,000,000 is for site acquisition for the proposed Morris Thompson Cultural and Visitors Center, to be made available to the Tanana Chiefs Conference under an Annual Funding Agreement through the Indian Self-Determination and Education Assistance Act, and of which $400,000 is for the Alice Ferguson Foundation for facility upgrade and rehabilitation at the Hard Bargain Farm: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not *been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105–325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.*

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $172,468,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $98,000,000 is for the State assistance program including $3,000,000 to administer the State assistance program: Provided, That of the amounts provided under this heading, $15,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: Provided, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $925,287,000, of which $64,855,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $170,926,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $165,321,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS *transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.*

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,857,319,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $87,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $447,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2005: Provided further, That ISEP contingency funds may be used to cover expenses for negotiated rulemaking required by Public Law 107–110.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $31,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, and 106–554: Provided, That of the amount provided for implementation of Public Law 106–263, $3,000,000 for a water rights and habitat acquisition program shall be derived from the Land and Water Conservation Fund.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,217,000, of which: (1) $70,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,985,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,427,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $141,277,000, to remain available until expended, of which $15,000,000 is for historical accounting: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. The proceeds of the agreements or leases or any statutorily authorized fees, hereafter shall be retained by the Secretary and such proceeds shall remain available until expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 128. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 129. Notwithstanding any other provision of law, the United States Fish and Wildlife Service may use funds appropriated in this Act for incidental expenses related to promoting and celebrating the Centennial of the National Wildlife Refuge System.

SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a nonprofit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305.

SEC. 131. No later than 30 days after enactment of this Act, the Secretary of the Interior shall provide to the House and Senate Committees on Appropriations and the House Committee on Resources and the Senate Committee on Indian Affairs a summary of the Ernst and Young report on the historical accounting for the five named plaintiffs in Cobell v. Norton. The summary shall not provide individually identifiable financial information, but shall fully describe the aggregate results of the historical accounting.

SEC. 132. None of the funds in this or any other Act for the Department of the Interior or the Department of Justice can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 133. Within 90 days of enactment of this Act the Special Trustee for American Indians, in consultation with the Secretary of the Interior and the Tribes, shall appoint new members to the Special Trustee Advisory Board.

SEC. 134. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase "appropriations made for the Bureau of Land Management" the phrase "including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs".

SEC. 136. Public Law 107–106 is amended as follows: in section 5(a) strike "9 months after *the date of enactment of the Act" and insert in lieu thereof "September 30, 2003".*

SEC. 137. Notwithstanding any other provision of law, the funds provided in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act of 2002, Public Law 107–116, for the National Museum of African American History and Culture Plan for Action Presidential Commission shall remain available until expended.

SEC. 138. The U.S. Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 139. The visitor center at the Bitter Lake National Wildlife Refuge in New Mexico shall be named for Joseph R. Skeen and, hereafter, shall be referred to in any law, document, or record of the United States as the "Joseph R. Skeen Visitor Center".

SEC. 140. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 141. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02-00010.

SEC. 142. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 143. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 144. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 145. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 146. Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking "(iv) Sec. 8." and inserting the following:

"(iv) Sec. 7.

"(v) Sec. 8.".

SEC. 147. Not to exceed $650,000 of the funds made available under the heading "United States Fish and Wildlife Service, Construction" in Public Law 107–63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, and such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 148. Public Law 107–331 is amended in Sections 301(b) and 301(d) by striking the word "Secretary" each place it appears and inserting in lieu thereof the word "Director", and by striking the text of Section 301(c)(3) and inserting in lieu thereof "DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.".

SEC. 149. Section 113 of Public Law 104–208 (31 U.S.C. 501 note.) is amended by deleting "That such fund shall be paid in advance" and inserting "That such fund may be paid in advance".

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following:

"(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) IN GENERAL.—Under"; and

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.".

SEC. 151. The document entitled "Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)" dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

SEC. 152. MISSOURI RIVER. It is the sense of the Congress that the member States and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

SEC. 153. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST. (a) IN GENERAL.—In addition to the transfer provided for in section 402(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)), interest credited to the fund established by section 401 of such Act (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. The cumulative additional amount that may be transferred under this section from the date of enactment of this Act through September 30, 2004 shall not exceed $34,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SEC. 154. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking "$2,000,000" and inserting "$5,000,000".

SEC. 155. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP. (a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled "Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P" and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System", dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 156. SENSE OF THE CONGRESS REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES. (a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit

to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. (a) AUTHORITY.—The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

(b) CONDITION.—

(1) IN GENERAL.—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) FUNDING.—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

SEC. 158. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 159. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2004 shall not exceed $12,000,000.

SEC. 160. MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT ACT. (a) SHORT TITLE.—This section may be cited as the "Moccasin Bend National Archeological District Act".

(b) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) ARCHEOLOGICAL DISTRICT.—The term "archeological district" means the Moccasin Bend National Archeological District.

(3) STATE.—The term "State" means the State of Tennessee.

(4) MAP.—The term "Map" means the map entitled, "Boundary Map Moccasin Bend National Archeological District", numbered 301/80098, and dated September 2002.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) BOUNDARIES.—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(3) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the archeological district that on the date of the enactment of this section are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(4) GENERAL MANAGEMENT PLAN.—Not later than three years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

(e) REPEAL OF PREVIOUS ACQUISITION AUTHORITY.—The Act of August 3, 1950 (Chapter 532; 16 U.S.C. 424a–4) is repealed.

SEC. 161. Section 6 of Public Law 102–495 (106 Stat. 3173) is amended by removing subsections 6(b) and (c) in their entirety and substituting the following:

"(b) LANDS TRANSFER TO THE LOWER ELWHA KLALLAM TRIBE.—Subject to valid existing rights, all right, title, and interest of the United States in and to the following described land, consisting of 1.7 acres, more or less, situated in the County of Clallam, State of Washington, are hereby conveyed to the Lower Elwha Klallam Indian Tribe: the parcel lying south of the existing roadway and extending southward to the Inner Harbor line of the Port Angeles Tidelands, and beginning at the north-south line 1,106 feet west of the eastern boundary of Out Lot 6 and running easterly 1,671 feet to the north-south line 565 feet east of the eastern boundary of Out Lot 6, to be further described on a detailed legal description and map filed later with the Oregon/Washington Office of the Bureau of Land Management. Said legal description and map shall be provided by the tribe, at its cost and expense, within ninety (90) days of the enactment of this Act. This conveyance shall be subject to the following provisions:

"(1) There shall be public access to the beach along the south side of the parcel at all times.

"(2) The City of Port Angeles shall have the right to construct and maintain a waterfront trail adjacent to the existing roadway along the north side of the parcel, the location of which shall be determined in conjunction with the Secretary.

"(3) Parking facilities on the parcel shall be open to the public at all times.

"(4) The Agreement entered into on August 11, 1992, between the City of Port Angeles and the Tribe regarding the use of the adjacent leaseholds.

"(5) Easements shall be are hereby reserved in favor of the United States upon, over, under, through, and across the lands conveyed under this section allowing the United States, its successors, assigns, and agents, unrestricted and uninterrupted access to any adjoining lands owned or controlled by the United States, including but not limited to, the U.S. Coast Guard Air Station located on Ediz Hook, and allowing the United States, its successors, assigns, and agents, to install, construct, operate, maintain, repair, and replace utility lines and other related equipment upon, over, under, through, and across the lands conveyed under this section in order to operate said air station or to conduct any other Federal mission, operation, or activity upon lands owned or controlled by the United States.

"(6) A navigation easement shall be hereby reserved in favor of the United States over the lands conveyed under this section for the continued aircraft operations at the adjacent U.S. Coast Guard Air Station on Ediz Hook. Said navigation easement shall be based on the Federal Aviation Administration (FAA) standards contained in FAA Advisory Circular 150/5390–2A, "Heliport Design," dated January 20, 1994. In any event, the Lower Elwha Klallam Indian Tribe shall not construct any building or structure that intrudes into navigable airspace, as defined in FAA regulations.".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $251,685,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and invasive or noxious plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $286,574,000, to remain available until expended, as authorized by law: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That funds provided in this Act and in Public Laws 106–113, 106–291, and 107–63, for the West Branch Forest Legacy Project in the State of Maine, consisting of at least 45,000 acres of *fee simple purchase and at least 275,000 acres in a conservation easement, that have not been expended by January 31, 2004, shall be transferred to the Wildland Fire Management account and shall be available to perform rehabilitation and restoration activities: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $1,000,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).*

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,362,299,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,379,938,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for the Joint Fire Science Program: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $7,124,000 is for rehabilitation and restoration, $1,850,000 is for capital improvement and maintenance of fire facilities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,555,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $16,934,000 is for forest health activities on State, private, and Federal lands, and $5,000,000 is for economic action programs: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, nonprofit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $552,039,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $1,700,000 shall be available to the University, and $1,000,000 provided in this Act for construction of facilities in Cordova, Alaska shall be available to the city.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $133,815,000 to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That from amounts previously appropriated under this heading for the acquisition of lands in the Tongass National Forest, $350,000 shall be provided as an advance direct lump sum payment to the City of Juneau for the acquisition of 10.5 acres of land in Southeastern Alaska for a wild bird rehabilitation clinic and nature education center.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San

Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), and for authorized expenditures from funds deposited by non-federal parties pursuant to related Land Sale and Exchange Acts, to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

For fiscal years 2003 through 2007, the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2003, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $87,000,000 shall not be available until October 1, 2003: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $624,900,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,831,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $897,603,000, to remain available until expended: Provided, That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

(INCLUDING RESCISSION)

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended: Provided, That from unobligated balances of prior year appropriations, an amount of $5,000,000 is rescinded.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,611,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,492,115,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, *That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $460,130,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That contract medical care funds appropriated heretofore and hereafter for tribes recognized after January 1, 1995, may be used to provide medical services directly or through contract medical care: Provided further, That of the funds provided, up to $25,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds appropriated under the Special Diabetes Program for Indians (42 U.S.C. 254c–3(c)) for fiscal year 2003 and thereafter for the purpose of making grants shall remain available until expended: Provided further, That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 and thereafter from the Department of Health and Human Services' Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: Provided further, That heretofore and hereafter the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program and $5,000,000 shall be available to the Alaska Native Tribal Health Consortium for substance abuse and behavioral health counselors through the Counselor in Every Village Program: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.*

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $376,190,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,490,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $463,205,000, of which not to exceed $53,634,000 for the instrumentation program, collections acquisition, exhibition reinstallation, security improvements, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: Provided further, That from unobligated balances of prior year appropriations, an amount of $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $83,425,000, to remain available until expended, of which $18,875,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: Provided further, That the solicitation of the contract and the contract shall contain the clause "availability of funds" found at 48 C.F.R. 52.232–18.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $77,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $116,489,000, shall be available to the National Endowment for the

Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from *such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.*

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. Until September 30, 2005, the authority of the Secretary of Agriculture to enter into an agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities. An agreement entered into under this section shall not be subject to Public Law 95–224, Federal Grant and Cooperative Agreement Act (1977).

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note), is amended—

(1) in subsection (a), by striking "September 30, 2004" and all that follows and inserting "September 30, 2013, the Forest Service and the Bureau of Land Management, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.";

(2) in subsection (b)(4)—

(A) by striking "noncommercial cutting or removing of trees" and inserting "removing vegetation"; and

(B) by striking "non-commercial objectives" and inserting "land management objectives";

(3) in subsection (c), by adding at the end a new paragraph as follows:

"(5) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary of Agriculture or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (a).";

(4) in subsections (c)(3), (d), (f), and (g), by inserting "and the Bureau of Land Management" after "Forest Service" each place it appears;

(5) in the section heading, by striking "DEMONSTRATION PROJECT" and inserting "PROJECTS";

(6) in subsections (d)(2) and (f)(2)(B), by striking "demonstration" each place it appears;

(7) in subsection (d)(3), by striking "the Secretary" both places it appears and inserting "the Forest Service or the Bureau of Land Management" and by inserting "or the public lands" after "National Forest System"; and

(8) in subsection (g), by striking "each individual stewardship pilot project" and inserting "the stewardship contracting projects".

SEC. 324. TECHNICAL CORRECTION RELATED TO CABIN USER FEES.—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106–291) is amended by striking "value influences" and inserting in lieu thereof "criteria" and striking "section 606(b)(3)" and inserting in lieu thereof "section 606(b)(2)".

SEC. 325. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking "10" and inserting "20";

(2) in subsection (c) by inserting at the end of the subsection "Additionally, proceeds from the sale of conveyances on no more than 3 sites shall be available for construction of replacement facilities."; and

(3) in subsection (d), by striking "2005" and inserting "2006".

SEC. 326. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 327. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 328. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 329. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 330. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 331. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

SEC. 332. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 333. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 334. Section 401(e)(4)(B) of Public Law 105–83 is amended after "Not more than" by striking "5 percent" and inserting "15 percent".

SEC. 335. The Record of Decision for the 2003 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

SEC. 336. Section 7(c) of Public Law 106–143 is amended by striking "2001" and inserting "2004".

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking "An" and inserting in its place "Except as otherwise set forth in subsection (d)(3) of this section, an";

(2) by creating the following new subsection:

"(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

"(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

"(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.";

(3) by creating the following new subsection:

"(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.".

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

"(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

"(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

"(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.".

SEC. 338. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 339. AMENDMENT TO TITLES I AND II OF THE ENERGY POLICY AND CONSERVATION ACT. (a) Title I of the Energy Policy and Conservation Act (42 U.S.C. 6231–6247b) is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"SEC. 166. There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.";

(2) in section 186 (42 U.S.C. 6250e), by striking "for fiscal years 2001, 2002, and 2003"; and

(3) in section 191 (42 U.S.C. 6251), by striking "September 30, 2003" each time it appears and inserting "September 30, 2008".

(b) Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by amending section 256(h) (42 U.S.C. 6276) to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended."; and

(2) in section 281 (42 U.S.C. 6285), by striking "September 30, 2003" each time it appears and inserting "September 30, 2008".

SEC. 340. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 341. DESIGNATION OF PANTHERTOWN VALLEY TRACT OF NANTAHALA NATIONAL FOREST, JACKSON COUNTY, NORTH CAROLINA, IN HONOR OF JAMES AND ELSPETH MCCLURE CLARKE. The portion of the Nantahala National Forest in Jackson County, North Carolina, known as the Panthertown Valley tract and consisting of approximately 6,294 acres is hereby designated as the "James and Elspeth McClure Clarke Forest" in honor of James and Elspeth McClure Clarke.

TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 401. SHORT TITLE.

This title may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 403. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term "Area" does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 404. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 405(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 405(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 406(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 409 or subsection (b) or (c) of section 413 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 405(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the "Mining Law of 1872").

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 405. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 406(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 407, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 404, 405(c), 407, 408, and 409.

(b) ACCESS.— Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 404(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 404(e) and 406(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 410.

SEC. 406. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 404(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 405(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 407. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 408. JURISDICTION OVER THE AREA.

(a) Criminal Jurisdiction.—

(1) In general.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) Jurisdiction of the Pueblo.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 405(a)(4).

(3) Jurisdiction of the United States.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) Jurisdiction of the State of New Mexico.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) Overlapping jurisdiction.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) Federal use of state law.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) Civil Jurisdiction.—

(1) In general.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) Jurisdiction of the Pueblo.—

(A) In general.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) Regulatory jurisdiction.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) Taxing jurisdiction.—The Pueblo shall have no authority to impose taxes within the Area.

(3) State and local taxing jurisdiction.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 405(a)(4).

SEC. 409. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) Subdivisions.—

(1) In general.—The subdivisions are excluded from the Area.

(2) Jurisdiction.—

(A) In general.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) State jurisdiction.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) Limitations on trust land.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) Piedra Lisa.—

(1) In general.—The Piedra Lisa tract is excluded from the Area.

(2) Declaration of trust title.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) Applicability of certain restriction.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(c) Crest Facilities.—

(1) In general.—The land on which the crest facilities are located is excluded from the Area.

(2) Jurisdiction.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) Special Use Permit Area.—

(1) In general.—The land described in the special use permit is excluded from the Area.

(2) Jurisdiction.—

(A) In general.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) Preexisting status.—The preexisting jurisdictional status of that land shall continue in effect.

(3) Amendment to plan.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) Land dedicated to aerial tramway and related uses.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) La Luz Tract.—

(1) In general.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) Nonapplicability of certain restriction.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(f) Evergreen Hills Access.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) Pueblo Fee Land.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) Rights-of-Way.—

(1) Road rights-of-way.—

(A) In general.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) Conditions.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) Utility rights-of-way.—In accordance with the Pueblo having given its consent in the

Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company: Provided, That use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 410. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 404, 405, 407, 408, and 409, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 409, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 411. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 405(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 408(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 412. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 413. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) PIEDRA LISA TRACT.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 409(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 409(b)(2).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be

in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) Payments.—Subject to the availability of appropriated funds the Secretary of the Treasury shall make reimbursement payments as provided in this section.

(4) Applications.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) Maximum reimbursement.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 413(c).

SEC. 415. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

TITLE V—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT OF 2003

SECTION 501. SHORT TITLE.

This title may be cited as the "National Forest Organizational Camp Fee Improvement Act of 2003".

SEC. 502. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) Findings.—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,0000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) Purpose.—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) Definitions.—In this Act:

(1) The term "organizational camp" means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term "individual with a disability" has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term "children at risk" means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term "change in control" means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this Act to another party.

SEC. 503. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) Land Use Fee.—

(1) Percentage of land value.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) Annual adjustment.—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) Reduction in fees.—

(A) Type of participants.—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) Type of programs.—After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) Relation to minimum fee.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) Special considerations.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) Minimum land use fee.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) Facility Use Fee.—

(1) Percentage of facilities value.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to five percent of the value of the authorized facilities, as determined by the Secretary.

(2) Reduction in fees prohibited.—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) Fee Related to Receipt of Other Revenues.—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to five percent of that revenue.

(d) Work-In-Lieu Program.—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

SEC. 504. IMPLEMENTATION.

(a) Prompt Implementation.—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) Phase-In of Use Fee Increases.—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

SEC. 505. RELATIONSHIP TO OTHER LAWS.

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

SEC. 506. DEPOSIT AND EXPENDITURE OF USE FEES.

(a) Deposit and Availability.—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) Transfer.—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) Use.—Use fees deposited pursuant to subsection (a) and transferred to the Secretary

under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

SEC. 507. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.

(a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

This division may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2003".

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998 and the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,755,070,000 plus reimbursements, of which $1,651,055,000 is available for obligation for the period July 1, 2003 through June 30, 2004; of which $1,045,465,000 is available for obligation for the period April 1, 2003 through June 30, 2004, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act of 1998 and $44,500,000 to carry out section 169 of such Act; of which $30,000,000 is available on October 1, 2002 until expended to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998; and of which $27,550,000 is available for the period July 1, 2003 through June 30, 2006 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $306,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,157,162,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That, notwithstanding any other provision of law or related regulation, $77,836,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $72,686,000 for formula grants, $4,640,000 for migrant and seasonal housing, and $510,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of the Workforce Investment Act of 1998, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2003 through June 30, 2004, and of which $100,000,000 is available for the period October 1, 2003 through June 30, 2006, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 107–116 for the Employment and Training Administration, funding shall be restored to the prior grantee, no later than March 28, 2003, for a period of performance of twenty-four months at an annualized level equivalent to fiscal year 2000 funding levels, for the following grants: Building a High Skills Workforce Development System, Building a High Skills Cities/Counties Consortium, and Increasing Academic and Employability Skills: Applying New Standards in Job Corps Centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $445,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $972,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $143,452,000, together with not to exceed $3,475,451,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2003, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2005; of which $143,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2003 through June 30, 2004, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2003 is projected by the Department of Labor to exceed 4,526,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2004, $463,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2003, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $121,424,000, including $4,711,000 to administer welfare-to-work grants, together with not to exceed $54,228,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $117,044,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2003, for such Corporation: Provided, That not to exceed $13,050,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $381,578,000, together with $2,029,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2003: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $37,657,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,928,000; (2) for medical bill review and periodic roll management, $12,027,000; (3) for communications redesign, $702,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,867,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2003 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2003 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2003 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $31,987,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $22,952,000 for transfer to Departmental Management, "Salaries and Expenses"; $334,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $453,256,000, including not to exceed $91,139,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2003, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $274,741,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including $3,000,000 for an award to the National Technology Transfer Center for a coal slurry impoundment pilot project in Southern West Virginia; including up to $2,000,000 for mine rescue and recovery activities; and including $10,000,000 for digitizing mine maps and developing technologies to detect mine voids, through contracts, grants, or other arrangements, to remain available until expended; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $415,855,000, together with not to exceed $72,029,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2003 through September 30, 2003, for Occupational Employment Statistics, and $5,000,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,487,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2004, and $55,000,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $390,069,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $188,537,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2003. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $25,675,000, of which $7,425,000 shall be available for obligation for the period July 1, 2003 through June 30, 2004.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,659,000, together with not to exceed $5,597,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the U.S. Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

This title may be cited as the "Department of Labor Appropriations Act, 2003".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,472,630,000, of which $298,153,000 shall be available for construction and renovation (including equipment) of health care and other facilities, and of which $40,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $275,138,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $719,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided under this heading, $46,000 is available for Catholic Social Services, The Bridge, Wilkes Barre, PA for abstinence education and related services, $500,000 is available for CentraCare Health Foundation for administration, St. Cloud, Minnesota, to increase the ability of educational institutions to produce nurses in a region with high demand, $41,000 is available for

Chester County Health Department, Chester County Government Services Center, West Chester, PA, for abstinence education and related services, $105,000 is available for the City of Chester, Bureau of Health, SABER Project, Chester, PA, for abstinence education and related services, $86,000 is available for George Washington Carver Community Center, Project A.C.E., Norristown, PA, for abstinence education and related services, $51,000 is available for Heart Beat, New Bloomfield, PA, for abstinence education and related services, $79,000 is available for Keystone Central School District, Central Mountain Middle School East, Loc Haven, PA, for abstinence education and related services, $88,000 is available for Keystone Economic Development Corporation, Johnstown, PA, for abstinence education and related services, $92,000 is available for L.V.C.P.T.P., St. Luke's Health Network, CHOICE program, Bethlehem, PA, for abstinence education and related services, $74,000 is available for Lackawanna Trail School District, Factoryville, PA, for abstinence education and related services, $112,000 is available for LaSalle University, Philadelphia, PA, for abstinence education and related services, $111,000 is available for Mercy Hospital of Pittsburgh, Pittsburgh, PA, for abstinence education and related services, $136,000 is available for Neighborhood United Against Drugs, Philadelphia, PA, for abstinence education and related services, $23,000 is available for New Brighton School District, New Brighton, PA, for abstinence education and related services, $1,250,000 is available for Northeastern Ohio Universities College of medicine, Rootstown, Ohio, for the Center for Leadership in Public Health and Community Medicine, $72,000 is available for Nueva Esperanza, Philadelphia, for abstinence education and related services, $72,000 is available for Partners in Family and Community Development, Athens, PA, for abstinence education and related services, $50,000 is available for Potter County Human Services, Routleet, PA, for abstinence education and related services, $71,000 is available for Rape and Victim Assistance Center of Schuykill County, Pottsville, PA, for abstinence education and related services, $82,000 is available for Real Commitment, Gettysburg, PA, for abstinence education and related services, $101,000 is available for the School District of Lancaster, Project IMPACT, Lancaster, PA, for abstinence education and related services, $102,000 is available for the School District of Philadelphia, Philadelphia, PA, for abstinence education and related services, $700,000 is available for the Silver Ring Thing Program, Sewickley, Pennsylvania, for expansion of a program promoting abstinence, $74,000 is available for the Guidance Center project RAPPORT, Smethport, PA, for abstinence education and related services, $109,000 is available for To Our Children's Future with Health, Inc., Philadelphia, PA, for abstinence education and related services, $136,000 is available for Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services, $84,000 is available for Tuscarora Intermediate Unit, Mcveytown, PA, for abstinence education and related services, $500,000 is available for the University of Akron, Ohio, for a nursing study, $1,000,000 is available for the University of Florida, Gainesville, Florida, for Consortium to Promote Nursing Faculty, $300,000 is available for the University of Louisville Research Foundation, Kentucky, to establish a Center for Cancer Nursing Education and Research, $126,000 is available for the Urban Family Council, Philadelphia, PA, for abstinence education and related services, $41,000 is available for Venago County Area Vo-Tech, Oil City, PA, for abstinence education and related services, $136,000 is available for Washington Hospital Teen Outreach, Academy for Adolescent Health, Washington, PA, for abstinence education and related services, $300,000 is available for William Beaumont Hospital, Royal Oak, Michigan, for the Beaumont Nurse Anesthesia Education Rural Initiative, $136,000 is available for the Women's Care Center for Erie County, Inc., Abstinence Advantage Program, Erie, PA, for abstinence education and related services, $50,000 is available for York County, Human Life Services, Inc., York, PA, for abstinence education and related services, $95,000 is available for Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services, $50,000 is available for Clarke College in Dubuque, IA, for the planning of a community health center, $700,000 is available for Clinical Pharmacy Training Program at University of Hawaii at Hilo, $100,000 is available for Iowa Dept of Public Health to continue the Center for Healthcare Workforce Shortages, $350,000 is available for Nationally Health Start Association, Baltimore, Maryland, to gather and disseminate information on best practices under the Healthy Start program and provide technical assistance to Healthy Start grantees, $125,000 is available for the Tulsa Coalition for Children's Health in Tulsa, Oklahoma for a study regarding delivery of pediatric health care in northeastern Oklahoma, and $50,000 is available for Waianae Coast Community Health Center leadership training: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $115,900,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which $500,000 is available for the City of Milwaukee Health Department for a pilot program providing health services to at-risk children in day care and $10,000 is available for the Dane County Neighborhood Child Health Clinic in Madison, Wisconsin to provide child dental services: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of Title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That $55,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,914,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,991,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,296,566,000, of which $268,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $183,763,000 for international HIV/AIDS shall remain available until September 30, 2004, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, $14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: Provided further, That in addition to amounts provided herein, $125,899,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: Provided further, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or *related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,622,394,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,812,011,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $374,067,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,633,347,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,466,005,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $3,730,973,000: Provided, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to $375,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,859,084,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,213,817,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $637,290,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $618,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,000,099,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $489,324,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $372,805,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $131,438,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $418,773,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $968,013,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,349,788,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $468,037,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $280,100,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,146,272,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $120,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $114,149,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $186,929,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $63,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $302,099,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2003, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $267,974,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $632,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,158,068,000, of which $21,461,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided, That $955,000, to remain available until expended, shall be for protection, maintenance, and environmental remediation of the Federally owned facilities at St. Elizabeths Hospital: Provided further, That in addition to amounts provided herein, $62,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Subpart II of Title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for Subpart II of Title XIX: Provided further, That in addition to amounts provided herein, $12,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out data collection activities supporting the annual National Household Survey.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to *section 927(c) of the Public Health Service Act shall not exceed $303,695,000.*

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $112,090,218,000, to remain available until expended.

For making, after May 31, 2003, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2003 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2004, $51,861,386,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,462,700,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,581,672,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That from amounts appropriated under this heading, $3,000,000 for the managed care system redesign shall remain available until expended: Provided further, That $51,000,000, to remain available until September 30, 2004, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That of the amounts made available for research, demonstration and evaluation, $1,500,000 is available for AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities, $500,000 is available for Bucks County Health Improvement Project, Langhorne, Pennsylvania, $464,000 is available for Children's Hospice International demonstration program to provide a continuum of care for children with life-threatening conditions and their families, $350,000 is available for Children's Hospitals and Clinics of Minneapolis/St. Paul, in partnership with the National Hospice and Palliative Care Organization, for a demonstration project to provide pediatric palliative care education and consultation services, $100,000 is available for Community Catalyst Inc. in Boston, MA to expand a benefits management program to improve the delivery of healthcare benefits to low-income individuals, $75,000 is available for Cook County Illinois Bureau of Health Services to improve the management of the vulnerable patients with poorly controlled diabetes, $700,000 is available for the County of Sacramento, California for implementation of the SacAdvantage pilot program to increase availability of health insurance for uninsured workers and their dependents through premium subsidies and purchasing pools, $200,000 is available for Equip for Equality in Chicago, Illinois for a demonstration project to document the impact of an independent investigative unit to examine deaths and serious allegations of abuse and neglect of people with disabilities at facilities in Illinois, $300,000 is available for Hamot Medical Center, Erie, PA, for a demonstration project for the evaluation of advanced illness coordinated care for Medicare beneficiaries, $100,000 is available for Hope House Day Care Center in Memphis, Tennessee for a demonstration project on improving the overall well-being of HIV positive children, $500,000 is available for the Hospice of Metro Denver in Denver, Colorado to establish a clinical and training affiliation with the University of Colorado's Health Science Center and to develop cutting-edge palliative care practices, $350,000 is available for Illinois Primary Health Care Association, in Springfield, Illinois, to implement the Shared Integrated Management Information System, $100,000 is available for Jefferson Area Board for Aging, Charlottesville, Virginia, for continuation of the recruitment, retention, training, and support of nursing assistants, $100,000 is available for Johns Hopkins School of Medicine, Baltimore, MD, for an advanced respiratory medicine project to study in-home, self-administered high frequency chest wall oscillation therapy, $130,000 is available for Medical Care for Children Partnership, Fairfax, Virginia to provide outreach to increase access to medical and dental care for children, and $325,000 is available for The Breast Cancer Fund in San Francisco, California (in collaboration with Shanti) for the "Lifelines" project to increase access to breast cancer treatment for medically underserved women: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 223,500,000 Part A claims and/or 870,000,000 Part B claims, an additional $46,800,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Fund: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2003 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2003, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,475,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2004, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $436,724,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2003 shall be available for the costs of assistance provided and other activities through September 30, 2005: Provided further, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,994,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child

Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,643,117,000, of which $43,000,000, to remain available until September 30, 2004, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,667,533,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2003 and remain available through September 30, 2004; and of which $739,315,000 shall be for making payments under the Community Services Block Grant Act: Provided, That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of Section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $90,567,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $40,770,000 is for the transitional living program: Provided further, That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,855,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2004, $1,745,600,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,376,001,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $149,670,000 shall be available for carrying out section 311 of the Older Americans Act of 1965 consistent with the formula of such Act (as amended by section 217 of this Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $361,364,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,300,000: Provided, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,328,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,499,000: Provided, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided further, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,246,680,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,543,440,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration; $546,000,000; and the Agency for Healthcare Research and Quality, $5,000,000, to remain available until expended; Provided further, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the

Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.1 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, 2002 and 2003"; and

(B) in subsection (e), by striking "October 1, 2002" each place it appears and inserting "October 1, 2003"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2002" and inserting "September 30, 2003".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2003.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b)—

(A) in the caption, by striking "of cash or commodities" and inserting "and payment"; and

(B) in paragraph (1)—

(i) by striking "The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency" and inserting "The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency"; and

(ii) by striking "to each grantee" and inserting "to or on behalf of each grantee"; and

(2) in subsection (d)—

(A) in the caption, to read as follows: "Option to obtain commodities from Secretary of Agriculture";

(B) in paragraph (1), to read as follows: "Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.";

(C) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

"(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

"(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.";

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: "Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts."; and

(G) in paragraph (5), as redesignated, by striking "donation" and inserting "provision".

SEC. 218. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 219. The Supplemental Appropriations Act, 2001 (Public Law 107–20) is amended, in the matter under the heading "LOW INCOME HOME ENERGY ASSISTANCE" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II, by striking "$300,000,000" and inserting in lieu thereof, "$200,000,000", and by adding under such heading the following new paragraph: "For an additional amount for the Low Income Home Energy Assistance Program authorized under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $100,000,000, to remain available until expended.".

SEC. 220. Notwithstanding any other provision of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under section 601 of division N.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2003".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $13,853,400,000, of which $4,651,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $9,027,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $7,172,971,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,670,239,000 shall be available for targeted grants under section 1125: Provided further, That $1,541,759,000 shall be available for education finance incentive grants under section 1125A: Provided further, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,196,000,000, of which $1,032,000,000 shall be for basic support payments under section 8003(b), $51,000,000 shall be for payments for children with disabilities under section 8003(d), $45,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $60,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $8,052,957,000, of which $508,100,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $4,132,167,000 shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That up to $12,000,000 may be used to carry out section 2345 of the ESEA: Provided further, That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $75,000,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2002: Provided further, That $162,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2002, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2003, and remain available through September 30, 2004, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That $387,000,000 shall be for subpart 1 of part A of title VI of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act: Provided further, That $814,660,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $212,160,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,368,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $10,095,639,000, of which $4,135,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $5,672,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $10,000,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act: Provided further, That $7,715,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,956,382,000, of which $1,000,000 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: Provided further, That $3,540,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $15,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,050,000, of which $1,600,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $98,438,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,956,060,000, of which $1,158,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: Provided, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $23,500,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $13,450,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,050.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $2,100,701,000, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That $140,599,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,000,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $450,887,000: Provided, That of the amount appropriated, $140,000,000 shall be available for obligation through September 30, 2004: Provided further, That $5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $412,545,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $86,276,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $41,000,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $105,388,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

"(g) SUPPLEMENT, NOT SUPPLANT.—A State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.".

This title may be cited as the "Department of Education Appropriations Act, 2003".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,013,000, of which $5,769,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $356,205,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $390,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That in addition to the funds provided under this heading in Public Law 106–554, $183,000 shall be available for administrative costs for fiscal year 2003, notwithstanding section 396(k)(3)(A) of the Public Broadcasting Act.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $41,425,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,178,000.

Institute of Museum and Library Services

For carrying out the Museum and Library Services Act, $245,485,000, of which $10,000,000 shall remain available until expended for the Recruiting and Educating Librarians for the 21st Century Initiative: Provided, That of the amount provided, $25,000 shall be awarded to the Abington Art Center, Jenkintown, Pennsylvania, for a work-study program for at-risk junior and high school students, $100,000 shall be awarded to the Aleutian World War II Museum in Alaska for interactive media display, $75,000 shall be awarded to the Allentown Art Museum, Allentown, Pennsylvania, for educational programs for 25 school districts in 7 Pennsylvania counties, $25,000 shall be awarded to the Alley Pond Environmental Center, Douglaston, New York, for environmental education programs, $500,000 shall be awarded to the American Village Project in Montevallo, Alabama, $100,000 shall be awarded to the Army Aviation Heritage Foundation in Ozark, Alabama, for educational programs, $175,000 shall be awarded to the Arts Council of New Orleans, $500,000 shall be awarded to the Asian Art Museum, San Francisco, California, for exhibits and education programs, $575,000 shall be awarded to the Berkshire Museum, Pittsfield, Massachusetts, for climate control systems to preserve collections, $400,000 shall be awarded to the Bishops Museum in Honolulu, Hawaii, $400,000 shall be awarded to the Boston Public Library Foundation, Boston, Massachusetts, for preservation and enhancement of the John Adams Presidential Library and for related educational programs, $250,000 shall be awarded to the Bowers Museum, City of Santa Ana, California, for education programs, publications and technology, $500,000 shall be awarded to the Brooklyn Children's Museum, Brooklyn, New York, for equipment and technology, exhibits and education programs, $100,000 shall be awarded to the Butler Area Public Library, Pennsylvania, for program enhancements, $275,000 shall be awarded to the California State University, San Marcos, California, to upgrade electronic catalog and to provide computer stations for the library, $175,000 shall be awarded to the Cape Cod Maritime Museum to develop exhibits and academic programs, $200,000 shall be awarded to the Carnegie Library of Pittsburgh, Pennsylvania, to purchase library materials and upgrade technology at the East Liberty Branch Library, $250,000 shall be awarded to the Carnegie Library, Union Springs, Alabama, for program development, $75,000 shall be awarded to the Chicago State University Gwendolyn Brooks Center to expand its repository of the literary works of Gwendolyn Brooks, $100,000 shall be awarded to the Chickasaw Cultural Center in Chickasaw, Oklahoma, $100,000 shall be awarded to the Children's Museum of Manhattan, New York, New York, to establish early childhood education programs and exhibits, $100,000 shall be awarded to the Children's Museum of Stockton, Stockton, California, for a Delta Region Exhibit, $100,000 shall be awarded to the City of Abilene, Texas, for the collection and display of artifacts, and for exhibits at the Texas Forts Trail Museum, $50,000 shall be awarded to the City of Anatuvik Pass Museum in Alaska for museum exhibits, $200,000 shall be awarded to the City of Dallas, Texas, for the Dallas Public Library, to establish "Teen Wise Centers" for at-risk youth, $150,000 shall be awarded to the Clark County Heritage Center Springfield, Ohio, for technology upgrades an exhibit development, $250,000 shall be awarded to the Cleveland Health Museum, Ohio, for exhibits, $400,000 shall be awarded to the Commonwealth Zoological Corporation (Zoo New England), Boston, Massachusetts, for the "Living Classroom" science education program and for outreach, $800,000 shall be awarded to the Davenport Music History Museum in Davenport, Iowa, $300,000 shall be awarded to the Dayton Aviation Heritage National Historical Park in Ohio for education and cultural programs, $75,000 shall be awarded to the Delaware and Lehigh National Heritage Corridor, Easton, Pennsylvania, to establish a National Museum of Industrial History in Bethlehem, Pennsylvania, to display a repository of industrial machines, equipment and technology of the 19th and 20th centuries focusing on steel, $75,000 shall be awarded to the Delaware County Historical Society, Media, Pennsylvania, to develop and expand educational programs highlighting historical themes and sites relating to the Delaware County, $2,200,000 shall be awarded to the Discovery Center, Springfield, Missouri, $250,000 shall be awarded to the Downtown Chambersburg, Inc., Pennsylvania, $50,000 shall be awarded to the Eleanor Roosevelt's Papers at George Washington University for related program development, $100,000 shall be awarded to the Exploris Museum, for the Global Awareness Program, including exhibits, a film program, and educational programs, $100,000 shall be awarded to the Fine Arts Museums of San Francisco to expand educational programming and technology improvements at the de Young Museum, $1,000,000 shall be awarded to the Florida International Museum, St. Petersburg, Florida, for the Centennial Russian Museum Exhibit, $200,000 shall be awarded to the Franklin Institute, Philadelphia, Pennsylvania, for exhibits, professional development and educational programming to students to explore bioscience and biotechnology, $200,000 shall be awarded to the Frederick C. Crawford Museum of Transportation Industry, Cleveland, Ohio, for educational programming, planning and exhibits, $900,000 shall be awarded to the Fresno Metropolitan Museum of Art, History and Science, Fresno, California, for technology, exhibits, educational and outreach programs, and to develop a science-based exhibition and learning center, $100,000 shall be awarded to the Gadsden Museum of Art in Alabama for museum programs, $278,000 shall be awarded to the George Eastman House, Rochester, New York, for the "Picture Link" project, $100,000 shall be awarded to the Georgia Hall of Fame at Museum of Aviation in Warner Robins, Georgia, for educational activities and programs, $62,000 shall be awarded to the Glendale Public Library, Glendale, California, for personnel, equipment and other expenses to implement the Homework AssisTeens program, $200,000 shall be awarded to the Hesperia Community Library, Hesperia, California, to purchase library materials and upgrade technology, $150,000 shall be awarded to the Historical Society of Western Pennsylvania, for exhibits in conjunction with the 250th anniversary of the French and Indian War, $250,000 shall be awarded to the Holmdel Township Library, Monmouth County, New Jersey, for technology equipment and upgrades, $25,000 shall be awarded to the Hudson Waterfront Museum, Brooklyn, New York, to expand exhibits, education, arts and outreach programs, $200,000 shall be awarded to the Huntsville Museum of Art, Huntsville, Alabama, for exhibits and educational programs, $50,000 shall be awarded to the Imaginarium Science Center in Anchorage, Alaska, to develop science exhibits and distance delivery modules, $150,000 shall be awarded to the Interboro Public Library, Pennsylvania, for library programs, $150,000 shall be awarded to the International Wolf Center, Minneapolis, Minnesota, for education, outreach, and teacher *training programs, $300,000 shall be awarded to the Iowa Radio Reading Information Service (IRRIS), $150,000 shall be awarded to the Italian-American Cultural Center of Iowa in Des Moines, Iowa, for exhibits, multi-media collections and for displays, $500,000 shall be awarded to the Kendall County Forest Preserve District, Yorkville, Illinois, for the consolidation and preservation of the collection at the Old Barn Museum, $2,000,000 shall be awarded to the Kent State University, Kent, Ohio, for an Institute for Library and Information Literacy Education project, $50,000 shall be awarded to the Kodiak Maritime Museum in Alaska, $150,000 shall be awarded to the Lafayette College, Easton, Pennsylvania, for technology updates to the Skillman Library, $375,000 shall be awarded to the Leon County, Florida, for purchase of equipment and books for the Ft. Braden Branch Library, $300,000 shall be awarded to the Lewis and Clark College Bicentennial Hall in Portland, Oregon, for program and equipment support, $300,000 shall be awarded to the MacKay Library of Union County, Cranford, New Jersey, $75,000 shall be awarded to the Magic Library in Kirkwood, Missouri, for design and development of interactive exhibits and software, $50,000 shall be awarded to the Marion County Library, Marion, South Carolina, to establish a computer lab, $45,000 shall be awarded to the McKinley Museum, Canton, Ohio, for equipment, $200,000 shall be awarded to the Mexic-Arte Museum, Austin, Texas, $250,000 shall be awarded to the Middletown Township Public Library, Monmouth County, New Jersey, for technology equipment and upgrades, $300,000 shall be awarded to the Monterey County Youth Museum, Monterey, California, for interactive mobile exhibits and educational programs, $250,000 shall be awarded to the Museum of African Art, New York, New York, for exhibits and educational programs, $750,000 shall be awarded to the National Baseball Hall of Fame and Museum, Cooperstown, New York, for educational outreach using baseball to teach students through distance learning technology, $300,000 shall be awarded to the National Civil War Museum, Harrisburg, Pennsylvania, to develop and enhance educational exhibits and programs for area K-12 schools focusing on U.S. Civil War history, $90,000 shall be awarded to the National Cowgirl Museum and Hall of Fame, Fort Worth, Texas, for creation of and equipment for an audio tour of the permanent exhibition, $325,000 shall be awarded to the National Liberty Museum, Philadelphia, Pennsylvania, to institute a teacher-training program which will assist educators in responding to classroom challenges and establish a pilot program to address violence in schools, $650,000 shall be awarded to the National Mississippi River Museum and Aquarium in Dubuque, Iowa, $1,500,000 shall be awarded to the National Museum of Women in the Arts, Washington, D.C., $775,000 shall be awarded to the Native American Cultural and Educational Authority, Oklahoma City, Oklahoma, for exhibits for the museum, $75,000 shall be awarded to the Natural History Museum of Los Angeles, California, for its "Earth Odyssey" environmental science program, $350,000 shall be awarded to the Nevada State Historic Preservation Office, $500,000 shall be awarded to the New York Botanical Garden's Virtual Herbarium imaging project in Bronx, New York, $1,000,000 shall be awarded to the New York Hall of Science to develop, expand, and display science-related educational materials, $300,000 shall be awarded to the North Carolina State Museum of Natural Sciences, Raleigh, North Carolina, for development of environmental exhibits and educational programs, $250,000 shall be awarded to the North Dakota Lewis and Clark Bicentennial Foundation in Washburn, North Dakota, for exhibits and other interpretation, $250,000 shall be awarded to the Ogden Museum of Southern Art in New Orleans, Louisiana, $90,000 shall be awarded to the Oneonta City Library, Blount County, Alabama, for books, internet, audiovisual and reading aids, $220,000 shall be awarded to the Orangevale Library, Sacramento, California, for evaluation and analysis of existing library service, program and facilities, $400,000 shall be awarded to the Pennsylvania Trolley Museum for exhibit development and educational programs, $221,000 shall be awarded to the Pittsburgh Children's Museum, Pittsburgh, Pennsylvania, to develop and enhance educational exhibits and programs for area K–12 schools, $725,000 shall be awarded to the Please Touch Museum, Philadelphia, Pennsylvania to develop educational programs focusing on hands-on learning experiences, $75,000 shall be awarded to Rivertownes, Pennsylvania, $350,000 shall be awarded to the Rock and Roll Hall of Fame and Museum, Cleveland, Ohio, for music education programs for at-risk youth, $250,000 shall be awarded to Rutgers, the State University of New Jersey, New Brunswick, New Jersey, to catalog, organize and preserve collections at the Carey Library, $500,000 shall be awarded to the San Bernardino County Museum, California, to develop the Inland Empire Archival Heritage Center and Web Module, $50,000 shall be awarded to the Schoharie Free Library in Schoharie County, New York, to purchase books and equipment, $155,000 shall be awarded to the Science Center of Penellas County, Inc., St. Petersburg, Florida, for a planetarium project $450,000 shall be awarded to the Shaker Museum and Library, Old Chatham, New York, $100,000 shall be awarded to the Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, California, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation, $150,000 shall be awarded to the Smith Robertson Museum in Jackson, Mississippi, for the development of exhibits regarding civil rights, $25,000 shall be awarded to the St. Paul Public Library, Minnesota, to expand its School Work and Mentoring Place Program and its Small Business Resource Center, $200,000 shall be awarded to the Standing Bear Museum and Learning Center in Ponca City, Oklahoma, $75,000 shall be awarded to the State Historical Society of Iowa for Civil War flag restoration, $1,000,000 shall be awarded to the State Historical Society of Iowa in Des Moines, Iowa, for the development of exhibits for the World Food Prize, $100,000 shall be awarded to the State Theater of Easton, Easton, Pennsylvania, for technological infrastructure improvements and the development of educational programming, $125,000 shall be awarded to The International Storytelling Center in Jonesborough, Tennessee, $250,000 shall be awarded to The Museum of Science and Industry, Chicago, Illinois, for exhibits, education and outreach programs, $75,000 shall be awarded to the Tillamook County Library, Oregon, for modernization of library service, $200,000 shall be awarded to the Union city Public Library, New Jersey, for personnel, books and technology to improve library services for low-income individuals, $100,000 shall be awarded to the Union County Historical Society & Heritage Museum in Mississippi, for exhibit and program development, $400,000 shall be awarded to the University of Idaho for digital archiving, $200,000 shall be awarded to the University of Maine at Fort Kent to house the Acadian Archives which preserves, celebrates and disseminates information about the region's history, $400,000 shall be awarded to the Vietnam Archive Center, Texas Tech University, Lubbock, Texas, for digitization, $150,000 shall be awarded to the Virginia Living Museum for the expansion of its educational programs in its capital campaign project, $50,000 shall be awarded to the Wayne Art Center, Wayne, Pennsylvania, to develop programs in partnership with area K–12 schools for teacher training workshops and specialized workshops for students, $100,000 shall be awarded to the Westchester Library System, Ardsley, New York, for its digital divide online services project, $450,000 shall be awarded to the Whitney Museum of American Art to establish a touring exhibition program in Iowa, $300,000 shall be awarded to the Whittier Public Library, City of Whittier, California, to establish a children's homework center and family literacy center, $100,000 shall be awarded to the Willet Memorial Library in Macon, Georgia, for library enhancements, $150,000 shall be awarded to the Witte Museum of San Antonio, Texas, to develop the "American Originals" exhibit and educational programs, $100,000 shall be awarded to the Zimmer Children's Museum of Jewish Community Centers of Greater Los Angeles, Los Angeles, California, for the expansion of the YouThink program, $100,000 shall be awarded to the Zoological Society of Philadelphia, Pennsylvania, for educational programs for elementary and secondary students, and $500,000 shall be awarded to the St. Louis Children's Museum, St. Louis, Missouri, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs*

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,585,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,010,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,858,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,982,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,315,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,673,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $100,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,363,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,362,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same

meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking "on or before December 31, 1970".

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003".

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Paul David Wellstone, Jr., son of Paul David Wellstone, late a Senator from Minnesota, $50,000; Mark D. Wellstone, son of Paul David Wellstone, late a Senator from Minnesota, $50,000; and Michael Kerner, Guardian of the Estate of Joshua Kerner, for Joshua Kerner, minor, son of Marcia Wellstone Markuson, deceased, daughter of Paul David Wellstone, late a Senator from Minnesota, $50,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $117,041,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,949,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $518,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,094,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,042,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $11,266,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,305,000 for each such committee; in all, $2,610,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $648,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,362,000 for each such committee; in all, $2,724,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $315,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $17,079,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $43,161,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,410,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $30,075,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,581,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the

Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of Public Law 601, Seventy-ninth Congress section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $109,450,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $7,077,000, of which $5,000,000 shall remain available until September 30, 2007.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $114,423,000, of which $9,570,000 shall remain available until September 30, 2005, and of which $13,574,000 shall remain available until September 30, 2007.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,355,500, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: Provided further, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $294,545,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Section 111 of title 3, United States Code, is amended by striking "$10,000" and inserting "$20,000".

(b) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS" under the heading "LEGISLATIVE BRANCH" under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking "$10,000" and inserting "$20,000"; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking "$10,000" and inserting "$20,000".

(c) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS" under the heading "LEGISLATIVE BRANCH" under chapter IX of title I of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31a–1; Public Law 98–63; 97 Stat. 333) (relating to the Majority and Minority Whips) is amended by striking "not exceed $5,000" and inserting "not exceed $10,000".

(d) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, THE MAJORITY AND MINORITY WHIPS, AND THE CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES" under the heading "LEGISLATIVE BRANCH" under chapter IX of title I of the Supplemental Appropriations Act, 1985 (2 U.S.C. 31a–3; Public Law 99–88; 99 Stat. 348) (relating to the Chairmen of the Majority and Minority Conference Committees) is amended by striking "not exceed $3,000" and inserting "not exceed $5,000".

(e) Section 5 of title I of the Legislative Branch Appropriations Act, 2001, as enacted into law by section 1(a) of Public Law 106–554 (2 U.S.C. 31a–4; 114 Stat. 2763A–97) (relating to the Chairmen of the Majority and Minority Policy Committees) is amended by striking "$3,000" and inserting "$5,000".

(f) The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 2. (a) The matter under the subheading "STATIONERY (REVOLVING FUND)" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "LEGISLATIVE BRANCH" under chapter VII of title I of the Second Supplemental Appropriations Act, 1975 (2 U.S.C. 46a; Public Law 94–32; 89 Stat. 182) is amended by striking "$4,500" and inserting "$8,000".

(b) The amendment made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 3. Effective on and after October 1, 2002, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2002, increased by an additional $50,000 each.

SEC. 4. PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES. (a) IN GENERAL.—Section 3(f)(3) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

"The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 5. MULTI-YEAR CONTRACTING AUTHORITY. (a) Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as the head of an executive agency under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) This section shall take effect on October 1, 2002, and shall apply in fiscal year 2003 and successive fiscal years.

SEC. 6. CONSULTANTS. (a) IN GENERAL.—Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) in subsection (a), in the first sentence by striking "six individual consultants" and inserting "eight individual consultants"; and

(2) by adding at the end the following:

"(C) Each appointing authority under subsection (a) may designate the title of the position of any individual appointed under that subsection.".

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 7. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. (a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

SEC. 8. ADMINISTRATION OF ACROSS-THE-BOARD REDUCTION. In the administration of section 601 of title VI of division N of this Act, with respect to the budget authority provided under the heading "SENATE" under this title—

(1) the percentage rescission under subsection (a) of that section shall apply to the total amount of all funds appropriated under that heading; and

(2) the rescission may be applied without regard to subsection (b) of that section.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $956,086,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $16,530,000, including: Office of the Speaker, $1,979,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,899,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,309,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,624,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,214,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $446,000; Republican Steering

Committee, $834,000; Republican Conference, $1,397,000; Democratic Steering and Policy Committee, $1,490,000; Democratic Caucus, $741,000; nine minority employees, $1,337,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $340,000; and Cloakroom Personnel—minority, $340,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $476,536,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $103,421,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,200,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $152,027,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $20,032,000, of which $2,500,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,097,000; for salaries and expenses of the Office of the Chief Administrative Officer, $105,363,000, of which $7,693,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,947,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $6,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $894,000; for the Office of the Chaplain, $149,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,464,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,168,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,852,000; for salaries and expenses of the Corrections Calendar Office, $915,000; and for other authorized employees, $146,000: Provided, That of the amounts provided under this heading to the Office of the Chief Administrative Officer, up to $660,000 may be transferred to the Office of the Architect of the Capitol, subject to the approval of the Committee on Appropriations of the House of Representatives.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $183,372,000, including: supplies, materials, administrative costs and Federal tort claims, $3,384,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $178,888,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2003. Any amount remaining after all payments are made under such allowances for fiscal year 2003 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Equipment Revolving Fund (hereafter in this section referred to as the "Revolving Fund"), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by offices of the House of Representatives to purchase, lease, obtain, and maintain the equipment located in such offices, and amounts provided by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) to purchase, lease, obtain, and maintain furniture for their district offices.

(b) Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain equipment for offices of the House of Representatives and furniture for the district offices of Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(c) The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a), the Chief Administrative Officer may deposit amounts provided by offices of the House of Representatives during fiscal year 2002 or any succeeding fiscal year.

SEC. 103. Effective with respect to fiscal year 2003 and each succeeding fiscal year, any amount received by House Information Resources from any office of the House of Representatives as reimbursement for services provided shall be deposited in the Treasury for credit to the account of the Office of the Chief Administrative Officer of the House of Representatives.

SEC. 104. Section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) does not apply to purchases and contracts for supplies or services for any office of the House of Representatives in any fiscal year.

SEC. 105. (a) ESTABLISHMENT.—The Chief Administrative Officer shall establish a program under which an employing office of the House of Representatives may agree to repay (by direct payment on behalf of the employee) any student loan previously taken out by an employee of the office. For purposes of this section, a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) shall not be considered to be an employee of the House of Representatives.

(b) REGULATIONS.—The Committee on House Administration shall promulgate such regulations as may be necessary to carry out the program under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program under this section during fiscal year 2003 and each succeeding fiscal year.

PROGRAM TO INCREASE EMPLOYMENT OPPORTUNITIES IN HOUSE OF REPRESENTATIVES FOR INDIVIDUALS WITH DISABILITIES

SEC. 106. (a) IN GENERAL.—In order to promote an increase in opportunities for individuals with disabilities to provide services to the House of Representatives, the Chief Administrative Officer of the House of Representatives is authorized to—

(1) enter into 1 or more contracts with non-governmental entities to provide for the performance of services for offices of the House of Representatives by individuals with disabilities who are employees of, or under contract with, such entities; and

(2) provide reasonable accommodations, including assistive technology devices and assistive technology services, to enable such individuals to perform such services under such contracts.

(b) ELEMENTS OF PROGRAM.—The Chief Administrative Officer of the House of Representatives, in entering into any contract under subsection (a), shall seek to ensure that—

(1) traditional and nontraditional outreach efforts are used to attract individuals with disabilities for educational benefit and employment opportunities in the House;

(2) the non-governmental entity provides adequate education and training for individuals with disabilities to enhance such employment opportunities; and

(3) efforts are made to educate employing offices in the House about opportunities to employ individuals with disabilities.

(c) FUNDING.—There are authorized to be appropriated from the applicable accounts of the House of Representatives $500,000 to carry out this section for each of the fiscal years 2003 through 2007.

SEC. 107. (a) At any time on or after the date of the enactment of this Act, the Chief Administrative Officer of the House of Representatives may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for Members, officers, and employees of the House of Representatives when, in the judgment of the Chief Administrative Officer, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(b) Nothing in this section may be construed to affect any other authority of the Chief Administrative Officer to incur obligations and make expenditures for the items and services described in subsection (a) for Members, officers, and employees of the House of Representatives.

SEC. 108. (a) Section 312(d) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112(d)), is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The House of Representatives shall make payments from amounts provided in appropriations acts for salaries and expenses of the Office of the Chief Administrative Officer for the following activities carried out under this section:

"(A) The payment of the salary of the director of the center.

"(B) The reimbursement of individuals employed by the center for the cost of training classes and conferences in connection with the provision of child care services, together with the cost of travel (including transportation and subsistence) incurred in connection with such classes and conferences.".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

SEC. 109. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by striking "upon approval of the Committee on Appropriations of the House of Representatives" each place it appears and inserting the following: "effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

SEC. 110. (a) Section 202(b)(5) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1775) is amended to read as follows:

"(5) Section 101(b) of the Legislative Branch Appropriations Act, 2000 (2 U.S.C. 130f(b)) is amended by striking 'with respect to any proceeding' and all that follows and inserting 'as required by section 530D of title 28, United States Code.'.".

(b) Section 712(b) of the Ethics in Government Act of 1978 (2 U.S.C. 288k(b)), as amended by section 202(b)(2) of the 21st Century Department of Justice Appropriations Authorization Act, is amended by inserting ", United States Code" after "title 28".

(c) The amendments made by this section shall take effect as if included in the enactment of the 21st Century Department of Justice Appropriations Authorization Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,658,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $7,643,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,414,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,000,000, of which $300,000 shall remain available until expended, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,035,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $175,675,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,100,000, of which $1,400,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2003 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2003 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE CONTRACT AUTHORITY. (a) IN GENERAL.—The United States Capitol Police may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1003. DISPOSAL OF SURPLUS PROPERTY. (a) IN GENERAL.—Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1004. RECRUITMENT AND RELOCATION BONUSES. Section 909 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position" and inserting "the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts"; and

(B) by adding at the end the following:

"(6) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.";

(2) by striking subsections (e) and (f)(2); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1005. RECRUITMENT OF INDIVIDUALS WITHOUT REGARD TO AGE. (a) IN GENERAL.—The Chief of the Capitol Police shall carry out any activities and programs to recruit individuals to serve as members of the Capitol Police without regard to the age of the individuals.

(b) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any provision of law of any rule or regulation providing for the mandatory separation of members of the Capitol Police on the basis of age, or any provision of law or any rule or regulation regarding the calculation of retirement or other benefits for members of the Capitol Police.

SEC. 1006. RETENTION ALLOWANCES. Section 909(b) of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking "if—" and inserting "if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts."; and

(2) in paragraph (3), by striking "the reduction or the elimination of a retention allowance may not be appealed" and inserting "any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner".

SEC. 1007. EDUCATIONAL ASSISTANCE PROGRAM. Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1924; Public Law 107–117; 115 Stat. 2319) is amended to read as follows:

"EDUCATIONAL ASSISTANCE PROGRAM FOR EMPLOYEES

"SEC. 908. (a) ESTABLISHMENT.—In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

"(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

"(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

"(b) SPECIAL RULES FOR STUDENT LOAN REPAYMENTS.—

"(1) APPLICATION OF REGULATIONS UNDER EXECUTIVE BRANCH PROGRAM.—In carrying out subsection (a)(1), the Chief of the Capitol Police may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Chief determines necessary to provide for such program.

"(2) RESTRICTIONS ON PRIOR REIMBURSEMENTS.—The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

"(3) USE OF RECOVERED AMOUNTS.—Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries or general expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

"(c) LIMIT ON AMOUNT OF PAYMENTS.—The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

"(d) NO REVIEW OF DETERMINATIONS.—Any determination made under the program under this section shall not be reviewable or appealable in any manner.

"(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.".

SEC. 1008. APPLICABLE PAY RATE UPON APPOINTMENT. (a) IN GENERAL.—Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1009. OVERTIME COMPENSATION FOR OFFICERS AT RANK OF LIEUTENANT OR HIGHER. (a) IN GENERAL.—The Chief of the Capitol Police may provide for the compensation of overtime work of officers of the Capitol Police at the rank of lieutenant and higher. Nothing in this subsection may be construed to affect the compensation of overtime work of officers of the Capitol Police at any rank not described in the previous sentence.

(b) TERMS AND CONDITIONS.—In providing for the compensation of overtime work under this section, the Chief shall provide the compensation in the same manner and subject to the same terms and conditions which are applicable to the compensation of overtime work of officers and members of the United States Secret Service Uniformed Division and the United States Park Police who serve at the rank of lieutenant and higher, in accordance with section 1 of the Act entitled "An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 5–1304, D.C. Official Code).

SEC. 1010. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

"§4120. Training for employees of the Capitol Police

"(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

"(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by adding at the end the following:

"4120. Training for employees of the Capitol Police.".

SEC. 1011. ADDITIONAL COMPENSATION FOR EMPLOYEES WITH SPECIALTY ASSIGNMENTS AND PROFICIENCIES. (a) ESTABLISHMENT OF POSITIONS.—The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) ADDITIONAL COMPENSATION.—In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination under section (a) shall not be appealable or reviewable in any manner.

SEC. 1012. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS. (a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 1013. (a) Subsection (c) of the first section of Public Law 96–152 (2 U.S.C. 1902) is amended to read as follows:

"(c) The annual rate of pay for the Chief of the Capitol Police shall be the amount equal to $1,000 less than the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.".

(b) Section 907(b) of the Emergency Supplemental Act, 2002 (2 U.S.C. 1901 note) is amended to read as follows:

"(b) The annual rate of pay for the Assistant Chief of the Capitol Police shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.".

(c) Section 108(a)(4) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)(4)) is amended to read as follows:

"(4) The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.".

(d) The amendments made by this section shall apply with respect to the first pay period beginning on or after the date of the enactment of this Act.

SEC. 1014. (a) CAPITOL POLICE BOARD; COMPOSITION; REDEFINING MISSION.—

(1) PURPOSE.—The purpose of the Capitol Police Board is to oversee and support the Capitol Police in its mission and to advance coordination between the Capitol Police and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board shall establish general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations.

(2) COMPOSITION.—The Capitol Police Board shall consist of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Chief of the Capitol Police, and the Architect of the Capitol. The Chief of Capitol Police shall serve in an ex-officio capacity and be a non-voting member of the Board.

(b) INITIAL REVIEW AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Capitol Police Board shall—

(1) examine the mission of the Capitol Police Board and, based on that analysis, redefine the Capitol Police Board's mission, mission-related processes, and administrative processes;

(2) conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board's ability to carry out its mission and meet its goals, including an explanation of the reasons for any determination that the statutory functions are appropriate and advisable in terms of its purpose, mission, and long-term goals; and

(3) submit to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate a report on the results of its examination and assessment, including recommendations for any legislation that the Capitol Police Board considers appropriate and necessary.

(c) EXECUTIVE ASSISTANT.—

(1) ESTABLISHMENT.—There shall be established in the Capitol Police an Executive Assistant for the Capitol Police Board to act as a central point for communication and enhance the overall effectiveness and efficiency of the Capitol Police Board's administrative activities.

(2) APPOINTMENT.—The Executive Assistant shall be appointed by the Chief of the Capitol

Police in consultation with the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

(3) DUTIES.—The Executive Assistant shall be assigned to, and report to, the Chairman of the Board. The Executive Assistant shall assist the Capitol Police Board in developing, documenting, and implementing a clearly defined process for additional tasks assigned to the Capitol Police Board under this section, and shall perform any additional duties assigned by the Capitol Police Board.

(d) DOCUMENTATION.—

(1) FUNCTIONS AND PROCESSES.—The Capitol Police Board shall document its functions and processes, including its mission statement, policies, directives, and operating procedures established or revised under subsection (a)(1) or (b), and make such documentation available for examination to the Speaker and minority leader of the House of Representatives, the President pro tempore and minority leader of the Senate, the Chief of the Capitol Police, and the Comptroller General.

(2) MEETINGS.—The Capitol Police Board shall document Board meetings and make the documentation available for distribution to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate.

(e) ASSISTANCE OF COMPTROLLER GENERAL.—Upon request, the Comptroller General shall provide assistance to the Capitol Police Board in carrying out its responsibilities under this subsection.

(f) REFERENCES IN LAW; EFFECT ON OTHER LAWS.—(1) Any reference in any law or resolution in effect as of the date of the enactment of this Act to the "Capitol Police Board" shall be deemed to refer to the Capitol Police Board as composed under subsection (a)(2).

(2) Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of the Capitol Police Board or its individual members unless specifically provided herein.

SEC. 1015. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(A) each Library of Congress Police employee; and

(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

(2) EFFECT ON PERSONNEL.—

(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable as determined by the Chief of the Capitol Police.

(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police upon approval of the Committees on Appropriations of the House and Senate and the appropriate authorizing committees.

(b) TRANSITION.—

(1) IMPLEMENTATION PLAN.—

(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress for approval, and to the Capitol Police Board and the Librarian of Congress, a plan—

(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police;

(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

(vi) addressing—

(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

(II) the overall training needs of the merged police force; and

(vii) providing an analysis of the cost implications of implementing the plan.

(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

(c) DEFINITIONS.—In this section—

(1) the term "Act of August 4, 1950" means the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167 et seq.); and

(2) the term "Library of Congress Police employee"—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing police support functions.

(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.

SEC. 1016. CLARIFICATION OF AUTHORITY OF CAPITOL POLICE TO POLICE BOTANIC GARDEN. (a) BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting "all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden)," after "Capitol Power Plant,".

(b) GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

"(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

"(A) the National Garden of the United States Botanic Garden;

"(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

"(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

"(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

"(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(a) of the Act of July 31, 1946 (2 U.S.C. 1961(a)) is amended by striking "sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title," and inserting "this Act (and regulations promulgated under section 14 of this Act (2 U.S.C. 1969)), and chapter 51 of title 40, United States Code,".

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1017. CAPITOL POLICE SPECIAL OFFICERS. (a) IN GENERAL.—In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds.

(b) CONDITIONS OF APPOINTMENT.—An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28, United States Code, if that individual is acting within the scope of his office or employment in service as a special officer.

(c) QUALIFICATIONS.—Any individual appointed under subsection (a) shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) REIMBURSEMENT AGREEMENTS.—Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(e) Any appointment under this section shall be subject to initial approval by the Capitol Police Board and to final approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly.

(f) Subject to approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly, the Capitol Police Board may prescribe regulations to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1018. TRANSFER OF DISBURSING FUNCTION. (a) IN GENERAL.—

(1) DISBURSING OFFICER.—The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before the date of enactment of this section to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) TRANSFER.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) CONTINUITY OF FUNCTION DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) TREASURY ACCOUNTS.—

(1) SALARIES.—

(A) IN GENERAL.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) TRANSFER AUTHORITY DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) GENERAL EXPENSES.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) TRANSFER OF FUNDS, ASSETS, ACCOUNTS, RECORDS, AND AUTHORITY.—

(1) IN GENERAL.—The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) EXISTING TRANSFER AUTHORITY.—Any transfer authority existing before the date of enactment of this Act granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) UNEXPENDED BALANCES.—Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) HIRING AUTHORITY; ELIGIBILITY FOR SAME BENEFITS AS HOUSE EMPLOYEES.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) REVIEW AND APPROVAL.—In carrying out the authority under this paragraph, the Chief of the Capitol Police shall be subject to the following requirements:

(i) The appointment and termination of any officer, member, or employee shall be subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(ii) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class, and the promotion of any civilian employee to any position, shall be subject to the approval of the Committees referred to in clause (i).

(iii) The establishment of any new position for officers, members, or employees shall be subject to the approval of the Committees referred to in clause (i).

(2) BENEFITS.—Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of the date of enactment of this Act shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) WORKER'S COMPENSATION.—

(1) ACCOUNT.—There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5, United States Code.

(2) PAYMENTS WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) EFFECT ON EXISTING LAW.—

(1) IN GENERAL.—The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before the date of enactment of this Act.

(2) SUPERSEDING PROVISIONS.—All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) CONFORMING AMENDMENTS.—(1) Section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking the third sentence.

(2) Section 1822 of the Revised Statutes of the United States (2 U.S.C. 1921) is repealed.

(3) Section 111 of title I of the Act entitled "Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes", approved May 4, 1977 (2 U.S.C. 64–3), is amended—

(A) by striking "Secretary of the Senate" and inserting "Chief of the Capitol Police"; and

(B) by striking "United States Senate" and inserting "Capitol Police".

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1019. (a) LONG TERM STRATEGIC PLAN.—

(1) IN GENERAL.—The Chief of the United States Capitol Police, in consultation with the Comptroller General, shall develop a long term strategic plan which outlines the goals and objectives of the Capitol Police.

(2) ANNUAL UPDATE.—During the period in which the strategic plan developed under this subsection is in effect, the Chief shall annually update the plan.

(3) PERIOD COVERED BY PLAN.—The strategic plan under this subsection shall cover the first 5 fiscal years which begin after the plan is developed.

(b) ANNUAL PERFORMANCE PLAN.—

(1) IN GENERAL.—With respect to each year which is covered by the strategic plan developed under subsection (a), the Chief of the Capitol Police, in consultation with the Comptroller General, shall develop an annual performance plan for implementing the goals and objectives of the strategic plan during the year.

(2) CONTENTS.—The annual performance plan developed under this subsection for a year shall include performance goals for each of the goals and objectives of the strategic plan which apply during the year, and shall include (to the extent practicable) quantifiable performance measures for determining the success of the Capitol Police in meeting each such performance goal.

(3) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General shall annually evaluate the implementation of the plan and the extent to which the Capitol Police have met the performance goals of the plan, and shall provide the results of the evaluation to the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(c) INITIAL ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Chief of the Capitol Police shall develop an initial action plan describing the policies, procedures, and actions the Chief will carry out to meet the requirements of this section and setting forth a timetable for carrying out each such policy, procedure, and action, and shall submit such plan (upon the approval of the Capitol Police Board) to the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 1020. DEADLINE FOR REGULATIONS. Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall promulgate any regulations required by Sections 1004, 1006, 1007 and 1011 of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2004: Provided, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $32,101,000, of which not more than $100,000 is to remain available until September 30, 2006, for the acquisition and partial support for implementation of a Central Financial Management System: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5, United States Code, as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study, or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1102. (a) The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $59,343,000, of which $450,000 shall remain available until September 30, 2007.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $32,094,000, of which $19,065,000 shall remain available until September 30, 2007.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $8,356,000, of which $1,780,000 shall remain available until September 30, 2007.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $64,871,000, of which $21,600,000 shall remain available until September 30, 2007.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $60,960,000, of which $25,610,000 shall remain available until September 30, 2007.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $102,286,000, of which $61,739,000 shall remain available until September 30, 2007: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2003.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $37,521,000, of which $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

CAPITOL POLICE BUILDINGS AND GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $23,900,000, of which $23,500,000 shall remain available until September 30, 2007: Provided, That $22,000,000 of the amount provided is withheld from obligation subject to the notification of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for maintenance, care, and operation of buildings of the United States Capitol Police which remain unobligated as of the date of the enactment of this Act shall be transferred to the account under this heading.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,103,000, of which $120,000 shall remain available until September 30, 2007: Provided, That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to "$25,000" in paragraph (1) of such section were a reference to "$100,000"; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1202. MULTI-YEAR CONTRACT AUTHORITY. (a) IN GENERAL.—The Architect of the Capitol may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL/CHIEF OPERATING OFFICER. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 90 days after the date of enactment of this Act. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) QUALIFICATIONS.—The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) RESPONSIBILITIES.—

(1) In general.—The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) Responsibilities.—The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and staffing needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol.

(d) Additional Responsibilities.—The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) Action Plan.—

(1) In general.—No later than 90 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) Action plan.—The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) Additional senior positions.—Notwithstanding section 108(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1839), as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, the Architect of the Capitol may fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(f) Evaluation.—The General Accounting Office shall evaluate annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) Removal.—The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i). Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) Compensation.—The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(i) Annual Performance Report.—The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met its goals and objectives.

(j) Termination of Role.—As of October 1, 2006, the role of the Comptroller General and the General Accounting Office, as established by this section, will cease.

Sec. 1204. Deputy Architect to Act in Case of Absence, Disability, or Vacancy. The proviso under the subheading "salaries" under the heading "Office of the Architect of the Capitol" under the heading "ARCHITECT OF THE CAPITOL" of the Legislative Branch Appropriations Act, 1971 (2 U.S.C. 1805) is amended by striking "Assistant Architect" and inserting "Deputy Architect".

Sec. 1205. Delegation of Authority by Architect of the Capitol. The matter under the subheading "Office of the Architect of the Capitol" under the heading "ARCHITECT OF THE CAPITOL" of the Legislative Appropriation Act, 1956 (2 U.S.C. 1804) is amended by striking "Architect of the Capitol is authorized" through "proper" and inserting "Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003".

Sec. 1206. Assistant Architect. Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section, the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002, as amended by this Act, to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

Sec. 1207. Senate Staff Health and Fitness Facility. Section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f) is amended—

(1) in subsection (a), by inserting "Staff" after "Senate";

(2) in subsection (b)(1), by inserting "Staff" after "Senate";

(3) in subsection (c), by inserting "Staff" after "costs of the Senate";

(4) in subsection (d), by inserting "Staff" after "Senate"; and

(5) by striking subsection (e) and inserting the following:

"(e) The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.".

Sec. 1208. Allocation of Responsibility for Library Buildings and Grounds. (a) In General.—The first section of the Act of June 29, 1922 (2 U.S.C. 141) is amended to read as follows:

"SECTION 1. ALLOCATION OF RESPONSIBILITIES FOR LIBRARY BUILDINGS AND GROUNDS.

"(a) Architect of the Capitol.—

"(1) In general.—The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress' approved August 4, 1950 (2 U.S.C. 167(j)) that affects—

"(A) the structural integrity of the buildings;

"(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

"(C) the architectural features of the buildings;

"(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for under this paragraph;

"(E) the care and maintenance of Library grounds; and

"(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

"(2) Employees.—The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

"(b) Librarian of Congress.—The Librarian of Congress shall have charge of all work (other than work under subsection (a)) at the Library of Congress buildings and grounds.

"(c) Transfer of Funds.—The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.".

(b) Effective Date.—The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

Sec. 1209. Notwithstanding any other provision of law, the Architect of the Capitol may accept appropriations and services from other federal agencies for the purpose of enhancing security for projects under his jurisdiction upon the prior approval of the Committees on Appropriations of the House and the Senate.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $358,474,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2003, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2003 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,886,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $911,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $11,100,000 shall remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: Provided further, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $4,250,000 shall remain available until September 30, 2007 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $789,000 shall remain available until September 30, 2004 for the Lewis and Clark Exhibition and an additional $200,000 shall remain available until expended, and shall be transferred to Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition: Provided further, That of the total amount appropriated, $10,000,000 shall remain available until expended for the purpose of developing a high-speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving Western North Carolina: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $39,226,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,191,000 shall be derived from collections during fiscal year 2003 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,512,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $86,952,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,963,000, of which $14,697,000 shall remain available until expended: Provided, That, of the total amount appropriated, $1,000,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its "NEWSLINE" program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. (a) For fiscal year 2003, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,929,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2003, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.—The Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194), division A, chapter 9, under the heading "Library of Congress" "Salaries and Expenses" is amended by striking "March 31, 2003" and inserting "March 31, 2005".

SEC. 1304. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. The Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in section 6(b), by striking paragraph (2) and inserting the following:

"(2) STAFF.—Consistent with all other applicable Federal laws governing appointments and compensation, the staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates."; and

(2) in section 7(h)(3), by striking "subsection (b)(2)" and inserting "section 6(b)(2)".

SEC. 1305. Section 2(c)(3) of the History of the House Awareness and Preservation Act (2 U.S.C. 183(c)(3)) is amended by inserting "excerpts of" after "dissemination of".

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,143,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,661,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2001 and 2002 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,219 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $451,134,000: Provided, That not more than $2,210,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That not more than $790,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,000,000.

ADMINISTRATIVE PROVISION

SEC. 1401. OPEN WORLD LEADERSHIP CENTER. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151) is amended—

(1) in the section heading, by striking "CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT" and inserting "OPEN WORLD LEADERSHIP CENTER";

(2) in subsection (a)—

(A) in paragraph (1), by striking all after "Government" and inserting "a center to be known as the 'Open World Leadership Center (the 'Center')."; and

(B) in paragraph (2)—

(i) by inserting "(the 'Board')" after "Board of Trustees"; and

(ii) in subparagraph (D), by striking "United States and Russian relations" and inserting "relations between the United States and eligible foreign states";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "Russia" and inserting "eligible foreign states"; and

(ii) by striking the period at the end and inserting the following: "and to establish and administer a program to enable cultural leaders of Russia to gain significant, firsthand exposure to the operation of American cultural institutions.";

(B) in paragraph (2), by striking "Russian nationals" and inserting "nationals of eligible foreign states"; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking "3,000" and inserting "3,500"; and

(ii) in subparagraph (C)(i), by striking "Russia" and inserting "an eligible foreign state";

(4) in subsection (c)—

(A) in paragraph (1), by striking "Russian Leadership Development Center Trust Fund" and inserting "Open World Leadership Center Trust Fund"; and

(B) in paragraph (3)(B), by striking "of Trustees of the Center";

(5) in subsection (h)(2), by striking "of Trustees of the Center"; and

(6) by adding at the end the following:

"(j) ELIGIBLE FOREIGN STATE DEFINED.—In this section, the term 'eligible foreign state' means—

"(1) any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

"(2) Estonia, Latvia, and Lithuania.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2003 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "2002" and inserting "2003".

SEC. 208. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 209. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $300,000, to remain available until expended, to the John C. Stennis Center for Public Service Training and Development.

SEC. 210. TITLE II OF THE CONGRESSIONAL AWARD ACT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000, to remain available until expended, to carry out title II of the Congressional Award Act (2 U.S.C. 811 et seq.): Provided, That funds appropriated for this purpose do not exceed 100 percent of funds donated to the Board in cash or in kind under section 208(c) of the Congressional Award Act: Provided further, That such funds are used for staff salaries and overhead, postage, travel, equipment, and accounting costs.

SEC. 211. (a) Each office in the legislative branch, except the House and the Senate, which is responsible for preparing any written statement furnished under part 3 of subchapter A of chapter 61 of the Internal Revenue Code of 1986 on behalf of a person shall make the statement available to the person in an electronic format (at the direction of the person) which will enable the person to provide the statement electronically to a tax preparer or other provider of financial services.

(b) Subsection (a) shall apply with respect to statements prepared for taxable years ending on or after December 31, 2004.

SEC. 212. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This division may be cited as the "Legislative Branch Appropriations Act, 2003".

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $89,447,000, of which not to exceed $2,211,000 shall be available for the immediate Office of the Secretary; not to exceed $809,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,657,000 shall be available for the Office of the General Counsel; not to exceed $12,452,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,375,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,453,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $29,071,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,926,000 shall be available for the Office of Public Affairs; not to exceed $1,391,000 shall be available for the Office of the Executive Secretariat; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $13,187,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $21,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $131,766,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2004: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,100,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $4,516,300,000, to remain available until expended, of which $3,037,900,000 shall be available for screening activities and of which $1,478,400,000 shall be available for airport support and enforcement presence: Provided, That $144,000,000 shall be derived by reimbursement from "Federal Aviation Administration, Facilities and equipment," for explosives detection systems: Provided further, That security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,866,300,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2004: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions: Provided further, That of the total amount provided herein, $265,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $174,500,000 shall be available only for procurement of checked baggage explosive detection systems, including explosive trace detection systems.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $244,800,000, to remain available until expended: Provided, That of the total amount provided herein, $150,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; $4,000,000 shall be available only for radiation detection and monitoring system evaluation and procurement; and $30,000,000 shall be available only to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $110,200,000, to remain available until expended: Provided, That of the total amount provided herein, $10,000,000 shall be available only to make research and development grants for port security pursuant to the terms and conditions of section 70107(i) of Public Law 107–295.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration, including intelligence activities, pursuant to Public Law 107–71, $308,700,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,322,122,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2003 under section 1116(a) *of title 10, United States Code: Provided further, That of the amounts made available under this heading, not less than $15,686,000 shall be used solely to increase staffing at search and rescue stations, surf stations and command centers; increase the training and experience level of individuals serving in said stations through targeted retention efforts; revise personnel policies and expand training programs; and to modernize and improve the quantity and quality of personal safety equipment, including survival suits, for personnel assigned to said stations: Provided further, That the Comptroller General of the United States shall audit and certify to the House and Senate Committees on Appropriations that the funding described in the preceding proviso is being used solely to supplement and not supplant the Coast Guard's level of effort in this area in fiscal year 2002.*

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $742,100,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $25,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $4,000,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2005; $121,300,000 shall be available for other equipment, to remain available until September 30, 2005; $50,200,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $63,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2004; and $478,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: Provided further, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2003 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: Provided further, That the Director, Office of Management and Budget shall submit the budget request for the IDS integration contract delineating sub-headings which include the following: systems integrator, ship construction, aircraft, equipment, and communication, providing specific assets and costs under each subheading: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

Acquisition, Construction, and Improvements

(RESCISSION)

Of the available balances under this heading, $17,000,000 are rescinded.

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $17,200,000, to remain available until expended: Provided, That funds for bridge alteration projects conducted pursuant to 33 U.S.C. 511 are available only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payments for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

Reserve Training

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,495,000.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,069,019,000, of which $3,799,278,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,716,046,000 shall be available for air traffic services program activities; not to exceed $836,007,000 shall be available for aviation regulation and certification program activities; not to exceed $207,600,000 shall be available for research and acquisition program activities; not to exceed $12,325,000 shall be available for commercial space transportation program activities; not to exceed $48,782,000 shall be available for financial services program activities; not to exceed $69,307,000 shall be available for human resources program activities; not to exceed $83,392,000 shall be available for regional coordination program activities; not to exceed $82,974,000 shall be available for staff offices; and not to exceed $29,650,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,981,022,000, of which $2,576,366,760 shall remain available until September 30, 2005, and of which $404,655,240 shall remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION)

Of the available balances under this heading, $20,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $148,450,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $63,620,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $316,126,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for construction of state border safety inspection facilities at the United States/Mexico border, and shall remain available until expended; $59,967,000 shall be available for border enforcement activities required by section 350 of Public Law 107–87, and shall remain available until expended; $269,700,000 shall be available in addition to funds made available by section 330 of this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, and shall remain available until expended; and $7,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education: Provided further, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available for surface transportation projects under this heading: Provided further, That the Federal share payable on account of any such project carried out with funds made available under this heading shall be 100 percent.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: Provided, That within the $31,800,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, Unites States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2003: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Information System & Smart Card System, Ohio, $1,000,000;

Advanced Traffic Analysis Center, North Dakota State University, $1,000,000;

Alaska Statewide: Smart Emergency Medical Access System, $1,000,000;

Automated Vehicle Location (AVL) and Mobile Data Terminals—PalmTran, Palm Beach, Florida, $850,000;

Baton Rouge, Louisiana, $750,000;

Bozeman Pass Wildlife Channelization Study, Montana, $250,000;

Capital District Transportation Authority, Customer Information ITS Project, New York, $800,000;

CCTA Burlington Multimodal Transit Center, Vermont, $500,000;

C–DOT ITS for I–70 Tunnels, Colorado, $3,700,000;

Center for Injury Sciences UAB Crash Notification, Alabama, $3,000,000

Central Florida Regional Trans. Authority Orange/Seminole ITS, $1,500,000;

Chapel Hill Transit, North Carolina, real time passenger information system and vehicle location system, $750,000;

Chattanooga (CARTA) ITS, Tennessee, $1,875,000;

Cicero Avenue travel information system, Illinois, $300,000;

City of Austin, Texas ITS Deployment Program, Texas, $500,000;

City of Boston intelligent transportation system, Massachusetts, $1,000,000;

City of Inglewood, California intelligent transportation system deployment project, $500,000;

CVISN, New Mexico, $525,000;

DelDOT Integrated Transportation Management System, DelTrac, Statewide Transit Passenger Information System, Delaware, $1,000,000;

Elkhorn Boulevard Project, Sacramento, California, $125,000;

Emergency Vehicle Access Program, Antrim, Pennsylvania, $60,000;

Emergency Vehicle Optical Pre-Emption, Town of Islip, New York, $595,000;

Flint Mass Transportation Authority ITS program, Michigan, $1,000,000;

Fog Detection Improvements and Traffic Monitoring, Rural Mountain Region, North Carolina, $200,000;

Gettysburg Borough Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania, $1,500,000;

GMU ITS Research, Virginia, $1,000,000;

Great Lakes ITS program, Michigan, $1,500,000;

Harrison County Sheriff's Department ITS, Mississippi, $750,000;

HART Bus Tracking & Communication, Florida, $4,000,000;

Hoosier SAFE-T, Indiana, $500,000;

Houma, Louisiana, $1,250,000;

Huntsville, Alabama, $1,500,000;

I–80 Dynamic Message Signs, Southern Wyoming, $3,000,000;

I–90 Truck Wind Warning System, Columbia River, Washington, $125,000;

Idaho Commercial Vehicle Systems and Networks (CVISN), $750,000;

Illinois Statewide, $2,500,000;

Intelligent transportation, Autonomous dial-a-ride transit (ADART) phase IV implementation, Corpus Christi, Texas, $500,000;

Intermodal ITS center, Orleans Parish, Louisiana, $500,000;

Interstate 95/Interstate 40 travel information improvements, Johnston County, North Carolina, $500,000;

Iowa Statewide ITS, Iowa, $1,400,000;

Kansas City Scout Advanced Traffic Management System, Missouri, $1,500,000;

Kansas City, Kansas Smart Port, $500,000;

Kent Intracity Transit Project, Washington, $1,500,000;

Law Enforcement Communications for Security, Biometrics, Iowa, $2,550,000;

Lynnwood ITS, Washington, $2,000,000;

Macomb County ITS Integration, Michigan, $250,000;

Maine Statewide Rural Advanced Traveler Info. System, $1,000,000;

Maryland Statewide ITS, $1,000,000;

Metrolina Traffic Management Center Communication, North Carolina, $2,000,000;

MetroLink Los Angeles Union Station (LAUS) passenger information delivery system project, California, $500,000;

Minnesota Guidestar, $9,100,000;

Missouri Statewide Rural ITS, $2,150,000;

Montachusett Area Regional Transit (MART) advanced vehicle located system, Massachusetts, $200,000;

Monterey-Salinas Transit, intelligent transportation system, California, $750,000;

Nebraska statewide ITS, $3,000,000;

New Bedford ITS Port Information Center, Massachusetts, $1,000,000;

New York Metropolitan Area enhanced operations, New York, $655,000;

Northern Virginia ITS, Virginia, $750,000;

Oklahoma Statewide ITS, $2,750,000;

Pennsylvania Turnpike Commission, Pennsylvania, $2,000,000;

Program of Projects, Washington, $5,000,000;

Providence Transportation Information Center ITS, Rhode Island, $1,500,000;

Richmond Highway intelligent transportation system project, Virginia, $400,000;

Round Rock, Texas, Williamson County, Communications Integration, $500,000;

Rural Highway Information System, Kentucky, $6,000,000;

Sacramento Area Council of Governments, Sacramento region intelligent transportation system projects, California, $1,000,000;

Salem, New Hampshire ITS, $900,000;

San Diego Joint Transportation Operations Center, California, $2,000,000;

Santa Teresa Border Tech Center, New Mexico State University, $1,000,000;

Shreveport ITS, Louisiana, $1,000,000;

Sierra Madre Intermodal Transportation Center, California, $1,500,000;

South Carolina DOT Statewide ITS, $1,500,000;

South Com Regional Dispatch Trauma Center, Matteson, Olympia Fields, and Richton Park, Illinois, $100,000;

SR–68/Riverside Dr. ITS, Espanola, New Mexico, $500,000;

State of Wisconsin, deployment of commercial vehicle information system and networks, level one capability, $500,000;

Statewide Transportation Operations Center, Kentucky, $1,365,000;

Surface Transportation Institute, University of North Dakota, $1,000,000;

Surveillance Camera and Transportation Management Center, Des Moines, Iowa, $400,000;

The Rapid, Grand Rapids, Michigan Public Transportation, $1,000,000;

Traffic Corridor Communications System, Lake County, Illinois, $2,000,000;

Tri-Cities Advanced Traffic Management System, Washington, $500,000;

Tucson ER-LINK ITS project, Arizona, $625,000;

UALR Intelligent transportation system, Little Rock, Arkansas, $250,000;

University of Nebraska Lincoln SMART Transportation, $1,000,000;

University of Kentucky Transportation Center, $1,500,000;

US–395 Columbia River Bridge Traffic Operations and Traveler Information System, Washington, $250,000;

Utah ITS Commuter Link, Davis and Utah Counties, $1,000,000;

Vermont Statewide Rural Advanced Traveler System, $1,500,000;

Vermont Variable Message Signs, $1,000,000;

Washington, DC Metro ITS, $2,000,000;

Wisconsin State Patrol Mobile Data Communications Network Upgrade, $2,000,000.

Federal-Aid Highways

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances made available under Public Law 103–331, Public Law 102–388, Public Law 102–240, Public Law 102–143, Public Law 101–516, Public Law 97–424, Public Law 101–164, Public Law 100–17, and Public Law 95–599, $5,609,337 is rescinded.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105–178, as amended, $250,000,000 are rescinded.

Appalachian Development Highway System

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $188,000,000, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $117,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

National Motor Carrier Safety Program

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants", and "Information Systems".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $138,288,000, of which $98,161,131 shall remain available until September 30, 2005: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Operations and Research

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

National Driver Register

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $117,363,000, of which $6,636,000 shall remain available until expended.

Railroad Research and Development

For necessary expenses for railroad research and development, $29,325,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, *as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003: Provided further, That no payments of principal or interest shall be collected during fiscal year 2003 for the direct loan made to the National Railroad Passenger Corporation under section 502 of such Act.*

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,450,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $22,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $1,050,000,000, to remain available until September 30, 2003, including $522,000,000 for quarterly grants for operating expenses, $295,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and $233,000,000 for quarterly grants for general capital improvements: Provided, That the Secretary of Transportation shall approve funding to cover operating losses and a long-distance train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: Provided further, That within 60 days of enactment of this Act but not later than May 1, 2003, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2003 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: provided further, That not later than June 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: Provided further, That excluding payments made before March 1, 2003, none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2003 business plan: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $120,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,428,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: Provided, That no more than $3,036,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from "Federal Transit Administration, Formula Grants"; and there shall be available for new fixed guideway systems $1,214,400,000, together with $45,000,000 transferred from the Job Access and Reverse Commute Grants Program account and all unobligated balances made available in Public Law 105–277 to carry out section 3037 of Public Law 105–178, as amended; to be available as follows:

Alaska-Hawaii Setaside, $10,296,000;

Altamont, CA, Commuter Express Maintenance Facility San Joaquin Rail Commission, $1,000,000;

Atlanta North Springs, GA (North Line Extension), $16,110,000;

Baltimore, MD, Central LRT Double Tracking Project, $18,000,000;

Birmingham, AL, Transit Corridor Study, $2,000,000;

Boston, MA, North Shore Corridor Project, $338,000;

Boston, MA, South Boston Piers Transitway, $681,000;

Bridgeport, CT, Intermodal Transportation Center Project, $2,500,000;

Burlington-Middlebury, VT, Commuter Rail, $1,500,000;

Central Phoenix/East Valley, AZ, Light Rail, $12,000,000;

Charlotte, NC, South Corridor Light Rail Transit Project, $11,000,000;

Chicago Transit Authority, IL, Dougals Branch Reconstruction, $55,000,000;

Chicago Transit Authority, IL, Ravenswood Reconstruction, $3,000,000;

Cleveland, OH, Euclid Corridor Transportation Project, $6,000,000;

Dallas, TX, North Central Light Rail Extension, $60,000,000;

Denver, CO, Southeast Center LRT (T–REX), $70,000,000;

Fort Lauderdale, Tri-County Commuter Rail Upgrades, $29,250,000;

Houston, TX, Advanced Metro Transit Plan, $11,000,000;

Las Vegas, NV, Resort Corridor Fixed Guideway, $7,000,000;

Little Rock, AR, River Rail Streetcar Project, $1,700,000;

Los Angeles, CA, Eastside Corridor LRT, $4,000,000;

Los Angeles, CA, North Hollywood Red Line, $40,490,000;

Lowell, MA to Nashua, NH, Commuter Rail Extension, $3,000,000;

Maryland, MARC Commuter Rail Improvements, $11,750,000;

Memphis, TN, Medical Center Rail Extension, $15,610,000;

Metra Commuter Rail and Line Extension Projects (North Central, Union Pacific West, SouthWest), $52,000,000;

Metro North Rolling Stock, CT, $4,000,000;

Minneapolis, MN, Hiawatha Corridor LRT, $60,000,000;

Minneapolis, MN, Northstar Corridor, $5,000,000;

Nashville, TN, East Corridor Commuter Rail, $4,000,000;

New Jersey, Hudson-Bergen Light Rail—MOS1, $19,200,000;

New Jersey, Hudson-Bergen Light Rail—MOS2, $50,000,000;

New Orleans, LA, Canal Street Streetcar Project, $22,000,000;

New York, Long Island Railroad East Side Access Project, $13,500,000;

New York, Second Avenue Subway, $2,000,000;

Newark-Elizabeth, NJ, Rail Link, $60,000,000;

Northern Indiana South Shore Commuter Rail Project, $2,500,000;

Oceanside-Escondido, CA, Rail Corridor, $13,600,000;

Ogden to Provo, UT, Commuter Rail Corridor, $5,000,000;

Orange County, CA, Centerline Light Rail Project, $1,500,000;

Pawtucket, RI, Layover Facility, $4,500,000;

Pittsburgh, PA, North Shore Connector, $7,025,000;

Pittsburgh, PA, Stage II LRT Reconstruction, $26,250,000;

Portland, OR, Interstate MAX Light Rail Extension, $70,000,000;

Puget Sound, WA, Sounder Commuter Rail, $30,000,000;

Raleigh, NC, Triangle Transit Regional Rail Service, $9,000,000;

Salt Lake City, UT, CBD to University LRT, $68,760,000;

Salt Lake City, UT, Medical Center LRT, $12,000,000;

Salt Lake City, UT, North/South LRT, $720,000;

San Diego, CA, Trolley Mission Valley East LRT Extension, $65,000,000;

San Francisco, CA, BART Extension to San Francisco Airport, $100,000,000;

San Francisco, CA, Third Street Light Rail Extension (Phase II), $1,500,000;

San Jose, CA, Silicon Valley Rapid Transit Corridor Project, $250,000;

San Juan, PR, Tren Urbano, $40,000,000;

Scranton, PA to New York City, NY, Passenger Rail Service, $2,000,000;

SEPTA, PA, Schuylkill Valley Metro Line, $9,000,000;

St. Louis, MO, Metrolink, St. Clair Extension, $3,370,000;

Stamford, CT, Urban Transitway, $10,000,000;

Vermont Transportation Authority Rolling Stock, $500,000;

Virginia Railway Express project, $2,000,000;

Washington, DC, Dulles Corridor Rapid Transit Project, $26,500,000;

Washington, DC/MD, Largo Extension, $60,000,000;

Wilmington, DE, Train Station improvements, $2,000,000;

Wilsonville-Beaverton Commuter Rail Line, OR, $2,500,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: Provided, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program: Provided further, That $45,000,000 of the funds provided under this heading together with all unobligated balances made available in Public Law 105–277 to carry out section 3037 of Public Law 105–178 shall be transferred to and merged with funds for new fixed guideway systems under the Federal Transit Administration's Capital Investment Grants account.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,086,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $40,980,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,250,000 shall remain available until September 30, 2005: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $63,842,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2005; of which $56,370,000 shall be derived from the Pipeline Safety Fund, of which $24,823,000 shall remain available until September 30, 2005.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2005: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2003 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $57,421,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,450,000: Provided, That notwithstanding any other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $18,450,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,194,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,450,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed *the per diem rate equivalent to the rate for an Executive Level IV.*

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year: Provided, That the amount of obligation limitation distributed for each program does not exceed 90 percent of the amount authorized to be appropriated for such program, except that for each of the programs authorized under section 129(c) of title 23, United States Code and section 1064 of Public Law 102–240, as amended, sections 1118 and 1119 of Public Law 105–178, as amended, section 1101(a)(11) of Public Law 105–178, as amended, section 118(c) of title 23, United States Code, section 144(g) of title 23, United States Code, section 1221 of Public Law 105–178, as amended, section 1101(a)(15) of Public Law 105–178, as amended, section 104(b)(1)(A) of title 23, United States Code, section 104(d)(1) of title 23, United States Code, and section 202(b) of title 23, United States Code (excluding the portion to be made available for Forest Highways under such subsection), the amount of obligation limitation distributed for each program shall equal the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, *2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.*

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2003.

SEC. 317. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 2.65 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 318. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 319. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding-49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 320. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 321. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

"(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

"(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

"(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

"(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the 'Airport Capacity Benchmark Report 2001'.

"(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.".

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 322. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of a State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 323. (a) Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 324. (a) IN GENERAL.—Hereafter, none of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting "reauthorization of the" before "Transportation".

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation, or the Secretary of Department in which the Transportation Security Administration is operating, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or (4) any port security grants totaling $500,000 or more of the Transportation Security Administration: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 330. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $90,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the *surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision.*

SEC. 331. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 332. (a) None of the funds made available in this Act shall be available for the design or construction of a light rail system in Houston, Texas;

(b) Notwithstanding (a), amounts made available in this Act or previous Acts under the heading "Federal Transit Administration, Capital investment grants" for a Houston, Texas, Metro advanced transit plan project shall be available for obligation or expenditure subject to the following conditions:

(1) Sufficient amounts shall be used for major investment studies in 4 major corridors.

(2) The Texas Department of Transportation shall review and comment on the findings of the studies under paragraph (1). Any comments by such department on such findings shall be included in any final report on such studies.

(3) If a final report on the studies under paragraph (1) is not available for at least the 1-month period preceding the date of any referendum held by the City of Houston, Texas, or by a county of Texas, regarding approval of the issuance of bonds for funding a light rail system in Houston, Texas, all information developed by such studies regarding passenger and cost estimates for such a system shall be made available to the public at least 1 month before the date of the referendum.

SEC. 333. Of the funds provided in section 101(a)(2) of Public Law 107–42, $90,000,000 are rescinded.

SEC. 334. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disburse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the disbursal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security checkpoints.

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 337. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 338. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL COST.—The Federal cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

SEC. 339. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and $11,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving: Provided further, That up to $1,000,000 of the funds allocated under section 163 of title 23, United States Code, shall be used by the Administrator to evaluate the effectiveness of alcohol-impaired driving programs that purchase advertising as provided by this section.

SEC. 340. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: Provided, That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 341. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 342. None of the funds in this Act may be expended to issue, implement, or enforce a regulation that diminishes or revokes an exemption authorized under section 345 of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C. 31136 note) before the Secretary of Transportation determines by a rulemaking proceeding that the exemptions granted are not in the public interest and adversely affects the safety of commercial motor vehicles with respect to such exemption that is required under subsection (c) of such section and, as under subsection (d), if a result of monitoring the safety performance of drivers of commercial vehicles that are subject to an exemption under section 345, the Secretary determines that public safety has been severely affected by an exemption granted under this section, the Secretary shall report to Congress that determination: Provided, That this limitation shall not preclude the Secretary from revoking *an exemption granted to an individual, farm, company, or other entity under section 345 of Public Law 104–59 for national security reasons.*

SEC. 343. (a) From the unexpended balances of the Local Rail Freight Assistance program under chapter 221 of title 49, U.S.C., $690,287 are rescinded.

(b) For the necessary expenses of the State of Iowa for a rail infrastructure rehabilitation project on the Iowa Northern Railway, $690,287, to remain available until expended.

SEC. 344. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $285,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision.

SEC. 345. Notwithstanding any other provision of law—

(1) in section 1602 of the Transportation Equity Act for the 21st Century—

(A) item number 426 (112 Stat. 272) is amended by striking "Louisiana Highway 16" and inserting the following: "Louisiana Highway 1026";

(B) item number 696 (112 Stat. 383), relating to Gettysburg, Pennsylvania, is amended by inserting after "Gettysburg comprehensive road improvement study" the following: "and construction of projects identified in the study";

(C) item number 230 is amended by striking "Construct new exit 46A on I–90 at route 170 in North Chili" and inserting "Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Leyll road";

(D) item number 1344 (112 Stat. 306) is amended by striking "Upgrade" and all that follows through "City" and inserting the following, "Upgrade Frederic Douglas Circle and Manhattan Avenue from West 110th Street to West 125th Street, New York City";

(E) item number 1108 is amended by striking "Construct" and all that follows through "Brownsville" and inserting "Construct west Rail Project in or near Brownsville, including a new railroad international bridge crossing over the Rio Grande River";

(F) item number 1269 (112 Stat. 303) is amended by striking "Implement" and all that follows through "system" and inserting the following: "New York City Department of Parks and Recreation, Bronx, NY Center Transportation Project";

(G) item number 933 (112 Stat. 291) is amended by striking "Redesign" and all that follows through "City" and inserting the following: "Design, construction and related enhancement of the Grand Concourse between E. 161st St. and E. 166th St., New York City";

(H) item number 75 (112 Stat. 259) is amended by striking "Construct" and all that follows through "Route" and inserting the following: "Bronx, NY River Greenway"; and

(I) item number 1735 (112 Stat. 320) is amended by inserting: ", and/or, notwithstanding any other provision of law, design, and construction of Type II noise abatement projects south of the new interchange and Neshaminy Creek, along Interstate 95 between Exit 25 and 26 in Bensalem Township, Bucks County" after "improvements";

(2) section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by redesignating the second subparagraph (D) (as added by section 361 of Public Law 107–87) as subparagraph (E) and by inserting at the end:

"(F) Port of Anchorage Intermodal passenger and freight facility.

"(G) Mobile Waterfront Terminal and Maritime Center of the Gulf.".

(3) of the $668,000 appropriated under the heading "Surface Transportation Projects" in Public Law 103–331 for CA 113 railroad grade separation, California, the unobligated share shall be available for railroad grade separation for the City of Dixon, Solano County, California;

(4) the $500,000 appropriated under the heading "Surface Transportation Projects" in Public Law 103–331 for 6th and 7th Sts. improvements Brownsville, TX may be used to construct the West Rail project in or near Brownsville, including a new international railroad bridge crossing over the Rio Grande River;

(5) section 610, section 609(c), and the last sentence of section 604(b)(1) of Public Law 97–468 are repealed; and

(6) for the purpose of further leveraging Federal resources and enhancing private investment supporting the financing of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, the Secretary of Transportation shall modify the agreements entered into with the San Joaquin Hills Transportation Corridor Agency and the Foothill Eastern Transportation Corridor Agency pursuant to section 339 of Public Law 102–388, section 336 of Public Law 103–331 and section 356 of Public Law 104–50, to extend the term of coverage provided by such lines throughout the term of the revenue bonds issued to acquire, finance or refinance those facilities, including revenue bonds issued by a new joint powers agency to finance the acquisition of assets from the existing Transportation Corridor Agencies: Provided, That notwithstanding any other provision of law, such modifications shall be deemed eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: Provided further, That notwithstanding any other provision of law, any amounts of the original Federal lines of credit not drawn upon, up to the combined original principal amount of $240,000,000, shall continue to be available for draws until such revenue bonds have been retirea: Provided further, That notwithstanding any other provision of law, not more than 20 percent of the combined original principal amount shall be available for draws in any one year: Provided further, That notwithstanding any other provision of law, any draw (except for operation and maintenance expenses) shall be repaid not later than five years following the year in which such revenue bonds have been retired. In implementing this section, the Secretary may modify other terms of the existing Federal lines of credit, including by combining them into a single line of credit the principal amount of which is limited to $240,000,000, provided that the marginal budgetary cost of any such additional modifications is funded under section 188 of title 23, United States Code.

SEC. 346. None of the funds in this Act may be obligated or expended by the Federal Motor Carrier Safety Administration for the development or implementation of a pilot program for the purpose of allowing commercial drivers 18 to 20 years of age to operate the trucks and buses of motor carriers in interstate commerce.

SEC. 347. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note, Public Law 102–240) is amended—

(1) in the subsection heading, by inserting "OVER-THE-ROAD BUSES AND" before "PUBLIC"; and

(2) in paragraph (1), by striking "to any vehicle which" and inserting the following: "to—

"(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

"(B) any vehicle that".

SEC. 348. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 349. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 350. On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line.

SEC. 351. DEPUTATION OF LAW ENFORCEMENT OFFICERS. (a) DEPUTATION AUTHORITY.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"SEC. 44922. DEPUTATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

"(a) DEPUTATION AUTHORITY.—The Under Secretary of Transportation for Security may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

"(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

"(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Under Secretary shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Under Secretary shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an 'employee of the Government' for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer's employment, subject to federal supervision and control, and in accordance with the terms of such deputation.

"(f) STATIONING OF OFFICERS.—The Under Secretary may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.".

(b) SECURITY SERVICE FEE.—Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following: "For purposes of subparagraph (A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 449 of title 49, United States

Code, is amended by adding at the end of the items relating to subchapter I the following:

"44922. Deputation of State and local law enforcement officers.".

(d) DEPUTATION OF FEDERAL LAW ENFORCEMENT OFFICERS.—Section 114(q)(1) of title 49, United States Code, is amended by adding "or other federal agency" after "Transportation Security Administration".

SEC. 352. FAA NOTICE TO AIRMEN FDC 2/0199. (a) IN GENERAL.—The Secretary of Transportation—

(1) shall maintain in full force and effect, for a period of one year after the date of enactment of this Act, the restrictions imposed under Federal Aviation Administration Notice to Airmen FDC 2/0199 and the restrictions that had been in effect on September 26, 2002 and that were imposed under local Notices to Airmen based on or derived from Notice to Airmen FDC 1/3353;

(2) shall rescind immediately any waivers or exemptions from those restrictions that are in effect on the date of enactment of this Act; and

(3) may not grant any waivers or exemptions from those restrictions, except—

(A) as authorized by air traffic control for operational or safety purposes;

(B) for operational purposes of an event, stadium, or other venue, including (in the case of a sporting event) equipment or parts, transport of team members, officials of the governing body and immediate family members and guests of such teams and officials to and from the event, stadium, or other venue;

(C) for broadcast coverage for any broadcast rights holder;

(D) for safety and security purposes of the event, stadium, or other venue; or

(E) to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures.

(b) WAIVERS.—Beginning no earlier than one year after the date of enactment of this Act, the Secretary may modify or terminate such restrictions, or issue waivers or exemptions from such restrictions, if the Secretary promulgates, after public notice and an opportunity for comment, a rule setting forth the standards under which the Secretary may grant a waiver or exemption. Such standards shall provide a level of security at least equivalent to that provided by the waiver policy applied by the Secretary as of the date of enactment of this Act.

(c) FUNDING LIMITATION.—Unless and until the Secretary promulgates a rule in accordance with subsection (b) above, none of the funds made available in this Act or any other Act may be used to terminate or limit the restrictions described in paragraph (a)(1) above or to grant waivers of, or exemptions from, such restrictions except as provided in paragraph (a)(3) above.

(d) BROADCAST CONTRACTS NOT AFFECTED.—Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.

SEC. 353. None of the funds in this Act shall be used to procure Coast Guard ships, including main diesel engines, unless such procurement is in compliance with the Buy American Act, 41 U.S.C. 10(a)–10(d).

SEC. 354. Title 49, United States Code, is amended by striking subsection (d) of section 13703 and relettering subsequent subsections accordingly.

SEC. 355. No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107–71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes.

SEC. 356. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

"SEC. 5339. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.".

SEC. 357. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 358. Hereafter, none of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 359. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 360. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard "Acquisition, construction, and improvements" shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

SEC. 361. Of the funds made available for fiscal year 2003 in section 188(a)(1) of title 23, United States Code, along with any available unobligated balances of funds made available in prior years, $115,000,000 shall instead be available for the programs authorized in section 1101(a)(9) of Public Law 105–178, as amended, and $65,000,000 shall instead be made available for section 1221 of Public Law 105–178, as amended.

SEC. 362. Funds provided in this Act for the Working Capital Fund shall be reduced by $12,600,000, which limits fiscal year 2003 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,166,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 363. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

SEC. 364. Of the funds made available under section 1101(a)(12) and section 1503 of Public Law 105–178, as amended, $8,000,000 are rescinded.

SEC. 365. TRANSFER OF FUNDS BETWEEN HIGHWAY PROJECTS, LAKE CHARLES, LOUISIANA.—Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 315);

(2) planning, design, and reconstruction of Cove Lane exit from Interstate 210; and

(3) planning, design, and construction of West Prien Lake Road.

SEC. 366. Notwithstanding any other provision of law, of the funds available under section 104(a)(1)(A) of title 23, United States Code, for surface transportation projects, $13,000,000 shall be available to the Secretary to make grants to the Kentucky Turnpike Authority to pay the debt on bonds issued by the Kentucky Turnpike Authority before January 1, 2003, for the Daniel Boone Parkway, Kentucky, and the Cumberland Parkway, Kentucky.

SEC. 367. LETTERS OF INTENT FOR AIRPORT SECURITY IMPROVEMENT PROJECTS.—(a) The Under Secretary of Transportation for Security may issue a letter of intent to an airport committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project) at the airport. The letter shall establish a schedule under which the Under Secretary will reimburse the airport for the Government's share of the project's costs, as amounts become available, if the airport, after the Under Secretary issues the letter, carries out the project without receiving amounts under Chapter 471 of title 49.

(b) The airport shall notify the Under Secretary of the airport's intent to carry out the airport security improvement project before the project begins.

(c) A letter of intent may be issued under this section only if—

(1) The airport security improvement project to which the letter applies involves the replacement of baggage conveyer systems or the reconfiguration of terminal baggage areas in order to install explosive detection systems; and

(2) The Under Secretary determines that the project will improve security or will improve the efficiency of the airport without lessening security.

(d) A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(e) The Government's share of the project's cost shall be 75 percent for a project at an airport having at least 0.25 percent of the total number of passenger boardings each year at all airports and 90 percent for a project at any other airport.

(f) Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

(g) The Under Secretary shall notify the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee, and the Senate Commerce, Science, and Transportation Committee at least 3 days prior to the issuance of a letter of intent under this section.

(h) There is authorized to be appropriated to carry out this section $500,000,000 in each of fiscal years 2003, 2004, 2005, 2006, and 2007.

SEC. 368. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".

SEC. 369. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".

SEC. 370. (a) INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(M) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).".

(b) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(1) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:

"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

"(A) GRANTS.—The Secretary may provide grants to a sponsor of—

"(i) a primary airport—

"(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

"(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

"(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

"(ii) a public-use airport that is not a primary airport—

"(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

"(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

"(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996.

"(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

"(i)(I) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

"(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

"(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

"(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;

"(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

"(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

"(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

"(II) the selection of the tower for funding is based on objective criteria.

"(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed $1,100,000.".

(2) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—

(A) in paragraph (3)(A) by striking "Level I air traffic control towers, as defined by the Secretary," and inserting "nonapproach control towers, as defined by the Secretary,"; and

(B) in paragraph (3)(E) by striking "Subject to paragraph (4)(D), of" and inserting "Of".

(3) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.

(c) NONAPPROACH CONTROL TOWERS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

(2) TERMS AND CONDITIONS.—An agreement entered into under this section—

(A) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;

(B) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;

(C) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(D) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(E) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;

(F) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(G) shall include such other terms and conditions as the Administrator considers appropriate.

(d) USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 371. In addition to amounts otherwise made available by this Act, there is hereby appropriated $3,500,000, to remain available until expended, to enable the Secretary to maintain operations of the Midway Island airfield.

SEC. 372. Section 145(c) of Public Law 107–71 is amended by striking the number (18) and inserting the number (27).

SEC. 373. SUSQUEHANNA GREENWAY, MARYLAND. The table contained in section 1602 of the

Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

SEC. 374. Item number 1320 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 305) is amended by striking "Reconstruct 79th Street Traffic Circle, New York City" and inserting "Cross Harbor Freight Movement Project EIS, New York City".

SEC. 375. Of the $3,400,000 appropriated under the heading "Highway Demonstration Projects" in Public Law 101–516 for Pennsylvania State Route 711 Bypass (Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland, Pennsylvania.

SEC. 376. Of the $900,000 appropriated under the heading "Federal Highway Demonstration Projects" in Public Law 102–143 for Pennsylvania State Route 711 Bypass (Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland, Pennsylvania.

SEC. 377. Of the funds made available in Public Law 107–87 under the Federal-aid Highways account to carry out 23 U.S.C. 129(c) and section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991, as amended, $2,000,000 shall be transferred to the Federal Transit Administration's Formula Grant account and made available to the Jersey City Pier redevelopment and terminal construction project: Provided, That, notwithstanding any other provision of law, including 23 U.S.C. 104(k), such funds shall be administered under terms and conditions deemed appropriate by the Secretary.

This division may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2003".

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $189,201,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,206,000 and 120 full time equivalent positions: Provided further, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $65,628,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,736,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $125,011,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $28,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $10,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That the entire dollar amount shall be available only to the extent that an official request for a specific dollar amount is transmitted by the President to the Congress.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $51,752,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $134,986,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic *training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Center is authorized to provide short-term medical services for students undergoing training at the Center.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $36,000,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $222,078,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $886,430,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for a new headquarters shall remain available until September 30, 2004: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,535 motor vehicles of which 550 are for replacement only and of which 1,500 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,527,155,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; not to exceed $1,250,000 shall remain available until September 30, 2004 for strengthened enforcement of U.S. trade laws pertaining to steel; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That of the total amount of funds made available for forced child labor activities in fiscal year 2003, not to exceed $5,000,000 shall remain available until expended for operations and support of such activities: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE-FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $181,829,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $435,332,000, to remain available until expended, of which not less than $312,900,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and

Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $194,468,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization; and of which not to exceed $4,000,000 shall remain available until September 30, 2004 for the purpose of completing the shut-down of the savings bond marketing activity: Provided, That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $190,068,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000, of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research, and of which not less than $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $366,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For necessary expenses to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $70,000,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,029,150,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $4,583,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "4 years" and inserting "5 years".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 123. The Treasury Department Appropriations Act, 1997 (as contained in section 101(f) of Division A of Public Law 104–208), under the heading "Treasury Franchise Fund", as amended by section 120 of the Treasury Department Appropriations Act, 2001 (enacted pursuant to section 1(a)(3) of Public Law 106–554), is further amended by striking "until October 1, 2002" and inserting "until October 1, 2004".

SEC. 125. AMENDMENT TO JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT ACT.—For fiscal year 2003 and thereafter, section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF FUND ASSETS.—

"(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

"(c) AUTHORITY TO SELL OBLIGATIONS.—At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.".

SEC. 126. AMENDMENT TO JAMES MADISON MEMORIAL FELLOWSHIP ACT.—For fiscal year 2003 and thereafter, section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

"(1) At the request of the Trust Fund, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Trust Fund to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

"(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Trust Fund, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.".

SEC. 127. AUTHORITY FOR THE CREATION OF INTEGRATED BORDER INSPECTION AREAS AND DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS. (a) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) The Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), i.e., areas on either side of the United States-Canada border in which the United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian officers can inspect vehicles entering Canada from the United States before they enter Canada. This may include, where appropriate, employment of reverse inspection techniques.

(2) The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall endeavor to carry out the IBIA program in a manner that minimizes adverse impacts on the surrounding community.

(b) Section 1401(i) of title 19, United States Code, is amended by inserting ", including foreign law enforcement officers," after "or other person".

(c) Section 1629 of title 19, United States Code, is amended—

(1) in paragraph (a) by inserting ", or subsequent to their exit from," after "prior to their arrival in";

(2) in paragraph (c) by inserting "or exportation" after "relating to the importation" and by inserting "or exit" after "port of entry";

(3) in paragraph (e), by—

(A) inserting "and agriculture inspection" after "customs" in each instance where reference is currently made to "customs officers" or "customs officials" in this subsection;

(B) inserting "and the Secretary of Agriculture" after "in coordination with the Secretary";

(C) inserting "or that have gone directly from that country to the United States" after "to that country from the United States";

(D) inserting "or exportation" after "governing the importation";

(E) deleting "and" and inserting a comma (",") after "such functions";

(F) inserting ", and enjoy such privileges and immunities" after "such duties";

(G) inserting "or are afforded" after "authorized to perform"; and

(H) deleting "under reciprocal agreement" and inserting "by treaty, agreement or law".

(4) by adding at the end the following:

"(g) Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401 (i) of this title shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.".

This title may be cited as the "Treasury Department Appropriations Act, 2003".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for *obligation until October 1, 2003: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.*

This title may be cited as the "Postal Service Appropriations Act, 2003".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $50,715,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order No. 13288, $19,398,000: Provided, That the Office of Homeland Security shall submit a report identifying estimated obligations for each function assigned to this Office pursuant to Executive Order No. 13288 to the Committees on Appropriations no later than November 1, 2002.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,066,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,763,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,251,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,821,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $91,505,000, of which $17,470,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: Provided further, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $62,394,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That none of the funds *appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2003, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.*

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,456,000; of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office: Provided further, That $5,000,000 of these funds shall not be obligated until the Director submits performance measures of effectiveness for the High Intensity Drug Trafficking Areas program to the House Committee on Appropriations: Provided further, That $2,000,000 of these funds shall not be obligated until the Director submits, and the Committees on Appropriations approve, a human capital strategy for the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $48,000,000, which shall remain available until expended, consisting of $22,000,000 for counternarcotics research and development projects, and $26,000,000 for the continued operation of the technology transfer program: Provided, That the $22,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That no funds of an amount in excess of the fiscal year 2003 budget request shall be obligated prior to the approval of the Committee on Appropriations: Provided further, That no funds shall be used for any further or additional consolidation of the Southwest Border High Intensity Drug Trafficking Area, except for the operation of an office with a coordinating role, until the Office submits a report on the structure of the Southwest Border High Intensity Drug Trafficking Area.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $223,200,000, to remain available until expended, of which the following amounts are available as follows: $150,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $3,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $6,400,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2003".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,658,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $49,866,000, of which no less than $5,866,700 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,950,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $375,711,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,006,033,000, of which: (1) $717,488,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Arkansas:
Little Rock, United States Courthouse Annex, $77,154,000
California:
San Diego, United States Courthouse Annex, $23,901,000
District of Columbia:
Washington, Southeast Federal Center Site Remediation, $6,472,000
Florida:
Fort Pierce, United States Courthouse, $2,744,000
Orlando, United States Courthouse, $79,261,000
Iowa:
Cedar Rapids, United States Courthouse, $5,167,000
Maine:
Jackman, Border Station, $9,194,000
Maryland:
Montgomery County, FDA consolidation, $37,600,000

Suitland, National Oceanic and Atmospheric Administration II, $9,461,000

Suitland, United States Census Bureau, $176,919,000

Mississippi:

Jackson, United States Courthouse, $7,276,000

Missouri:

Cape Girardeau, United States Courthouse, $49,300,000

Montana:

Raymond, Border Station, $7,753,000

New York:

Brooklyn, United States Courthouse Annex—GPO, $39,500,000

Champlain, Border Station, $4,000,000.

Massena, Border Station, $1,646,000

New York, United States Mission to the United Nations, $57,053,000

North Dakota:

Portal, Border Station, $2,201,000

Oregon:

Eugene, United States Courthouse, $77,374,000

Tennessee:

Nashville, United States Courthouse, $7,095,000

Texas:

Austin, United States Courthouse, $13,809,000

Utah:

Salt Lake City, United States Courthouse, $9,783,000

Washington:

Oroville, Border Station, $6,572,000

Nationwide:

Nonprospectus Construction, $6,253,000: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $951,529,000 shall remain available until expended for repairs and alterations, of which $358,340,000 shall be available for basic repairs and alterations and $593,189,000 shall be available for the following repairs and alterations projects, which includes associated design and construction services:

California:

Los Angeles, Federal Building, 300 North Los Angeles Street

San Francisco, Appraisers Building

San Francisco, 50 United Nations Plaza Federal Building (design)

Tecate, Tecate United States Border Station

Colorado:

Denver, Byron G. Rogers Federal Building and Courthouse

Lakewood, Denver Federal Center, Building 53 (design)

Connecticut:

New Haven, Robert N. Gaimo Federal Building

District of Columbia:

Federal Office Building 10A Garage

Harry S Truman Building (State)

GSA Central Office (design)

GSA Regional Office Building (design)

Herbert C. Hoover Building (design)

Hawaii:

Hilo, Federal Building and Post Office (design)

Illinois:

Chicago, United States Custom House

Iowa:

Davenport, Federal Building and United States Courthouse

Maryland:

Baltimore, Metro West

Baltimore, George H. Fallon Federal Building (design)

Woodlawn, Operations Building

Massachusetts:

Boston, John F. Kennedy Federal Building Plaza

Minnesota:

St. Paul, Warren E. Burger Federal Building and U.S. Courthouse (design)

Missouri:

Kansas City, Bannister Federal Complex, Building 1

Kansas City, Bannister Federal Complex, Building 2

New Hampshire:

Manchester, Norris Cotton Federal Building

Portsmouth, Thomas J. McIntyre Federal Building

New York:

New York, Jacob K. Javits Federal Building

Ohio:

Cleveland, Howard M. Metzenbaum United States Courthouse

Columbus, John W. Bricker Federal Building (design)

Pennsylvania:

Pittsburgh, William S. Moorhead Federal Building

Texas:

Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building

Fort Worth, Fritz Garland Lanham Federal Building

Washington:

Seattle, Henry M. Jackson Federal Building

Seattle, William Kenzo Nakamura, U.S. Courthouse (design)

Auburn Warehouse Complex (design)

Nationwide:

Elevator Program, Glass Fragmentation Program and Anti-Terrorism Program: Provided further, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,113,211,000 for rental of space which shall remain available until expended; and (5) $1,965,160,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $7,006,033,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $66,304,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $83,663,000, of which $17,463,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,916,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

ELECTION REFORM REIMBURSEMENTS

For necessary expenses to carry out a program under which a one-time payment shall be made to the chief election authority of each State which, on a Statewide basis, obtained optical scan or electronic voting equipment for the administration of elections for Federal office in the State prior to the regularly scheduled general election for Federal office in November 2000, $15,000,000: Provided, That the amount of the payment made with respect to a State under such program shall be equal to the costs incurred by the State in obtaining optical scan or electronic voting equipment used to administer the most recent regularly scheduled general election for Federal office in the State, except that in no case may the amount of the payment exceed $4,000 per voting precinct in the State at the time of the election: Provided further, That total payments made under such program shall not exceed $15,000,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF THE JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse".

SEC. 409. DESIGNATION. (a) The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the "Alfonse M. D'Amato United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Alfonse M. D'Amato United States Courthouse".

SEC. 410. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING. (a) The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the "Cesar E. Chavez Memorial Building".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Cesar E. Chavez Memorial Building".

SEC. 411. For gross obligations for the principal amount of a direct loan as defined by Section 502 of the Congressional Budget Act of 1974, not to exceed $250,000, to be available from amounts transferred by Treasury to the "Disposal of surplus real and related personal property" account of the General Services Administration.

SEC. 412. DESIGNATION OF RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE. (a) The United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, and any addition to the courthouse that may hereafter be constructed, shall be known and designated as the "Richard Sheppard Arnold United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Richard Sheppard Arnold United States Courthouse".

SEC. 413. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, the properties known as 26 West Market Street, 30 West Market Street, 39 West Market Street, and 40 West Market Street in Salt Lake City, Utah. In so acquiring, the Administrator shall comply with applicable environmental and historical preservation statutes. This authority is in addition to the authority of the Administrator to acquire any sites necessary for construction of the new United States Courthouse in Salt Lake City, Utah.

(b) In addition, the Administrator is authorized to relocate the historical building currently located at 39 West Market Street, Salt Lake City, Utah, to the parcels known as 26, 30, and 40 West Market Street, Salt Lake City, Utah, and after the relocation the Administrator is authorized to sell by auction, or upon such other terms and conditions as the Administrator deems proper, the properties known as 26, 30, and 40 West Market Street. All proceeds from such sale shall be deposited into the fund established under section 592 of title 40, United States Code, and shall not be available for obligation until authorized by a future appropriations Act.

(c) Funds made available in previous appropriations Acts for site, design and construction of a new Courthouse in Salt Lake City, as well as funds that may be made available for such project in fiscal year 2003 appropriations Acts, may be used to carry out the purposes of subsections (a) and (b).

SEC. 414. DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

SEC. 415. DESIGNATION OF ELDON B. MAHON UNITED STATES COURTHOUSE. (a) The United States Courthouse located at 501 West 10th Street in Fort Worth, Texas, shall be known and designated as the "Eldon B. Mahon United States Courthouse".

(b) Any references in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eldon B. Mahon United States Courthouse".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,027,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,875,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds made available, $11,837,000 is for the electronic records archive, $10,137,000 of which shall be available until September 30, 2005: Provided further, That, of the funds provided in this paragraph, $600,000 shall be for the preservation of the records of the Freedmen's Bureau, as required by section 2910 of title 44, United States Code, and as authorized by section 3 of the Freedmen's Bureau Records Preservation Act of 2000 (Public Law 106–444).

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $14,208,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, $3,250,000 is for repairs to the Lyndon Baines Johnson Presidential Library Plaza, and $3,750,000 is for locating, purchasing, and other related site location expenses for the site of a new regional archives facility to be constructed in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,500,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,557,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $129,486,000, of which $24,000,000 shall remain available until expended for the cost of the government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,519,000, and in addition, not to exceed $10,886,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles: $12,449,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the "Independent Agencies Appropriations Act, 2003".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval *service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.*

SEC. 505. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2003 from appropriations made available for salaries and expenses for fiscal year 2003 in this Act, shall remain available through September 30, 2004, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 509. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 510. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 511. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 512. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 513. ENDOWMENT FOR PRESIDENTIAL LIBRARIES. Section 2112(g) of title 44, United States Code, is amended by adding at the end the following:

"(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

"(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

"(C)(i) In this subparagraph, the term 'base endowment amount' means the amount of the endowment required under paragraph (3).

"(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

"(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

"(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

"(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

"(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

"(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).".

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of Homeland Security.

SEC. 516. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 518. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who *owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.*

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved bu the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States

Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code; as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the "Policy and Citizen Services" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following *notification of the Committees on Appropriations by the Director of the Office of Management and Budget.*

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2002" and inserting "October 1, 2003".

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent and shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2003.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. UNITED STATES POSTAL SERVICE. (a) The United States Postal Service (USPS) is required under title 5, chapter 83, United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971.

(b) The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability.

(c) Therefore, it is the Sense of the Congress that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SEC. 640. SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage System.

SEC. 641. (a) IN GENERAL.—The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b)—

(1) if written offer therefor (accompanied by such proof of title, property descriptions, and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of enactment of this Act;

(2) if all liability with respect to such property and the owner of such property will remain with the owner;

(3) if the private sector is unable to dispose of contaminants in the building on such property;

(4) if the Administrator determines that a significant public health risk exists from such property; and

(5) if the Administrator identifies an appropriate Federal agency to accept all right, title, and interest in such property.

(b) PROPERTY LOCATION.—The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida, and all improvements thereon.

(c) CONSIDERATION.—The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall transmit to Congress a comprehensive report describing the efforts made by the Administrator to fulfill the conditions described in subsection (a).

SEC. 642. (a) Notwithstanding paragraph (17) of subsection (a) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–701(17), D.C. Official Code) or any other provision of such Act to the contrary, for purposes of determining the amount of an annuity required to be paid under such Act with respect to a United States Secret Service member who retired during the period from November 1, 1994, through October 29, 1995 and who received availability pay under 5 U.S.C. 5545a during that period, the member's average pay shall be computed as if the member received availability pay for the 12 consecutive months during which the highest salary was earned prior to retirement.

(b) Subsection (a) shall apply with respect to an annuity paid—

(1) on or after November 1, 1994, in the case of a survivor's annuity paid with respect to a Secret Service member described in subsection (a); or

(2) on or after October 1, 2002, with respect to a Secret Service member described in subsection (a).

SEC. 643. Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106–554), shall cease to be effective on the first day of the first pay period on or after January 1, 2003.

SEC. 644. No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or provided by Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that such records may continue to be disclosed to the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. 552 prior to the date of the enactment of this Act.

SEC. 645. (a) Section 9505(d) of title 5, United States Code, is amended by striking the second sentence and inserting the following: "Such amount may not exceed the maximum amount which would be allowable under paragraph (3) of section 5384(b) if such paragraph were applied by substituting 'the Internal Revenue Service' for 'an agency'.".

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2002.

SEC. 646. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 647. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SEC. 648. (a) Section 8335(a) of title 5, United States Code, is amended by striking "8336" and inserting "8336(e)".

(b) The amendment made by subsection (a) shall be effective as of January 1, 2003.

This division may be cited as the "Treasury and General Government Appropriations Act, 2003".

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $28,949,000,000, to remain available until expended: Provided, That not to exceed $17,138,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,264,808,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $27,530,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $168,207,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $55,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,626,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $289,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $558,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $23,889,304,000, plus reimbursements: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2004, $400,000,000, plus reimbursements: Provided, That of the funds available under this heading $5,000,000 shall be transferred to "Medical care" for research oversight activities.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $74,716,000, of which $3,000,000 shall be available until September 30, 2004, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2003.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,254,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $992,100,000: Provided further, That of the funds made available under this heading, not to exceed $66,000,000 shall be available for obligation until September 30, 2004: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $133,149,000, of which $6,000,000 shall be available until September 30, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $58,000,000, to remain available until September 30, 2004.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $99,777,000, to remain available until expended, of which $5,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2003, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2003; and (2) by the awarding of a construction contract by September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $226,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2003 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2003 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2003, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2003 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2003 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2003: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2003.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2003 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (8) as paragraph (10); and

(2) by inserting after paragraph (7) the following new paragraphs:

"(8) Section 8165(a) of this title.

"(9) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).".

(c) Section 1722A of such title is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking "under subsection (a)" and inserting "under this section"; and

(B) by striking the second sentence; and

(2) by striking subsection (d).

(d)(1) Section 8165 of such title is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title".

(2) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code".

SEC. 114. Of the amounts provided in this Act, $19,900,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 115. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 116. Notwithstanding any other provision of this Act, the $23,889,304,000 provided for "Medical care" under this title shall be exempt from the across-the-board rescission under section 601 of division N.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $17,223,566,000, and amounts that are recaptured in this account, to remain available until expended: Provided, That of the amounts made available under this heading, $13,023,566,000 and the aforementioned recaptures shall be available on October 1, 2002 and $4,200,000,000 shall be available on October 1, 2003: Provided further, That amounts made available under this heading are provided as follows:

(1) $15,278,370,500 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): Provided, That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency (including for agencies participating in the Moving to Work demonstration, unit months representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported on such statement: Provided further, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $391,922,000 for a central fund to be allocated by the Secretary for amendments to section 8 tenant-based annual contributions contracts for such purposes set forth in this paragraph: Provided, That subject to the following proviso, the Secretary may use amounts made available in such fund, as necessary, for contract amendments resulting from a significant increased in the per unit cost of vouchers or an increase in the total number of unit months under lease as compared to the per unit cost or the total number of unit months provided for by the annual contributions contract: Provided further, That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended fifty percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within thirty days of a request from such agency: Provided further, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided in this paragraph in accordance with the directions specified in the joint explanatory statement of the managers accompanying this Act;

(3) $234,016,500 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C.1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed $1,072,257,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which $69,547,000 is for such expenses associated with section 8 tenant-based assistance provided under this heading in paragraphs (2) and (3): Provided, That, the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That none of the funds made available in this paragraph shall be provided to any public housing agency unless such agency reports to the Secretary the amounts remaining available as of January 31, 2003 in such agency's administrative reserve fee account: Provided further, That, notwithstanding any other provision of law or regulation, the amount of fiscal year 2003 fee payments otherwise authorized pursuant to the first proviso in this paragraph for a public housing agency shall be reduced accordingly by any such amounts remaining in such agency's administrative fee reserve account as of January 31, 2003 which exceed 105 percent of the amount of fees paid to such agency from funds made available in fiscal year 2002: Provided fruther, That the preceding proviso shall not apply to any public housing agency if the amount of fiscal year 2003 fee payments otherwise authorized to be provided to such agency pursuant to the first proviso in this paragraph does not exceed $100,000: Provided further, That, hereafter, the Secretary shall recapture any funds provided in this paragraph from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate no later than July 1, 2003, on the administrative costs and other expenses associated with the section 8 tenant-based rental assistance program in accordance with the directions included in the statement of the managers accompanying this conference report;

(6) $196,000,000 for contract administrators for section 8 project-based assistance; and

(7) not less than $3,000,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Public and Indian Housing": Provided, That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1), (2) or (5), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: Provided further, That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: Provided further, That, hereafter, the Secretary shall require public housing agencies to submit accounting data for funds disbursed under this heading in this Act and prior Acts by source and purpose of such funds: Provided further, That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: Provided further, That $1,600,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2002 and prior years, to be effected by the Secretary no later than September 30, 2003: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,730,000,000 (the "Act"), to remain available until September 30, 2006: Provided, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $447,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998, 1999, 2000, and 2001 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2003, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, or 2003: Provided further, That with respect to any amounts made available under the Public Housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, or 2003 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under 6(j) of the Act to be high-performing: Provided further, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That the Secretary shall issue final regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), not later than August 1, 2003: Provided further, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $11,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $18,600,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian Housing": Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $50,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That of the total amount provided under this heading, $55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: Provided, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That up to $250,000,000 shall be made available for payments to public housing agencies that are eligible for additional funds for fiscal year 2002 payments for the operation and management of public housing: Provided further, That no funds may be made available under this heading in fiscal year 2004 and subsequent fiscal years may be provided for fiscal year 2003 payments to public housing agencies for the operation and management of public housing: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $574,000,000, to remain available until September 30, 2004, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing *agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.*

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $649,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $600,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,658,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,300,000, to remain available until expended, of which $100,000 shall be for necessary expenses of the Land Title Report Commission pursuant to section 501(a) of Public Law 106–569: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,035,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $292,000,000, to remain available until September 30, 2004: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2003, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $30,000,000, to remain available until September 30, 2005, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $2,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,937,000,000, to remain available until September 30, 2005: Provided, That of the amount provided, $4,367,930,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for "Planning and Management Development" and "Administration", as defined in regulations promulgated by the Department: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,400,000 shall be for a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; $49,100,000 shall be for grants pursuant to section 107 of the Act; $9,000,000 shall be made available to the Neighborhood House, St. Paul, Minnesota for construction costs of the Paul and Sheila Wellstone Center for Community Building; no less than $3,400,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under "Community planning and development"; $25,250,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $32,500,000 shall be for capacity building, of which $28,250,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,250,000 shall be for capacity building activities administered by Habitat for Humanity International; $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $42,120,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

Of the amount made available under this heading, $261,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the City of Rome, New York, by striking "related to the South Rome Industrial Park" and inserting "and building renovations at the Rome business and tech park".

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to a grant made available to the Community Medical Centers of Fresno, California by striking all after

"$300,000" and inserting "to the City of Fresno, California for rehabilitation of the Fresno Community Regional Medical Center neighborhood.".

The referenced statement of the managers under this heading in Public Law 106–377 and 107–73 is deemed to be amended with respect to grants made to the City of Mt. Clemens, Michigan by striking "City of Mt. Clemens, Michigan" and inserting "Mt. Clemens Community Schools in Mt. Clemens, Michigan".

The referenced statement of the managers under the heading "Community development block grants" in title II of Public Law 105–277 is deemed to be amended by striking "$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland" and insert in lieu thereof "$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland ($514,000) and for recovery efforts that occurred on or after the April 28, 2002 tornado in Charles and Calvert Counties ($236,000)".

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to a grant made to the Metropolitan Development Association in Syracuse, New York by adding after the words "Genesee Street Armory study" the words "and other development projects undertaken by the Association within the City of Syracuse".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,325,000, to remain available until September 30, 2004, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,925,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided in this paragraph, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $1,100,000 shall be transferred to the Working Capital Fund for the development of, maintenance of, and modification to information technology systems which serve programs or activities under "Community planning and development".

In addition to amounts otherwise made available under this heading, $75,000,000, to remain available until September 30, 2005, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided, That the Secretary shall provide such assistance in accordance with a formula to be established by the Secretary that considers a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,225,000,000, to remain available until September 30, 2005: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $11,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That $6,600,000 of the funds appropriated under this heading shall be available for technical assistance: Provided further, That no less than $1,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Community planning and development": Provided further, That of the total amount provided under this heading, $10,000,000 shall be made available for a two-year grant demonstration program to be conducted in consultation with the Interagency Council on the Homeless.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,033,801,000, to remain available until September 30, 2006: Provided, That $783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $250,515,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That of the amount made available under this heading, $25,000,000 shall be available to the Secretary of Housing and Urban Development only for making grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts made available in the previous proviso shall be awarded on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House and Senate not later than July 15, 2003, in accordance with the direction included in the joint explanatory statement of the managers accompanying this Act: Provided further, That no less than $500,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing programs" or "Federal housing administration": Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive the provisions governing the terms and conditions of project rental assistance and tenant-based rental assistance for such section 202 and such section 811, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That all balances and recaptures, as of October 1, 2002, remaining in the "Congregate housing services" account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2002, and any collections made during fiscal year 2003, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to $100,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2003: Provided, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2003 by not more than $100,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2003 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $165,000,000,000.

During fiscal year 2003, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $347,829,000, of which not to exceed $343,807,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $85,720,000, of which no less than $21,360,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal housing administration": Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2003, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $23,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $223,716,000, of which $204,395,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $19,321,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $14,240,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing programs" or "Federal housing administration": Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2003, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2004.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,343,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,343,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2004, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $176,000,000, to remain available until September 30, 2004, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the total amount made available under this heading, $50,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of the Department of Housing and Urban Development to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,090,229,000, of which $20,000,000 shall remain available until September 30, 2004, for funds control improvements; and of which $548,202,000 shall be provided from the various funds of the Federal Housing Administration, $10,343,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the

"Community development loan guarantees program" account, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no less than $10,500,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems: Provided further, That of the total amount made available under this heading, not less than $21,000,000 is to be made available to the Chief Financial Officer exclusively for activities to implement appropriate funds control systems, including improvements in automated financial management systems, additional training of departmental employees in proper fund control procedures, and establishment of a division of appropriations law within the Office of the Chief Financial Officer: Provided further, That the Chief Financial Officer shall submit a revised departmental funds control handbook to the Committees on Appropriations of the House and Senate no later than 30 days after enactment of this Act: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Secretary shall, within 30 days of enactment of this Act, permanently transfer no fewer than four appropriations law attorneys from the Legislative Division of the Office of Legislation and Regulations, Office of General Counsel to the OCFO: Provided further, That personnel transferred pursuant to the previous proviso shall report directly to the Chief Financial Officer: Provided further, That, notwithstanding any other provision of law, hereafter, the Chief Financial Officer of the Department of Housing and Urban Development shall, in consultation with the Budget Officer, have sole authority to investigate potential or actual violations under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.) and all other statutes and regulations related to the obligation and expenditure of funds made available in this, or any other Act; shall determine whether violations exist; and shall submit final reports on violations to the Secretary, the President, the Office of Management and Budget and the Congress in accordance with applicable statutes and Office of Management and Budget circulars: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for the purpose of determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract: Provided further, That the Chief Financial Officer shall: (a) appoint qualified personnel to conduct investigations of potential or actual violations; (b) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (c) establish guidelines and timeframes for the conduct and completion of investigations; (d) prescribe the content, format and other requirements for the submission of final reports on violations; and (e) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent: Provided further, That the Secretary shall submit a staffing plan for the Department by March 15, 2003.

WORKING CAPITAL FUND

For additional capital for the Working Capitol Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $276,300,000, to remain available until September 30, 2004: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That none of the funds made available to the Department in this Act, or any other Act, may be used to award a new contract for the HUD Information Technology Services (HITS) project until 90 days after the Department has submitted to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive five-year information technology plan in accordance with the direction included in the report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $97,499,000, of which $23,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2002, $8,000,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $30,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2003 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2003 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2003 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2003, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking "year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002", and inserting "years 2000, 2001, 2002, and 2003".

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2003 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2003, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties *of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.*

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Notwithstanding any other provision of law, no funds in this Act or in any other Act in any fiscal year, including all future and prior fiscal years, may be used hereafter by the Secretary of Housing and Urban Development to provide any assistance or other funds for housing units defined in section 9(n) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) as "covered locally developed public housing units". The States of New York and Massachusetts shall reimburse any funds already made available under any appropriations Act for these units to the Secretary of Housing and Urban Development for reallocation to public housing agencies: Provided, That, if either State fails to make such reimbursement within 12 months, the Secretary shall recapture such funds through reductions from the amounts allocated to each State under section 106 of the Housing and Community Development Act of 1974.

SEC. 208. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 209. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 210. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 211. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2003, HUD shall transmit this information to the Committees by March 15, 2003 for 30 days of review.

SEC. 212. (a) Section 9(n)(1) of the United States Housing Act of 1937 is hereby repealed.

(b) Section 226 of the Departments of Veterans Affairs and Housing and Urban development, and Independent Agencies Appropriations Act, 1999, is hereby repealed.

(c) The amendment made by subsection (a) shall be deemed to have taken effect on October 1, 1998.

(d) The amendment made by subsection (b) shall be deemed to have taken effect on October 21, 1998.

SEC. 213. Notwithstanding any other provision of law, in fiscal year 2003, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 215. (a) Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking "$600,000,000" and all that follows through "2002" and inserting the following: "$574,000,000 for fiscal year 2003".

(b) Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking "September 30, 2002" and inserting "September 30, 2004".

SEC. 216. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these committees upon request.

SEC. 217. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2003 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 218. Notwithstanding the requirements regarding first-time homebuyers in section 104 of the National Affordable Housing Act of 1990 (42 U.S.C. 12704), the Enterprise Housing Corporation of Maryland may use the remaining balance of the grant award, H3–95MD0005–I–N, within the East Baltimore Community of the City of Baltimore, Maryland.

SEC. 219. In applying the across-the-board rescission under section 601 of division N to amounts made available under the heading "Housing certificate fund", the Secretary shall have discretion in applying such rescission among the programs, projects, or activities within the account notwithstanding section 601(b).

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $35,246,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. §5901–5902, and for services authorized by 5 U.S.C. §3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. §5376, $7,850,000, of which $1,400,000 shall be derived from unobligated balances: Provided, That of the amounts appropriated, $500,000 is available until September 30, 2004: Provided further, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $75,000,000, to remain available until September 30, 2004, of which $5,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending *in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $10,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.*

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $57,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $429,000,000, to remain available until September 30, 2004: Provided, That the Corporation shall enroll no more than 50,000 AmeriCorps members in the National Service Trust: Provided further, That not more than $32,500,000 shall be available for administrative expenses authorized under section 501(a)(4): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $275,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which $100,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), and of which up to $5,000,000 shall be available to support national service scholarships for high school students performing community service: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $35,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $6,000,000 shall be available for challenge grants to nonprofit organizations: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That not more than $3,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That of the unobligated balances remaining from funds appropriated under this heading during fiscal year 2002 and prior years, $48,000,000 are rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $14,326,000 of which $1,045,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $32,445,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $84,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $82,800,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2003, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $720,261,000, which shall remain available until September 30, 2004: Provided, That the Office of Research and Development of the Environmental Protection Agency may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent personal services of students or recent graduates, who shall be considered employees for the purposes of chapters

57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,111,604,000, which shall remain available until September 30, 2004, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002: Provided, That notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall certify grant amendments for grant numbers C–340461–02 and C–340461–03.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $36,000,000, to remain available until September 30, 2004.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,272,888,000, to remain available until expended, consisting of $636,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $636,444,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $12,742,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2004, and $86,168,000 shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2004.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,313,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,859,994,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $43,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $3,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $314,887,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act; $8,225,000 for grants for construction of alternative decentralized wastewater facilities under the National Decentralized Wastewater Demonstration program, in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act; $90,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,150,382,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and $19,999,900 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2003, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2003 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2003, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2003, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That the referenced statements of the managers under this heading in Public Laws 105–276, 106–74, and 106–377 are deemed to be amended by striking everything after "Creek" in reference to item numbers 27, 38, and 59, respectively, and inserting, "and the Upper Ocmulgee River Watersheds, Georgia": Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by adding the words "water and" before the word "wastewater" in reference to item number 205: Provided further, That the referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended by striking everything after "improvement" in reference to item number 137 and inserting, "and extensions to the Indian Ridge Industrial Park;": Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after "wastewater" in reference to item number 103 and inserting, "and drinking water infrastructure improvements;": Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after "for" in reference to item number 283 and inserting, "the Mount Pleasant Waterworks Commission, South Carolina, for the Snowden Community Wastewater Collection Project;": Provided further, That the referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended in reference to item number 216 by inserting before the period, ", and, after February 1, 2003, any remaining unobligated funds to the City of Wendover, Utah for water and wastewater infrastructure improvements".

ADMINISTRATIVE PROVISIONS

For fiscal year 2003, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2002.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking "$17,000,000 fiscal year 2002" and inserting "$21,500,000 for fiscal year 2003";

(2) in subsection (i)(5)(H) by striking "2002" and inserting "2003";

(3) in subsection (i)(6) by striking "2002" and inserting "2003"; and

(4) in subsection (k)(3)(A) by striking "2002" and inserting "2003".

As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

The National Academy of Sciences shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,368,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,031,000: Provided, That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $800,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and not to exceed $21,577,000 may be transferred to the Office of Inspector General for audits and investigations: Provided, That notwithstanding any other provision of law, for disaster declaration FEMA–1379–DR and hereafter, the Texas Medical Center is to be considered for FEMA Public Assistance and Hazard Mitigation grants as if it were an eligible applicant: Provided further, That the funds made available under this heading in Public Law 105–276 for a pilot project of seismic retrofit technology at California State University, San Bernardino, are reduced to $3,559,500, the funds made available under this heading in Public Law 106–74 for a pilot project of seismic retrofit technology at California State University, San Bernardino, are reduced to $0, and that the funds made available as a result of this action shall be used to mitigate fire danger in the area of the San Bernardino National Forest due to bark beetle infestation.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to 42 U.S.C. 5131 et seq., $150,000,000, to remain available until expended: Provided, That grants shall be awarded on a competitive basis subject to the criteria in 42 U.S.C. 5133(g): Provided further, That notwithstanding 42 U.S.C. 5133(f), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocations of funds.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $557,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $557,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $245,690,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $14,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $388,299,000: Provided, That of the amount provided under this heading: $25,000,000 shall be for grants for interoperable communications equipment; $25,000,000 shall be for grants for emergency operations centers; $60,000,000 shall be for existing Urban Search and Rescue Teams; $165,000,000 shall be for emergency management performance grants; $20,000,000 shall be for Community Emergency Response Teams.

FIREFIGHTER ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $750,000,000 to remain available through September 30, 2004: Provided, That up to 5 percent of this amount shall be transferred to "Salaries and expenses" for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2003, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2003, and remain available until expended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for "Cerro Grande Fire Claims", up to $90,000,000 shall be made available for claims resulting from the Cerro Grande fires: Provided, That up to $5,000,000 may be made available for administrative purposes.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $150,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 ("Act") and the Flood Disaster Protection Act of 1973, as amended, not to exceed $32,393,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,666,000 for flood mitigation, to remain available until September 30, 2004, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2004, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: Provided, That beginning in fiscal year 2003 and thereafter, fees authorized in 42 U.S.C. 4014(a)(1)(B)(iii) shall be collected only if provided in advance in appropriations acts. In fiscal year 2003, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $529,380,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2004, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

ADMINISTRATIVE PROVISIONS

Nothwithstanding any other provision of law, funds appropriated to the Federal Emergency Management Agency (FEMA) for disaster relief for the terrorist attacks of September 11, 2001, in Public Law 107–117, may be used to provide funds to the City of New York and the State of New York for costs associated with such attacks that are unreimbursable under the Stafford Act, including but not limited to the non-federal share of relevant programs: Provided, That of the amounts made available, $90,000,000 shall be available upon enactment of this Act to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than $25,000,000 shall be made available for such services for current and retired firefighters.

Notwithstanding any other provision of law, including sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (43 U.S.C. 5170b and 42 U.S.C. 5173), the Federal Emergency Management Agency is directed to provide, from funds appropriated to the Federal Emergency Management Agency for disaster relief for the terrorist attacks of September 11, 2001, in Public Law 107–117, up to $1,000,000,000 to establish a captive insurance company or other appropriate insurance mechanism for claims arising from debris removal, which may include claims made by city employees.

FEMA is hereby directed to recognize that a hospital building has met the "immediate occupancy" requirements of the Seismic Hazard Mitigation Program for Hospitals (SHMPH) if such building is approved by California's Office of Statewide Health Planning and Development (OSHPD) for occupancy until 2030 or beyond under the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 now in effect.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $11,541,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2003 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,180,900,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, aeronautics and technology" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,207,665,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Human space flight" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $25,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of this Act, the $3,836,000,000 provided for the Shuttle program shall be exempt from the across-the-board rescission under section 601 in division N.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2005.

Notwithstanding the limitation on the availability of funds appropriated for "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2003 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NASA is authorized to proceed with establishment of a Non-Governmental Organization for International Space Station research: Provided, That no funds in this Act or any other appropriations Act may be expended for establishment of a Non-Governmental Organization that includes engineering and integration functions identified as Phase 2 in the Report of NASA's International Space Station Utilization Management Concept Development Study submitted on January 10, 2003.

There is hereby established in the United States Treasury a National Aeronautics and

Space Administration working capital fund. Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided within the Administration; to other agencies or instrumentalities of the United States; to any State, Territory, or possession or political subdivision thereof; to other public or private agencies; or to any person, firm, association, corporation, or educational institution on a reimbursable basis. The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of NASA real property, on a reimbursable basis within the Administration. Amounts in the fund are available without regard to fiscal year limitation. The capital of the fund consists of amounts appropriated to the fund; the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and payments received for loss or damage to property of the fund. The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the expenses of operation, such as the accrual of annual leave, depreciation of plant, property and equipment, and overhead.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2003, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2003 shall not exceed $309,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: Provided, That of this amount $700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions, and $300,000 is available until September 30, 2004 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,083,000,000, of which not to exceed $320,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2004: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $85,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $149,510,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $909,080,000, to remain available until September 30, 2004: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $190,352,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2003 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,500,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $9,250,000, to remain available until September 30, 2004.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $105,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended; and of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the *preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.*

SEC. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 411. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 412. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 415. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 416. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government that is established after the date of the enactment of this Act, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 417. Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by striking "15 percent" and inserting "7.5 percent".

SEC. 418. The National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451, et seq.), is amended by adding at the end of title III a new section 315 as follows:

"ENHANCED-USE LEASE OF REAL PROPERTY DEMONSTRATION

"SEC. 315. (a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may enter into a lease under this section with any person or entity (including another department or agency of the Federal Government or an entity of a State or local government) with regard to any real property under the jurisdiction of the Administrator at no more than two (2) National Aeronautics and Space Administration (NASA) centers.

"(b) CONSIDERATION.—

"(1) A person or entity entering into a lease under this section shall provide consideration for the lease at fair market value as determined by the Administrator, except that in the case of a lease to another department or agency of the Federal Government, that department or agency shall provide consideration for the lease equal to the full costs to NASA in connection with the lease.

"(2) Consideration under this subsection may take one or a combination of the following forms:

"(A) the payment of cash.

"(B) the maintenance, construction, modification or improvement of facilities on real property under the jurisdiction of the Administrator.

"(C) the provision of services to NASA, including launch services and payload processing services; or

"(D) use by NASA of facilities on the property.

"(3)(A) The Administrator may utilize amounts of cash consideration received under this subsection for a lease entered into under this section to cover the full costs to NASA in connection with the lease. These funds shall remain available until expended.

"(B) Any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A) shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets of the centers selected for this demonstration program, and shall remain available until expended.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such terms and conditions in connection with a lease under this section as the Administrator considers appropriate to protect the interests of the United States.

"(d) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under this section to lease property of NASA is in addition to any other authority to lease property of NASA under law.

"(e) LEASE RESTRICTIONS.—NASA is not authorized to lease back property under this section during the term of the out-lease or enter into other contracts with the lessee respecting the property.

"(f) PLAN AND REPORTING REQUIREMENTS.—At least 15 days prior to the Administrator entering into the first lease under this section, the Administrator shall submit a plan to the Congress on NASA's proposed implementation of this demonstration. The Administrator shall submit an annual report by January 31st of each year regarding the status of the demonstration.".

SEC. 419. Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107–117 and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent non-Federal cost share.

SEC. 420. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 421. Subsection (b) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by adding at the end the following new paragraph (12):

"(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.".

SEC. 422. The Secretary of the Department of Homeland Security is authorized to acquire fee title to up to 178.5 acres of undeveloped property on the North and West sides of Virginia Routes 601 and 605 in Clarke County and Loudoun County, Virginia, adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

SEC. 423. Section 1344(b) of title 31, United States Code, is amended by striking paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Administrator of the National Aeronautics and Space Administration;".

This division may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003".

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

SEC. 101. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in section 308, by striking subsections (a) through (c)(1) and inserting in lieu thereof the following:

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

"(b) EXTRAMURAL PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural research, development, demonstration, testing, and evaluation programs so as to—

"(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

"(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and

"(C) distribute funds through grants, cooperative agreements, and contracts.

"(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

"(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

"(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a

center for homeland security, shall include, but are not limited to, demonstrated expertise in—

"(i) The training of first responders.

"(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

"(iii) Emergency and diagnostic medical services.

"(iv) Chemical, biological, radiological, and nuclear countermeasures or detection.

"(v) Animal and plant health and diagnostics.

"(vi) Food safety.

"(vii) Water and wastewater operations.

"(viii) Port and waterway security.

"(ix) Multi-modal transportation.

"(x) Information security and information engineering.

"(xi) Engineering.

"(xii) Educational outreach and technical assistance.

"(xiii) Border transportation and security.

"(xiv) The public policy implications and public dissemination of homeland security related research and development.

"(C) DISCRETION OF SECRETARY.—To the extent that exercising such discretion is in the interest of homeland security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

"(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

"(c) INTRAMURAL PROGRAMS.—

"(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government."; and

(2) in subsection 835(d) by striking all after the word "security" and inserting in lieu thereof a period.

SEC. 102. NON-PREJUDICIAL REPEAL OF SECTIONS 1714 THROUGH 1717 OF THE HOMELAND SECURITY ACT OF 2002. (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) had never been enacted.

(c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) affects any change in that prior law, or that Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02–392V (October 11, 2002), was incorrectly decided.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Nation's ability to produce and develop new and effective vaccines faces significant challenges, and important steps are needed to revitalize our immunization efforts in order to ensure an adequate supply of vaccines and to encourage the development of new vaccines;

(2) these steps include ensuring that patients who have suffered vaccine-related injuries have the opportunity to seek fair and timely redress, and that vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines have adequate protections;

(3) prompt action is particularly critical given that vaccines are a front line of defense against common childhood and adult diseases, as well as against current and future biological threats; and

(4) not later than 6 months after the date of enactment of this Act, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives should report a bill addressing the issues described in paragraphs (1) through (3).

SEC. 103. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 232(f), by striking the period at the end of the sentence and inserting: ": Provided, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107–77.";

(2) in subsection 234(b), by striking the period at the end of the sentence and inserting: ": Provided, That any such transfer shall be carried out in accordance with section 605 of Public Law 107–77.";

(3) in subsection 873(b)—

(A) by inserting "Except as authorized by section 2601 of title 10, United States Code, and by section 93 of title 14, United States Code," before the word "Gifts" in the second place it appears; and

(B) by striking the letter "G" and inserting in lieu thereof "g" in the word "Gifts" in the second place it appears;

(4) in subsection 1511(e)(2), after the word "development" and before the period, by inserting: ", and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs"; and

(5) at the end of the Act, by adding the following new section:

"SEC. 1714. Notwithstanding any other provision of this Act, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this Act to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this Act.".

SEC. 104. INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY. (a) IN GENERAL.—Section 103(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

"(b) INSPECTOR GENERAL.—There shall be in the Department an Office of Inspector General and an Inspector General at the head of such office, as provided in the Inspector General Act of 1978 (5 App. U.S.C.).".

(b) SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 App. U.S.C.) is amended—

(1) by striking section 8J;

(2) by redesignating section 8I as section 8J; and

(3) by inserting after section 8H the following:

"SPECIAL PROVISIONS CONCERNING THE
DEPARTMENT OF HOMELAND SECURITY

"SEC. 8I. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of Homeland Security shall be under the authority, direction, and control of the Secretary of Homeland Security with respect to audits or investigations, or the issuance of subpoenas, that require access to sensitive information concerning—

"(A) intelligence, counterintelligence, or counterterrorism matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would, in the Secretary's judgment, constitute a serious threat to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3 of such Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described in paragraph (1), the Secretary of Homeland Security may prohibit the Inspector General of the Department of Homeland Security from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described in paragraph (1), to preserve the national security, or to prevent a significant impairment to the interests of the United States.

"(3) If the Secretary of Homeland Security exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General of the Department of Homeland Security in writing within seven days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress the following:

"(A) A copy of such notice.

"(B) A written response to such notice that includes a statement regarding whether the Inspector General agrees or disagrees with such exercise, and the reasons for any disagreement.

"(b) The exercise of authority by the Secretary described in paragraph (2) should not be construed as limiting the right of Congress or any committee of Congress to access any information it seeks.

"(c) Subject to the conditions established in subsections (a) and (b) above, in carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Homeland Security may initiate, conduct, and supervise such audits and investigations in the Department of Homeland Security as the Inspector General considers appropriate.

"(d) Any report required to be transmitted by the Secretary of Homeland Security to the appropriate committees or subcommittees of Congress under section 5(d) shall be transmitted, within the seven-day period specified under such section, to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress.

"(e) Notwithstanding any other provision of law, in carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Homeland Security shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the United States Customs Service, the Office of Inspections of the United States Secret

Service, the Bureau of Border Security, and the Bureau of Citizenship and Immigration Services. The head of each such office or bureau shall promptly report to the Inspector General the significant activities being carried out by such office or bureau.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 811 of the Homeland Security Act of 2002 (Public Law 107–296) is repealed.

(2) Section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(1)—

(i) in the first sentence, by striking '', the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service,''; and

(ii) in the second sentence, by striking ''each'';

(B) in subsection (c), by striking ''bureaus and services'' and inserting ''bureau''; and

(C) in subsection (d)—

(i) by striking ''a bureau or service'' and inserting ''the bureau''; and

(ii) by striking ''or service'' after ''such bureau''.

SEC. 105. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW. (a) The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 1102(2), by inserting new paragraphs (A) and (B) as follows, and by redesignating current paragraphs (A) and (B) as paragraphs ''(C)'' and ''(D)'' respectively—

''(A) by striking 'Attorney General' in the title and inserting in lieu thereof 'Secretary of Homeland Security';

''(B) by striking 'The Attorney General' in subsection (a)(1) and inserting in lieu thereof 'The Secretary of Homeland Security';'' and

(2) by adding, at the end of title XI, subtitle A, a new section as follows—

''SEC. 1104. EFFECTIVE DATE.

''The provisions of this subtitle shall take effect on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security.''.

SEC. 106. SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002. The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2002 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SEC. 107. RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES. The Homeland Security Act of 2002 (Public Law 107–296) is amended by striking section 457, including the amendment made by such section: Provided, That no court shall have jurisdiction over any cause or claim arising under the provisions of section 457 of the Homeland Security Act of 2002 (Public Law 107–296), this section, or any regulations promulgated thereunder.

This division may be cited as the ''Homeland Security Act Amendments of 2003''.

DIVISION M—OTHER MATTERS

DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107–248 is amended to read as follows: ''Of the amounts appropriated in Public Law 107–206, under the heading 'Defense Emergency Response Fund', $4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: Provided, That none of these funds may be used to acquire fee title to the properties.''.

SEC. 102. Of the amounts appropriated in Public Law 107–248, under the heading ''Operation and Maintenance, Navy'', $20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107–249 is amended by adding at the end before the period the following new proviso: '': Provided, That not more than $1,000,000 may be used to provide connectivity between the various North Atlantic Treaty Organization headquarters and the capitals of the New Independent States of the former Soviet Union''.

SEC. 104. In Public Law 107–249, the total amount appropriated under the heading ''Military Construction, Air Force'' is reduced by $18,600,000, and the total amount appropriated under the heading ''Military Construction, Air Force Reserve'' is increased by $18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107–249 for ''Military Construction, Air Force'', $15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107–248 is amended by striking ''$100,000'' and inserting ''$250,000'': Provided, That notwithstanding any other provision of law, the Office of Economic Adjustment (OEA) is authorized to make grants using funds made available under the heading ''Operation and Maintenance, Defense-Wide'' in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference for the Conference Report to accompany H.R. 5010 (House Report 107–732) and these projects shall hereafter be considered to be authorized by law.

(TRANSFER OF FUNDS)

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, ''Procurement, Defense-Wide, 2003/2005'', $48,900,000; and

''Procurement, Defense-Wide, 2002/2004'', $55,100,000;

From:

Under the heading, ''Defense Emergency Response Fund, 2002'', $40,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2003/2005'', $5,000,000;

''Procurement of Ammunition, Army, 2002/2004'', $10,100,000;

''Other Procurement, Air Force, 2003/2005'', $7,000,000;

''Research, Development, Test and Evaluation, Army, 2002/2003'', $5,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $36,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'' in the Department of Defense Appropriations Act, 2003 (Public Law 107–248), the Secretary of Defense shall award a grant in the amount of $2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts and a grant in the amount of $600,000 to the City of Philadelphia for safety and security lighting of the Platt Bridge.

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. In addition to amounts appropriated in Public Law 107–248, there are hereby appropriated the following amounts for the following accounts: Provided, That funds included in this provision may be transferred to and merged with appropriations previously made available to the Department of Defense for the same time period and for the same purposes as required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Statement of the Managers:

''Military Personnel, Army'', $771,200,000;

''Military Personnel, Navy'', $213,800,000;

''Military Personnel, Marine Corps'', $68,600,000;

''Military Personnel, Air Force'', $563,400,000;

''Operation and Maintenance, Army'', $1,340,347,000;

''Operation and Maintenance, Navy'', $435,813,000;

''Operation and Maintenance, Marine Corps'', $202,100,000;

''Operation and Maintenance, Air Force'', $1,766,958,000;

''Operation and Maintenance, Defense-Wide'', $1,377,313,000;

''Missile Procurement, Air Force'', $115,000,000;

''Other Procurement, Air Force'', $2,271,657,000;

''Procurement, Defense-Wide'', $33,448,000;

''Research, Development, Test and Evaluation, Navy'', $2,000,000;

''Research, Development, Test and Evaluation, Air Force'', $311,980,000;

''Research, Development, Test and Evaluation, Defense-Wide'', $416,284,000;

''Defense Health Program'', $95,100,000; and

''Intelligence Community Management Account'', $15,000,000, of which $5,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

SEC. 110. Funds appropriated by this Act or by Public Law 107–248, or made available by the transfer of funds in this Act or in Public Law 107–248, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 90 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 90 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 90 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties;

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program; and

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term "Total Information Awareness program"—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term "non-United States person" means any person other than a United States person.

(3) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 112. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) is amended by inserting before the period at the end the following: ": Provided further, That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and the global war on terrorism, transfer up to an additional $500,000,000 of funds made available in this Act to the Department of Defense for military functions (except military construction), from such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund within the Defense Working Capital Fund to which transferred: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose".

DIVISION N—EMERGENCY RELIEF AND OFFSETS

SECTION 1. SHORT TITLE.—This division may be cited as the "Miscellaneous Appropriations Act, 2003".

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002, $2,000,000.

ELECTION ASSISTANCE COMMISSION

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $833,000,000, of which $830,000,000 shall be for requirements payments under Section 257 of that Act, of which $1,500,000 shall be available for a Help America Vote College Program, and of which $1,500,000 shall be available for the establishment of a Help America Vote foundation: Provided, That no more than $^1/_{10}$ of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

GENERAL SERVICES ADMINISTRATION

ELECTION REFORM PAYMENTS

For necessary expenses to carry out programs of payments to states as authorized by Title I of the Help America Vote Act of 2002, $650,000,000, of which not to exceed $500,000 shall be available to the General Services Administration for necessary administrative expenses.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to states to promote disabled voter access, and of which $2,000,000 shall be for payments to states for disabled voters protection and advocacy systems.

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture (in this title referred to as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2001 or 2002 crop of an agricultural commodity (other than sugar or tobacco) due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—

(1) USE OF FORMER ADMINISTRATIVE AUTHORITY.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(2) PAYMENT RATE.—The payment rate for a crop for assistance provided under this section to the producers on a farm shall be calculated as follows:

(A) If the producers obtained a policy or plan of insurance, including a catastrophic risk protection plan, for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 50 percent of the applicable price for the crop.

(B) If a policy or plan of insurance, including a catastrophic risk protection plan, for the crop was not available to the producers under the Federal Crop Insurance Act, 50 percent of the applicable price for the crop.

(C) Subject to subsections (e) and (f), if the producers did not obtain a policy or plan of insurance, including a catastrophic risk protection plan, available for the crop under the Federal Crop Insurance Act, 45 percent of the applicable price for the crop.

(c) Election of Crop Year.—If a producer incurred qualifying crop losses in both the 2001 and 2002 crop years, the producer shall elect to receive assistance under this section for losses incurred in either the 2001 crop year or the 2002 crop year, but not both.

(d) Payment Limitation.—

(1) Limitation.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) Other payments.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(e) Ineligibility for Assistance.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 for the crop incurring the losses.

(f) Contract Waiver.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act providing additional coverage for the insurable commodity for each of the next two crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next two crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

(g) Effect of Violation.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

(h) Definitions.—In this section:

(1) Additional coverage.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) Insurable commodity.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act.

(3) Noninsurable commodity.—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

SEC. 203. LIVESTOCK ASSISTANCE.

(a) Livestock Compensation Program.—

(1) Use of commodity credit corporation funds.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070).

(2) Eligible applicants.—Subject to subsection (c), in carrying out the Program, the Secretary shall—

(A) provide assistance to any applicant that—

(i) conducts a livestock operation that is physically located in a disaster county; and

(ii) meets all other eligibility requirements established by the Secretary for the Program; and

(B) provide assistance to any applicant that—

(i) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(ii) meets all other eligibility requirements established by the Secretary for the Program.

(b) Livestock Assistance Program.—

(1) Assistance available.—Subject to paragraph (2) and subsection (c), the Secretary shall use $250,000,000 of funds of the Commodity Credit Corporation to establish a program under which payments are made to livestock producers for losses in a disaster county. To carry out the program, the Secretary shall use the criteria established to carry out the 1999 Livestock Assistance Program, except that, in lieu of the gross revenue criteria used for the 1999 Livestock Assistance Program, the Secretary shall use the adjusted gross income limitation contained in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a).

(2) Choice of payments.—If the livestock operation of the producers is located in a county that was declared to be a disaster county for both calendar year 2001 and calendar year 2002, the producers shall elect to receive payments under this subsection for losses in either calendar year 2001 or calendar year 2002, but not both. If the livestock operation is located in a county that was declared to be a disaster county in just one of those calendar years, the producers may still elect to receive payments under this subsection for losses in either calendar year, but not both.

(c) Relationship of Livestock Assistance Programs.—

(1) Reduction in payments.—The amount of assistance that the producers would otherwise receive for a loss under a livestock assistance program described in paragraph (2) shall be reduced by the amount of the assistance that the producers receive under any other livestock assistance program described in such paragraph.

(2) Covered livestock assistance programs.—Paragraph (1) applies to the following livestock assistance programs:

(A) The 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260).

(B) The 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), and modified in accordance with subsection (a).

(C) The livestock assistance program established under subsection (b).

(D) Any other livestock assistance program, as determined by the Secretary.

(d) Definitions.—In this section:

(1) Disaster county.—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration for calendar year 2001 or calendar year 2002 for which the request for such declaration was submitted during the period beginning on January 1, 2001, and ending on the date of enactment of this Act. However, the term does not include a contiguous county.

(2) Qualifying natural disaster declaration.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 204. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 205. TOBACCO PAYMENTS.

(a) Definitions.—In this section:

(1) Eligible person.—The term "eligible person" means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) Eligible tobacco.—The term "eligible tobacco" means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) Payments.—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) Poundage Payment Quantities.—

(1) In general.—

(A) Flue-cured and cigar tobacco.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) Other kinds of eligible tobacco.—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number

of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, as determined under paragraph (2); and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, as determined under paragraph (2).

(2) CONVERSION OF INDIVIDUAL ALLOTMENTS TO POUNDAGE PAYMENT QUANTITIES.—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) AVAILABLE PAYMENT AMOUNTS.—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind for the 2002 marketing year, as determined under subsection (c)(2).

(e) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—

(1) IN GENERAL.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) FLUE-CURED AND CIGAR TOBACCO.—In the case of payments made available in a State under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) JUDICIAL REVIEW.—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 206. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 207. HURRICANE ASSISTANCE.

(a) IN GENERAL.—In a State in a which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) ADMINISTRATION.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) QUANTITY.—To carry out this section, the Secretary shall—

(1) use 150,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 150,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 150,000 tons of commodities described in paragraph (1).

(d) LIMITATIONS.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

(e) QUALIFYING NATURAL DISASTER DECLARATION.—In this section, the term "qualifying natural disaster declaration" means—

(1) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(2) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 208. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $60,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses), as determined by the Secretary, for either the 2001 crop year or the 2002 crop year, but not both, as elected by the producers.

SEC. 209. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington, February 3, 1944 (59 Stat. 1219; TS 994).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 210. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) IN GENERAL.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002. The funds made available under this subsection shall remain available until expended.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 211. ASSISTANCE TO CITRUS AND LIME GROWERS FOR LOST PRODUCTION FROM TREES REMOVED TO CONTROL CITRUS CANKER.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall use not more than $18,200,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary.

(b) REMOVAL OF TREES.—For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 212. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: ", except that this clause shall not apply to the 2002 calendar year, and the Secretary shall repay the owner or operator (in a manner determined by the Secretary) for any reduction in rental payments made to the owner or operator as the result of the application of this clause to the 2002 calendar year".

SEC. 213. TECHNICAL ASSISTANCE.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by striking subsection (b) and inserting the following new subsection (b):

"(b) TECHNICAL ASSISTANCE.—

"(1) DATE OF ENACTMENT THROUGH SEPTEMBER 30, 2003.—During the period beginning on the date of enactment of the Agricultural Assistance Act of 2003 and ending on September 30, 2003, Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) SUBSEQUENT FISCAL YEARS.—Effective beginning on October 1, 2003, Commodity Credit

Corporation funds made available under paragraphs (3) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).''; and

(2) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection (c):

''(c) Relationship to Other Law.—The use of Commodity Credit Corporation funds under subsection (b) to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).''.

SEC. 214. PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATION LOAN FORFEITURE AUTHORITY.

(a) In General.—Section 844 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387 (114 Stat. 1549, 1549A–160), and amended by section 101(9) of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763, 2763A–172)), is amended—

(1) in the section heading, by striking ''**burley, flue-cured, and cigar binder type 54–55**''; and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting '', or the 1999, 2000, and 2001 crops of type 21 Fire-cured tobacco or type 37 Virginia sun-cured tobacco'' after ''tobacco'' the first place it appears; and

(ii) by striking ''Burley, Flue-cured, or Cigar Binder Type 54–55'' the second place it appears;

(B) in paragraph (2)(B), by striking ''Burley, Flue-cured, Cigar Binder Type 54–55, or any other kind of tobacco'' and inserting ''any kind of tobacco''; and

(C) in paragraph (3)(A), by striking ''the Burley, Flue-cured, or Cigar Binder Type 54–55 tobacco'' and inserting ''any tobacco''.

(b) Application.—The amendments made by subsection (a) apply during fiscal year 2003.

SEC. 215. BOVINE TUBERCULOSIS ERADICATION.

In addition to funds made available under section 106 of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763, 2763A–173), the Secretary shall use not more than $15,000,000 of the funds of the Commodity Credit Corporation to make payments to agricultural producers for incidental costs incurred by the producers as a result of payments received under that section.

SEC. 216. FUNDING.

(a) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) Administration.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

(c) Limitation.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by inserting before the period at the end the following: '', using not more than $3,773,000,000 for the period of fiscal years 2003 through 2013''.

SEC. 217. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Sec. 218. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, $189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, $636,000,000, to remain available until expended. Of the funds provided, $70,000,000 shall be transferred to the Knutson Vandenburg fund, $30,000,000 shall be transferred to the Salvage Sale fund, $143,000,000 shall be transferred to the Land Acquisition account, $132,000,000 shall be transferred to the Capital Improvement and Maintenance account, $30,000,000 shall be transferred to the Timber Purchaser Election account, $77,000,000 shall be transferred to the State and Private Forestry account, $23,000,000 shall be transferred to the Forest and Rangeland Research account, $62,000,000 shall be transferred to the National Forest System account, $20,000,000 shall be transferred to the Brush Disposal Account, $30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, $4,000,000 shall be transferred to the Receipts for Road and Trail fund, $1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and $14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—TANF AND MEDICARE

Sec. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking ''the date specified in section 107(c) of this joint resolution'' and inserting ''June 30, 2003''; and

(2) by striking '': Provided further, That notwithstanding'' and all that follows through the period and inserting a period.

Sec. 402. (a) Section 1848(i)(1)(C) of the Social Security Act (42 U.S.C. 1395w–4(i)(1)(C) is amended to read as follows:

''(C) the determination of conversion factors under subsection (d), including without limitation a prospective redetermination of the sustainable growth rates for any or all previous fiscal years.''.

(b)(1) Notwithstanding the determination of the applicable standardized amounts under paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(2) The increase in the standardized amount for hospitals located other than in a large urban area provided for under paragraph (1) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

Sec. 403. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking ''60 days after the date specified in section 107(c) of Public Law 107–229, as amended'' and inserting ''September 30, 2003''.

Sec. 404. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE V—FISHERIES DISASTERS

Sec. 501. Fisheries Disasters.—In addition to amounts appropriated or otherwise made available, $100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) Western Pacific and North Pacific.—$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and $35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish landing fees and other fishing-related revenue; and (D) product development and marketing.

(b) Northeast and West Coast.—$10,000,000 shall be made available to conduct a voluntary *fishing capacity reduction program in the Northeast multispecies fishery and $10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—*

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) Gulf and South Atlantic.—

(1) $17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) $17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. Provided further, That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) Blue Crab Fishery.—$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, Provided, That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs: Provided further, That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

Sec. 601. (a) Across-the-Board Rescissions.—There is hereby rescinded an amount equal to 0.65 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and

(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.

(b) Proportionate Application.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:

$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;

$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;

$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and

$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.

TITLE VII—BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY

Sec. 701. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: Provided, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

Sec. 702. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

DIVISION O

PRICE-ANDERSON ACT AMENDMENTS

SEC. 101. EXTENSION OF INDEMNIFICATION AUTHORITY.

Indemnification of Nuclear Regulatory Commission Licensees.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking "August 1, 2002" each place it appears and inserting "December 31, 2003".

DIVISION P

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Section 1. Short Title.—This division may be cited as the "United States-China Economic and Security Review Commission".

Sec. 2. (a) Appropriations.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) Name Change.—

(1) In general.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

*(A) in the section heading by inserting "***ECONOMIC AND***" before "***SECURITY***";*

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "Economic and" before "Security";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (H), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security"; and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) References.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) Membership, Responsibilities, and Terms.—

(1) In general.—Section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 3 members to the Commission;

"(ii) make the appointments on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003;

"(II) 1 appointment shall be for a term expiring on December 31, 2004; and

"(III) 1 appointment shall be for a term expiring on December 31, 2005;

"(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) Responsibilities of the Commission.—The United States-China Commission shall focus, in lieu of any other areas of work or study, on the following:

(A) Proliferation practices.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) Economic reforms and United States economic transfers.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) Energy.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) United States capital markets.—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities or other activities harmful to U.S. security interests.

(E) Corporate reporting.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) Regional economic and security impacts.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) United States-China bilateral programs.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) World trade organization compliance.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) Media control.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) Effective date.—This section shall take effect on the date of enactment of this Act.

And the Senate agreed to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAL ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.
HENRY BONILLA,
JOE KNOLLENBERG,
JACK KINGSTON,
JOHN P. MURTHA,
NORMAN D. DICKS,
(except sections 323 and 335 of Division F, and conservation spending),
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
JOSÉ E. SÈRRANO,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
KIT BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
PATTY MURRAY,
(except for sections 323 and 335 of Division F),
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TIM JOHNSON,
MARY L. LANDRIEU,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003; the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003; the District of Columbia Appropriations Act, 2003; the Energy and Water Development Appropriations Act, 2003; the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 2003; the Department of the Interior and Related Agencies Appropriations Act, 2003; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003; the Legislative Branch Appropriations Act, 2003; the Department of Transportation and Related Agencies Appropriations Act, 2003; the Treasury and General Government Appropriations Act, 2003; the Departments of Veterans Affairs and Urban Development, and Independent Agencies Appropriations Act, 2003; the Homeland Security Act Amendments of 2003; additional appropriations for the Department of Defense; miscellaneous appropriations; and amendments to the Price-Anderson Act.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Congressional Directives

The statement of the managers remains silent on provisions that were in both the House directives as contained in H. Rept. 107–623, and the Senate directives as contained in the Congressional Record of January 15, 2003, pages S356–S410, that remain unchanged by this conference agreement, except as noted in this statement of the managers.

For many years, this Act has included bill language regarding the employment of temporary personnel as authorized by 5 U.S.C. 3109 and/or 7 U.S.C. 2225. The conference agreement does not include this language under individual accounts in this Act, because it appears that this authority is no longer required. In particular, this authority was not utilized by the Farm Service Agency during fiscal year 2001, the most recent year for which information was provided. The conferees agree to provide authority to employ temporary personnel as a general provision of this Act (section 703). The exercise of this authority will require detailed justification, notification to the House and Senate Committees on Appropriations, and advance approval of the Committees.

The conferees agree that Federal Employees' Compensation Act (FECA) costs be absorbed within appropriations provided herein.

TITLE I—AGRICULTURAL PROGRAMS

Production, Processing, and Marketing

Office of the Secretary

The conference agreement provides $3,412,000 for the Office of the Secretary as proposed by the Senate instead of $31,629,000 as proposed by the House.

The conferees are seriously concerned by the growing frequency of departmental and agency initiatives for which the required prior notification to the Committees on Appropriations of the House and Senate has not been provided. The conferees note the efficiencies which attach to the least possible statutory requirements and the benefits which accrue to the more flexible Congressional direction expressed in Committee reports. However, the continuing practice of reliance on Committee report language must be accompanied by departmental and agency compliance with Congressional directives. Section 720 of this Act, and similar language included in previous acts, provide detailed guidelines to the U.S. Department of Agriculture for those activities that require prior notification to the Congress. Such notification was not provided in the recent release of Section 32 funds for the creation of a Livestock Compensation Program, the establishment of a Faith-Based and Community Initiatives Center, the improper use of Conservation Operations funds for the implementation of Farm Bill programs, and other similar violations of statutory reprogramming and prior notification requirements. The conferees expect full compliance with Section 720 in the areas of state office collocations, administrative and information technology convergence, and all other activities that fall within the scope of that section. The conferees also expect that no reprogramming of funds occur in the absence of an emergency or not as a consequence of unforeseen events. Further, the conferees note that when an agency submits a reprogramming request to the House and Senate Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the agency to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming request unapproved.

The conferees are concerned that the U.S. and Canada made little progress in implementing the harmonized standards for pesticide regulation as required by the North American Free Trade Agreement (NAFTA). The conferees direct USDA, in consultation with the Environmental Protection Agency, to institute these standards so that concerns in the pricing of agricultural products for the farmers will be addressed. The conferees also direct USDA to report on the planned actions taken to implement the harmonization standards to the Committees on Appropriations within 180 days of enactment of this Act.

Executive Operations

CHIEF ECONOMIST

The conference agreement provides $8,566,000 for the Office of the Chief Economist as proposed by the House instead of $12,016,000 as proposed by the Senate.

The President's budget request included additional funding for the Website for Commodity Market Information, Weather Information and Drought Management, and to Analyze Critical Farm Energy Data. The conferees provide an increase of $692,000 to be applied to the highest priority needs for which additional funding was requested.

NATIONAL APPEALS DIVISION

The conference agreement provides $13,759,000 for the National Appeals Division as proposed by both the House and Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $7,358,000 for the Office of Budget and Program Analysis as proposed by both the House and Senate.

Office of the Chief Information Officer

The conference agreement provides $15,251,000 for the Office of the Chief Information Officer as proposed by the House instead of $31,275,000 as proposed by the Senate.

The conferees expect that increases provided above fiscal year 2002 shall go toward the highest priority items contained in the fiscal year 2003 budget request.

COMMON COMPUTING ENVIRONMENT

The conference agreement provides $133,155,000 for common computing environment as proposed by both the House and Senate.

Office of the Chief Financial Officer

The conference agreement provides $5,572,000 for the Office of the Chief Financial Officer as proposed by the House instead of $7,877,000 as proposed by the Senate.

WORKING CAPITAL FUND

The conference agreement does not provide $41,000,000 for the Working Capital Fund as proposed by the House. The Senate bill contained no such provision. The conferees note that $21,700,000 in fiscal year 2002 balances have been transferred to the Working Capital Fund, and will be available to meet the needs for which an appropriation was requested.

The conferees direct the Secretary of Agriculture to submit a feasibility study to the Committees on Appropriations on the need for remote mirroring backup technology of the National Finance Center's data. This study should include a breakdown of the costs and the timeframe associated with acquiring such technology, and should designate an appropriate physical location for the backup site. The study shall also specify how the costs of the remote data capability should be assigned and paid for by non-USDA users of the National Finance Center, including the Federal Retirement Thrift Investment Board. Upon approval by the Committees on Appropriations, the funds appropriated to the Working Capital Fund shall be made available to provide mirror imaging technology for the National Finance Center.

Office of the Assistant Secretary for Civil Rights

The conference agreement provides $400,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate. The House bill contained no such provision.

Office of the Assistant Secretary for Administration

The conference agreement provides $664,000 for the Office of the Assistant Secretary for Administration as proposed by the House instead of $780,000 as proposed by the Senate.

Agriculture Buildings and Facilities and Rental Payments

The conference agreement provides $196,781,000 for agriculture buildings and facilities and rental payments instead of $195,900,000 as proposed by the House and $197,662,000 as proposed by the Senate.

The President's budget request includes additional funding for the Fair Labor Standards and Service Contract Acts and for major repairs and improvements to headquarters. The conferees provide an increase of $881,000 to be applied to the highest priority needs for which additional funding is requested.

Hazardous Materials Management

The conference agreement provides $15,685,000 for Hazardous Materials Management as proposed by the House and Senate.

Departmental Administration

The conference agreement provides $38,095,000 for Departmental Administration as proposed by the House instead of $42,479,000 as proposed by the Senate.

Office of the Assistant Secretary for Congressional Relations

The conference agreement provides $3,821,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of $4,157,000 as proposed by the Senate.

Office of Communications

The conference agreement provides $9,140,000 for the Office of Communications as proposed by the House instead of $9,637,000 as proposed by the Senate.

The conferees direct the Office to provide to the Committees on Appropriations, in either electronic or facsimile format, as requested, copies of any open source news material made available to USDA officials that is purchased or otherwise obtained using appropriated funds, amending licenses as necessary.

Office of the Inspector General

The conference agreement provides $74,097,000 for the Office of the Inspector General as proposed by the House instead of $78,127,000 as proposed by the Senate.

The conference agreement does not include increased funds in this account for financial statement audits for the Food and Nutrition Service and Rural Development programs, or the increase requested for Forest Service audits. Funds for FNS and RD audits are included in the accounts for those programs, as requested.

Office of the General Counsel

The conference agreement provides $35,017,000 for the Office of the General Counsel instead of $34,446,000 as proposed by the House and $35,588,000 as proposed by the Senate.

The conferees expect that increases provided above the fiscal year 2002 level shall go toward highest priority items contained in the fiscal year 2003 budget request.

Office of the Under Secretary for Research, Education and Economics

The conference agreement provides $588,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the House instead of $780,000 as proposed by the Senate.

Economic Research Service

The conference agreement provides $69,123,000 for the Economic Research Service instead of $73,329,000 as proposed by the House and $65,123,000 as proposed by the Senate.

The conferees provide $5,000,000 for ERS to carry out food and nutrition studies, of which $1,000,000 is for the Small Research Grants Program. The conference agreement provides full funding for the ERS portion of the Agricultural Resource Management Survey.

The conferees are aware that the current primary livestock model used by USDA has not been re-estimated in its entirety since 1990 and much of the data used to develop this model was from the 1960s and 1970s, long before packer concentration, captive supplies and increasing imports. These factors have had significant impacts on the livestock industry. The conferees direct the Economic Research Service to update, revise, and improve livestock modeling capacity.

The conferees are concerned that ERS appears to have ceased publishing regional monthly production costs for dairy farmers. These monthly production calculations are a valuable tool and helpful to Congress in developing dairy policy. As such the conferees strongly urge the Department to publish or otherwise make available regional monthly production cost calculations for dairy farmers.

The conferees request the Economic Research Service to conduct a study of the

Cranberry Marketing Committee and its administration of the Cranberry Marketing Order and report to the Committees on Appropriations by September 30, 2003. The study shall focus on the economics of the cranberry industry and the response of the Cranberry Marketing Committee to the unprecedented losses incurred by cranberry growers since 1999. The report of the study shall include recommendations to ensure that the Cranberry Marketing Order is administered in a manner that benefits cranberry growers and promotes the public interest.

National Agricultural Statistics Service

The conference agreement provides $139,354,000 for the National Agricultural Statistics Service instead of $137,858,000 as proposed by the House and $140,854,000 as proposed by the Senate.

The conference agreement includes full funding for the NASS portion of the Agricultural Resource Management Survey, and $1,500,000 for e-government activities.

Agricultural Research Service

SALARIES AND EXPENSES

The conference agreement provides $1,052,770,000 for the Agricultural Research Service, Salaries and Expenses, instead of $1,002,193,000 as proposed by the House and $1,053,597,000 as proposed by the Senate.

The conferees have agreed to increased funding for the following laboratories and areas of research: Genetic Resources Research, Riverside, CA, Parlier, CA, Corvallis, OR, Ames, IA, Davis, CA, Madison, WI, and Pullman, WA $200,000 each; Agricultural Genome Sequencing at Weslaco, TX, $250,000; Ithaca, NY, and Albany, CA, $400,000 each; Improve Biomass Feedstock for Production of Energy and Biobased Products at Albany, CA, Athens, GA, and Madison, WI, $200,000 each; Technologies for Biobased Products at Albany, CA, $400,000, Athens, GA, $200,000, and Peoria, IL, $800,000; Improve Conversion of Agricultural Materials to Biofuels at Bushland, TX, Albany, CA, and Peoria, IL, $200,000 each; Determine Rates of Gene Flow from Crops to Nearby Vegetation at Corvallis, OR, and Ames, IA, $225,000 each; Develop and Test Novel Strategies to Prevent Pest Resistance to Plant-Incorporated Protectants at Wapato, WA, $225,000; Limit Transgene Activity to Specific Tissues at Albany, CA, and Ames, IA, $400,000 each, and Ithaca, NY, and Peoria, IL, $225,000 each; Develop Biocontrol Programs for Invasive Pests at Davis, CA, Frederick, MD, Newark, DE, $200,000 each, and Wooster, OH, $250,000; Identify and Characterize Exotic Plant Diseases at Wooster, OH, Frederick, MD, and Prosser, WA, $200,000 each; Research on Emerging and Exotic Animal Diseases for PRDC at Ames, IA, $450,000, Marek's Disease Research at Athens, GA, $400,000, BSE/TSE Research at Albany, CA, Ames, IA, and Pullman, WA, $400,000 each, Managing Waste to Reduce Risks to the Environment and Human Health at Madison, WI, and Bushland, TX, $200,000 each; Protect Water and Air from Manure Nutrients and Pathogens at Ames, IA, Athens, GA, Kimberly, ID, $200,000 each, and University Park, PA, $225,000; Assess Risks to Agricultural Resources Arising from Weather Variabilities at Coshocton, OH, $200,000; Accoustics Technology, Oxford, MS, $200,000; Advanced Animal Vaccines, Greenport, NY, $150,000; Aerial Application Research, $120,000; Agricultural Genome Bioinformatics, Las Cruces, NM, $500,000; Agricultural Law, $100,000; Agroforestry Research, Booneville, AR, $50,000; Animal Welfare Information Center, $80,000; Appalachian Fruit Research Station, Kearneysville, WV, $250,000; Appalachian Pasture Beef, Beaver, WV $100,000; Aquaculture Density Research, FL $200,000; Aquaculture Research, Aberdeen, ID, $250,000; Arid Lands Research, Las Cruces, NM, $250,000; Arkansas Childrens' Nutrition Center, Little Rock, AR, $250,000; Barley Food Health Benefits Research, Beltsville, MD, $50,000; Biomass Crop Production, Brookings, SD, $500,000; Biomedical Materials in Plants, Beltsville, MD, $425,000; Biotechnology Research to Improve Crops and Livestock, Stoneville, MS, $1,500,000; Bovine Genetics, Beltsville, MD, $300,000; Broiler Production in the Mid-South, Mississippi State, MS, $1,000,000; Canal Point Sugarcane Research, Canal Point, FL, $500,000; Catfish Health, Stoneville, MS, $500,000; Central Great Plains Research Station, Akron, CO, $500,000; Cereal Disease Research, St. Paul, MN, $250,000; Chloroplast Genetic Engineering Research, Urbana, IL, $500,000; Coffee and Cocoa, $500,000; Corn Germplasm, Ames, IA, $500,000; Cotton Genetics Research, Florence, SC, $250,000; Cotton Genomics, Breeding, Varietal Development, and Pest Resistance, Stoneville, MS, $700,000; Dairy Forage Research, Madison, WI, $1,000,000; Dairy Genetics Research, Beltsville, MD, $350,000; Delta Nutrition Intervention Initiative, Little Rock, AR, $750,000; Endophyte Research, Booneville, AR, $250,000; Fish Disease Research, Auburn, AL, $500,000; Floriculture and Nursery Research, $500,000; Food Safety and Engineering, Wyndmoor, PA (Purdue), $500,000; Food Safety for Listeria, E. coli, and Other Food Pathogens, $350,000; Forage-Livestock Systems, Lexington, KY, $800,000; Forage and Range Research, Logan, UT, $250,000; Formosan Subterranean Termite, New Orleans, LA, $200,000; Ft. Keogh Livestock and Range Research Laboratory, Miles City, MT, $500,000; Ft. Pierce Horticultural Research Laboratory, Ft. Pierce, FL, $500,000; Glassy-Winged Sharp Shooter, $600,000; Grand Forks Human Nutrition Laboratory, Grand Forks, ND, $250,000; Grape Genetics, Geneva, NY $250,000; Grapefruit Juice/Drug Interaction, Winterhaven, FL, $300,000; Greenhouse Lettuce Germplasm, Salinas, CA, $40,000; Harbor Branch Aquaculture Initiative, Stuttgart, AR, $250,000; Harry Dupree National Aquacultural Research Center, Stuttgart, AR, $250,000; Sugarcane Research, Houma, LA, $250,000; Hides and Leather Research, Wyndmoor, PA, $100,000; Horticulture Research, Poplarville, MS, $500,000; Human Nutrition Research Center on Aging, Boston, MA, $400,000; Integrated Farming Systems, Ames, IA, $250,000; IPM Strategies for Northern Climates, Fairbanks, AK, $700,000; Johne's Disease (Bovine Paratuberculosis), $1,000,000; Karnal Bunt, Manhattan, KS, $250,000; Livestock Genome Sequencing, Clay Center, NE, $250,000; Malignant Catarrhal Fever (MCF) Virus, Pullman, WA, (Cooperation with ARS Dubois, ID Sheep Station and WSU), $200,000; Microbial Genomics Initiative, Pullman, WA, (Cooperation with ARS Tick Res. Unit Kerrville, TX & WSU), $300,000; Michael Fields Agricultural Institute, Madison, WI, $500,000; Mid-West/Mid-South Irrigation, Columbia, MO, $300,000; Minor Use Pesticides (IR-4), $150,000; National Cold Water Marine Aquaculture, Orono, ME, $250,000; National Corn to Ethanol Research Pilot Plant, ARS staffing, Wyndmoor, PA, $400,000; National Nutrition Monitoring System, Beltsville, MD, $500,000; National Sclerotinia Initiative, Fargo, ND, $500,000; National Soil Erosion Laboratory, West Lafayette, IN, $250,000; Natural Products, Oxford, MS, $350,000; Northern Grains Insect Research Laboratory, Brookings, SD, $500,000; Northern Great Plains Ecosystem, Sidney, MT, $800,000; Noxious Weeds in the Desert Southwest, Las Cruces, NM $250,000; Nutritional Requirements Research at Childrens' Nutrition Research Center, Houston, TX, $450,000; Ogallala Aquifer, Bushland, TX, $750,000; Olive Fruit Fly Research, Parlier, CA, Montpellier, France, $200,000; Ornamental Crops Research, Poplarville, MS, (University of Tennessee), $750,000; Pear Thrips, Ithaca, NY, (University of Vermont) $100,000; Phytoestrogen Research, SRRC $750,000 (Cooperative Research Tulane, Xavier, and University of Toledo $250,000 each); Plant Stress and Water Conservation Research, Lubbock, TX, $250,000; Potato Research, Aberdeen, ID, $30,000; Poultry Diseases, Athens, GA, $800,000; Precision Agriculture Research, Mandan, ND, $500,000; Regional Grains Genotyping Research, Raleigh, NC, $250,000; Resistance Management and Risk Assessment in BT Cotton and Other Plant-Incorporated Protectants, Stoneville, MS, $1,100,000; Seafood Waste, Fairbanks, AK, $200,000; Sedimentation Issues in Flood-Control Dam Rehabilitations, Oxford, MS, $475,000; Shellfish Genetics, Newport, OR, (OSU Hatfield Marine Science Center) $250,000; Small Fruit Research, Corvallis, OR, $250,000; Soil Dynamics, Auburn, AL, $250,000; Soil-Plant Nutrient Research, Ft. Collins, CO, $100,000; Sorghum Research, $662,000 (Manhattan, KS $200,000; Bushland, TX $212,000; Little Rock, AR $150,000, and Stillwater, OK $100,000); Source Water Protection Initiatives, (Columbus, OH, $250,000; W. Lafayette, IN, $250,000) $500,000; Sudden Oak Disease Syndrome, Ft. Detrick, MD, $200,000; Sugar Beet Research, Kimberly, ID, $130,000; Sustainable Olive Production, Weslaco, TX, $130,000; Sustainable Viticulture Research, Davis, CA, $250,000; Sweet Potato Research, Stoneville, MS, $350,000; Swine Lagoon Alternatives Research, Florence, SC, $500,000; Trout Genome Mapping, Leetown, WV, (WV University) $500,000; U.S. National Arboretum, Washington, DC, $250,000; U.S. Pacific Basin Agricultural Research, Hilo, HI, $200,000; U.S. Vegetable Lab staffing, Charleston, SC, $500,000; Virus-Free Fruit Tree Cultivars, Prosser, WA, $250,000; Viticulture Research, ($300,000 U. ID Parma, $400,000 NWCSFR(U. ID/WSU/OSU)), ($150,000, Prosser (WSU)) $850,000; Waste Management Research, Western Kentucky University, $1,000,000; Water Use Reduction/Producer Enhancement Research, (Water Quality/Water Use Research), Dawson, GA, $500,000; West Nile Virus, Gainesville, FL, $250,000; Western Grazing Lands Research, Burns, OR, $750,000; Western Wheat Quality Laboratory, Pullman, WA, $75,000; Wheat and Barley Scab Initiative, $600,000; pay costs, $17,689,000.

The conference agreement provides for the redirection of funding for hyperspectral imaging technology research, as proposed by the Senate.

The conferees expect that close cooperation will be established and maintained among the nursery and floral industry, the Agricultural Research Service, the University of Tennessee, and the Tennessee State University / ARS Nursery Crop Research Station in McMinnville, Tennessee, to avoid duplication of effort. The conference agreement includes $750,000 for this collaborative ornamental horticulture program.

The conference agreement provides an increase of $50,000 from the fiscal year 2002 level to continue research on shiitake mushrooms at the South Central Family Farm Research Center at Booneville, AR.

The conference agreement continues the fiscal year 2002 level of funding for all research projects proposed to be terminated in the President's budget.

BUILDINGS AND FACILITIES

The conference agreement provides $119,480,000 for the Agricultural Research Service, Buildings and Facilities, instead of $95,280,000 as proposed by the House and $100,955,000 as proposed by the Senate.

The following table reflects the conference agreement:

	Conference Agreement
Arizona, Maricopa	
U.S. Water Conservation and Western Cotton Laboratories	$12,300,000
District of Columbia	
U. S. National Arboretum	1,700,000
Hawaii, Hilo	
U.S. Pacific Basin Agriculture Research Center	3,000,000
Idaho, Aberdeen	
Advanced Genetics Laboratory	4,600,000
Iowa, Ames	
National Animal Disease Center	33,000,000
Kansas, Manhattan	
Grain Marketing and Production Research Center	4,280,000
Maine, Orono	
Northeast Marine Cold Water Aquaculture Center	9,150,000
Maryland	
Beltsville Agricultural Research Center	4,180,000
Abraham Lincoln National Agricultural Library	1,500,000
Minnesota, St. Paul	
Cereal Disease Laboratory	3,200,000
Mississippi, Oxford	
Plant Propagation Facility	2,000,000
Mississippi, Poplarville	
Southern Horticultural Laboratory	9,200,000
Oklahoma, Woodward	
Southern Plains Range Research Station	8,000,000
South Carolina, Charleston	
U.S. Vegetable Laboratory	1,400,000
South Dakota, Brookings	
Northern Grain Insects Research Laboratory	8,600,000
Utah, Logan	
Poisonous Plant laboratory	1,495,000
West Virginia, Kearneysville	
Appalachian Fruit Research Station	475,000
Wisconsin, Madison	
Cereal Crops Research Laboratory	8,400,000
Wisconsin, Marshfield	
Nutrient Management Research Laboratory	3,000,000
Total	**$119,480,000**

National Agricultural Library.—The conferees understand that a number of cracks have occurred within the brick veneer structure of the Abraham Lincoln National Agricultural Library in Beltsville, Maryland, posing a serious life-safety concern for pedestrian traffic. The conference agreement provides $1,500,000 to investigate and initiate remedy for this serious issue.

U.S. National Arboretum.—A study to determine the underlying cause of water quality degradation in the Hickey Run area was completed in 1999. This study provided numerous recommendations to reduce the waste and pollution entering the U.S. National Arboretum in the District of Columbia. The conference agreement provides $1,700,000 for Hickey Run pollution abatement activities to be carried out at the U.S. National Arboretum.

Completion of facilities.—The conference agreement provides funding necessary to complete the construction of research facilities at the following locations: Maricopa, AZ; Aberdeen, ID; Manhattan, KS; Orono, ME; St. Paul, MN; Oxford, MS; Poplarville, MS; Woodward, OK; Brookings, SD; Logan, UT; and Madison, WI. The conferees expect that these construction projects will deliver complete and useable facilities within the appropriations provided under this Act.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $620,827,000 for research and education activities instead of $572,616,000 as proposed by the House and $651,411,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference Agreement
Research and Education Activities	
Payments under the Hatch Act	$180,148
Cooperative Forestry Research (McIntire-Stennis)	21,884
Payments to 1890 Colleges and Tuskegee University	35,643
Special Research Grants:	
Advanced genetic technologies (KY)	675
Advanced spatial technologies (MS)	989
Aegilops cylindricum (jointed goatgrass) (WA)	383
Agricultural diversification (HI)	128
Agricultural diversity/Red River Corridor (MN, ND)	500
Agriculture science (OH)	500
Agriculture water usage (GA)	293
Agroecology (MD)	400
Air quality (TX)	875
Alliance for food protection (NE,GA)	300
Alternative Crops (ND)	200
Alternative nutrient management (VT)	186
Alternative salmon products (AK)	631
Alternative uses for tobacco (MD)	360
Animal Disease Research (WY)	250
Animal science food safety consortium (AR, KS, IA)	1,614
Apple fireblight (MI, NY)	495
Aquaculture (AR)	232
Aquaculture (WA/ID)	775
Aquaculture (LA)	330
Aquaculture (MS)	586
Aquaculture (NC)	293
Aquaculture (VA)	125
Aquaculture product and marketing development (WV)	740
Armilliaria root rot (MI)	160
Asparagus technology and production (WA)	280
Babcock Institute (WI)	600
Beef technology transfer (MO)	294
Berry research (AK)	200
Biomass-based energy research (OK, MS)	1,150
Biotechnology (NC)	306
Biotechnology Test Production (IA)	200
Blocking Anhydrous Methamphetamine Production (IA)	242
Bovine Tuberculosis (MI)	348
Brucellosis vaccine (MT)	493
Center for food quality (UT)	150
Center for rural studies (VT)	340
Chesapeake Bay agroecology (MD)	320
Childhood obesity and nutrition (VT)	150
Citrus Canker (FL)	490
Citrus Tristeza	725
Competitiveness of agricultural products (WA)	680
Computational agriculture (NY)	250
Cool season legume research (ID, WA)	336
Cotton fiber quality (GA)	400
Cranberry/blueberry (MA)	172
Cranberry/blueberry disease & breeding (NJ)	236
Crop integration and production (SD)	275

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference
	Agreement
Crop diversification center (ND/MO)	800
Crop pathogens (NC)	200
Dairy and meat goat research (TX)	63
Dairy farm profitability (PA)	500
Delta rural revitalization (MS)	205
Designing foods for health (TX)	825
Diaprepes/Root Weevil (FL)	450
Dietary intervention (OH)	250
Drought mitigation (NE)	225
Efficient irrigation (NM/TX)	1,500
Environmental biotechnology (RI)	600
Environmental research (NY)	395
Environmental risk factors/cancer (NY)	222
Environmentally safe products (VT)	245
Exotic pest diseases (CA)	1,900
Expanded wheat pasture (OK)	310
Farm injuries and illnesses (NC)	278
Feed barley for rangeland cattle (MT)	833
Feed efficiency in cattle (FL)	250
Feedstock conversion (SD)	560
Fish and shellfish technologies (VA)	465
Food Chain Economic Analysis (IA)	50
Floriculture (HI)	400
Food and Agriculture Policy Research Institute (IA, MO)	1,525
Food irradiation (IA)	245
Food Marketing Policy Center (CT)	490
Food processing center (NE)	42
Food quality (AK)	350
Food safety (AL)	1,125
Food safety (OK, ME)	625
Food safety (TX)	200
Food safety research consortium	900
Food safety risk assessment (ND)	1,350
Food security (WA)	450
Food Systems Research Group (WI)	550
Forages for advancing livestock production (KY)	434
Forestry (AR)	512
Future Foods (IL)	250
Generic commodity promotions, research and evaluation (NY)	195
Genomics (MS)	720
Global Change / Ultraviolet radiation	2,250
Grain Sorghum (KS)	140
Grapefruit juice/drug interaction (FL)	250
Grass seed cropping for sustainable agriculture (WA, OR, ID)	457
Greenhouse nurseries (OH)	150
Hispanic leadership in agriculture (TX)	450
Hoop barns (IA)	210
Human nutrition (IA)	732
Human nutrition (LA)	800
Human nutrition (NY)	615
Hydroponic tomato production (OH)	100
Illinois-Missouri Alliance for Biotechnology	1,214
Improved dairy management practices (PA)	400
Improved early detection of crop diseases (NC)	194
Improved fruit practices (MI)	239

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference Agreement
Increasing shelf life of agricultural commodities (ID)	795
Infectious disease research (CO)	750
Institute for biobased products and food science (MT)	600
Institute for Food Science & Engineering (AR)	1,222
Integrated production systems (OK)	233
Intelligent quality sensor for food safety (ND)	360
International arid lands consortium	517
Iowa Biotechnology Consortium	1,765
Livestock and Dairy Policy (NY, TX)	604
Livestock genome sequencing (IL)	450
Lowbush blueberry research (ME)	265
Maple research (VT)	150
Meadowfoam (OR)	295
Michigan Biotechnology Consortium	628
Midwest Advanced Food Manufacturing Alliance	480
Midwest agricultural products (IA)	632
Midwest poultry consortium (IA)	700
Milk safety (PA)	750
Minor use animal drugs (IR-4)	588
Molluscan shellfish (OR)	395
Montana Sheep Institute	560
Multi-commodity research (OR)	400
Multi-cropping strategies for aquaculture (HI)	124
National beef cattle genetic evaluation consortium (NY)	672
National Biological Impact Assessment	253
Nematode resistance genetic engineering (NM)	147
Nevada Arid Rangelands Initiative (NV)	525
New crop opportunities (AK)	490
New crop opportunities (KY)	742
Non-food uses of agricultural products (NE)	64
Nursery, greenhouse, turf specialties (AL)	310
Oil resources from desert plants (NM)	225
Olive fly (CA)	40
Organic Cropping (WA)	125
Organic waste utilization (NM)	100
Oyster post harvest treatment (FL)	450
Ozone air quality (CA)	430
Pasture and forage research (UT)	248
Peach tree short life (SC)	262
Perennial wheat (WA)	150
Pest control alternatives (SC)	305
Phytophthora root rot (NM)	185
Pierce's disease (CA)	2,250
Plant biotechnology (IA)	250
Plant, drought, and disease resistance gene cataloging (NM)	247
Potato research	1,584
Precision agriculture (KY)	742
Preharvest food safety (KS)	208
Preservation and processing research (OK)	224
Protein utilization (IA)	425
Rangeland ecosystems (NM)	320
Regional barley gene mapping project	760
Regionalized implications of farm programs (MO, TX)	320
Rice agronomy (MO)	200
Ruminant nutrition (MT, ND, SD, WY)	450

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference Agreement
Rural Development Centers (LA, ND)	177
Rural obesity (NY)	200
Rural policies institute (NE, IA, MO)	1,270
Russian wheat aphid (CO)	320
Satsuma orange research (AL)	900
Seafood harvesting, processing and marketing (AK)	1,200
Seafood & aquaculture harvesting, processing & marketing (MS)	303
Seafood safety (MA)	425
Seed research (AK)	325
Small fruit research (OR, WA, ID)	400
Soil and environmental quality (DE)	130
Southwest consortium for plant genetics and water resources	392
Soybean cyst nematode (MO)	693
Soybean research (IL)	850
STEEP -- water quality in the Pacific Northwest	670
Sudden oak death (CA)	100
Sustainable agriculture (CA)	500
Sustainable agriculture (MI)	435
Sustainable agriculture and natural resources (PA)	150
Sustainable agriculture systems (NE)	59
Sustainable beef supply (MT)	1,000
Sustainable engineered materials from renewable sources (VA)	600
Sustainable pest management for dryland wheat (MT)	452
Swine and other animal waste management (NC)	495
Synthetic gene technology (OH)	168
Technological development of renewable resources (MO)	297
Tick borne disease prevention (RI)	100
Tillage, silviculture, waste management (LA)	425
Tri-state joint peanut research (AL)	600
Tropical aquaculture (FL)	240
Tropical and subtropical research / T STAR	9,000
Uniform farm management program (MN)	300
Value-added product development from ag resources (MT)	412
Value-added products (IL)	150
Viticulture consortium (NY, CA, PA)	1,800
Water conservation (KS)	79
Water treatment (RI)	150
Water use efficiency and water quality enhancements (GA)	540
Weed control (ND)	435
West Nile Virus (IL)	375
Wetland plants (LA)	600
Wheat genetic research (KS)	265
Wheat sawfly research (MT)	505
Wood utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK)	6,170
Wool research (TX, MT, WY)	294
Subtotal, Special Research Grants	112,264
Improved pest control:	
Expert IPM Decision Support System	177
Integrated pest management	2,725
IR-4 minor crop pest management	10,743
Pest Management Alternatives	1,619
Subtotal, Improved pest control	15,264
National Research Initiative	167,131

Cooperative State Research, Education, and Extension Service (Dollars in Thousands)	*Conference Agreement*
Animal Health and Disease (Sec. 1433)	5,098
1994 Institutions research program	1,100
Joe Skeen Institute for Rangeland Restoration (NM,TX,MT)	1,000
Graduate fellowship grants	3,243
Institution challenge grants	4,920
Multicultural scholars program	998
Hispanic education partnership grants	4,100
Secondary agriculture education	1,000
Capacity building grants (1890 institutions)	11,479
Payments to the 1994 Institutions	1,700
Alaska Native-serving & Native Hawaiian-serving education grants	3,500
Alternative crops:	
Canola	846
Hesperaloe and other natural products from desert plants	350
Aquaculture Centers (Sec. 1475)	4,500
Critical Agricultural Materials Act	1,250
Sustainable agriculture research and education (SARE)	13,750
Federal Administration:	
Ag-based industrial lubricants (IA)	450
Agriculture development in the American Pacific	552
Agriculture Waste Utilization (WV)	690
Agriculture Water Policy (GA)	715
Alternative fuels characterization laboratory (ND)	302
Animal Waste Management (OK)	335
Aquaculture (OH)	450
Aquaculture (PA)	250
Biotechnology research (MS)	750
Botanical research (UT)	640
Center for Agricultural and Rural Development (IA)	675
Center for Food Industry Excellence (TX)	250
Center for innovative food technology (OH)	765
Center for North American Studies (TX)	200
Climate forcasting (FL)	900
Cotton research (TX)	1,190
REE Information System	2,750
Electronic Grants Administration System / GPEA	2,250
Feed efficiency (WV)	160
Fruit/vegetable market analysis (AZ, MO)	340
Geographic information system	1,400
Germplasm development in forage grasses (OH)	100
High value horticultural crops (VA)	250
Information Technology (GA)	250
Livestock marketing information center (CO)	196
Mariculture (NC)	360
Mississippi Valley State University	1,050
Office of Extramural Programs	448
Pasteurization of shell eggs (MI)	250
Pay costs and FERS	2,095
Peer Panels	349
Phytoremediation plant research (OH)	640
PM-10 air quality study (WA)	438
Precision Agriculture / Tennessee valley research center (AL)	480
Produce pricing (AZ)	80

Cooperative State Research, Education, and Extension Service (Dollars in Thousands)	*Conference Agreement*
Rural Systems (MS)	350
Salmon quality standards (AK)	140
Shrimp aquaculture (AZ, HI, LA, MS, MA, SC, TX)	4,214
Sustainable Agricultural Development (OH)	500
Urban Silviculture (NY)	241
Water pollutants (WV)	600
Water Quality (ND)	434
Wetland Plants (WV)	180
Subtotal, Federal Administration	29,659
Total, Research and Education Activities	620,827

The conferees have included $500,000 for the Special Research Grant for Agricultural Diversity in the Red River Trade Corridor. Of this amount, $100,000 is intended for the Northern Great Plains Inc. to initiate the establishment of policies and procedures of the Northern Great Plains Regional Authority as required by the Farm Security and Rural Investment Act of 2002.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $7,100,000 for the Native American Institutions Endowment Fund as proposed by the Senate, instead of $9,000,000 as proposed by the House.

EXTENSION ACTIVITIES

The conference agreement provides $453,468,000 for extension activities instead of $441,821,000 as proposed by the House and $452,767,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference Agreement
Extension Activities	
Smith-Lever Sections 3(b) & 3(c)	281,218
Smith-Lever Section 3(d):	
Farm safety	5,525
Food & nutrition education (EFNEP)	58,566
Indian reservation agents	1,996
Pest management	10,759
Sustainable agriculture	4,875
Youth at risk	8,481
Youth Farm Safety Education and Certification	499
1890 Colleges and Tuskegee University	32,117
1890 facilities grants	15,000
Renewable Resources Extension Act	4,546
Rural health and safety education	2,622
Grants to Youth organizations	3,000
Extension services at the 1994 institutions	3,387
Subtotal	432,591
Federal Administration and special grants:	
Ag in the classroom	700
Agricultural and Entrepreneurship education (WI)	130
Ag telecommunications (NY)	382
Alabama beef connection	125
Beef producers' improvement (AR)	195
Botanical Garden Initiative (IL)	240
Conservation Technology Transfer (WI)	500
Dairy Education (IA)	235
Dairy industry revitalization (WI)	220
Diabetes detection, prevention (WA)	924
E-Commerce (MS)	375
Efficient Irrigation (NM/TX)	2,040
Entrepreneurial alternatives (PA)	250
Extension Specialist (MS)	150
Family farm industry network (OH)	1,386
Food Animal Residue Avoidance Database (FARAD)	800
Food preparation and marketing (AK)	300
Food product development (AK)	450
General administration and pay	5,680
Health Education Leadership (KY)	900
Income enhancement demonstration (OH)	241
Iowa Vitality Center	280
National Center for Agriculture Safety (IA)	198
Nursery production (RI)	250
Pilot technology transfer (OK, MS)	338
Pilot technology transfer (WI)	163
Potato Pest Management (WI)	300
Range improvement (NM)	245
Resilient communities (NY)	125
Rural development (AK)	700
Rural development (NM)	395
Rural development (ND)	100
Rural Technologies (HI, WI)	700

Cooperative State Research, Education, and Extension Service	
(Dollars in Thousands)	
	Conference
	Agreement
Urban horticulture (WI)	540
Urban market development (NY)	125
Wood biomass as an alternative farm product (NY)	195
Subtotal, Federal Administration	20,877
Total, Extension Activities	453,468

Within funds provided for the farm safety program, the conference agreement includes $4,200,000 for the AgrAbility project.

The conference agreement provides $3,000,000 for Youth Grants as authorized under section 7412 of PL 107-171. Funding for similar activities is also provided under Smith-Lever, Youth at Risk, and other programs funded under this account. The conferees provide this funding to supplement funds provided in PL 107-171 and expect that future funding for Extension youth activities be provided through the other established programs.

The conference agreement provides $540,000 for urban horticulture activities in Wisconsin, of which $378,000 is directed to the University of Wisconsin Extension and $162,000 is directed to Growing Power of Milwaukee for community food systems.

INTEGRATED ACTIVITIES

The conference agreement provides $46,743,000 for integrated activities instead of $47,868,000 as proposed by the House and $48,218,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service (Dollars in Thousands)	*Conference Agreement*
Integrated Activities	
Water Quality	12,971
Food Safety	14,967
Regional Pest Management Centers	4,531
Crops at Risk from FQPA Implementation	1,497
FQPA Risk Mitigation Program for Major Food Crop Systems	4,889
Methyl Bromide Transition Program	3,250
Organic Transition Program	2,125
International Science and Education Grants Program	500
Critical Issues --- Plant and Animal Diseases	500
Regional Rural Development Centers Program	1,513
Total, Integrated Activities	46,743

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The conference agreement provides $3,493,000 for Outreach for Socially Disadvantaged Farmers under CSREES as proposed by the Senate. The House had proposed $8,243,000 for this account elsewhere in the bill.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $730,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the House instead of $780,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $725,502,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $735,937,000 as proposed by the House and $735,673,000 as proposed by the Senate.

The following table reflects the conference agreement:

Animal and Plant Health Inspection Service, 2003 Conference

[In thousands of dollars]

Program	*FY 2003 Conference*
Pest and Disease Exclusion:	
Agricultural quarantine inspection	55,988
User fees	-
Cattle ticks	6,354
Foreign animal diseases/FMD	7,989
Fruit fly exclusion and detection	56,818
Import-export inspection	9,556
Screwworm	30,679
Trade issues resolution management	11,527
Tropical bont tick	422
Total, Pest and Disease Exclusion	179,333
Plant and Animal Health Monitoring:	
Animal health monitoring & surveillance	93,826
Animal and plant health regulatory enforcement	8,538
Emergency management systems	9,044
Pest detection	21,794
Total, Plant & Animal Health Monitoring	133,202
Pest and Disease Management:	
Aquaculture	1,397
Biological control	9,118
Boll weevil	62,000
Brucellosis	10,258
Chronic wasting disease	14,933
Emerging plant pests	75,289
Golden nematode	630
Grasshopper	4,369
Gypsy moth	4,677
Imported fire ant	2,437
Johnes disease	21,000
Noxious weeds	1,911
Pink bollworm	2,000
Plum pox	4,051
Pseudorabies	4,286
Scrapie	15,474
Tuberculosis	14,895
Wildlife services operations	69,036
Witchweed	1,530
Total, Pest and Disease Management	319,291
Animal Care:	
Animal welfare	16,408
Horse protection	493
Total, Animal Care	16,901
Scientific and Technical Services:	
AITI	4,242
Biotechnology/environmental protection	10,997
Plant methods development labs	5,373
Veterinary biologics	13,167
Veterinary diagnostics	23,921
Wildlife services methods development	14,972
Total, Scientific and Technical Services	72,672
Contingency fund	4,103
Total, Salaries and Expenses	725,502

The conference agreement provides $56,818,000 for the fruit fly exclusion and detection program, an increase of $20,000,000 above the fiscal year 2002 funding level. The increase includes $15,904,000 to enhance international activities to prevent Mediterranean fruit flies from moving into the United States, $3,182,000 to enhance activities at domestic borders, and $150,000 for olive fruit fly trapping efforts.

The conference agreement includes $2,000,000 to conduct preclearance quarantine inspections from Hawaii, Guam, Puerto Rico or the U.S. Virgin Islands to the continental U.S. instead of $3,000,000 as proposed by the Senate.

The conference agreement provides $1,000,000 for the cooperative agreement with the Wisconsin Animal Health Consortium as proposed by the House instead of $750,000 as proposed by the Senate.

The conference agreement provides $200,000 to assist in creating a database of North Carolina's agriculture industry for rapid response capabilities instead of $300,000 as proposed by the House.

The conference agreement provides $250,000 for the New Mexico Rapid Syndrome Validation Program instead of $300,000 as proposed by the Senate.

The conference agreement provides $900,000 for alkaline digesters of which $700,000 is for Auburn University College of Medicine and $200,000 is for the Mississippi Animal Disease and Research Diagnostic Laboratory in Jackson, MS instead of $1,000,000 as proposed by the Senate.

The conference agreement provides $9,044,000 for Emergency Management Systems as proposed by the House instead of $11,043,000 as proposed by the Senate. The conference agreement does not include language encouraging APHIS to work with the North Carolina Department of Agriculture's Emergency Programs Division as proposed by the Senate.

The conference agreement provides $1,397,000 for aquaculture as proposed by the Senate instead of $1,164,000 as proposed by the House.

The conference agreement appropriates $62,000,000 for the boll weevil eradication program as proposed by the Senate instead of $53,000,000 as proposed by the House.

The conference agreement provides $10,258,000 for brucellosis instead of $8,639,000 as proposed by the House and $10,358,000 as proposed by the Senate. The conference agreement does not include $100,000 for the Arkansas Livestock and Poultry Commission Brucellosis Program as proposed by the Senate.

The conference agreement provides $14,933,000 for chronic wasting disease as proposed by the House instead of $14,900,000 as proposed by the Senate.

The conference agreement provides an increase of $9,000,000 for glassy-winged sharpshooter containment and control for a total of $17,500,000.

The conference agreement provides an increase of $9,251,000 for the Asian long-horned beetle program for a total of $35,000,000.

The conference agreement provides an increase of $16,549,000 for citrus canker.

The conference agreement provides $4,369,000 for grasshopper program, of which not less than $650,000 shall be for grasshopper and Mormon cricket control activities in Utah; $150,000 to prepare necessary environmental documents; $500,000 to continue control measures; and not less than $300,000 shall be for grasshopper and Mormon cricket control activities in Nevada as proposed by the Senate.

The conference agreement provides $2,437,000 for the control, management, and eradication of the imported fire ant of which $45,000 is for New Mexico and $260,000 is for Tennessee.

The conference agreement provides $1,911,000 for noxious weeds instead of $1,438,000 as proposed by the House and $1,611,000 as proposed by the Senate. The conference agreement includes $300,000 for the Kiski Basin Initiative (PA); $100,000 for the Nez-Perce Bio-Control Center; and $250,000 for implementation of an invasive species program to prevent the spread of cogongrass in Mississippi.

The conference agreement provides $15,474,000 for scrapie instead of $20,474,000 as proposed by the House and $8,178,000 as proposed by the Senate.

The conference agreement provides $14,895,000 for tuberculosis as proposed by the Senate instead of $18,124,000 as proposed by the House.

The conference agreement provides $69,036,000 for wildlife services operations instead of $65,709,000 as proposed by the House and $67,144,000 as proposed by the Senate.

The conference agreement includes $8,000,000 for a cooperative rabies oral rabies vaccination program of which $350,000 shall be for operations in Maryland.

The conference agreement provides $5,217,000 to provide an effective response to control animal diseases in U.S. wild animal populations of which $1,250,000 is for remote diagnostic and wildlife disease surveillance as proposed by the Senate.

The conference agreement provides $500,000 for hazing programs to manage cormorants in central New York watersheds instead of $1,000,000 as proposed by the House.

The conference agreement provides $1,200,000 for wolf predation management, of which $1,050,000 is for Wisconsin, Minnesota, and Michigan, and $150,000 is for New Mexico and Arizona.

The conference agreement provides $1,000,000 for a cooperative agreement with Miami-Dade County, FL, to assist in mosquito control efforts.

The conference agreement provides $50,000 to be used to assist Missouri in eradicating feral hogs.

The conference agreement provides $250,000 for beaver management and control in North Carolina.

The conference agreement provides $1,300,000 for predator control programs in Montana, Idaho, and Wyoming instead of $1,500,000 as proposed by the House.

The conference agreement provides $200,000 to establish a Wildlife Services State Office in Pennsylvania as proposed by the Senate.

The conference agreement provides $400,000 to assist the Nevada Division of Wildlife with returning displaced wildlife back to its natural habitat instead of $500,000 as proposed by the Senate.

The conference agreement provides $300,000 for a cooperative agreement with the Eastern Idaho Sandhill Crane Lure Crop Project as proposed by the Senate.

The conference agreement provides an increase of $800,000 for animal welfare activities, as proposed by the Senate.

The conference agreement provides an increase of $250,000 to enhance existing research efforts at the National Wildlife Research Center field station in Starkville, Mississippi instead of $300,000 as proposed by the Senate.

The conference agreement provides $600,000 to expand the existing program at the Jack Berryman Institute and facilitate a cooperative relationship with the Mississippi Agriculture and Forestry Experiment Station instead of $700,000 as proposed by the Senate.

The conference agreement provides $700,000 for maintenance and operations necessary to support wildlife methods development at the National Wildlife Research Center in Ft. Collins, CO, as proposed by the Senate.

The conferees are aware of outbreaks in Texas of Avian Influenza in poultry during 2002 and expect APHIS to provide assistance to egg producers who have depopulated their flocks.

The conferees are concerned about USDA's response to the outbreak and spread of chronic wasting disease in states east of the Mississippi River and believe that USDA needs to do much more to expand laboratory testing capacity in order to help states get control of the problem. The conferees expect USDA to expand testing capacity by developing appropriate protocols with laboratories that are capable of doing the testing and by providing the necessary resources for laboratories to conduct rapid testing.

BUILDINGS AND FACILITIES

The conference agreement provides $9,989,000 for Animal and Plant Health Inspection Service Buildings and Facilities instead of $13,189,000 as proposed by both the House and Senate.

The conference agreement includes funds for all budgeted items except Plum Island.

Agricultural Marketing Service

MARKETING SERVICES

The conference agreement provides $75,702,000 for the Agricultural Marketing Service as proposed by the House instead of $75,411,000 as proposed by the Senate.

The conference agreement includes a total of $15,759,000 for the pesticide data program of which not less than $1,000,000 shall be added to the existing funding for the drinking water initiative.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement provides $61,619,000 as proposed by both the House and Senate.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

The conference agreement provides $14,910,000 for Funds for Strengthening Markets, Income, and Supply as proposed by both the House and Senate.

Payments to States and Possessions

The conference agreement appropriates $1,347,000 for Payments to States and Possessions as proposed by the House and Senate.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

The conference agreement provides $39,950,000 for the Grain Inspection, Packers and Stockyards Administration instead of $44,746,000 as proposed by the House and $44,475,000 as proposed by the Senate.

The conference agreement includes $4,500,000, to remain available until expended, for a study on the issues surrounding a ban on packer ownership. The conferees direct the Secretary to report the findings within 24 months of enactment.

The conference agreement includes $500,000, as proposed by the House, to establish a cooperative relationship with the Missouri, Iowa, and Illinois Corn Growers Associations to conduct a pilot program for development of production protocols.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement provides $42,463,000 as proposed by the House and Senate.

Office of the Under Secretary for Food Safety

The conference agreement provides $603,000 for the Office of the Under Secretary for Food Safety as proposed by the House instead of $780,000 as proposed by the Senate.

Food Safety and Inspection Service

The conference agreement provides $759,759,000 for the Food Safety and Inspection Service, as proposed by the Senate, instead of $755,793,000 as proposed by the House. The conferees direct that no less than $649,802,000 of the total is for Federal food safety inspection, as proposed by the Senate, instead of $679,097,000 for Federal food safety and inspection, as proposed by the House. The conference agreement fully funds the budget request.

The conference agreement includes $5,000,000 to remain available through fiscal year 2004, to hire no fewer than 50 FTEs for enforcement of the Humane Methods of Slaughter Act (HMSA) through full-time ante-mortem inspection, particularly unloading, handling, stunning, and killing of animals at slaughter plants. The conferees also support the ongoing activities of the 17 District Veterinary Medical Specialists and expect that their mission be limited to HMSA enforcement. Further, the conferees also direct the General Accounting Office to review and report to the Appropriations Committees by July 1, 2003, on the scope and frequency of HMSA violations, and provide recommendations on the extent to which additional resources for inspection personnel, training, and other agency functions are needed to properly regulate slaughter facilities in the area of HMSA enforcement.

The conference agreement includes the following amounts.

Food Safety and Inspection Service, funding by activity

(In thousands of dollars)

Food Safety Inspection:	
Federal	679,502
State	49,702
International	16,110
Codex Alimentarius	2,573
FAIM	11,872
Total	759,759
Federal Food Inspection	649,082
Import/Export Inspection	12,767
Laboratory Services	38,440
FAIM	8,005
Grants to States	43,672
Special Assistance to State Programs	5,220
Codex Alimentarius	2,573
Total	759,759

Office of the Under Secretary for Farm and Foreign Agricultural Services

The conference agreement provides $622,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the House instead of $899,000 as proposed by the Senate.

The conferees are concerned that little progress has been made in implementing Sec. 3013 of P.L. 107–171 and direct the Under Secretary to take action to implement this provision as soon as possible this fiscal year.

Farm Service Agency

SALARIES AND EXPENSES

The conference agreement provides $976,738,000 for the Farm Service Agency as proposed by the House instead of $986,913,000 as proposed by the Senate.

STATE MEDIATION GRANTS

The conference agreement provides $4,000,000 for State Mediation Grants, as proposed by both the House and Senate.

DAIRY INDEMNITY PROGRAM

The conference agreement provides $100,000 for the Dairy Indemnity Program, as proposed by both the House and the Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	($130,000,000)
Subsidy	$15,093,000
Guaranteed	($1,000,000,000)
Subsidy	$7,500,000
Farm Operating Loans:	
Direct	($605,000,000)
Subsidy	$104,423,000
Unsubsidized guaranteed	($1,700,000,000)
Subsidy	$53,890,000
Subsidized guaranteed	($400,000,000)
Subsidy	$47,200,000
Indian tribe land acquisition	($2,000,000)
Subsidy	$179,000
Boll weevil eradication	($100,000,000)
Subsidy	$0
ACIF expenses:	
Salaries and expenses (transfer to FSA)	$279,176,000
Administrative expenses	$8,000,000

Risk Management Agency

The conference agreement provides $70,708,000 for the Risk Management Agency as proposed by the Senate instead of $70,726,000 as proposed by the House.

CORPORATIONS

Federal Crop Insurance Corporation Fund

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be $2,886,000,000 in the President's fiscal year 2003 Budget Request), as proposed by both the House and Senate.

Commodity Credit Corporation Fund

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized

Losses of the Commodity Credit Corporation (estimated to be $16,285,000,000 in the President's fiscal year 2003 Budget Request), as proposed by both the House and Senate.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The conference agreement provides a limitation of $5,000,000 for Hazardous Waste Management, as proposed by both the House and Senate.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides $750,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the House instead of $902,000 as proposed by the Senate.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $825,004,000 for Conservation Operations instead of $843,553,000 as proposed by the House and $840,002,000 as proposed by the Senate.

The conference agreement includes Senate bill language that prohibits funds in this account from being used to provide technical assistance for farm bill programs.

The conference agreement provides $23,500,000 for the grazing lands conservation initiative as proposed by the Senate instead of $21,500,000 as proposed by the House.

The conferees direct NRCS to treat Congressional earmarks as additions to the States' funding allocation.

Projects identified in House Report 107–275, House Report 107–623, Senate Report 107–223, and those identified on pages S384–S386 of the Congressional Record of January 15, 2003 that were directed to be funded for fiscal year 2003 are not funded in fiscal year 2003, unless specifically mentioned herein: Sand Mountain Water Quality Project (AL)—$200,000; Central AL/Birmingham Water Quality Conservation Initiative—$150,000; Update and digitize soil surveys in north Alabama—$250,000; obtain and evaluate materials for cold region seeds of plants in conjunction w/ Alaska Division of Agriculture—$350,000; Native Plant Materials (AK) (evaluating and developing)—$350,000; Kenai Streambank Restoration (AK) water project—$450,000; Natural resources/rural assistance activities/SWCD (AK)—$1,500,000; Juneau and Glennallen (AK) Offices—$250,000; Staff for each SWCD Public Info and assistance in rural AK—$500,000; Kodiak and Dillingham (AK) offices—$500,000; Seward/Resurrection River (AK) watershed project technical assistance—$1,000,000; Harding Lake (AK)—$300,000; Southwest Strategy (AZ/NM)—$150,000; National Water Management Center (AR)—$2,750,000; Little Red River Irrigation Project—$375,000; Walnut Bayou (AR) Irrigation Project—$300,000; Contra Costa County (CA) Watershed Surveys—$375,000; East Valley Conservation District/Santa Ana Watershed Authority (CA) Plant Removal—$1,000,000; Agricultural Nonpoint source water quality—San Luis Obispo County (CA) Farm Bureau—$84,000; Monterey Bay Sanctuary—$600,000; Expand cooperative efforts with Delaware State for plant materials—$290,000; Pilot projects for technology systems resulting in nutrient reduction (FL/NC)—$3,000,000; Manatee (FL) Agriculture Reuse System—$2,000,000; Lake Okeechobee (FL) Watershed project planning—$500,000; Georgia Soil and Water Conservation Commission Cooperative Agreement—$2,100,000; Georgia Agricultural Water Conservation Initiative—$1,500,000; PMC for Native Plants to clean up the Island of Kahoolawe (HI)—$120,000; Molokai (HI) Agriculture Community Committee—$250,000; Idaho One Plan (ID)—$200,000; Little Wood River (ID) Irrigation District delivery system—$1,750,000; Conversion to sprinkler irrigation (ID)—$1,000,000; Trees Forever Program (IL)—$100,000; Embrass River/Shad Lake (IL)—technical assistance; Illinois River Basin—EQIP; Waynewood (IL) drainage project—$400,000; Hungry Canyon/Loess Hills Erosion Control/Western Iowa—$1,200,000; Trees Forever Program (IA)—$100,000; CEMSA with Iowa Soybean Association—$300,000; Soil erosion control cost-share program/soil survey program (KY)—$3,000,000; Environmental study/geological investigation—Rockhouse Creek-Leslie (KY)—$200,000; Knott County (KY) technical assistance—$250,000; Boone County (KY) conservation projects—$300,000; Kenton County (KY) flood prevention—$250,000; Technical assistance to provide grants to Soil Conservation Districts—$800,000; Dairy waste remediation—Lake Ponchartrain (LA) Basin—$100,000; Lincoln Parish (LA) stormwater/conservation management program—$650,000; St. John the Baptist Parish (LA) Lakes bank retention project—$450,000; False River (LA) sedimentation project—$150,000; Chesapeake Bay activities—$6,000,000; Conservation related to cranberry production (MA/WI)—$600,000; Weed It Now—Taconic Mountains (MA/NY/CT)—$200,000; Great Lakes pilot program for conservation—$500,000; Franklin County (MS) Lake technical assistance—$1,500,000; Mississippi Delta Water Resources Study—$750,000; continuation of Sharkey (MS) soil classification pilot project; Squirrel Branch Drainage Project (MS)—$250,000; Delta Conservation Demonstration Center, Washington County (MS)—$1,425,000; Soil erosion with Alcorn State (MS)—$175,000; Cattle and nutrient management in stream crossings (MS)—$1,000,000; Choctaw County (MS) feasability study for surface impoundment—$100,000; Jamie Whitten PMC—$275,000; Wildlife Habitat Management Institute (MS)—$6,459,000; Humphrey's County (MS) Hospital flood protection—$400,000; Drainage improvements, Petal (MS)—$500,000; Drainage improvements on Watkins Drive, Jackson (MS)—$100,000; Drainage improvements, Port Gibson (MS)—$300,000; Drainage improvements, Mount Olive (MS)—$150,000; Drainage improvements, Meridian (MS)—$500,000; Rankin County (MS)—$300,000; Establish Upper White River Water Quality Project Office in southern Missouri $355,000; Jefferson River (MT) watershed $400,000; Watershed planning project (MT)—$1,500,000; Lake Tahoe Basin Soil Conservation Project (NV/CA)—$400,000; Lake Tahoe Basin area soil survey (NV/CA)—$200,000; State conservation cost share program (NJ)—$900,000; Westchester County (NY) SWCD—$350,000; Pastureland Management/Rotational Grazing (NY)—$500,000; Best management practices/Skaneateles and Owasco Watersheds (NY)—$250,000; Address non-point pollution in Onondaga Lake Watershed (NY)—$250,000; Beaver Swamp Brook project (NY) implementation and environmental restoration—$300,000; Phase II/Watershed Agriculture Council in Walton (NY)—$650,000; Technical assistance to livestock/poultry industry (NC)—$500,000; Red River Flood Prevention/Energy and Environmental Research Center (ND)—$1,500,000; Maumee Watershed Hydrological Study and Flood Mitigation Plan (OH)—$1,000,000; Oregon Garden, Silverton (OR)—$325,000; Cooperative agreement with Marion County (OR) for native seed project $50,000; Increased technical assistance (OR)—$1,000,000; Address drought-related issues (RI)—$150,000; GIS-based model to integrate commodity and conservation (SC)—$800,000; Study to characterize land use change while preserving natural resources in cooperation with Clemson University (SC)—$800,000; Bexar, Medina, Uvalde Counties irrigation in Edwards Aquifer (TX)—$500,000; Field office telecommunications pilot program/advanced soil survey methods (TX)—$1,500,000; Leon River restoration project (TX)—$500,000; Range vegetation pilot project, Ft. Hood (TX)—$500,000; AFO/CAFO Pilot Project (UT)—$250,000; Dry Creek/Neff's Grove project (UT)—$300,000; Reduce phosphorus loading into Lake Champlain (VT)—$300,000; Walla Walla (WA) watershed alliance—$500,000; Design/implement natural stream restoration initiatives (WV)—$500,000; Soil survey geographic database in the Mid-Atlantic Highlands (WV)—$200,000; Poultry Litter Composting (WV)—$160,000; Potomac and Ohio River Basin Soil Nutrient Project (WV)—$300,000; Appalachian Small Farmer Outreach Program (WV)—$860,000; Potomac Headwaters (WV)—$550,000; Grazing Lands Initiative/Wisconsin Department of Agriculture—$550,000; Global Environment Management Education Center at Stevens Point (WI)—$2,000,000; Examine benefits of using vegetative buffers with the University of Wisconsin-Madison—$500,000; Conservation land internship program (WI)—$120,000; Study benefits of using nutrient management plans with the University of Wisconsin-Madison—$500,000; Soil survey mapping project (WY)—$300,000; Audubon at Home Pilot Program—$500,000; Great Lakes Basin Program for Soil and Erosion Sediment—$2,500,000; Watershed management demo program/NPPC—$600,000; National Fish and Wildlife Foundation Partnerships—$3,000,000; and, source water protection project, as a reimbursable agreement with Farm Service Agency, to States that show the greatest need—$1,000,000.

The conferees direct the agency to maintain a national priority area under the guidelines of the Environmental Quality Incentives Program in the Delta of the State of Mississippi.

The conference agreement includes $500,000 to the Walla Walla (WA) Watershed Alliance to partner with the NRCS and assist watershed planning entities in the development of Comprehensive Irrigation District Management Plans by engaging irrigators, landowners, and other stakeholders in the watershed initiative; developing and demonstrating model farm and land management plans; and monitoring results.

The conference agreement provides $3,000,000 for the continued implementation for innovative technology systems to be managed by Farm Pilot Project Coordination, Inc. as proposed by the House. The Secretary is directed to release these funds after submitting a report that a satisfactory cooperative agreement between the NRCS and Farm Pilot Project Coordination, Inc. has been consummated. The conference agreement does not include $150,000 for this activity as proposed by the Senate.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $11,197,000 for Watershed Surveys and Planning as proposed by the House instead $10,960,000 as proposed by the Senate.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $110,000,000 for Watershed and Flood Prevention Operations as proposed by the House instead of $105,000,000 as proposed by the Senate.

The conferees expect the Department to give consideration for financial and technical assistance to the following: Upper Petit Jean (AR); Askalmore dam (MS); and Attoyac Bayou (TX).

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $30,000,000 for the Watershed Rehabilitation Program as proposed by the Senate. The House bill contained no such provision.

The conferees direct that funding be provided for rehabilitation of structures determined to be of high priority need as proposed by the Senate.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $51,000,000 for Resource Conservation and Development instead of $55,079,000 as proposed by the House and $50,000,000 as proposed by the Senate.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $640,000 for the Office of the Under Secretary for Rural Development as proposed by the House instead of $898,000 as proposed by the Senate.

The conferees encourage the Secretary to consider a commercial off-the-shelf automated collateral management system for loan origination and servicing to prevent fraudulent practices including losses associated with inflated appraisals.

The conference agreement does not include $200,000 as proposed by the House for a National Groundwater Association study. The conference agreement includes $200,000 for the National Groundwater Association to fund a pilot program involving inspector training and certification relative to proper well construction, maintenance, sampling and ensuring the overall safety of private wells in rural areas.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $907,737,000 for the Rural Community Advancement Program (RCAP) instead of $950,298,000 as proposed by the House and $867,176,000 as proposed by the Senate.

The conference agreement adopts Senate language providing $30,000,000 for rural and native villages in Alaska.

The conference agreement provides $18,333,000 for technical assistance grants for rural water and waste systems.

The conferees provide bill language that of the funds provided for technical assistance for rural water and waste systems, $5,513,000 be designated for Rural Community Assistance Programs.

The conference agreement adopts language setting aside $12,100,000 for the circuit rider program.

The conference agreement adopts Senate language setting aside $25,000,000 for facilities in rural communities with extreme unemployment and severe economic depression.

The conference agreement adopts Senate language setting aside $30,000,000 for grants in rural communities with extremely high-energy costs.

The conferees provide $1,000,000 to carry out a demonstration program on replicating and creating cooperatives for home based health care and expect the Department to provide this service to historically under served communities.

The following table indicates the distribution of funding for the RCAP:

Community Facilities	$96,800,000
Business-Cooperative Development	87,720,000
Water and Waste	723,217,000
Total	907,737,000
Earmarks:	
Federally Recognized Native American Tribes	24,000,000
Rural Community Development Initiative	7,000,000
Technical Assistance for Rural Transportation	250,000
Delta Regional Authority	2,000,000
Colonias	25,000,000
Alaska Villages	30,000,000
Technical Assistance	18,333,000
Circuit Rider	12,100,000
EZ/EC and REAP	37,624,000
Economic impact initiative grants	25,000,000
High energy costs grants	30,000,000
CF Grant Tribal Colleges	4,000,000
Rural Health Cooperatives	1,000,000
RCAP	5,513,000

The conferees expect the Department to give consideration to the following entities for RCAP grants and/or loans: the University of New Orleans for wetland aquatic plants; Berkeley County (WV) Public Service Water District Project; rural cooperative development grant for peanut marketing cooperatives; distance learning and telemedicine broadband grant from the Mississippi Economic Growth Alliance and Point of Presence, Inc.; water and waste disposal loan and grant for the City of Oxford (MS); rural business enterprise grant for Bosque (TX); and Delaware Bay and River Authority (NJ).

RURAL DEVELOPMENT SALARIES AND EXPENSES

The conference agreement provides $145,736,000 for Rural Development Salaries and Expenses as proposed by the House instead of $127,502,000 as proposed by the Senate.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $305,517,000 for activities under the Rural Housing Insurance Fund Program Account instead of $303,567,000 as proposed by the House and $282,523,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of $5,844,862,000 instead of $4,551,457,000 as proposed by the House and $3,932,173,000 as proposed by the Senate.

The conference agreement provides for a transfer of $432,374,000 to salaries and expenses instead of $434,980,000 as proposed by the House and $455,630,000 as proposed by the Senate.

The conference agreement adopts Senate bill language regarding how Section 515 program funds may be used.

The conference agreement adopts House bill language regarding funding for the Section 515 program.

The conference agreement adopts Senate bill language regarding the 502 unsubsidized guaranteed program.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	($1,044,000,000)
Unsubsidized guaranteed	(4,528,000,000)
Rental housing (sec. 515)	(115,805,000)
Multi-family housing guar. (sec. 538)	(100,000,000)
Housing repair (sec. 504)	(35,000,000)
Credit sales of acquired property	(12,000,000)
Site loans (sec. 524)	(5,046,000)
Self-help housing land development fund	(5,011,000)
Total, Loan authorizations	(5,844,862,000)
Loan subsidies:	
Single family (sec. 502)	202,350,000
Unsubsidized guaranteed	32,600,000
Rental housing (sec. 515)	54,000,000
Multi-family housing guar. (sec. 538)	4,500,000
Housing repair (sec. 504)	10,857,000
Credit sales of acquired property	934,000
Site loans (sec. 524)	55,000
Self-help housing land development fund	221,000
Total, Loan subsidies	305,517,000
RHIF administration expenses (transfer to RD)	432,374,000

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $726,000,000 for the Rental Assistance Program instead of $722,000,000 as proposed by the House and $730,000,000 as proposed by the Senate.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $35,000,000 for Mutual and Self-Help Housing Grants as proposed by the House and Senate.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $42,498,000 for Rural Housing Assistance Grants as proposed by the House instead of $47,498,000 as proposed by the Senate.

The conference agreement does not adopt Senate bill language regarding Demonstration Housing Grants.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides $36,307,000 for the Farm Labor Program Account instead of $38,000,000 as proposed by the House and $34,615,000 as proposed by the Senate.

The conference agreement provides $17,647,000 for loan subsidies, and $18,661,000 for grants of which $15,578,000 is for farm labor housing grants and $3,082,000 is for grants for migrant and seasonal farm workers.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides $40,000,000, the same as proposed by both the House and Senate.

The conference agreement adopts House language providing for a transfer of $4,190,000 to salaries and expenses instead of $4,290,000 as proposed by the Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $9,000,000 for Rural Cooperative Development Grants, the same as proposed by both the House and Senate.

The conference agreement adopts Senate language for cooperatives or associations of cooperatives, whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

The conference agreement provides $14,967,000 for Rural Empowerment Zones and Enterprise Communities Grants as proposed by the House and Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $12,458,000 for activities under the Rural Electrification and Telecommunications Loans Program Account. The conference agreement provides for an estimated loan program level of $5,566,132,000 as proposed by the Senate instead of $4,516,136,000 as proposed by the House.

The conference agreement adopts Senate bill language that provides guaranteed underwriting loans.

The conference agreement adopts House language providing for a transfer of $37,833,000 to salaries and expenses instead of $38,035,000 as proposed by the Senate.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Electric:	
Direct, 5 percent	($121,103,000)
Direct, Muni	(100,000,000)
Direct, FFB	(2,600,000,000)
Direct, Treasury rate	(1,150,000,000)
Guaranteed	(100,000,000)
Guaranteed underwriting	(1,000,000,000)
Subtotal	(5,071,103,000)
Telecommunications:	
Direct, 5 percent	(75,029,000)
Direct, Treasury rate	(300,000,000)
Direct, FFB	(120,000,000)
Subtotal	(495,029,000)
Total, loan authorizations	(5,566,132,000)
Loan subsidies:	
Electric:	
Direct, 5 percent	6,915,000
Direct, Muni	4,030,000
Guaranteed	80,000
Subtotal	11,025,000
Telecommunications:	
Direct, 5 percent	1,283,000
Direct, Treasury rate	150,000
Subtotal	1,433,000
Total, loan subsidies	12,458,000
RETLP administrative expenses (transfer to RD)	37,833,000

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides $174,615,000 for the Rural Telephone Bank Program Account as proposed by the Senate instead of $174,638,000 as proposed by the House.

The conference agreement provides for a transfer of $3,082,000 to salaries and expenses as proposed by the House and Senate.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides $56,941,000 for the Distance Learning and Telemedicine Program instead of $44,128,000 as proposed by the House and $51,941,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of $300,000,000 for distance learning and telemedicine and $80,000,000 for broadband telecommunications.

The conference agreement provides $10,000,000 in grants to support broadband transmission and local dial-up Internet services for rural areas as proposed by the Senate.

The conference agreement provides $42,813,000 for distance learning and telemedicine grants and grants for translators to broadcast digital signals.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $603,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the House instead of $774,000 as proposed by the Senate.

The conference agreement includes $125,000,000 for a contingency fund for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), as proposed by the Senate, instead of $150,000,000 as proposed by the House.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides $10,580,169,000 for Child Nutrition Programs as proposed by the Senate instead of $10,576,169,000 as proposed by the House.

Included in this amount is an appropriated amount of $5,834,506,000 and a transfer from section 32 of $4,745,663,000. Within the appropriated amount, the conferees provide $3,300,000 for a school breakfast pilot program, of which no less than $1,000,000 is for Wisconsin, as proposed by the Senate. The House had no similar provision. The conferees note that of the appropriated funds provided in the Child Nutrition Programs $200,000 for one-time costs is to be directed to the Common Roots Program, as proposed by the Senate. The House had no similar provision. The conferees provide $500,000, as proposed by the Senate, for one-time costs associated with the establishment of the Child Nutrition Archive Resource Center at the National Food Service Management Institute. The House had no similar provision.

The conference agreement includes a provision prohibiting use of funds for studies and evaluations as proposed by the House. The Senate had no similar provision. The conference agreement does not include language regarding limits on and transfers of funds for studies and evaluations, as proposed by the Senate.

The conference agreement includes a general provision to expand the number of low-income children in child care centers who receive meals through the Child and Adult Care Feeding Program, as proposed by the Senate. The House had no similar provision.

The conference agreement provides the following for Child Nutrition programs:

TOTAL OBLIGATIONAL AUTHORITY

Child Nutrition Programs:	
School lunch program	$6,074,648,000
School breakfast program	1,660,870,000
Child and adult care food program	1,904,494,000
Summer food service program	334,686,000
Special milk program	16,449,000
State administrative expenses	133,583,000
Commodity procurement and computer support	435,334,000
School meals initiative/ Team nutrition	10,025,000
Coordinated review effort	5,080,000
Food safety education	1,000,000
School breakfast pilot project	3,300,000
Common Roots Program	200,000
Child Nutrition Archive Center	500,000
Total	$10,580,169,000

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $4,696,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of $4,776,000,000 as proposed by the House and $4,751,000,000 as proposed by the Senate. Of the total, the conference agreement provides $125,000,000 for a reserve account, to remain available until expended, as proposed by the Senate, instead of $150,000,000, available through fiscal year 2004, as proposed by the House.

The conference agreement includes a provision prohibiting use of funds for studies and evaluations, except as specifically provided, as proposed by the House. The Senate had no similar provision. The conference agreement does not include language regarding limits on and transfers of funds for studies and evaluations, as proposed by the Senate.

The conferees provide $25,000,000 for the farmers' market nutrition program, as proposed by the both the House and Senate, but do not direct that the funds be obligated within 45 days in bill language, as proposed by the Senate. The conferees strongly urge the Secretary to make these funds available as soon as possible after enactment.

The conference agreement provides $2,000,000 for the evaluation of WIC vendor practices, as proposed by the House and Senate.

FOOD STAMP PROGRAM

The conference agreement provides $26,313,692,000 for the food stamp program as proposed by the House instead of $26,289,692,000 as proposed by the Senate. Included in this amount is a reserve of $2,000,000,000.

The conference agreement includes a provision prohibiting use of funds for studies and evaluations as proposed by the House. The Senate had no similar provision. The conference agreement does not include language regarding limits on and transfers of funds for studies and evaluations, as proposed by the Senate.

The conference agreement includes a provision allowing for purchase of bison meat, in an amount not to exceed $3,000,000, for the Food Distribution Program on Indian Reservations (FDPIR), instead of not to exceed $4,000,000, as proposed by the Senate. The House had no similar provision.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $164,500,000 for the Commodity Assistance Program, instead of $170,000,000, as proposed by the House, and $167,000,000 as proposed by the Senate. Included in that amount is $50,000,000 for administration of The Emergency Food Assistance Program (TEFAP), as proposed by the House, instead of $55,000,000 as proposed by the Senate. The conference agreement includes a general provision that provides the Secretary with authority to transfer up to $10,000,000 from TEFAP commodity purchase to administration, which includes processing, storage, transport and distribution.

The conferees provide $114,500,000 for the Commodity Supplemental Food Program, instead of $120,000,000, as proposed by the House, and $107,000,000 as proposed by the Senate.

The conference agreement does not include $5,000,000 for senior farmers' market activities, as proposed by the Senate. The House had no similar provision. The conferees note that the Department provides $15,000,000 for the senior farmers' market program through the Commodity Credit Corporation pursuant to P.L. 107–171.

The conference agreement does not include a provision on state requests related to the TEFAP program, as proposed by the Senate. The House had no similar provision.

FOOD DONATIONS PROGRAMS

The conference agreement provides $1,081,000 for Food Donations Programs, as proposed by the House and Senate. The conferees have acceded to the administration's proposal to transfer the Nutrition Services Incentives Program to the Department of Health and Human Services. The conferees expect these funds to be used only for meals, that they not be transferred to fund other activities and that state matching requirements will not be applied to the program. The conferees also expect that the ability of states to request commodities in lieu of cash will be retained.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $136,560,000 for Food Program Administration, instead of $134,397,000 as proposed by the House and $136,865,000 as proposed by the Senate. Included in this amount is not less than $7,500,000 to improve integrity in the Food Stamp Program and Child Nutrition Program, instead of $8,500,000 as proposed by the House and $11,000,000 as proposed by the Senate.

The conferees have provided a $3,195,000 increase for studies and evaluations to be carried out by the Department. The conferees direct the Department to report to the Committees on Appropriations on the studies and evaluations to be carried out. This information should include a comprehensive list of planned studies, including the intent and funding level of each study, and the time frame during which each study will be carried out. The conferees direct the agency to submit a summary of each study to the Committees on Appropriations when completed.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

The conference agreement provides $129,948,000 for the Foreign Agricultural Service instead of $129,964,000 as proposed by the House and $131,198,000 as proposed by the Senate.

The conference agreement provides $5,049,000 for E-Government, and an increase of $1,000,000 for the Cochran Fellowship Program.

PUBLIC LAW 480 TITLE I AND TITLE II PROGRAM AND GRANT ACCOUNTS

The conference agreement provides $116,171,000 for Title I loan subsidies for a loan level of $154,664,000 as proposed by the Senate.

The conference agreement provides $25,159,000 for Ocean Freight Differential as proposed by the Senate.

The conference agreement provides $1,200,000,000 for Public Law 480 Title II as proposed by the House instead of $1,185,000,000 as proposed by the Senate.

The conference agreement does not include House bill language that requires the Secretary to submit a plan on the use of $350,000,000 of Title II funds.

The following table reflects the conference agreement for Public Law 480 program accounts:

Public Law 480

Title 1—Program account:	
Loan authorization, direct	($154,664,000)
Loan subsidies	116,171,000
Ocean freight differential	25,159,000
Title II—Commodities for disposition abroad:	
Program level	(1,200,000,000)
Appropriation	1,200,000,000
Salaries and expenses:	
Foreign Agricultural Service (transfer to FAS)	1,033,000
Farm Service Agency (transfer to FSA)	1,026,000
Subtotal	2,059,000

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act and Medical Device User Fee Act collections, of $1,630,727,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,599,602,000 as proposed by the House and $1,631,530,000 as proposed by the Senate, and provides specific amounts by FDA activity as reflected in the following table.

Program	Budget authority	Prescription drug user fees	Medical device user fees	Total
Foods	413,347,000			413,347,000
Human Drugs	278,067,000	148,604,000	0	426,671,000
Biologics	146,849,000	46,623,000	6,227,000	199,699,000
Animal Drugs and Feeds	88,972,000	0	0	88,972,000
Medical Devices	194,720,000	0	13,965,000	208,685,000
NCTR	40,688,000	0	0	40,688,000
Rent and Rent-related activities	36,498,000	0	416,000	36,914,000
Other Activities	84,685,000	19,871,000	2,926,000	107,482,000
Rental Payments to GSA	98,876,000	7,802,000	1,591,000	108,269,000
Net Appropriation	1,382,702,000	222,900,000	25,125,000	1,630,727,000

Resources for the field force of FDA, the Office of Regulatory Affairs, are included in the program amounts above, and total $474,315,000. Included are $264,235,000 for foods, $95,155,000 for human drugs, $30,060,000 for biologics, $31,097,000 for animal drugs and feeds, and $53,768,000 for devices. The conferees note that the agency has flexibility in using its field resources to respond to public health emergencies within the existing reprogramming requirements and expect the agency to use that flexibility when necessary.

The conference agreement provides the full budget authority requested for counter-terrorism activities, which is an increase of $152,276,000 over the regular fiscal year 2002 appropriation for a total of $159,048,000. The conference agreement provides increases of $5,000,000 for adverse event monitoring and reporting and $28,552,000 for pay cost increases as requested in the President's fiscal year 2003 budget.

The conference agreement makes $25,125,000 in new medical device user fees available for the agency, as proposed by the Senate. This provision was not in the House bill, since it preceded passage of the authorizing legislation. The conference agreement provides a budget authority increase of $15,199,000 for the device program, which includes $4,000,000 over the budget request, instead of an increase of $19,199,000, as proposed by the Senate, and $11,199,000 as proposed by the House. The device program total including user fees is $208,685,000, which represents a $29,164,000 increase over the fiscal year 2002 regular appropriation. The conference agreement also provides an increase of $6,227,000 in device user fees for the biologics program. The conferees expect that these substantial investments will significantly reduce application review times for medical devices.

The conference agreement funds the generic drugs program at $44,532,000, an increase of $5,332,000 over the fiscal year 2002 level, and expect the increase provided to be applied to meeting statutory timeframes for application review. The generics total includes $750,000 above the budget request, instead of $1,500,000 as proposed by the Senate and no increase above the request as proposed by the House. The conferees note that FDA should continue funding generic drug education activities at no less than $400,000 and expect increased consumer education in 2003.

The conference agreement makes $222,900,000 available to FDA for prescription drug user fees, a $61,184,000 increase over the amount available in fiscal year 2002. The conference agreement also makes mammography user fees and export certification user fees available to the agency.

The conferees do not approve the proposed transfer of the Offices of Public Affairs and Legislative Affairs out of the agency and include funding for those offices in the total provided for this account.

The conferees note the importance of continued support for the Office of Women's Health, and direct that no less than $3,000,000 be made available to that office. In addition, the conferees note that the Food and Drug Administration (FDA) has responded to the Women's Health Initiative (WHI) by recommending updated labeling for the entire class of hormone replacement therapy products. While the conferees believe that the FDA's action was an important step in the right direction, the Federal government needs to go even further in communicating clear and concise information to women and health professionals about hormone therapy. The conferees encourage the FDA to partner with medical professional and women's health groups, as well as other Federal agencies, to conduct a public awareness outreach campaign about the use of hormone therapy, including treatment of menopausal symptoms, which was not addressed in the WHI study.

The conferees provide an increase of $1,000,000 for the CFSAN Adverse Event Reporting System (CAERS), instead of no increase as proposed by the House and $2,000,000 as proposed by the Senate, for a total of $6,600,000. CAERS is designed to ensure prompt identification of and response to adverse health events related to foods, including dietary supplements.

The conference agreement also provides an increase of $250,000 for development of advanced test methods for foods at New Mexico State University, instead of no increase as proposed by the House and $503,000 as proposed by the Senate.

The conference agreement includes a total of $8,300,000 for the Unified Financial Management System, as proposed by both the House and Senate. The conferees note that any additional resources for this system are subject to notification and approval by the Committees on Appropriations.

The conferees direct that at least $2,100,000 of the funds appropriated for FDA activities be used in support of Codex Alimentarius activities, as proposed by the Senate.

The conferees are aware that the Department of Health and Human Services is currently working to ensure that health care providers and first responders are vaccinated in the event of a public health emergency. Recognizing that a small percentage of the population may have an allergic reaction to natural rubber, the conferees encourage the Secretary to ensure that alternatives are readily accessible to those individuals allergic to the gloves normally provided. Additionally, the conferees are aware that the FDA proposed regulations in 1999 to reclassify all surgeons' and patient examination gloves as Class II medical devices. The conferees encourage the FDA to finalize those regulations.

The conferees are aware that the FDA has not finalized its proposed rule to require manufacturer tracking of blood-derived products and prompt patient notification of adverse events, and request a report on the status of the rule by March 1, 2003.

The conferees are aware of concerns regarding the sale of turtles as pets. The occurrence of Salmonella is frequent in all reptiles sold as pets, yet the FDA has banned only the sale of turtles under a certain size. The conferees expect the agency to respond to citizen petitions on this topic promptly. The conferees expect a report by March 1, 2003, describing the current regulation, and the status of the agency's response to related citizen petitions.

The conferees believe that print advertisements for pharmaceuticals should present information relating to side effects, contraindications and the effectiveness of advertised pharmaceuticals in the format that is most useful to consumers consistent with existing law. The conferees are aware that FDA addressed the issue of requirements for print drug advertisements in an April 2001 draft guidance. The conferees encourage FDA to work with consumers and industry to revise this draft guidance as necessary and move towards its finalization.

The conferees are concerned with the number of reprogramming proposals submitted for consideration by the FDA, and would like to remind the Agency that reprogramming requests should be submitted only in the case of an unforeseeable emergency, or situation that could not have been predicted when formulating the budget request for the current fiscal year. Further, the conferees note that when an agency submits a reprogramming request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the agency to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming request unapproved.

BUILDINGS AND FACILITIES

The conference agreement includes $8,000,000 for buildings and facilities, as proposed by the House, instead of $11,000,000, as proposed by the Senate. The conference agreement fully funds the budget request.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

The conference agreement provides $85,985,000 for the Commodity Futures Trading Commission, instead of $79,884,000 as proposed by the House and $93,985,000 as proposed by the Senate. The total includes $8,815,000 for pay parity, as authorized in P.L. 107-171, and $700,000 for retention bonuses.

The conferees understand that the Commission has undertaken an investigation of Enron, its affiliates, and energy trading by other entities, which has required significant resources from the agency's enforcement program. The conferees further understand that the agency's enforcement staff has devoted the resources of 30 staff members (which is equivalent to 25 percent of the staff for the Division of Enforcement), interviewed or taken testimony from at least 170 individuals, and reviewed in excess of 2 million pages of documents. The conferees direct the Commission to provide a report on its activities in this area prior to the fiscal year 2004 appropriations hearings.

Farm Credit Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $38,400,000 on administrative expenses of the Farm Credit Administration (FCA), as proposed by the House, instead of $38,404,000, as proposed by the Senate.

The conferees recommend an increase in the limitation of FCA's administrative expenses to allow the FCA flexibility to deal with hiring and retention issues. This flexibility would allow the FCA Board to make adjustments to the budget, if necessary. The conferees understand that this action will not result in an increase in the amount of assessments on system institutions during the current fiscal year. The conferees request a report on the outcome of the FCA study related to hiring and retention needs, including the actual limitation amount necessary, the amount of carryover funds in FCA's reserve, and the change, if any, in the amount of the assessments on system institutions.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 703.—The conference agreement deletes the old Section 703 authorizing research and service work under the Bankhead-Jones Act.

House Section 736.—The conference agreement (Section 703) authorizes employment pursuant to the Department of Agriculture Organic Act of 1944 and 5 U.S.C. 3109.

House and Senate Section 704.—The conference agreement (Section 704) retains the existing general provision regarding unobligated balance transfers to the Working Capital Fund.

House and Senate Section 705.—New obligational authority language.

House and Senate Section 713.—The conference agreement (Section 713) gives permanent authority to the Agricultural Marketing Service, the Grain Inspection, Packers and Stockyard Administration, the Animal and Plant Health Inspection Service, and the Food Safety & Inspection Service to use cooperative agreements, notwithstanding chapter 63 of title 31, United States Code.

House and Senate Section 720.—The conference agreement (Section 720) modifies Subsection (c) to include "the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission." The conferees are seriously concerned by the growing frequency of departmental and agency initiatives for which the required prior notification to the Committees on Appropriations has not been provided. The conferees note the efficiencies which attach to the least possible statutory requirements and the benefits which accrue to the more flexible Congressional direction expressed in Committee reports. However, the continuing practice of reliance on Committee report language must be accompanied by departmental and agency compliance with Congressional directives. Section 720 of this Act, and similar language included in previous acts, provide detailed guidelines to the U.S. Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission for those activities that require prior notification to the Congress. Such notification was not provided in the recent release of Section 32 funds for the creation of a Livestock Compensation Program; the establishment of a Faith-Based and Community Initiatives Center; the improper use of Conservation Operations funds for the implementation of Farm Bill programs; and other similar violations of statutory reprogramming and prior notification requirements. The conferees expect full compliance with Section 720 in the areas of state office collocations, administrative and information technology convergence, and all other activities that fall within the scope of that section. The conferees also expect that no reprogramming of funds occur in the absence of an emergency or not as a consequence of unforeseen events. Further, the conferees note that when an agency submits a reprogramming request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the agency to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming request unapproved.

House and Senate Section 721.—The conference agreement (Section 721) does not include the date change as proposed by the House.

House and Senate Section 722.—The conference agreement (Section 722) does not include the date change as proposed by the House.

House and Senate Section 726.—The conference agreement (Section 726) provides $3,000,000 for Bill Emerson and Mickey Leland Hunger Fellowships.

House Section 728.—The conference agreement (Section 728) provides $26,499,000 for Section 375 (e)(6)(B) of the Consolidated Farm and Rural Development Act.

House Section 729 and 743, and Senate Section 732.—The conference agreement (Section 729) combines these sections and includes the cities of Coachella, CA, Dunkirk, NY, Starkville, MS, Shawnee, OK, and Berlin, New Hampshire.

House Section 730, 748, and 751.—The conference agreement (Section 730) considers the cities of Hollister, Salinas, and Watsonville, CA; Caldwell, ID; Casa Grande, AZ; Aberdeen, SD; and Vicksburg, MS, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949.

House Section 731.—The conference agreement (Section 731) directs that watershed and flood prevention financial and technical assistance shall be provided to DuPage County, IL, Waynewood Drainage Improvement Project, not to exceed $1,600,000.

House Section 732.—The conference agreement (Section 732) adds language that allows any current Rural Utilities Service borrower within 100 miles of New York City to be eligible for additional financing, refinancing, collateral flexibility, and deferrals.

House Section 733.—The conference agreement does not include additional funding for payments of livestock losses to producers and deletes this section.

House Section 734—The conference agreement (Section 733) prohibits any transfer of funds appropriated in this Act except as authorized by this or any other appropriation Act.

Senate Section 729—The conference agreement (Section 734) prohibits the closure or relocation of the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits.

Senate Section 730.—The conference agreement does not include language that prohibits funding the salary of anyone violating the "Buy America Act."

Senate Section 731.—The conference agreement (Section 735) amends Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act by striking "2002" and inserting "2003".

Senate Section 733.—The conference agreement does not provide funds for demonstration housing grants in Wisconsin.

Senate Section 734.—The conference agreement (Section 736) directs the Natural Resources Conservation Service to provide financial and technical assistance to Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, in the Watershed and Flood Prevention Operations program.

Senate Section 735.—The conference agreement (Section 737) gives the Secretary authority to use up to 20 percent of the amount provided to carry out a competitive grants program under section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998.

Senate Section 736.—The conference agreement (Section 738) provides watershed and flood prevention financial and technical assistance to the Upper Tygart Valley Watershed, to include 100 percent of the engineering assistance and 75 percent cost share for installation of water supply components.

Senate Section 737.—The conference agreement (Section 739) authorizes the Department of Agriculture to use any unobligated salaries and expenses funds to reimburse the Office of General Counsel for representing such agencies in the resolution of complaints by employees before the Equal Employment Opportunity Commission and other employment dispute agencies.

Senate Section 738.—The conference agreement (Section 740) prohibits the use of funds appropriated by this Act to pay the salaries of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act.

Senate Section 739.—The conference agreement (Section 741) prohibits the use of funds appropriated by this Act to pay the salaries of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act.

Senate Section 740.—The conference agreement (Section 742) prohibits the use of funds appropriated by this Act to pay the salaries of personnel to carry out section 6405 of Public Law 107–171.

Senate Section 741.—The conference agreement (Section 743) prohibits the use of funds appropriated by this Act to pay the salaries of personnel to carry out section 9010 of P.L. 107–171 that exceeds 77 percent of the payment that would otherwise be paid to eligible producers.

Senate Sections 742 and 743.—The conference agreement (Section 744) combines these sections and authorizes watershed and flood prevention operations financial and technical assistance for the Kuhn Bayou (Point Remove) project in AR, and the Matanuska River erosion control project in AK.

Senate Section 744.—The conference agreement (Section 745) amends the Food for Progress Act of 1985.

Senate Section 745.—The conference agreement (Section 746) rescinds $795,400 under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation.

Senate Section 746.—The conference agreement (Section 747) prohibits funds in excess of $20,000,000 that have been appropriated in fiscal year 2003 or preceding years as authorized under the Agricultural Trade Development and Assistance Act of 1954, to be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under the Bill Emerson Humanitarian Trust Act.

Senate Section 747.—The conference agreement (Section 748) authorizes financial and technical assistance to the Dry Creek/Neff's Grove project, UT, and the Jefferson River Watershed, MT.

Senate Section 748.—The conference agreement (Section 749) includes a provision regarding the Denali Commission.

Senate Section 749 and House Section 752.—The conference agreement (Section 750 rescinds $5,000,000 of experimental Rural Clean Water Program funds.

Senate Section 750.—The conference agreement (Section 751) includes language regarding Alaska's dairy and milk industry.

Senate Section 751.—The conference agreement does not authorize the transfer of funds from the Food and Nutrition Service to the Economic Research Service to conduct studies or evaluations.

Senate Section 752.—The conference agreement (Section 752) includes language regarding the Ogonowski farm.

Senate Section 753.—The conference agreement (Section 753) provides the Secretary of Agriculture with authority to authorize employees of the Department to carry and use firearms for personal protection while conducting field work in remote locations.

House Section 735 and Senate Section 754.—The conference agreement (Section 754) provides not more than $28,000,000 for the Export Enhancement Program in fiscal year 2003.

House Section 737.—The conference agreement does not include a general provision limiting the alteration and repair of buildings.

House Section 738.—The conference agreement does not include language regarding citrus canker. This matter is addressed in Division N of this conference agreement.

House Section 739.—The conference agreement does not include House Section 739 regarding the release of sensitive information. The Senate had no similar provision. The conferees fully expect that all departments and agencies for which funding is made available by this Act give careful scrutiny to the release of information in order to ensure adequate protections are maintained for all departmental and agency personnel. The conferees do not imply that there should be a disruption of routine agency reporting of program activities directed either through statute or agency practice, but that general safeguards should be in place to ensure security for all facilities and personnel.

House Section 740.—The conference agreement (Section 755) makes the municipality of Carolina, Puerto Rico, eligible for grants and loans of the Rural Utilities Service.

House Section 741.—The conference agreement (Section 756) includes language prohibiting the use of funds to carry out section 7404 of P.L. 107–171. This prohibition will allow the Department to conduct its assessment of a National Academy of Sciences study that was released on December 10, 2002. The conferees agree that any similar study must be thoroughly justified prior to any expenditure of funds.

House Section 742.—The conference agreement (Section 757) authorizes the Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, to purchase interest-bearing investments outside of Treasury without posting them as obligations and outlays in the records of the agency as long as they are insured and/or collateralized.

House Section 744 and Senate Section 728.—The conference agreement (Section 758) provides up to $10,000,000 for costs associated with the distribution of commodities under the Food Stamp Act of 1977.

House Section 745.—The conference agreement (Section 759) includes the House provision regarding a Wetlands Reserve Acreage limitation.

House Section 746.—The conference agreement (Section 760) includes the House provision regarding an Environmental Quality Incentives Program limitation.

House Section 747.—The conference agreement does not include a Conservation Security Program limitation.

House Section 749.—The conference agreement does not include a general provision concerning the consolidation of the Food and Drug Administration Office of Public Affairs and Office of Legislation.

House Section 753.—The conference agreement does not include a limitation on contracts with corporations in tax haven countries.

Senate Section 755.—The conference agreement (Section 761) includes language regarding the Rural Electrification Administration loan program.

Senate Section 756.—The conference agreement does not include language regarding the restoration of fish, wildlife, and associated habitats in watersheds of certain lakes.

Senate Section 757.—The conference agreement (Section 762) provides $250,000,000 for assistance for emergency relief activities and makes the funds available through September 30, 2004.

Senate Section 758.—The conference agreement (Section 763) includes language regarding oilseeds.

Senate Section 759.—The conference agreement (Section 764) amends section 524 of the Federal Crop Insurance Act by changing "may" to "shall" in regards to a grant to the Northeast Center for Food Entrepreneurship at the University of Vermont.

Senate Section 760 and House Section 750.—The conference agreement (Section 765) includes language regarding the Agricultural Adjustment Act of 1938.

Senate Section 761.—The conference agreement does not include language expressing the Sense of the Senate regarding conservation technical assistance. The House had no similar provision. The conferees very strongly concur with an opinion issued by the General Accounting Office (GAO) on October 8, 2002, that conservation technical assistance for a number of Farm Bill conservation programs should be provided from funds of the Commodity Credit Corporation and that use of Conservation Operations appropriations for that purpose is contrary to law. Elsewhere in this Act, language is provided consistent with the legal finding of the GAO on this issue. The conferees direct the Administration to reconsider immediately its position in order to prevent USDA from being responsible for making impossible the delivery of conservation programs necessary for protection of this nation's natural resources.

Senate Section 762.—The conference agreement (Section 766) extends the time period for certain Rural Housing Service funds.

Senate Section 763.—The conference agreement includes language (Section 767) relating to corn acreage.

Senate Section 764.—The conference agreement does not include Senate section 764 expressing the Sense of the Senate regarding international humanitarian food assistance. The conferees note the worsening conditions in many nations where adverse weather, social upheaval, warfare, and other causes have placed millions of people in dire threat of starvation. In addition, increased commodity prices have further strained the resources for food aid made available through direct appropriations. The conferees direct the Secretary of Agriculture to give immediate attention to the growing risk and reality of this global tragedy, as witnessed in Africa and other continents, and make use of existing authorities of the Commodity Credit Corporation to assist in food assistance to those areas. In addition, the Secretary should consult with the President on the need to submit an emergency supplemental request to the Congress to make additional resources available for this purpose.

Senate Section 765.—The conference agreement does not include language on the sale of milk into California.

The conference agreement (Section 768) rescinds $11,000,000 of fiscal year 2002 and prior year funds out of section 523(b)(1)(A) of the Housing Act of 1949.

The conference agreement (Section 769) provides that the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) shall be exempt from the across-the-board rescission under section 601 of division N.

The conference agreement (Section 770) includes language regarding grain warehouses.

The conference agreement (Section 771) includes language regarding organic standards for meat.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligations) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$73,078,443
Budget estimates of new (obligational) authority, fiscal year 2003	73,530,527
House bill, fiscal year 2003	74,263,068
Senate bill, fiscal year 2003	74,701,068
Conference agreement, fiscal year 2003	74,391,068
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+1,312,625
Budget estimates of new (obligational) authority, fiscal year 2003	+860,541
House bill, fiscal year 2003	+128,000
Senate bill, fiscal year 2003	−310,000

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

TITLE I

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement recommends a total of $100,579,000 for General Administration for fiscal year 2003. This account supports the development of policy objectives and the overall management of the Department of Justice. The recommendation provides inflationary adjustments to maintain the current operating level in fiscal year 2003, and includes an increase of $2,000,000 as requested for the Office of Intelligence Policy and Review (OIPR) to address the increase in Foreign Intelligence Surveillance Act (FISA) requests. The conferees expect OIPR to provide quarterly briefings to the Committees on Appropriations beginning April 1, 2003 on FISA-related activities, issues, and compliance with Congressional directives. The conferees expect that of the funding being transferred to the Department of Homeland Security from General Administration, that $3,000,000 shall be used for the chemical plant vulnerability assessments as authorized under Public Law 106-40.

The conferees direct the Justice Department to submit a report to the Committees on Appropriations by June 27, 2003 assessing physical security needs of all domestic and foreign installations. The conferees also direct the Attorney General to submit a report to the Committees on Appropriations no later than June 4, 2003, that includes cost estimates and timelines for developing an International Law Enforcement training academy in Mexico in one of the following states: Chiapas, Durango, Oaxaca, or Yucatan.

The conferees are aware that the Justice Department intends to cap the reimbursement per employee for professional liability insurance (PLI) at $50, a cut of up to $65, due to "budget shortfalls". The conferees are unaware of any shortfalls. The Justice Department is directed to reimburse employees for the full amount policy allows for PLI. The Assistant Attorney General for Administration is directed to issue a circular to components to that effect and to confirm by letter, with circular attached, to the Committees on Appropriations that this directive has been implemented.

The conferees are not satisfied with the efforts of the Justice Department and the State Department to repatriate criminal aliens. A recent Supreme Court decision held that criminal aliens cannot be detained indefinitely. The conferees are concerned that potentially violent criminal aliens will be released into the United States because efforts to repatriate these individuals have been unsuccessful. The conferees therefore include bill language directing the Attorney General to notify the Secretary of State in each instance when a foreign country denies or unreasonably delays, under section 243 of the Immigration and Nationality Act, the repatriation of a criminal alien who is a citizen, subject, national or resident of that country. The conferees believe that this language will equip the Secretary of State and the Attorney General with the legal authority to prevent the release of violent criminal aliens in the United States.

The conferees support the Department's efforts to develop a unified financial management system which will bring the Justice Department into compliance with Federal Financial Management Improvement Act accounting system standards and security requirements. The conferees are aware that the unified financial management system is an eligible purpose for retained earnings in the Working Capital Fund and direct the Justice Department to use $8,900,000 in retained earnings during FY 2003 for this purpose. The conferees believe that Working Capital Fund retained earnings should be used for specific projects rather than being used to meet recurring costs, such as audit contract expenses.

Consistent with the report submitted to the Committees on Appropriations in May 2002 regarding the number of containers used for storage of classified information, the conference agreement includes necessary sums to continue efforts to replace locks used to store classified information.

The Department is directed to submit a report to the Committees on Appropriations by June 1, 2003 regarding the feasibility of making Foreign Agents Registration Act information available on line to the public, as is data from the Lobbying Disclosure Act.

The conferees remind the Department and its components that the use of recoveries is subject to the requirements included in section 605 of this Act.

The conferees include bill language carried in previous years regarding the position and workyear limits for the Offices of Public Affairs and Legislative Affairs, and include language, carried in previous years, which (1) makes up to $3,317,000 of this appropriation available until expended for the Departmental building, renovation, maintenance, and security needs; (2) specifies the amount of funding provided for the Department Leadership Office; and (3) authorizes the Attorney General to transfer property to state or local government agencies to support community-based health and safety programs.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $15,973,000 for the continued deployment of a Joint Automated Booking System (JABS). The conferees have not adopted the Administration's request to combine JABS activities with the ongoing integration of the Immigration and Naturalization Service's IDENT fingerprint system with the Federal Bureau of Investigation's IAFIS fingerprint system (IDENT/IAFIS). Funding for IDENT/IAFIS activities is provided under a separate account. The conferees expect JABS incentive funds to be distributed to the component or components making the best progress in installing and operating the system.

This funding level enables Justice Department law enforcement components—the U.S. Marshals Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Prisons—to share arrest information using a common information technology platform. The Immigration and Naturalization Service, now part of the Department of Homeland Security (DHS), is directed to continue participating in JABS. The Attorney General and the Secretary of Homeland Security shall submit a report to the Committees on Appropriations by June 27, 2003 to determine if other DHS law enforcement components should participate in JABS. The report should include expected operations and maintenance costs, and an assessment of whether state and local law enforcement agencies should have access to JABS. JABS is a secure information system that has automated the booking process, allowing law enforcement agencies to electronically share criminal data to improve criminal identification response times and avoid duplication of booking data entry.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED IDENTIFICATION SYSTEM INTEGRATION

The conferees recommend $9,000,000 for continued integration of the FBI Automated Biometric Identification System and the INS Integrated Automated Fingerprint Identification Systems (IDENT/IAFIS). As noted previously, the conferees do not adopt the Administration's request to establish an Identification Systems Integration account. Of the amount provided, $1,000,000 is for a pilot program for software for IAFIS that is capable of expedited background checks and that is capable of ten fingerprint to less than ten fingerprint comparisons. This funding level will enable IDENT/IAFIS to be deployed to additional sites, and will provide other refinements to, and planning for, the system. The Department of Justice, in cooperation with the Department of Homeland (DHS), is directed to provide a cost and operational effectiveness analysis, complete with implementation milestones, to the Committees on Appropriations by June 27, 2003. This report should determine if other DHS law enforcement components should participate in this ongoing integration effort.

LEGAL ACTIVITIES OFFICE AUTOMATION

The conference agreement includes $15,942,000 in direct appropriations for Legal Activities Office Automation (LAOA). In addition, the conferees direct that an additional $61,185,000 be derived from a transfer from the Working Capital Fund, to provide a total of $77,127,000 for LAOA activities.

This account centrally funds the acquisition, deployment, and maintenance of Legal Activities Office Automation (LAOA) systems, the largest components of which are the Justice Consolidated Network and the Justice Consolidated Office Network. Funding provided supports ongoing computer modernization programs for the legal divisions, including the Antitrust Division, the Executive Office for Immigration Review, the Community Relations Service, and General Legal Activities. This year, the conference agreement directs that the Bureau of Prisons and Office of Justice Programs begin efforts to migrate onto this network.

The conference agreement includes bill language to provide for expenses related to design, development, engineering, acquisition, and implementation of office automation systems. The recommendation also includes language modified from language carried in previous Appropriations acts regarding the list of participating components.

NARROWBAND COMMUNICATIONS

The conference agreement includes a total of $101,757,000 for Narrowband Communications, including direct appropriations of $81,354,000 and $20,403,000 in recoveries. The conferees note that $68,043,000 remains unobligated in this account from prior year appropriations, and that funds for new and replacement radios and related costs are also provided in the modular costs allotted to each of the law enforcement components. New bill language is included directing the Attorney General to transfer these modular costs to the Narrowband account to ensure that funding provided for radios is not diverted for other uses.

The conferees expect the Department to continue implementation of a consolidated, interagency Justice Wireless Network (JWN) to meet component needs and improve wireless capabilities, as such an approach will enhance interoperability and reduce costs associated with narrowband conversion. Amounts provided will be used to continue implementation of the JWN, operate and maintain legacy systems, expand the use of commercial services, and support the Wireless Management Office (WMO). The conferees continue to expect the Department to accommodate narrowband requirements without significant additional new resources. The conferees direct the WMO to continue to submit status reports to the Committee as directed in Public Law 106–553, to include an operational plan for expenditure of funds.

The Department shall provide a report to the Committees on Appropriations by June 27, 2003 regarding the use of radios and any deficiencies noted by Justice law enforcement components during the events of September 11, 2001. The conferees continue to support extensive efforts underway at the Office of Justice Programs regarding the interoperability of State and local law enforcement radios. The Department is directed to determine, in coordination with the National Institute of Justice, if there are interoperability solutions that have been developed for state and local law enforcement that could be applicable to Federal law enforcement communication needs. No funding is provided under this account for the Public Safety Wireless Information Network (PSWIN). Instead, the conferees expect the Department's participation in the PSWIN program and Project SAFECOM to be funded within the resources provided under the Office of Justice Programs, after consultation with the Committees on Appropriations.

The conferees recommend bill language, as carried in previous years, regarding the costs of conversion to narrowband communications, and the costs of operating and maintaining land mobile radio legacy systems.

COUNTERTERRORISM FUND

The conference agreement includes $1,000,000 for the Counterterrorism Fund to cover extraordinary costs associated with a terrorist threat or incident. This level, when combined with current unobligated balances and recoveries of $49,281,000, ensures a total level of $50,281,000 for fiscal year 2003.

The Counterterrorism Fund was established in the 1995 Supplemental Appropriations Act after the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and is under the control and direction of the Attorney General. These funds may be used to reimburse any Department of Justice organization for the costs incurred from the reestablishment of an office or facility damaged or destroyed as a result of a domestic or international terrorist incident, and to cover extraordinary expenses necessary to counter, investigate, or prosecute domestic or international terrorism activities. The Attorney General is required to notify the Committees on Appropriations in accordance with section 605 of this Act prior to obligation of any funds from this account.

The conferees recommend bill language, carried in previous Appropriations acts, which makes funds available: (1) for costs incurred in reestablishing the operational capacity of an office or facility damaged or destroyed by a terrorist incident; and (2) for support to counter, investigate, or prosecute terrorism, including payments of rewards and detention costs in connection with these activities.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $191,535,000 for Administrative Review and Appeals. Of the total amount provided, $189,713,000 is for the Executive Office of Immigration Review (EOIR), and $1,822,000 is for the Pardon Attorney. This level includes an increase of $8,000,000 to address the growing immigration judge workload as a result of increases in Immigration and Naturalization Service enforcement activities.

The Attorney General is directed to submit a report to the Committees on Appropriations by April 30, 2003, regarding the implementation of the changes to the Bureau of Immigration Appeals process announced by the Attorney General August 23, 2002.

This appropriation supports the EOIR, which includes the Board of Immigration Appeals, Immigration Judges, and Administrative Law Judges who decide through administrative hearings on the admission or exclusion of aliens seeking to enter the country, and the transportation and adjustment of status of aliens whose status has been challenged; and the Office of the Pardon Attorney, which receives, investigates and considers petitions for all forms of Executive clemency.

DETENTION TRUSTEE

The conference agreement includes $1,366,591,000 for the Federal Detention Trustee. This amount includes transfers of $592,985,000 from the Immigration and Naturalization Service and $773,606,000 from the Federal Prisoner Detention account. Within 45 days of enactment of this Act, the Trustee is directed to report to the Committees on Appropriations regarding the appropriateness of transferring to the Trustee any U.S. Marshals Service and Immigration and Naturalization Service personnel involved in procuring detention space.

The conferees are aware that a number of States have excess prison capacity. Therefore, the Detention Trustee is directed to use existing State prison capacity if it meets Federal standards and is cost effective. In addition, the conferees direct the Detention Trustee, in collaboration with the Bureau of Prisons and the Office of Justice Programs, to submit a plan to the Committees on Appropriations by April 30, 2003, to evaluate the health and safety of Federal prisoners in non-Federal institutions. The conferees also urge the Detention Trustee to continue its efforts with the Federal Judicial Center regarding alternatives to detention.

The recommendation also includes $1,000,000 for development of the National Repository. The conferees direct the Department's Chief Information Officer to assist the Detention Trustee in establishing this clearinghouse as quickly as possible. The Committees on Appropriations expect to be regularly briefed on progress in establishing this repository.

The Detention Trustee shall report to the Committees on Appropriations regarding its aircraft replacement procurement strategy not later than 180 days after enactment of this Act.

Section 114 of Public Law 106–113 directs that health care services provided for individuals in the custody of the U.S. Marshals Service (USMS) and the Immigration and Naturalization Service (INS) shall not exceed the lesser of the amount that would be paid for a similar service under Medicare and Medicaid. The conferees direct the Detention Trustee to review the impact that this language has had on the delivery of health care services. The review shall include: (1) an analysis of the cost of providing health care to individuals in USMS and INS custody of the Federal Prison System, including transportation and security costs; (2) the impact section 114 has had on the availability of the health care services throughout the country to individuals in the custody of the Department; and (3) any recommended changes to USMS, INS, FPS policies to ensure that individuals in the custody of the Department have access to necessary health care services at affordable rates. The conferees expect that the study will be funded by the affected components. The Detention Trustee shall submit its review to the Committees on Appropriations no later than 180 days after the enactment of this Act.

The conferees include bill language, modified from the request, which provides for the transfer of funding from the Detention Trustee to the USMS or to the Immigration Enforcement and Border Affairs account. The Committee also (1) recommends language carried in previous years regarding the authorities of the Detention Trustee; (2) modifies language previously carried regarding the construction of detention facilities; (3) provides that unobligated balances available in prior years from funds appropriated to the Federal Prisoner Detention account be transferred to the Detention Trustee account; and (4) directs that the Detention Trustee and the Bureau of Prisons develop a plan for evaluating the health and safety of Federal prisoners in non-Federal facilities.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $57,937,000 for the Office of Inspector General. The recommended level includes a $2,000,000 increase to address additional responsibilities resulting from P.L. 107-56.

The Office of Inspector General conducts and supervises audits and investigations relating to the programs and operations of the Department of Justice, and keeps the Attorney General and Congress informed about problems and deficiencies relating to the administration of such programs and activities. As the Nation's chief law enforcement agency, it is essential that the motives and actions of the Justice Department be above reproach. The conferees urge the Inspector General to be sensitive to such concerns and to continue to ensure the integrity and fairness of Justice Department management processes and Federal law enforcement efforts.

The conference agreement includes bill language providing up to $10,000 to meet unforeseen emergencies and for the acquisition and operation of motor vehicles.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $10,488,000 for the U.S. Parole Commission for fiscal year 2003.

The Commission is an independent body within the Department of Justice that makes decisions regarding requests for parole and supervision of Federal and District of Columbia (D.C.) Code prisoners. As a result of legislation that established sentencing guidelines, the Parole Commission is phasing down its Federal operations. In August 1998, the Commission assumed jurisdiction over D.C. felony prisoners and D.C. Code parolees. When the D.C. Board of Parole ceased to exist, the Commission inherited a parole revocation caseload with a significant backlog of warrant requests and revocation hearings. In a May 2002, report to the Committee, the Attorney General reported that the Commission is responsible for conducting hearings and making parole decisions for over 3,000 Federal inmates; supervising about 4,000 Federal offenders currently on parole; and rendering parole revocation decisions for nearly 1,000 Federal offenders every year. The Commission also conducts hearings and adjudicates parole decisions for more than 7,000 eligible D.C. offenders who committed their crimes before August 5, 2000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $611,325,000 for General Legal Activities for fiscal year 2003. This appropriation supports the Attorney General through the establishment of litigation policy, conduct of litigation, and various other legal responsibilities. The distribution of funding provided is as follows. The conferees remind the legal divisions that changes to these levels are subject to section 605 requirements in this Act.

General Legal Activities

[In thousands of dollars]

	2003 appropriation
Solicitor General	$7,706
Tax Division	75,520
Criminal Division	129,766
Civil Division	207,718
Environment and Natural Resources	70,814
Office of Legal Counsel	5,474
Civil Rights Division	105,099
Interpol-USNCB	8,862
Office of Dispute Resolution	366
Total	$611,325

Criminal Division.—The conference agreement provides a total of $129,766,000, 810 positions and 822 workyears for the Criminal Division, to address cyber-terrorism, foreign legal assistance, foreign counterintelligence, and white collar crime. The Criminal Division is directed to submit a report to the Committee by May 2, 2003, on the $4,800,000 enhancement provided in Public Law 107–117 to coordinate international legal activities related to the September 11, 2001 terrorist attacks.

Civil Division.—The recommendation provides a total of $207,718,000, 1,042 positions and 1,063 workyears for the Civil Division. Included in this amount is an increase of $10,000,000 for administrative expenses associated with the September 11th Victim Compensation program. The conferees direct the Office of the Special Master and the Civil Division to submit a report to the Committee by July 7, 2003 containing an update on the status of awards provided from the September 11th Victims Compensation Fund.

The conferees include bill language carried in previous Appropriations acts allowing the Attorney General to provide additional resources to the Civil Division, if emergent circumstances warrant, through transfers of funds from other Department of Justice sources. The conference agreement includes $23,388,000 in funding available to the Department through the Working Capital Fund for the requested tobacco and other litigation activities. The conferees also include $1,996,000 for administrative expenses associated with the Radiation Exposure Compensation Act (RECA) of 1990, as amended. This program was established, in accordance with RECA, to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining. Previously, these funds had been appropriated under a separate account. New language is included in this bill reflecting that funding is now being provided under the Civil Division. The conferees expect the Civil Division to absorb any additional requirements for processing RECA claims from other resources available to the Civil Division.

The conferees do not include requested programmatic increases for the Commercial Litigation section. Any additional requirements may be covered within existing resources through the regular reprogramming process. The funding level recommended for the Civil Division includes the requested reduction of $1,762,000, reflecting improvements achieved as a result of the Torts Litigation Division's use of automated litigation support.

Civil Rights Division.—The conferees include $105,099,000, 753 positions and 755 workyears, the full amount requested, for the Civil Rights Division to enforce voting rights, disability rights, and other civil rights policies.

Trafficking.—An estimated 1 to 2 million people are trafficked each year worldwide, with women and children making up at least 700,000 of this total. It is estimated that 50,000 of these women and children are trafficked into the United States annually by crime rings and loosely connected criminal networks. The Department of Justice is directed to provide a report to the Committees on Appropriations by May 9, 2003, regarding the Department's litigation and law enforcement efforts to combat trafficking in persons.

Courtroom technology.—The amounts provided include $5,200,000 for courtroom technology to be distributed among the divisions on the basis of need.

The conference agreement includes bill language, similar to that included in previous fiscal years, which: (1) allows up to $20,000 for expenses of collecting evidence; (2) makes up to $10,000,000 for litigation support contracts available until expended; (3) makes up to $1,000 available to the INTERPOL-USNCB for reception and representation expenses; and (4) allows the Attorney General to transfer funds to address emergent circumstances in the Civil Division. The conferees also recommend bill language, included in previous Appropriations acts under a separate heading, for administrative expenses in accordance with RECA. The recommendation does not include requested bill language making a portion of funds for certain activities available until expended.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2003 from the Vaccine Injury Compensation Trust Fund to cover the Department of Justice's expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $133,133,000 for the Antitrust Division as proposed by the Senate, instead of $134,295,000 as proposed by the House. This amount will be offset with Hart-Scott-Rodino fee collections, regardless of the year of collection, resulting in no direct appropriations.

The Conferees understand that due to changes in the Hart-Scott-Rodino fee structure and a reduction in merger activity that the number of pre-merger filings requiring review declined by 76 percent between fiscal year 2000 and fiscal year 2002. In light of this decline in filings, the Conferees direct the Antitrust Division to submit a financial and performance plan to the Committees on Appropriations within 60 days of enactment of this Act. The plan shall outline how the Division intends to vigorously enforce our nation's antitrust laws.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides $1,503,767,000 for the U.S. Attorneys. This appropriation supports the Executive Office of U.S. Attorneys and the 94 U.S. Attorneys Offices, which serve as the principal litigators for the U.S. Government for criminal, civil, and debt collection matters.

Corporate Fraud.—To aggressively prosecute cases of corporate fraud, the conference agreement includes an increase of $13,000,000 to support the Justice Department's Corporate Fraud Task Force.

Intermodal Security Pilot Project.—The conferees recommend $5,000,000 for Project Seahawk, an Intermodal Security pilot project, to be coordinated by the Office of the U.S. Attorneys. The U.S. Attorneys are directed to provide a spend plan to the Committees on Appropriations not later than March 15, 2003.

Legal Education.—The conference agreement provides $18,842,000 for legal education and distance learning at the National Advocacy Center (NAC), and if merited, the NAC may expand or include antiterrorism, cybercrime and financial investigation classes. The conferees also include an increase of $6,000,000 to expand distance learning capabilities at the NAC.

U.S. Attorneys Anti-Terrorism Task Forces.—The conferees note that the Joint Terrorism Task Forces, which were established in 1980 and have since grown to be active in each of the 56 FBI field offices, include representatives of local, State, and Federal law enforcement, including U.S. Attorneys, as well as other relevant participants from each community. The conferees believe that the Joint Terrorism Task Forces should play the lead Federal coordinating role with respect to multi-agency counterterrorism efforts, and that the U.S. Attorneys should continue to participate in these Task Forces rather than maintain a separate set of U.S. Attorneys task forces.

Violent crime task forces.—The conference agreement includes an additional $1,500,000 within available resources to continue and expand task force activities associated with Operation Streetsweeper.

Cybercrime and Intellectual Property Enforcement.—Twenty-five percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. The estimate of lost revenue to such industries exceeds $300 billion annually. Therefore, the agreement includes $10,000,000 for the continued pursuit of Federal copyright law violations and software counterfeiting crimes. The U.S. Attorneys shall report to the Committees on Appropriations by April 30, 2003, on the number, type and location of copyright prosecutions undertaken in the preceding year, including those under Public Law 105–147.

The conferees also include bill language, similar to that included in previous fiscal years, which: (1) makes up to $2,500,000 for debt collection purposes available through fiscal year 2004; (2) makes available up to $8,000 for official reception and representation expenses; (3) makes up to $10,000,000 for automated litigation support contracts available until expended; (4) provides not to exceed $2,500,000 for the operation of the National Advocacy Center to remain available until expended; and (5) specifies the number of positions and workyears provided for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $155,736,000 for the United States Trustees, to be funded entirely from offsetting collections, instead of $159,161,000 as proposed by the House and $150,381,000 as proposed by the Senate. The Conferees understand that this account has $5,399,000 in prior year unobligated balances previously appropriated to the Trustee. The Conferees direct that these balances be used to offset this account's fiscal year 2003 operational requirements.

The conference agreement includes $750,000 for the Bankruptcy Training Center at the National Advocacy Center, in support of the Trustees' continuing education program.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes $1,136,000 for the Foreign Claims Settlement Commission for fiscal year 2003.

The Commission settles claims of American citizens arising out of nationalization, expropriation, or other takings of their properties and interests by foreign governments.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes $680,474,000 for this account, instead of $684,174,000 as provided by the House and $673,146,000 as provided by the Senate. The conference agreement does not include the table included in the Statement of Managers accompanying the Senate bill. However, the Marshals are directed to submit a spend plan to the Committees on Appropriations by March 30, 2003 for this account that is as detailed as the Senate table. The conference agreement includes $3,300,000 for Electronic Surveillance Unit (ESU) recurring costs, $1,000,000 for hand/leg cuffs, and $10,015,000 for special assignments.

Warrant Information Network. The conference agreement includes not less than $2,766,000 (excluding a $500,000 transfer from the Justice Detainee Information System) for the Warrant Information Network and subscriptions to various networks and online systems. The Marshals, with assistance from the Justice Department's Chief Information Officer, are expected to implement the recommendations included the Justice Department's Inspector General report (03-03) concerning the Marshal Network and the Warrant Information Network.

Protection of the Judicial Process. The conference agreement transfers $15,800,000 for 106 senior Deputy U.S. Marshals [DUSMs] from the "Court Security" account in title III to this account. The conferees expect DUSMs and physical security experts to regularly survey courthouses and make security recommendations to the courts and the Committees on Appropriations. In addition, the agreement provides $5,650,000 for 40 additional personnel and equipment, as requested, for the protection of the Judiciary for high threat trials. In addition, the agreement includes $2,259,000 for 18 positions to be allocated to those districts with the highest priority needs.

Courthouse security equipment. The conference agreement includes $12,061,000 for security equipment, furnishings, relocations, and telephone systems and cabling to improve security at the most ill-equipped courthouses. The distribution of these funds shall be described in the aforementioned spend plan.

Fugitive apprehensions. The conference agreement includes increases over the fiscal year 2003 request of $2,268,000 to fully annualize the two existing fugitive task forces, $2,916,000 to establish two additional centrally-managed fugitive task forces in the heartland, and $2,750,000 for ESU personnel, training, and equipment.

Other. The conference agreement also includes increases over the fiscal year 2003 request of $1,715,000 to establish a permanent Marshals Service presence in Jamaica, the Dominican Republic, and Mexico and $10,424,000 for vehicles. The conferees encourage the USMS to minimize the financial burden of Federal court security on State and local jurisdictions to the degree possible.

CONSTRUCTION

The conference agreement includes $15,126,000 for this account.

Construction engineering consultants.—The Committee is aware that the Marshals have been using funds allocated by Congress for consulting services on construction projects to pay the federal salaries of nine permanent employees hired in fiscal year 2000. Apparently, this diversion of funds was prompted by confusion over terms and dollar amounts used by the Marshals and Congress. The Conferees expect the salaries of permanent employees to be paid out of the "Salaries and Expenses" account. The Marshals are directed to report on the proper execution of the construction engineering funds not later than 30 days after enactment of this Act.

Billings, MT.—The funds provided for construction for Bilings shall only be available to renovate the Marshals Service space, including designated prisoner movement and holding areas, in the existing federal courthouse, space previously occupied by the Bureau of Indian Affairs. No other proposals are to be considered.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $175,645,000 for Fees and Expenses of Witnesses for fiscal year 2003. This appropriation, which is considered mandatory for scorekeeping purposes, provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses, mental competency examinations, and witness/informant protection. Funds are also used to provide private counsel to pay certain legal expenses of Federal employees. This year, the conferees also include the costs associated with the U.S. Marshals Service Witness Protection Program.

The conferees include new bill language regarding the Witness Protection Program, and include language from previous Appropriations acts which allows: (1) up to $6,000,000 for protected witness safesites; (2) up to $1,000,000 for the purchase and maintenance of armored vehicles for prisoner transportation; and (3) up to $5,000,000 for installation and operation of a secure automated network.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement includes $9,474,000 for the Community Relations Service for fiscal year 2003. The agreement continues a provision that allows the Attorney General to transfer up to $1,000,000 from funds made available to the Department of Justice to this account, thereby providing for a total funding level of up to $10,744,000.

The Community Relations Service was established by Title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving disagreements arising from discriminatory practices.

The conference agreement includes bill language, identical to that included in previous years, which allows the Attorney General to provide additional resources for the Community Relations Service, if emergent circumstances exist, through the transfer of funds from other Department of Justice programs, and subject to the requirements of section 605 of this Act. The conference agreement also includes modified language, as requested, clarifying the definition of the activities of the Community Relations Service.

ASSETS FORFEITURE FUND

The conference agreement includes $21,901,000 for the Assets Forfeiture Fund for fiscal year 2003.

This account provides funds for additional investigative expenses of the FBI, DEA, and USMS, such as purchase of evidence, equipping of conveyances, and investigative expenses leading to seizure. Funds for these activities are provided from receipts in the Assets Forfeiture Fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from these receipts in the Assets Forfeiture Fund by a permanent indefinite appropriation.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $372,131,000 for Interagency Crime and Drug Enforcement (ICDE) for fiscal year 2003. The ICDE program was created in 1982 to ensure a coordinated, multi-agency approach to attacking and dismantling high-level drug enterprises. Through its nine regional task forces, the ICDE program utilizes the combined resources and expertise of its 11 Federal agency members, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations. Amounts provided reimburse Department of Justice components for their costs to participate in ICDE task forces. Additional funding for non-Justice Department agencies' participation in ICDE is provided in other Appropriations acts. It is expected that the Immigration and Naturalization Service will continue to participate in this effort.

The table below reflects funding levels for each of the components. The Justice Department is reminded that changes to these levels are subject to section 605 of this Act.

REIMBURSEMENT BY AGENCY

[In thousands of dollars]

	POS	FTE	Amount
DEA	1,176	1,076	135,485
FBI	912	912	118,334
INS	117	117	16,345
U.S. Marshals Service	13	13	2,109
U.S. Attorneys	895	851	91,993
Criminal Division	18	14	2,078
Tax Division	10	8	982
Administrative Office	12	12	4,805
Total	3,153	3,003	372,131

The conferees have communicated concerns with regard to the ability of Federal law enforcement to maintain a strong focus on combating illegal drugs following the FBI's shift of some 567 agents away from drug investigations. The Committees on Appropriations approved the FBI's restructuring, and at the same time requested a comprehensive plan to ensure that all of the resources available to the Department of Justice to fight illegal drugs are deployed in priority locations. The Committees later approved a proposal by the DEA to shift 100 of its agents and support staff in response to the withdrawal of FBI agents. The Committee commends the DEA for taking this action. However, the Committee has yet to receive a comprehensive drug strategy from the Department, and urges submission of this plan without further delay.

The conference agreement includes an increase of $15,000,000 for the Drug Enforcement Administration for their participation in task force operations. The conferees commend the management of this program for emphasizing a strong focus on disrupting and dismantling the major drug trafficking organizations, and expect that this infusion of DEA agents and support staff will further enhance these efforts. The conferees also include an increase of $6,050,000 for needs associated with OCDETF wiretap investigations generated by the DEA's Special Operations Division, and an increase of $724,000 for the U.S. Attorney's to establish an electronic surveillance tactical group to assist U.S. Attorney's offices in conducting electronic surveillance. To further the Justice Department's ability to investigate the links between illegal drugs and terrorism, an increase of $3,000,000 is provided for additional financial investigative training and support.

The conferees include bill language, similar to that included in previous Appropriations acts, which: (1) allows for inter-governmental agreements with State and local law enforcement agencies; (2) makes $50,000,000 available until expended; (3) allows funds to be used under existing authorities available to participating organizations; and (4) allows the Attorney General to reallocate unobligated balances among participating organizations, subject to the reprogramming procedures described in Section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $4,234,587,000 for the Federal Bureau of Investigations (FBI) salaries and expenses account for fiscal year 2003. This level provides programmatic increases totaling $491,281,000 to support the FBI's core missions of counterterrorism, counterintelligence, and cybercrime. The conferees also include increases to combat violent crime and white collar crime, and for much needed information technology enhancements. In addition to the amounts provided to the FBI in this account, the conferees have included bill language and additional funding to establish a new account, the Foreign Terrorist Tracking Task Force (FTTTF).

The following distribution represents the conference agreement. The conferees remind the FBI that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

FBI SALARIES AND EXPENSES

[In thousands of dollars]

Activity	POS	FTE	Amount
Criminal, Security and Other Investigations:			
Organized Crime Enterprises	4,223	4,224	567,085
White Collar Crime	4,120	3,978	516,326
Other Field Programs	11,419	10,892	1,678,963
Subtotal, Criminal, Security and Other Investigations	19,762	19,094	2,762,374
Law Enforcement Support:			
Training and Recruitment	930	912	140,089
Forensic Services	789	724	204,434
Information Technology	377	344	257,117
Technical Field Support and Services	669	625	408,040
Criminal Justice Services	1,902	1,913	208,698
Subtotal, Law Enforcement Support	4,667	4,518	1,218,378
Program Direction and Administration:	2,018	1,967	253,835
Total, Direct Appropriations	26,447	25,579	4,234,587

Specific funding increases are provided as follows:

Counterterrorism and Counterintelligence.—The conference agreement includes increases of $181,431,000 to bolster counterterrorism and counterintelligence activities of the FBI. Of this, an increase of $20,000,000 is provided for intelligence analysts and associated equipment and support; and an increase of $5,000,000 is to be transferred from the FBI to the DEA's Special Operations Division (SOD) to ensure continued collaboration on SOD activities. The FBI is expected to reinvigorate its participation in this multi-agency task force in order to strengthen the Justice Department's ability to investigate links between the sale of illegal drugs and terrorism. The conferees also include an additional $38,246,000 for NIPC, including $17,221,000 to fund phase II of a three-phase research and development initiative being run by the Special Technologies & Applications Unit. The conferees fully expect the STAU to have occupied 4,000 square feet recently made available at its new location in Virginia not later than March 31, 2003. To ensure that these resources are completely integrated with other information technology improvement programs underway at the FBI, the FBI Chief Information Officer is directed to review all ongoing information technology products and activities of the cyber division, including the National Infrastructure Protection Center, to ensure that activities underway are commensurate with the mission of the FBI, and that the products and techniques being developed are shared with the FTTTF and other law enforcement agencies, as appropriate. Finally, the conference agreement includes $6,804,000 to expand the polygraph program.

Joint Terrorism Task Forces.—The conference agreement includes an increase of $20,000,000 for the Joint Terrorism Task Forces (JTTF) which have been successful in enhancing the coordination of law enforcement at state, local and Federal levels. The conferees, while supportive of the concept of the JTTFs, want to ensure that these efforts complement and do not duplicate other counterterrorism efforts underway at the Department. Toward that end, the Bureau is directed to submit a report to the Committees on Appropriations that includes a thorough discussion of JTTF caseload over the last five years by type (domestic/foreign), offense(s), and disposition (referred for prosecution, prosecuted, convicted, etc.) on a task force by task force basis. The report should also include an explicit discussion of threats in existing or proposed JTTF locations. The report shall be delivered not later than April 30, 2003.

Trilogy.—To date, the Committees on Appropriations have provided the FBI with $457,800,000 for Trilogy, the FBI's three year information technology upgrade plan. Funding of $237,000,000, $132,000,000 more than requested, was provided in Public Law 107-117 to complete the three-year funding stream in two years and to hasten deployment. The conferees continue to urge the FBI to deploy Trilogy as quickly as possible while ensuring the integrity of the program. The fiscal year 2003 level includes an additional $8,000,000 as requested for Trilogy contractor support. The Bureau shall continue to provide quarterly status reports to the Committees on Appropriations regarding Trilogy implementation. In addition, the FBI CIO is directed to submit a plan to the Committee by March 31, 2003 for reviewing all of the FBI's some 40 plus databases, with the goal of removing applications that have outlived their usefulness in order for the FBI to concentrate resources on the highest priority information technology needs.

Information Technology Infrastructure.—In addition to the increase provided for Trilogy, the conference agreement provides increases of $126,776,000 to continue efforts to provide the FBI with the most modern, efficient and effective information technology tools to enable it to prevent terrorist acts and further other critical priorities, including counterintelligence and cybercrime. Within this amount, the following increases are provided: $50,300,000 for investigative data warehousing; $11,000,000 for collaborative capabilities; $10,000,000 for digital storage and retrieval of documents from counterterrorism investigations; $17,444,000 for mainframe upgrades and continuity of operations at FBI headquarters; and $3,032,000 for secure video teleconferencing. The agreement also includes an increase of $5,000,000 for data mining. The conferees are concerned that data mining efforts underway at the FBI, the DEA and the Foreign Terrorist Tracking Task Force are not being coordinated or exploited to the fullest extent possible. Toward that end, the Justice Department is directed to provide a report to the conferees by June 13, 2003 on efforts to ensure that these efforts are complementary, and not duplicative, both from a technological standpoint, and a law enforcement perspective. The conferees remain committed to providing the FBI with adequate resources to ensure that its information technology infrastructure enhances its ability to prevent or investigate acts of terrorism and other crimes for which it has responsibility. Toward that end, the conferees have provided an additional $30,000,000 above the request for emergent information technology needs. These funds are made available to the FBI subject to the submission of spend plans pursuant to section 605 requirements of this Act.

Information Technology Report.—The Committees on Appropriations have provided the FBI with significant increases for information technology. To ensure that this funding is being centrally coordinated in order to provide the greatest return on investment, the conferees expect the FBI to provide an updated information technology report. This report shall include a complete listing of all information technology projects; the stage of each project's development and deployment; base funding for each project, to include all sources of funding; the fiscal year 2002 and 2003 funding level of each project; and the outyear cost projections for each project, including recurring requirements for operations and maintenance of these systems. This report should also include a plan for ensuring regular technology refreshment replacement cycles, as well as estimated costs for these needs. This report is to be submitted to the Committees on Appropriations by July 21, 2003.

Internet café.—The conference agreement includes $3,620,000 for Internet café. A combination of a virtual private network and the electronic equivalent of a mail drop, Internet café will allow the FBI to establish a very low cost secure network that parallels Trilogy and protects it from penetration. The Bureau shall provide a report to the Committees on Appropriations on the distribution and use of Internet café sites not later than May 1, 2003.

The conference agreement provides an additional $12,612,000 above last year's level for tactical operations. The amount provided should allow the FBI to keep pace with the explosion of court-ordered surreptitious entries and the rapid advance in easily obtained security technology and to cope with the new threat of entry into facilities contaminated by biological, chemical, radiological, or other hazardous materials. The agreement also includes $18,435,000 as requested for information assurance and $29,738,000 for the Enterprise Security Operations Center to continue efforts to ensure that sensitive data is more effectively managed. The Security Division is directed to provide an update to the Committee by April 30, 2003 regarding the FBI's internal security efforts. This review should include an update on the use of the new information technology enhancements provided during fiscal year 2002. The agreement also includes additional resources above the request for intelligence production needs, as well as surveillance and tactical operations.

The conference agreement also includes an increase of $5,000,000 to ensure the highest integrity language translation program, and to aggressively reduce the backlog of documents that need to be translated. The FBI is directed to work with the Foreign Service Institute regarding language-training needs of the FBI. The conferees believe that the FBI needs to develop more in-house expertise with regard to language translation capabilities. The FBI is also directed to submit a report to the Committees on Appropriations by June 2, 2003 regarding efforts to implement section 323 of Public Law 107-306, development of a civilian linguistic reserve corps.

Legal Attaché Program.—The FBI received funding in Public Law 107-206 to establish additional Legats, update the Legat information infrastructure, and provide additional resources to existing Legats that have realized appreciable workload increases following the September 11th, 2001 terrorist attacks. Accompanying report language directed that the FBI submit a review of the Legat program prior to establishing additional Legats. The Committees on Appropriations have yet to receive this report. The FBI is directed to consult with the Committees on Appropriations within 30 days following the enactment of this Act to review the plan to deploy these additional resources.

Quantico Training.—The ongoing FBI restructuring plan revolves around a dramatic change in philosophy, shifting the FBI's focus from investigating crimes to preventing acts of terrorism. This change, coupled with the recruitment of new agents, analysts and other support personnel, has created significant new training requirements. The conferees therefore provide $10,000,000 above the request for training needs, including support for the newly created College of Analytic Studies at Quantico, and for enhanced training in the fields of cybercrime, counterintelligence and counterterrorism. This additional funding shall also support the establishment of a program to provide senior FBI agents and support staff with the ability to earn advanced degrees in specialized areas that will broaden and enhance their on-the-job effectiveness.

Support.—The conference agreement also provides increases of $9,333,000 for the Hazardous Materials Response Unit, $3,272,000 for the Hazardous Devices School, and $7,919,000 for Evidence Response Teams.

DNA matching.—The conference agreement includes an increase of $867,000 for the Federal Convicted Offender Program, which maintains a DNA database of Federal convicts for cross-referencing with crime scene evidence. The conference agreement also includes an increase of $4,000,000 to maintain or establish four regional mitochondrial DNA (mtDNA) forensic labs in affiliation with the FBI Laboratory. The labs will analyze mtDNA from human remains or other evidence to assist law enforcement in the identification of missing persons or criminal perpetrators. Affiliation with the FBI Laboratory ensures that uniform standards and procedures are maintained by all of the participating laboratories doing mtDNA analysis. The conferees note that the four scientists and technicians required to oversee regional labs were funded last year, but the labs themselves were not.

Serial rapists.—The conference agreement includes an increase of $1,005,000 to expand the Violent Criminal Apprehension Program to include sexual assault cases, which should greatly improve the ability of law enforcement at all levels to identify, capture, and prosecute serial rapists.

Forensic research.—The conference agreement includes an increase of $8,056,000 over last year to fund the highest priority forensic research proposals submitted to Congress by the FBI Laboratory as part of its fiscal year 2002 spend plan. The FBI shall report back to the Committees on Appropriations on the disposition of these resources not later than May 1, 2003.

Engineering Research Facility.—Last year, Congress funded the construction of a new annex at the Engineering Research Facility (ERF). Since then, the conferees have become aware that a flaw in the FBI's cost analysis, the failure to include cabling, wiring, and equipment costs, and out-dated pricing data, which failed to capture inflation through the life of the construction project, resulted in an under-estimate of the true cost of the annex. Considering the importance of this facility, the conference agreement includes $7,945,000 to partially cover the full costs of the ERF annex. The conferees urge the Bureau to complete this project as quickly as is prudent.

Aviation Support Program.—The conference agreement includes an increase of

$18,953,000, including $13,000,000 for additional aircraft and related equipment. The conferees understand that the FBI is developing a proposal for needs associated with locations in the Northeast, and direct the FBI to submit this proposal in conjunction with a five year aviation master plan that includes: (1) current fleet assets by type, (2) logged flight hours by mission by aircraft/helicopter, (3) projected useful service life remaining by aircraft/helicopter, (4) utilization of current fleet assets, by mission type, for the last five years by year, and (5) basing, by aircraft/helicopter locations. The plan should also discuss the costs and benefits of maintaining versus replacing current fleet assets through 2008, maldeployments or other causes of underutilization of current fleet assets, if applicable, and capabilities of current fleet assets versus current and projected mission requirements. The report shall be delivered not later than May 1, 2003.

Violent Crime.—The conferees also include an increase of $5,000,000 for the FBI's continued involvement in the National Integrated Ballistics Information Network, or NIBIN. Funding will support research, development and equipment for these activities. The conference agreement also includes an increase of $10,000,000 for efforts to combat violent crime. The conferees expect the FBI to bring a national focus to cases that cross jurisdictions, including the activities of criminal alien gangs across the United States.

White Collar Crime.—The conferees include an increase of $10,000,000 to provide key investigative assets to fight corporate fraud. This increase, along with increases provided elsewhere in this bill for the Securities and Exchange Commission and the U.S. Attorneys, will strengthen the Federal government's capabilities to bring corporate fraudsters to justice, and to protect investors, employees and consumers.

Trafficking.—The conferees support the FBI's continued involvement in the Southeast European Cooperative Initiative, and provide an increase of $3,000,000 above the request for these purposes. As noted elsewhere in this report, the Justice Department is directed to submit a report to the Committees on Appropriations regarding efforts to combat sexual trafficking.

Advisory Board.—The conference agreement includes a $5,000,000 increase and accompanying bill language to establish an Advisory Board. The Advisory Board will be a standing panel of outside experts to advise the FBI Director on matters relating to science, technology, research, engineering, information management, and other matters of special interest to the FBI. The Committees on Appropriations believe that the organizational changes and management reforms being pursued by the current FBI Director would be enhanced by the establishment of a panel of experts who can independently and regularly advise the Director on how the FBI can more effectively exploit and apply science and technology to improve its operations, particularly with respect to information sharing, data mining and the analysis of information and evidence collected during investigations. The efforts of the panel should be focused on the pressing and complex technology challenges facing the FBI, particularly the priorities of preventing terrorist attacks, countering foreign intelligence operations, combating cyber-based attacks, and strengthening the FBI's collaboration with other Federal law enforcement agencies and within the Intelligence Community. The panel will focus exclusively on strategic issues, and on suggesting and assessing organizational strategies for applying technology. Not later than 60 days after enactment of this legislation, the Director shall report to the Committees on Appropriations regarding progress toward establishing this panel.

The conferees include bill language, similar to that included in previous Appropriations acts, which provides: (1) for purchase of not to exceed 1,576 passenger vehicles, of which 1,085 will be for replacement only, without regard to general purchase price limitations, and the acquisition and operation of aircraft; (2) up to $70,000 for unforeseen emergencies; (3) up to $65,000,000 for automated data processing, telecommunications and technical equipment, and up to $1,000,000 for undercover operations to remain available until September 30, 2004; (4) not less than $475,300,000 for counterterrorism investigations, foreign counterintelligence, and national security activities; (5) up to $10,000,000 to reimburse State and local police for assistance related to violent crime, terrorism and drug investigations; (6) up to $50,000 for official reception and representation expenses; and (7) specifies the number of positions and workyears provided for the Federal Bureau of Investigation. In addition, bill language is included, as carried in prior fiscal years, setting forth certain authorities.

FOREIGN TERRORIST TRACKING TASK FORCE

The conference agreement establishes a separate account for the Foreign Terrorist Tracking Task Force (FTTTF), and includes funding of $62,000,000, the full amount requested, for additional data collection and data sharing initiatives. The conferees direct the Attorney General to ensure that the efforts of the FTTTF are coordinated with, and not duplicative of, other information technology enhancement initiatives taking place throughout the Department.

The conferees are concerned that there remain disagreements within the Administration on the evidence needed to deny a visa on terrorism grounds. The conferees expect the Administration to develop a comprehensive set of standards by which to review visa applications, and to provide training for consular officers to use in reviewing visa applications. More guidance about this issue is also provided under Title IV of this Act. The conferees strongly support the recommendations contained in GAO's report, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, and recommend that the Administration implement its recommendations for strengthening the visa application process.

CONSTRUCTION

The conferees include $1,250,000 for FBI construction.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes total budget authority of $1,649,948,000 for the Drug Enforcement Administration (DEA) salaries and expenses account for fiscal year 2003, of which $89,029,000 is derived from the Diversion Control Fund, resulting in a direct appropriation of $1,560,919,000.

The following distribution represents the conference agreement. The DEA is reminded that any changes to this distribution are subject to the reprogramming requirements in section 605 of this Act.

DEA SALARIES AND EXPENSES

[In thousands of dollars]

Activity	POS	FTE	Amount
Enforcement:			
Domestic Enforcement	2,225	2,119	$480,126
Foreign Cooperative Investigations	633	601	207,511
Drug and Chemical Conversions	165	165	19,946
State and Local Task Forces	1,699	1,696	257,082
Subtotal, Criminal, Security and Other Investigations	4,722	4,581	964,665
Investigative Support:			
Intelligence	956	973	127,133
Laboratory Services	455	451	60,912
Training	99	98	25,529
Research, Engineering, and Technical Operations	587	586	121,455
Information Technology	126	122	141,305
Subtotal, Law Enforcement Support	2,223	2,230	476,334
Management and Administration	871	853	119,920
Total, Direct Appropriations	7,816	7,664	1,560,919
Division Control Fee Account	660	656	89,029
Total, Budget Authority	8,476	8,320	$1,649,948

Additional Drug Enforcement Agents.—As noted elsewhere in the conference agreement, the FBI's restructuring plan shifted 567 agents away from drug investigations to focus on fighting terrorism. Therefore, to compensate for this reduction, the conference agreement includes $15,000,000 above the request to hire an additional 133 agents and support staff. As noted earlier in this agreement, the conferees note that the Justice Department has yet to submit the plan requested by the Committees on Appropriations regarding the strategy to maintain a strong focus on fighting illegal drug activity.

The Justice Department is directed to submit this strategy as expeditiously as possible. The agreement also includes $7,750,000 in available prior year recoveries for vehicles, bullet proof vests, and other basic equipment essential to agents in the performance of their duties.

Overseas Offices.—The DEA is directed to submit a report to the Committees on Appropriations by May 23, 2003 which provides a workload analysis and right sizing proposal as warranted for each overseas offices to ensure that the most urgent needs are being met with the limited resources available.

Financial Investigations.—The conference agreement includes an increase of $4,121,000, 27 positions and 14 workyears, to strengthen the DEA's ability to better monitor and track the financial holdings and transactions of drug trafficking organizations, especially with regard to investigating the links between the sale of illegal drugs and terrorist organizations. Toward that end, the conference agreement directs the DEA to use $25,000,000 in prior year recoveries for activities of the Special Operations Division. The FBI and the DEA shall brief the Committees on Appropriations on a quarterly basis beginning July 7, 2003 regarding efforts in this area.

Information Infrastructure.—The conference agreement recommends an additional $6,683,000, 23 positions and 11 FTE to further strengthen DEA's data security infrastructure. The DEA should ensure that these enhancements are consistent with the Department's overall information technology security programs.

Physical Security Measures.—The conference agreement includes a requested increase of $18,000,000 for additional anti-terrorism security measures at both domestic and foreign locations. As noted earlier in this report, the conferees expect the Justice Department to submit a comprehensive plan to ensure the safety of employees at all installations.

The conferees expect DEA to continue to provide quarterly reports on the investigative workhours and funding, by type, within major source and transit countries, including the Caribbean, delineated by country and function. The DEA shall report to the Committees on Appropriations, by June 1, 2003, providing a trend analysis gleaned from information provided in these reports.

OxyContin.—The Committee on Appropriations continue to be concerned with the availability of legal drugs that are diverted for illegal use, and in particular the prescription drug OxyContin, especially in Virginia, West Virginia and Kentucky. This epidemic is gaining a foothold in other areas of the country. To continue progress toward establishing a nationwide prescription drug monitoring program, the conferees include $10,000,000 under the Office of Justice Programs (OJP) to continue implementation of the Harold Rogers Prescription Drug Monitoring Program. The conferees expect the DEA to continue to work with OJP on the implementation of this program, and to continue to provide the Committees on Appropriations with regular updates regarding efforts to thwart the illegal diversion of OxyContin and other legal drugs.

Methamphetamines.—The conferees remain concerned with the continuing problem of Ecstasy and methamphetamine use across the United States. The conferees expect the DEA to continue working with OJP and COPS on the implementation of its COPS methamphetamine programs, and to continue participating in the High Intensity Drug Trafficking Areas, particularly those operating in the Midwest, to combat the influx of methamphetamines.

Aviation Support Program.—The conferees direct the DEA to submit a five year aviation master plan that includes: (1) current fleet assets by type, (2) logged flight hours by mission by aircraft/helicopter, (3) projected useful service life remaining by aircraft/helicopter, (4) utilization of current fleet assets, by mission type, for the last five years by year, and (5) basing, by aircraft/helicopter locations. The plan should also discuss the costs and benefits of maintaining versus replacing current fleet assets through 2008, maldeployments or other causes of underutilization of current fleet assets, if applicable; and capabilities of current fleet assets versus current and projected mission requirements. The report shall be delivered not later than May 1, 2003.

Drug Diversion Control Fee Account.—The recommendation includes $89,029,000 for DEA's Drug Diversion Control Program for fiscal year 2003. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2003. As was the case in previous fiscal years, no funds are provided in the DEA salaries and expenses appropriation for this account in fiscal year 2003.

To control the diversion, distribution, manufacture and abuse of legitimate pharmaceuticals, DEA annually registers in excess of 900,000 drug handlers, of which over 1,670 are manufacturers, distributors, importers, exporters, and others handling large volumes of controlled substances. These registrants pay fees, which fully support the cost of this program. The conferees are aware that the DEA is proposing to change its fee structure, and urge the DEA to consult with the Committees on Appropriations regarding these changes.

The conference agreement includes bill language which provides: (1) up to $70,000 for unforeseen emergencies; (2) for expenses for drug education and training programs; (3) for purchase of passenger vehicles without regard to general purchase price limitations, and acquisition and operation of aircraft; (4) up to $33,000 for permanent change of status costs; (5) up to $1,800,000 for research to remain available until expended; (6) up to $4,000,000 for evidence and information, up to $10,000,000 for automated data processing and telecommunications, up to $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement parts to remain available until September 30, 2004; and (7) up to $50,000 for official reception and representation expenses. In addition, language is continued which specifies the number of positions and workyears provided to DEA.

CONSTRUCTION

The conference agreement includes $7,250,000 in available prior year recoveries for construction of a new laboratory facility in Miami, Florida.

IMMIGRATION AND NATURALIZATION SERVICE

The conference agreement includes total new spending authority of $6,159,529,000 for the Immigration and Naturalization Service (INS) for fiscal year 2003. This amount includes $3,848,456,000 in direct appropriations and $2,311,073,000 in anticipated fee collections. The conference agreement includes funding for border enforcement and immigration services under the Salaries and Expenses account, but does not adopt the Administration's request to establish a Support and Administration account. The conferees are aware that the INS will soon transfer from the Justice Department to the Department of Homeland Security (DHS). Guidance provided below is assumed to apply to any successor organizations of the INS that may be created within the DHS.

SALARIES AND EXPENSES

Funding provided for the INS Salaries and Expenses account includes a total direct appropriation of $3,589,819,000 for salaries and expenses, including $2,880,819,000 for Immigration Enforcement and Border Affairs, and $709,000,000 for Immigration Services.

IMMIGRATION ENFORCEMENT AND BORDER AFFAIRS

The conference agreement includes $2,880,819,000 for Immigration Enforcement and Border Affairs. This account provides for activities related to border inspections, border patrol, investigations, detention and deportation, and intelligence.

Entry Exit.—The conference agreement includes an increase of $362,000,000, for the Entry Exit program and related information technology infrastructure upgrades. This funding is available for obligation pending submission of a comprehensive plan from the Secretary of Homeland Security for the Entry Exit program and needed information technology upgrades. The Committees on Appropriations held a series of briefings throughout the fiscal year regarding the planning and progress of the Entry Exit program, but have been disappointed by the lack of senior management involvement and oversight of this program, and by the lack of detail about how funds will be used. The conferees note that the Administration provided a plan for expenditure of funds in January 2003, which largely included funding for construction, and did not provide any detail on the technological solutions that would be employed to implement this program, nor any discussion regarding the involvement of Mexico and Canada and how any infrastructure changes between the U.S. and these countries would be accomplished. The conferees expect the INS to follow the direction contained in the report accompanying Public Law 107–206 regarding the involvement of the General Accounting Office (GAO) in the development and review of the Entry Exit program. The GAO should review and make recommendations to the INS prior to submission of plans to the Committees on Appropriations. The INS shall report to the Committees on Appropriations on a quarterly basis, beginning April 1, 2003, regarding Entry Exit program development. The conferees expect the INS to ensure full and open competition with regard to procurement actions, and to ensure that any funding proposals for subsequent years include a full analysis of expected operations and maintenance costs. As part of this plan, the conferees encourage the INS to explore biometric alternatives for use in developing more tamper resistant passports and INS re-entry documents. The conferees also direct the DHS to submit a report not later than July 1, 2003, to the Committees on Appropriations identifying the number of green cards currently used with no expiration date or security features, the original date the cards were issued, as well as a proposed plan to replace these older green cards, if necessary.

Passenger and Crew Manifests.—One of the primary goals of the Entry Exit Program is to improve the collection, analysis and dissemination of information on passengers and crews at ports-of-entry, including the verification of traveler identity and access to data relevant to the determination of the excludability of the traveler. Such information is critical to the development of threat assessments. The INS' current paper-based system and stove-piped databases limit its ability to produce and coordinate such information with other agencies responsible for collecting this and similar critical information. The Congress enacted Public Law 107–295 directing the Transportation Security Administration (TSA) to develop and establish a Maritime Intelligence System (MIS), as defined in section 70113 of the Maritime Transportation Security Act of 2002 to address this very problem. The MIS system is intended to integrate and analyze collected data on passenger and crew manifests and any other relevant information that could be construed as potential threats against the United States. In order for this system to work, INS and other agencies that collect data on passengers and crew manifests must cooperate fully. Therefore, the conference agreement directs the INS to transfer $25,000,000 to the TSA as a reimbursement for its MIS activities and requirements. The conferees expect MIS to include the data collected through the Container Security Initiative (CSI) program and other passenger, crew and cargo information collection systems. The conferees understand that the CSI program will enable the collection of additional shipping data through enhanced cooperative relationships between the U.S. Customs Service and foreign customs services.

Border Patrol Agents.—The conference agreement includes an increase of $57,207,000, 570 positions and 285 FTE for new Border Patrol Agents, bringing the number of Border Patrol Agents to 11,000. The conferees expect the INS to submit a deployment plan to the Committees on Appropriations for the new agents provided, and to ensure that this plan is coordinated with construction projects and ongoing Entry Exit program planning. The INS should continue to provide the Committees on Appropriations with quarterly status reports on border patrol hiring, with the first such report due no later than April 1, 2003.

Immigration Inspectors.—The conference agreement includes an increase of $25,500,000 to hire an additional 460 land border ports of entry inspectors. These inspectors shall be deployed along both the Northern and Southern borders. The conferees are concerned with staffing levels at the Ambassador Bridge/Detroit Tunnel, the Santa Teresa and Columbus ports of entry in New Mexico, and urge the INS to ensure that staffing levels are sufficient at these important ports of entry.

Pay Upgrades.—In response to concerns raised regarding a high rate of attrition of Border Patrol Agents and Immigration Inspectors, the Committees on Appropriations provided emergency supplemental funding in Public Law 107–206 for pay upgrades. The conference agreement continues this direction by including an increase of $58,550,000 for pay upgrades for Border Patrol Agents and Immigration Inspectors. The conferees note that this was not in the Administration's request. The conferees direct the Administration to submit a legislative proposal to the Congress with the FY 2004 budget that establishes a comprehensive, equitable program to compensate Federal law enforcement.

Interior Enforcement.—The conferees include an increase of $10,000,000 for interior enforcement needs. This increase will provide the INS with additional staff to investigate and deport the more than 300,000 alien fugitives who have been ordered removed or deported from the U.S. but have failed to comply with those orders. The conferees are aware of a growing number of illegal aliens in Bettendorf and Davenport, Iowa; Moline and Rock Island, Illinois; and the Roanoke area in the upper Shenandoah Valley, and direct the INS to review staffing levels in these areas.

Joint Terrorism Task Forces.-The conference agreement continues to support the concept of Joint Terrorism Task Forces (JTTFs), and therefore includes an increase of $6,000,000, 59 positions and 30 FTE for INS participation in JTTFs. This funding complements funding provided to the FBI and other Department of Justice components for these multi-agency law enforcement activities.

Interior Checkpoints.—Bill language is retained prohibiting funds for the site acquisition, design, or construction of any permanent Border Patrol checkpoint in the Tucson sector. The INS is reminded that it must not operate a checkpoint at the same location for seven consecutive days during a 14-day period in the Tucson Sector. The conferees direct INS to submit a report to the Committees on Appropriations by June 27, 2003, regarding the checkpoint program. This report should include a list of all checkpoints, when they were established, a profile of all resources associated with each checkpoint, as well as current and historical statistics. This review should discuss the checkpoint program, and how it complements the overall border security enforcement strategy in recognition of urgent homeland security issues. The conferees direct the Tucson Sector to continue negotiations regarding the relocation of Tucson Sector helicopter operations to Sierra Vista, Arizona.

Border Patrol Equipment.—Of the amounts provided for Border Patrol equipment, the Border Patrol is directed to provide no less than $5,000,000 to procure lightweight handheld thermal imagers for Border Patrol field use and operations. The conferees support the continuation of ISIS and RVIS, and direct the INS to submit a report to the Committees on Appropriations by July 7, 2003, regarding the status of these initiatives, particularly in light of the deployment issues that have arisen on the Northern Border because of the differences in climate and terrain. The conference agreement also includes $40,000,000 for vehicles. The conferees note that base funding is provided for every on board agent, and funding for each new agent hired includes funds to purchase new vehicles. The conferees urge the INS to ensure that funds provided for vehicles and other basic agent needs are spent as provided by the Congress, and not diverted for other uses.

Injured Illegal Aliens.—The conferees believe hospitals in Cochise, Pima, Santa Cruz and Yuma Counties, Arizona are bearing an unfair burden as a result of illegal immigrants injured as a result of interaction with the Border Patrol, and therefore direct the INS to provide such sums as necessary to reimburse hospitals in these counties, as authorized by sections 562 and 563 of the Illegal Immigration and Immigrant Responsibility Act of 1996, as amended. The conferees believe that this one-time funding infusion is appropriate until a nation-wide solution is developed in fiscal year 2003. This funding is only available to the extent that these costs are not otherwise reimbursed through other Federal programs or cannot be recovered from the alien or another person. The conferees direct the INS, in coordination with the Department of Health and Human Services, to provide a report by July 1, 2003 to the Committees on Appropriations with recommendations to address this issue.

Trafficking.—To continue efforts to combat the illegal trafficking into this country of some 50,000 women and children every year, the conference agreement includes an increase of $3,662,000 for costs associated with effectively implementing provisions of the Victims of Trafficking and Violence Protection Act. The conferees continue to be supportive of the INS' Violence Against Women Act Processing Unit which is responsible for the adjudication of immigration cases filed by victims of violence including battered immigrants, trafficking victims and other immigrant victims of crime. The conferees encourage the Administration to ensure that sufficient funding is available for the Unit to continue to adjudicate and process immigration cases.

Alternatives to Detention.—The conference agreement includes $3,000,000 for alternatives to detention to promote community-based programs for supervised release from detention such as the Vera Institute for Justice's Appearance Assistance Project or other similar programs. These funds shall not be available for new or existing detention facilities, including non-secure detention and/or shelter care detention facilities.

Legal Orientation.—The conference agreement also includes $1,000,000 for non-governmental agencies to provide "live presentations" to persons in INS detention prior to their first hearing before an immigration judge. These presentations will provide immigration detainees with essential information about immigration court procedures and the availability of legal remedies to assist detainees in distinguishing between meritorious cases and frivolous cases.

Criminal Aliens.—The conferees understand that the INS has an ongoing program to identify and deport criminal aliens in local and county jails, pursuant to Public Law 105–141, which requires the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States. The conferees expect that within existing resources provided for detention and removal of aliens, the INS will continue to support this program, and increase resources as warranted for these activities. A recent Inspector General audit noted a number of problems in the INS' Institutional Removal Program, including the fact that INS has failed to identify all deportable criminal aliens, including aggravated felons. The conferees support the recommendations provided in the audit, and urge the INS to adopt them as expeditiously as possible. Similarly, the conferees have provided funding for the High Intensity Criminal Alien Apprehension and Prosecution program to use automated fingerprint technology to improve the identification, apprehension, and prosecution of previously deported criminal aliens in L.A. County. The conferees direct INS to allocate sufficient staff, if warranted, to the Los Angeles office, in order to enter the fingerprint records of all deportable criminal aliens incarcerated in prisons and jails into the CAL-ID database in a timely fashion.

IMMIGRATION SERVICES

The conference agreement includes $709,000,000 for Immigration Services.

Eliminating the Backlog of Immigration Applications.—The June 2002 Backlog Elimination Plan states that the INS will reach a national average processing time of six months or less for all applications by the end of fiscal year 2003, and will achieve a processing time standard of six months or less at every office by the end of fiscal year 2004. From 1993 to 2000, more than 6,900,000 legal immigrants have applied for citizenship, more than in the previous 40 years combined. The Committees on Appropriations have provided more than $430,000,000 in appropriations to the INS over the last six years to address the backlog of applications and to improve the integrity of the naturalization process; this funding is in addition to the more than $4,500,000,000 in fees that the INS has collected to process applications. The INS estimates that it will process about 9,400,000 applications in fiscal year 2003. The conferees look forward to receiving quarterly updates from the INS regarding efforts to achieve these new standards. The conferees expect that if the INS realigns existing staff to better address workload issues, that any shift in employees will be subject to reprogramming requirements in this Act.

The conferees continue to hear from Members of Congress and their constituents with concerns about the lack of attentiveness to requests for better service with regard to the processing of immigration applications. The conferees receive many requests for additional resources in the nearest INS office or for the opening of new INS offices to deal with backlogs. The conferees again urge the INS to review staffing levels throughout the country to ensure that resources are deployed to match work requirements. The conferees expect the INS to direct special emphasis toward backlog reduction problems in Northern Virginia; New York, New York; the Bronx, New York; the state of Iowa; Northern New Jersey; Florida; Arizona; and Michigan. The conferees also urge the INS to make every effort to acquire space in Portland, Oregon's Central Business District for its District Office.

Inadmissable Aliens.—The conferees direct the INS to remain vigilant with regard to enforcing section 212 of the Immigration and Nationality Act of 1952, as amended. This section pertains to the general classes of aliens ineligible to receive visas. The conferees are particularly concerned with people who are granted entrance into the United States who may have been foreign intelligence operatives against the United States; who have been or are involved in trafficking in persons; or who are foreign government officials who have engaged in particularly severe violations of human rights or religious freedom. The INS, in cooperation with the State Department's Bureau of Consular Affairs, is directed to submit a report no later than June 27, 2003, describing efforts to enforce the provisions of Section 212. The conferees continue to urge the Secretary of State and the Attorney General to deny immigrant or non-immigrant visas to any citizens of the People's Republic of China whom they determine participates in or otherwise supports organ harvesting.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes a total of $2,311,073,000 in offsetting fee collections paid by persons who are traveling internationally or who are applying for immigration benefits. These fees support activities related to the legal admission of persons into the United States. The conferees are concerned about the findings of a recent Inspector General audit which found that INS fee collection procedures are poor and subject to errors and theft. Therefore, the INS is directed to adopt and enforce more stringent accounting procedures regarding the collection of fees for these activities as noted in this recent report.

Immigration Inspections User Fees.—The conference agreement assumes $658,295,000 of spending from offsetting collections in this account. Last year, the conferees supported an increase in the INS user fee account to provide for additional inspectors and to facilitate the use of technology to improve the ability to process international air travelers and provide for greater security measures. Despite these increases, the Congress continues to hear concerns about staffing levels at airports around the country. Therefore, the conferees expect the INS to hire up to an additional 615 airport immigration inspectors and support staff with the expected increase in fee revenues. The conferees are particularly concerned with staffing levels at the Detroit International Airport and the Miami International Airport, and urge the INS to review staffing at all airports to ensure appropriate coverage to facilitate travel while ensuring secure borders. These new inspectors are expected to be deployed at new and renovated terminals, as well as at high growth airports. The conferees also direct the INS to hire up to an additional 85 seaport immigration inspectors and 8 support staff. The conferees include language clarifying that the newly established immigration inspection fee is intended to be applied to cruise ship passengers, and not to individuals who use ferries on a daily basis. The INS should consult with the Committees on Appropriations prior to the deployment of these new positions.

Immigration Examinations Fees.—The conference agreement assumes $1,443,803,000 to support the adjudication of applications for immigration benefits, to be derived from fees collected from persons applying for immigration benefits. This funding level assumes an increase of $50,496,000 to continue efforts to reduce the backlog of applications and at the same time improve the integrity of the process. As noted previously, the INS is expected to provide quarterly updates to the Congress regarding implementation of its Five Year Backlog Reduction Plan. The INS is expected to provide no less than $43,000,000 for the telephone customer service center and no less than $7,200,000 for the indexing and conversion of INS microfilm images. The conferees support the ongoing efforts of the INS to index and convert deteriorating records to digital format, which ensures that the records will be maintained, and more readily searchable.

Land Border Inspections Fees.—The conference agreement assumes $21,700,000 in spending from the Land Border Inspection Fund. The revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington; Detroit Tunnel and Ambassador Bridge, Michigan; and Otay Mesa, California; and Automated Permit Ports which provide prescreened local border residents border crossing privileges by means of automated inspections. The conferees fully support the concept of Dedicated Commuter Lanes, and expect the INS to employ the lessons learned in this program to the development of the Entry Exit program.

Breached Bond/Detention Fund.—The conference agreement assumes $171,275,000 in spending for detention of illegal aliens from the Immigration Breached Bond/Detention Fund in fiscal year 2003. The allowance assumes that $50,069,000 will be used to fund additional detention space needs. The conferees expect the INS to rely on a mix of INS, private and state facilities for these additional needs. Resources available in this Fund are derived from the recovery of breached cash and surety bonds in excess of $8,000,000, which are deposited in the Fund as offsetting collections. In addition, resources are also available in this account from a portion of fees charged under section 245(i) of the Immigration and Nationality Act. The conferees are aware that the number of detainee complaints and disturbances has decreased at the San Pedro Service Processing Center as a result of counseling and religious services being offered to detainees. The INS is directed to provide no less than $1,500,000 to continue to provide such services to detainees at the INS Service Processing Centers.

H–1B Fees.—The conference agreement includes $10,000,000 to process H–1B visas.

The H–1B is a temporary visa category for non-immigrant, highly skilled workers.

The conference agreement includes bill language, similar to that included in previous Appropriations acts, which provides: (1) up to $50,000 to meet unforeseen emergencies of a confidential nature; (2) for the purchase of motor vehicles for police-type use and for uniforms, without regard to general purchase price limitations; (3) for the acquisition and operation of aircraft; (4) up to $400,000 for research to be available until expended; (5) up to $5,000,000 for payments to State and local law enforcement agencies engaged in cooperative activities related to immigration; (6) up to $5,000,000 to fund or reimburse other Federal agencies for costs associated with the repatriation of smuggled aliens; (7) up to $5,000 for official reception and representation expenses; (8) a limit on the level of funding for the Office of Legislative and Public Affairs; (9) a limit on the amount of funding available for non-career positions; (10) separate headings for Immigration Enforcement and Border Affairs and Immigration Services; (11) revised language carried in previous Appropriations acts regarding the operation of the checkpoints in the Tucson Sector; and (12) deletes language carried in previous Appropriations acts regarding the operation of the San Clemente and Temecula checkpoints.

CONSTRUCTION

The conference agreement includes $258,637,000 for construction projects for the Immigration and Naturalization Service for fiscal year 2003. The conference agreement does not adopt the proposal of the Administration to provide funding for construction under the salaries and expenses account but instead continues funding for these activities under a separate account.

This funding directly supports the Congress' commitment to ensuring that adequate facilities are provided for the increasing number of Border Patrol Agents and Immigration Inspectors being deployed to ensure safe borders. Of the amounts provided, not less than $3,000,000 shall be used on border fences and other barrier construction in the Douglas, Naco and Nogales corridors, and such sums as necessary to continue fencing efforts in the San Diego corridor. The conferees direct that not less than $1,000,000 be used for the Tucson Sector Air Operations facility in Sierra Vista, which the Committees on Appropriations directed be implemented last year.

The conference agreement provides the following increases:

[In thousands of dollars]

Border Patrol Construction	
Southern Border	
Brownsville, TX BPS ...	10,820
Del Rio, TX Checkpoint System	5,300

Eagle Pass, TX BPS	10,486
El Centro, CA BPS	14,235
El Paso, TX BPS	15,250
Laredo, TX Checkpoint System	5,300
McAllen, TX BP Sector HQ	18,344
San Diego Border Barriers	1,000
SW Border Barriers	8,000
Tucson, AZ BP Station HQ	25,600
Subtotal, Southern Border	114,335
Northern Border	
Bonner's Ferry, WA, BPS	3,118
Billings, MT BPS	278
Grand Forks, ND BP Sector HQ	865
Havre, MT BP Sector HQ	997
Havre, MT BPS	157
Sweetgrass, MT, BPS	350
White Fish, MT, BPS	400
NB Planning and Design	2,000
Subtotal, Northern Border	8,164
Subtotal, New Infrastructure	122,499
Charleston Border Patrol Academy	14,000
Total, Program Changes	136,499

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes a fiscal year 2003 appropriation of $4,071,251,000 for the salaries and expenses of the Federal Prison System. The conferees recognize the critical importance of providing adequate space for the incarceration of sentenced and unsentenced Federal prisoners, and the need to activate newly constructed prison facilities.

Activation and Expansion of New Prisons.—The conference agreement includes an increase of $101,416,000 for the activation of the new medium security facility in Glenville, West Virginia; and the new high security facilities at Big Sandy, Kentucky; McCreary, Kentucky; and Victorville, California. This amount will provide for more than 4,400 new beds. The conferees also include increases of $10,132,000 for expansion at the Marion, Illinois facility and at the Safford, Arizona facility. This amount will provide for more than 764 new beds.

The conferees include new bill language designating funding levels provided for the activities under this account. Bill language, similar to that included in previous Appropriations acts, is also included which provides: (1) for the purchase of motor vehicles for police-type use; (2) for the provision of technical advice to foreign governments; (3) for transfer of funds to the Health Resources and Services Administration; (4) for the Director to enter into contracts to furnish health care; (5) up to $6,000 for reception and representation expenses; (6) up to $20,000,000 for contract confinement expenses for the care and security of Cuban and Haitian entrants; and (7) for the Federal Prison System to enter into contracts and other agreements with private entities for multi-year periods for the confinement of Federal prisoners. The conference agreement also includes a requested change in the number of new and replacement automobile purchases, and includes language, as requested, designating an amount to remain available for two fiscal years.

BUILDINGS AND FACILITIES

The conference agreement includes $399,227,000 for fiscal year 2003 for the construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners. The conferees agree that none of the funds appropriated for the Federal Prison System in this or prior Appropriations acts for the construction of new prison facilities shall be rescinded or cancelled. Further, the conferees expect all current projects to move forward as planned. The conferees provide increases of $225,972,000 for facilities with prior funding:

[In thousands of dollars]

Facilities with prior funding:	
Hazelton, West Virginia	66,600
FCI Pollock, Louisiana	116,872
Berlin, New Hampshire	20,000
Subtotal	$203,472
Expansions:	
Sandstone, Minnesota	$5,300
FCI Otisville, New York	11,600
USP Florence, Colorado	5,600
Total New Funding	$225,972

The conference agreement includes bill language, similar to that included in previous Appropriations acts, which allows: (1) for planning, acquisition of sites, and construction of facilities; (2) for acquisition, remodeling, and equipping facilities by contract or force account; (3) up to $14,000,000 to construct inmate work areas; (4) for use of prisoner labor; and (5) up to 10 percent of this appropriation to be transferred to the salaries and expenses account.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement continues a limitation on administrative expenses of $3,429,000 for Federal Prison Industries, Incorporated, for fiscal year 2003.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $201,291,000 for Justice Assistance. The distribution of funding is as follows:

Justice Assistance

(Dollars in thousands)

	Amount
National Institute of Justice	$59,879
Office of Science and Technology	($33,000)
Nat. Law Enforce and Corrections Tech Centers	(17,000)
Bureau of Justice Statistics	32,335
Missing Children	32,847
Regional Information Sharing System	29,000
White Collar Crime Information Center	9,230
Management and Administration	38,000
Total	201,291

National Institute of Justice (NIJ).—The conference agreement provides $59,879,000 for the National Institute of Justice.

Office of Science and Technology.—The conferees commend the efforts of the leadership of the National Institute of Justice's (NIJ) Office of Science and Technology (OS&T). This office has assisted local law enforcement in making significant advances in the areas of non-intrusive, concealed weapons and contraband detection, vehicle stopping, DNA testing, public safety standards development, officer protection, less-than-lethal incapacitation, public safety communications, information management, counterterrorism, crime mapping, location and tracking, secure communications, and noninvasive drug detection. In addition, the conferees commend and encourage the continuing partnership that OS&T has developed with the National Institute of Standards and Technology with the goal of developing standards and carrying out scientific and engineering research related to the public safety community.

To implement the mission of OS&T, pursuant to The Homeland Security Act of 2002 (Public Law 107-296), the conference agreement includes $33,000,000 for OS&T from within the overall amount provided for NIJ. In addition, within the funds provided for the local law enforcement block grant program, $20,000,000 is for OS&T to assist local law enforcement units in identifying, selecting, developing, modernizing, and purchasing new technologies in accordance with the aforementioned Act.

The National Law Enforcement and Corrections Technology Centers.—Since 1994, the National Law Enforcement and Corrections Technology Centers (NLECTC) have served the State and local law enforcement and corrections communities by providing support, research findings, and technical expertise on issues that allow them to perform their jobs safer and more effectively. The NLECTC system consists of facilities located across the country and each facility specializes in one or more specific areas of research and development. The conferees commend the work that NIJ's Office of Science and Technology [OS&T], and through it the NLECTC system, has done to improve the capabilities of the law enforcement and corrections communities. To further the work of the NLECTC system, the conferees recommend $17,000,000 for the continued support of the system. These funds are to be distributed equally among the Northeast Regional Center, Southeast Regional Center, Rocky Mountain Regional Center, Western Regional Center, Rural Law Enforcement Technology Center, and Northwest Center. The conferees continue to support the Centers receiving reimbursable funding from other accounts as needed.

Within available funds, the conferees recommend that NIJ consider funding the Center for Civil Force Protection and the Public Safety Technology Assessment Facility at Sandia National Laboratories in New Mexico. The Center provides important physical security counterterrorism assistance to Federal, State, and local law enforcement.

In addition, the current year level is provided for the Office of Law Enforcement Technology Commercialization, Inc. and Facial Recognition.

In addition to the above activities, within the amounts provided, NIJ is to provide grants for the following projects:

$300,000 for Practitioners Assistance Team (PAT) to provide technical assistance to State and local agencies attempting to implement integrated justice systems;

$1,000,000 for the University of Houston to study in-car law enforcement technologies;

$1,000,000 for the State of Virginia to develop a State-wide emergency communications plan to address communications equipment and interoperability needs of first responders throughout the State. The plan should address both the new equipment needs of local first responder agencies and methods for making current communications systems interoperable within local jurisdictions and throughout the State. The State is encouraged to build upon the experiences and expertise learned in the National Institute of Justice's interoperable communications pilot project in the City of Alexandria (Project Agile);

$500,000 for the Center for Advanced Media Analysis to fund advanced research in the area of multi-media capture and analysis of authorized law enforcement capture;

$750,000 for Lane County, Oregon's Breaking the Cycle of Juvenile Drug Abuse program to decrease juvenile crime and drug abuse through early identification and intervention;

$1,500,000 is for the Center for Task Force Training Program;

$750,000 to the North Carolina Attorney General's Office for Telemarketing Fraud Enforcement and Privacy Project;

$650,000 for the Mistral Security Non-Toxic Drug Detection and Identification Aerosol Technology;

$350,000 for the Pennsylvania Task Force on Prison Overcrowding; and *

$750,000 for Operation Ceasefire in Charleston, SC for overtime for response teams.

Missing Children.—The conference agreement includes $32,847,000 for the Missing Children Program for the following purposes:

MISSING CHILDREN PROGRAM

[In thousands of dollars]

Program	FY 2002 Enacted	FY 2003 Request	FY 2003 Agreement
National Center for Missing and Exploited Children	11,450	11,450	12,500
Jimmy Ryce Law Enforcement Training Center	2,700	2,700	3,000
Internet Crimes Against Children Task Force	6,500	12,500	12,500
MEC Office	2,347	2,347	2,347
AMBER Alert Grants	—	—	2,500
Total	22,997	28,997	32,847

Of the funds provided for the National Center for Missing and Exploited Children (NCMEC), $2,245,000 is for the CyberTipline. The conferees recommend that the NCMEC consult with I-Safe America to provide nationwide Internet Safety Training in grades K–12.

The conference agreement includes $2,500,000 for training and technical assistance to develop an effective, coordinated AMBER Alert program.

Office of Victims of Crime.—The Office of Victims of Crime (OVC) administers formula and discretionary grants designed to benefit victims, provide training to professionals who work with victims, develops projects to enhance victims' rights and services, and undertakes public education and awareness activities on behalf of crime victims. In fiscal year 2002, OVC was provided $68,100,000 to respond to the September 11, 2001 terrorist attacks. The conferees direct that the OVC provide a report to the Committees on Appropriations no later than 60 days after enactment on the status of how the emergency funds have been spent.

Regional Information Sharing System.—The conference agreement provides $29,000,000 for the Regional Information Sharing System (RISS). In addition to the amount provided under this heading, there is $10,000,000 under the heading "Domestic Preparedness" account to enhance the electronic dissemination and sharing of terrorist-related information among Federal, State, and local agencies. The conferees expect that RISS and other information sharing systems will be eligible to receive grants under this program in order to enhance State and local agencies' ability to access and share crime and terrorist information.

The conferees support the current effort to link the RISS system with the Law Enforcement On-Line [LEO] information system, which will greatly expand access to critical law enforcement information at the Federal, State, and local level.

Management and Administration.—The conference agreement provides $38,000,000 for the management and administration of the Office of Justice Programs (OJP). The conferees understand that OJP is not backfilling vacant positions, and therefore request a quarterly status report on staffing.

The Department has reported to the Committees on Appropriations on a competitive sourcing effort. To support this effort, the conferees must be assured that effectiveness is improved and savings are attained. The conferees direct that OJP provide the Committees on Appropriations with detailed plans on this effort before proceeding with changes.

OFFICE FOR DOMESTIC PREPAREDNESS

The conferees have long viewed State and local jurisdictions' ability to detect, prevent and respond to a terrorist attack as one of its highest priorities. State and local responders are first to arrive on the scene when a terrorist attack occurs and must be prepared to protect life and property. This function is inherently non-Federal, although Federal resources and expertise are needed to manage the crises and provide support to State and local assets when an attack overwhelms their resources.

The amounts provided by the conferees demonstrate the continued support for the Office of Domestic Preparedness (ODP). ODP must continue its vital and successful program for assisting State and local response agencies.

Domestic Preparedness

[$000 in thousands]

	Amount
Strategic Planning and Technical Assistance	$53,000
Web Site Pilot Project	3,000
Equipment:	
Grants	400,000
Pine Bluff	10,000
Standards and Testing	15,000
Prepositioned Equipment	23,000
Interagency Board	500
Electronic Dissemination of Terrorist Threat Info	10,000
Sub-total, Equipment	458,500
Training:	
National Domestic Preparedness Consortium	125,000
Center for Domestic Preparedness	(45,000)
Louisiana State University	(20,000)
New Mexico Institute of Mining and Tech	(20,000)
Texas A&M University	(20,000)
Nevada Test Site	(20,000)
Continuing and Emerging Training	25,000
Discretionary Training Grants	30,000
Virtual Medical Campus	2,000
Dartmouth Institute for Security and Tech. Studies	18,000
OCNM Inst for the Prevention of Terrorism	18,000
Center on Catastrophe Preparedness and Response	7,000
National Counterterrorism Policy Center	3,000
Terrorism Prevention and Response Training Center	5,000
Sub-total, Training	233,000
Exercises:	
Grants	100,000
Top Officials Exercise Series	7,000
Evaluation and After-Action Program	5,000
Sub-total, Exercises	112,000
High Threat Urban Areas	100,000
Research and Development	23,500
Management and Administration	17,000
Total, Domestic Preparedness	1,000,000

Equipment—The conferees provide $458,500,000 for ODP equipment programs. Within these amounts, $10,000,000 is provided to enhance the dissemination of electronic threat information among Federal, State, and local responders. The conferees understand that there is a large proliferation of local, State, regional, and Federal information sharing initiatives. The conferees also understand that many of these systems are being developed independently with no plan to integrate with other information sharing systems such as RISS and LEO. This funding is provided to ODP to enhance State and local agencies' ability to share intelligence information with each other and with the Department of Homeland Security and the Department of Justice. The conferees direct that the ODP coordinate this program with the Bureau of Justice Assistance (BJA). The conferees also expect BJA and ODP to continue to work with State, local, and Federal agencies through the Global Intelligence Working Group of the Global Justice Information Sharing Initiative.

Formula Grant Program to States—Of the amounts provided, $400,000,000 is for the formula based grant program to States. The conferees direct that not less than 80 percent of equipment funding provided to the States by formula shall pass through to local governments.

Coordination—The conferees recognize that a significant portion of the funds provided under the formula grant program are used to improve voice and data communications interoperability among first responders. The conferees support this effort, but expect ODP to coordinate closely with other Federal agencies that also provide communications interoperability grants to first responders (i.e., FEMA, COPS, BJA, and NIJ), in order to ensure that Federal resources are being used effectively to improve intra- and inter-jurisdictional communications interoperability.

Standards—The conferees understand the need for minimum performance standards, testing, and evaluation in the areas of chemical, biological, radiological, and nuclear (CBRN) protective equipment, as well as voice/data communications equipment. The conferees, therefore, expect ODP to work closely with the National Institute of Standards and Technology (NIST) to test, evaluate, and develop minimum performance standards for CBRN protective equipment and voice/data communications equipment for first responders.

Training—The conference agreement provides $233,000,000 for training programs in ODP. This amount includes $125,000,000 for the training consortium. In addition, the conference agreement includes $5,000,000 for George Washington University to work in collaboration with George Mason University, Shenandoah University and other regional organizations to provide terrorism prevention and response training for multiple types of first responders including law enforcement, fire, hazmat, EMS and other types of responders. The conference agreement includes $3,000,000 for the National Counterterrorism Policy Center in St. Petersburg, FL, to assist State and local homeland security and law enforcement officials with their strategic plans to prevent and detect acts of terrorism. The conference agreement also includes $7,000,000 for the Center on Catastrophe Preparedness and Response at New York University (NYU), to support counterterrorism activities.

Exercises—The conference agreement provides $112,000,000 for State and local exercises regarding an event involving weapons of mass destruction. Within this amount, $7,000,000 is provided for the Top Official Exercise Series (TOPOFF). TOPOFF II is to be conducted in 2003, therefore, the Committees will consider a reprogramming for additional funds, if ODP finds it is necessary.

High Threat Urban Areas—Recognizing the vulnerability and high risk of terrorist attack in large urban areas, the Department of Defense (DoD) and later ODP provided training and equipment to the 120 largest U.S. cities through the Nunn-Lugar-Domenici Domestic Preparedness Program. While all of the cities identified in the Nunn-Lugar-Domenici Program have received domestic preparedness training, the conferees recognize that certain large urban areas remain high threat targets and are inadequately prepared to respond to a weapon of mass destruction (WMD) event. Therefore, the conferees recommend $100,000,000 for ODP to develop a follow-on program to the Nunn-Lugar-Domenici program that addresses the unique equipment, training, planning and exercise needs of selected large high threat urban areas. The conferees recognize that large urban areas often cross State lines and involve multiple local jurisdictions. The conferees expect these plans will expand upon States' domestic preparedness strategies and that no funds will be awarded under this program until jurisdictions have clearly demonstrated a coordinated assessment of threat, vulnerability, needs, and capabilities. The conferees expect ODP to consult with the appropriate Federal agencies including the FBI and agencies within the Department of Homeland Security in identifying urban areas to be supported through this initiative. ODP should take into account credible threat; vulnerability; the presence of infrastructure of national importance; population; and identified needs of the jurisdiction's public safety agencies when determining program eligibility. The conferees expect ODP, in consultation with the appropriate Federal agencies, including the FBI and agencies within the Department of Homeland Security, to develop a multi-year strategy for addressing the unique needs of high threat urban jurisdictions to be supported by this program.

Research and Development—The conference agreement provides $23,500,000 for research and development. Within the level of funding provided, ODP shall consider evaluating emerging first responding technologies such as hand-held detection equipment that can detect possible chemical or biological attacks, and emerging mapping, assessment, rescue and recovery technologies.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement provides a total appropriation of $2,065,269,000, of which $20,990,000 is derived from prior year unobligated balances for the State and Local Law Enforcement Assistance Program. The conference agreement provides for the following programs:

State and Local Law Enforcement Assistance

(Dollars in thousands)

	Amount
Local Law Enforcement Block Grant	$400,000
(Boys and Girls Club)	(80,000)
(National Institute of Justice)	(20,000)
(Citizen Corps)	(3,000)
State Criminal Alien Assistance Program	250,000
Cooperative Agreement Program	5,000
Indian Assistance	18,000
(Tribal Prison Construction Program)	(5,000)
(Indian Tribal Courts Program)	(8,000)
(Alcohol and Substance Abuse)	(5,000)
Byrne Grants:	
Discretionary Grants	150,914
Formula Grants	500,000
Total, Byrne Grants	650,914
Violence Against Women Grants	390,165
Victims of Trafficking Grants	10,000
State Prison Drug Treatment	65,000
Drug Courts	45,000
Juvenile Crime Block Grant	190,000
(Project ChildSafe)	(25,000)
Prescription Drug Monitoring	7,500
Prison Rape Prosecution and Prevention	13,000
Terrorism Prevention and Response Training	15,000
Other Crime Control Programs:	
Missing Alzheimer's Patients	898
Law Enforcement Family Support	1,497
Motor Vehicle Theft Prevention	1,300
Senior Citizens Vs. Marketing Scams	1,995
Unobligated Balances	(20,990)
Total, State and Local Assistance	2,044,279

Local Law Enforcement Block Grant.—The conference agreement includes $400,000,000 for the Local Law Enforcement Block Grant program. This program provides grants to local law enforcement agencies to reduce crime, including acts of terrorism. Of the amount included, $20,000,000 is provided to NIJ for assisting local units of government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement and $80,000,000 is provided for Boys and Girls Clubs. In addition, the conference agreement includes $3,000,000 for Citizen Corps programs, including the expansion of Neighborhood Watch programs and the Volunteers in Policing program. No funding is provided for Operation TIPS.

State Criminal Alien Assistance Program.—The conference agreement provides $250,000,000 for the State Criminal Alien Assistance Program (SCAAP) for the reimbursement to States for the costs of incarceration of criminal aliens. The budget request proposed the elimination of this program. The conferees recognize the Southwest border States incur significant costs associated with criminal aliens. In addition to these funds, the conference agreement includes $40,000,000 for the Southwest Border Prosecution program under the Community Oriented Policing Services account.

Indian Country Grants.—The recommendation provides $18,000,000 for Indian Country grants. The conferees understand that the Comprehensive Indian Resources for Community Law Enforcement (CIRCLE) initiative is working well in the three Indian communities in which it is deployed. The conferees urge the Department to consider ways to expand the CIRCLE project into other communities. In addition, the conferees request that not later than 60 days after enactment of this Act, the Department submit a proposal to expand the CIRCLE project by integrating and coordinating resources from across the Federal agencies for purposes of Indian law enforcement, public safety, substance abuse, tribal justice systems, and facilities construction into a small grant program to Indian tribes and tribal consortia.

Within the amount for prison construction, the conferees direct that OJP shall review proposals and provide grants if warranted for the following projects:

—Standing Rock Sioux Tribe in South Dakota for a Juvenile Detention and Recovery Facility;

—Yankton Sioux Tribe in South Dakota for the construction of a Juvenile Detention Facility;

—Lower Brule Sioux Tribe for the construction of a detention facility.

Edward Byrne Grants to States.—The conference agreement includes $650,914,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $150,914,000 is for discretionary grants and $500,000,000 is for formula grants. Within the amounts provided for discretionary grants, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions.

$500,000 to the Saginaw Chippewa Indian Tribe of Michigan for a victims of crime program;

$2,750,000 for the D.A.R.E. program to retrain all D.A.R.E. officers nationwide and produce D.A.R.E. workbooks;

$4,000,000 for the Eisenhower Foundation for the Youth Safe Haven program;

$3,000,000 for the National Center for Justice and the Rule of Law at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges and other criminal justice professionals;

$5,000,000 to continue the effective crime prevention program (McGruff the Crime Dog) and meet the enormous demand from local law enforcement organizations regarding effective crime prevention practices;

$3,000,000 for the National Fatherhood Institute, the National Physicians Center for

Family Resources, and the Alabama Police Institute to study the causes and consequences of out-of-wedlock childbirth and its impact on criminal activity;

$750,000 for the University of Tennessee to continue the development of technology, forensic training, and research;

$350,000 for Turtle Mountain Community College's 'Project Peacemaker' which seeks to increase the number of American Indians trained in either Tribal government or law;

$250,000 for Riverfront District Community Policing Stations in Montgomery, Alabama;

$1,300,000 for the San Joaquin Valley, California Rural Agricultural Crime Prevention Program;

$2,000,000 for continued support for the expansion of Search Group, Inc. and the National Technical Assistance and Training Program to assist States, such as West Virginia and Alabama, to accelerate the automation of fingerprint identification processes;

$100,000 for the Transformation Network in Ashland County, OH to reduce alcohol and drug related automobile accidents;

$250,000 for the Rural Law Enforcement Technology and Training Center;

$300,000 for the National Association of Town Watch's National Night Out crime prevention program;

$8,000,000 for the Southern and Eastern Kentucky Counter-Drug Initiative, to coordinate drug interdiction, prevention, education and treatment initiatives in Appalachia Kentucky;

$1,000,000 for the National Children's Alliance for the Child Abuse Reporting and Evaluation System;

$1,300,000 for the New Orleans, LA Police Department for crime fighting initiatives;

$3,000,000 for Mothers Against Drunk Driving (MADD) for victims assistance and education programs, of which $1,000,000 shall be to develop Spanish language Public Service Announcements;

$117,000 for the Virginia Attorney Generals Office to combat domestic violence and for the Triad Program in the State of Virginia;

$1,500,000 for the Washington Metropolitan Area Drug Enforcement Task Force (MATF);

$1,000,000 for the Fuller Theological Seminary for a conflict resolution program;

$800,000 for the Paul and Lisa Foundation;

$661,000 for the Virginia Community Policing Institute;

$300,000 for the Virginia CARES for a one-time grant to support pre- and post-release incarceration services that exist for inmates returning to communities;

$200,000 for San Marcos, CA for a community policing initiative;

$1,250,000 for the National Correctional Industries Association's grant program providing technical assistance to States participating in the Private Sector Prison Industry Enhancement Certification Program;

$500,000 for Lackawanna County, PA for treatment diversion for offenders in the drug court program;

$250,000 for the National Troopers Coalition, to study increased demands placed on law enforcement;

$3,500,000 for the Center for Court Innovation;

$1,000,000 for Pinellas County, FL for a mentally ill diversion program for inmates;

$1,780,000 for the National Clearinghouse for Science, Technology, and the Law at Stetson University College of Law;

$6,000,000 for the Police Athletic League;

$750,000 for Kristen's Act;

$600,000 for the ACTION team in Dallas, TX;

$250,000 for the Kane County, IL Drug Rehabilitation Court;

$250,000 for the Criminal justice programs at Elgin Community College;

$250,000 for DuPage County, IL State's Attorneys Office for child abuse and financial crime prevention initiatives;

$257,000 for the Rural Domestic Violence Advocacy Project of NH;

$100,000 for the Mason County, WV Sheriff's Office to investigate, respond to, and investigate Oxy-Contin abuse;

$300,000 for The Women's Center, Vienna, VA;

$130,000 for the North Central Missouri Drug Strike Task Force;

$72,000 for the Enlace Communitaros domestic violence program;

$500,000 for the Law Enforcement Memorial Act;

$250,000 for the Urban Justice Center, to expand the Family Violence Project;

$700,000 for Clackamas County, OR for juvenile detention programs;

$500,000 for the Huntsville, AL National Children's Advocacy Center for a Child Abuse Investigation and Prosecution Enhancement Initiative;

$1,000,000 for the National Corrections and Law Enforcement Training and Technology Center in Moundsville, WV;

$1,000,000 for the National White Collar Crime Center;

$1,500,000 for the City of Los Angeles, CA for the Community Law Enforcement and Recovery anti-gang program;

$1,000,000 to expand the Los Angeles, CA Community Law Enforcement and Recovery anti-gang program to the Hollenbeck division;

$500,000 for the University of Arkansas to reduce family violence through workplace interventions;

$250,000 for the American Cities Foundation for their drug and alcohol demand reduction program;

$174,000 for the Broome County, NY Department of Government Security's Computer Investigation and Technology Unit for equipment, and training;

$500,000 for the City of New York Office of Emergency Management in partnership with Global Action Plan of Woodstock, NY;

$500,000 for the Local Initiatives Support Corporation in Northwestern Ohio for community security initiatives;

$200,000 for Franklin and Hampshire Counties, MA for local emergency planning;

$500,000 for Phoenix, AZ for creation of a Homicide Drug Task Force Response Unit;

$122,000 for New Jersey Motor Vehicle Service employees for background and fingerprint checks;

$500,000 for the Bergen County, NJ Sheriff's Department to reduce violent crime and drug related violence;

$1,200,000 for Minnesota's Council on Crime and Justice's Racial Disparity Initiative;

$1,000,000 for Eastern Michigan University for the Center for Community Building and Civic Engagement;

$500,000 for Miami-Dade County, FL for a decision model to assess infrastructure vulnerabilities and enhance security;

$750,000 for the Doe Fund's Ready, Willing & Able program;

$800,000 for the Fortune Society for programs to improve community safety in New York City;

$1,000,000 for the City of San Juan, PR for law enforcement technology and training needs;

$75,000 for the Sunnyside, NY Chamber of Commerce for crime prevention and anti-recidivism programs;

$200,000 for the Suffolk County, NY Coalition to Prevent Alcohol and Drug Dependencies;

$750,000 for the Suffolk County, NY District Attorney for a new anti-gang initiative;

$275,000 for the Pace Women's Justice Center, Project DETER in White Plains, NY to help victims of domestic violence;

$500,000 for Westchester County, NY for the Westchester Special Operations Task Force;

$300,000 for the City of Norwalk, CA for the Gang-Free Communities program;

$500,000 for the distribution of Good Knight Crime and Violence Prevention bilingual educational materials for crime and violence prevention;

$500,000 for the Los Angeles, CA Community Development Commission to expand its crime and safety program;

$250,000 for the University of Akron emergency management and disaster response center;

$200,000 for the City of Pittsburgh, PA Police Bureau for the witness protection program;

$400,000 for the Rock Island County, IL Sheriff's Department for purchase of a jail security system;

$750,000 for Nashville, TN Fisk University's Security Enhancement Initiative;

$185,000 for the Thin Blue Line of Michigan;

$200,000 for the Solano County, CA multi-jurisdictional response team;

$200,000 for DeKalb County, GA for homeland security needs;

$200,000 for the Western Missouri Public Safety Training Academy in Independence, MO;

$500,000 for the Adams County, Pennsylvania Emergency Services Training Facility for program enhancements;

$1,100,000 for an alcohol interdiction program designed to investigate and prosecute bootlegging crimes as part of a statewide effort to reduce fetal alcohol syndrome in Alaska;

$160,000 to the Alaska D.A.R.E. Drug Rehabilitation Program for a statewide coordinator and for the implementation new DARE curriculum;

$1,000,000 for the Alaska Native Justice Center for a restorative justice program;

$1,540,000 for costs related to terrorism in the City of Alexandria, Virginia;

$1,000,000 for New York's Alfred University Rural Justice Institute to provide support services to youths and families who are victims of domestic violence;

$1,000,000 for the An Achievable Dream in Newport News, Virginia, which provides services to at-risk youth to help them perform better academically and socially;

$750,000 for the Arizona Criminal Justice Commission;

$150,000 to the Beaverton, Oregon Police Department for the Identity Theft Prevention Initiative;

$200,000 to the Bristol, Rhode Island Police Department for the outfitting of, and support training for, a mobile command post;

$300,000 for the Oglala Sioux Tribe in South Dakota to automate the functions of the court system, so as to enhance the capacity of the Oglala Sioux Tribe justice system to arrest, prosecute, convict, and rehabilitate offenders;

$300,000 for the Children's Medical Assessment Center in South Carolina to extend forensic healthcare services to outlying rural areas, and to extend the tracking and medical case management programs to all law enforcement jurisdictions in the local Tri-County area;

$150,000 to the Chattanooga Endeavors program in Tennessee to expand services and establish new public-private partnerships;

$450,000 for the Chicago Project for Violence Prevention in Illinois;

$750,000 to the City of Cincinnati, Ohio to improve training for police recruits and current officers;

$500,000 to the City of Ocean Springs, Mississippi to equip an Emergency Management and Public Safety Facility;

$500,000 for the Community Safety Initiative in Kansas City, Missouri;

$100,000 for the Criminal Justice Institute in Arkansas for DNA training and law enforcement;

$500,000 to Iowa State University for the creation of a Cyber Protection Laboratory which will test and evaluate computer crime defense mechanisms;

$499,477 for the New Mexico Administrative Office of the Courts to establish Dependency Drug Courts in three judicial districts;

$80,000 to the Marysville, California police department for a mobile command center;

$300,000 to the Metropolitan Family Services in Illinois for the Domestic Violence and Substance Abuse program;

$500,000 for Tulane University in Louisiana for a domestic violence clinic;

$150,000 to the Native American Community Board in Lake Andes for the continuation of the Domestic Violence shelter and Community Prevention Program;

$300,000 to the Rhode Island Coalition Against Domestic Violence for the establishment of the Rhode Island Supreme Court's Domestic Violence Training and Monitoring Unit (DV Unit);

$550,000 for the Albuquerque, NM DWI Resource Center to fund drunk driving awareness and prevention programs;

$215,000 to Edmunds County, South Dakota for a county-wide emergency warning system;

$1,750,000 to establish the Emergency Providers Access Directory (EPAD), which provide a comprehensive list of all State and local first responders so that resources can be quickly marshaled in the case of future large scale disaster.

$50,000 for the Court Appointed Special Advocate (CASA) program in Davison, South Dakota which will provide advocates for children in the First Circuit;

$100,000 for Franklin County, New York's Domestic Violence Intervention Program to establish a third shelter in Northern New York and to increase the program's outreach efforts;

$250,000 to Gallatin County, Montana for the Gallatin County Re-Entry Program to provide supervision, support, and training to offenders referred by Gallatin County Courts;

$500,000 for the Las Vegas Metropolitan Police Department's Hispanic American Resources Team (HART) to provide enhanced resources to Las Vegas' Hispanic community;

$30,000 to the Huntington County, Pennsylvania court security enhancements;

$750,000 for the Sam Houston State University in Texas to establish the Institute for the Study of Violent Groups;

$450,000 for the Iowa Elderly Fraud Prevention Initiative;

$1,000,000 to the Iowa Department of Public Health for an intense drug treatment initiative aimed at nonviolent drug offenders serving time in Polk, Linn, and Story counties;

$750,000 for Jane Doe, Inc. in Massachusetts;

$1,500,000 to Jefferson County Alabama for a county-wide Emergency Warning System;

$1,720,000 for the Lewis and Clark Bicentennial Bi-State Safety Project;

$500,000 for the New Hampshire Department of Safety to train safety and municipal officers in the North Country;

$3,000,000 for the Mental Health Courts Program in accordance with the America's Law Enforcement and Mental Health Project Act;

$150,000 for Louisiana's Metropolitan Battered Womens Program;

$250,000 to the University of Mississippi for TechLaw online training for police;

$350,000 to continue support for an innovative and effective program which helps single head-of-household women with children reject a life of crime and drugs and build a self supporting lifestyle;

$4,500,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

$260,000 for the Nashua, New Hampshire Police Department to purchase law enforcement technologies and equipment;

$150,000 to the University of North Dakota's Native Americans into Law program to recruit and retain American Indian law students;

$270,000 to the University of South Carolina for the National Center for Prosecution Ethics;

$300,000 to the New Hampshire Department of Corrections for the purchase of digital radios to allow officers in the Department to communicate with other law enforcement officers around the state;

$500,000 for program expansion, at the Northeastern Illinois Public Safety Training Academy;

$185,000 for South Dakota's Northern Hills Area court Appointed Special Advocate (CASA) Program for the expansion of the volunteer advocate network and to create an extension office to serve the Fourth Circuit;

$4,000,000 to the New York City Police Department for safety equipment;

$1,500,000 for the New Hampshire State Police's and US Attorneys Office's cooperative effort to combat crime at the border, gang-related crime, and in investigating outlaw motorcycle gangs;

$350,000 to Alaska's Partners for Downtown Progress for an innovative program for alcohol offenders, using treatment in lieu of incarceration;

$500,000 for the Philadelphia, Pennsylvania Safe Streets Initiative;

$500,000 for the Pittsburgh, Pennsylvania Police Bureau's Virtual Perimeter Video Surveillance system, which allows live monitoring of multiple locations by robotic cameras;

$410,781 for the Colorado Springs, Colorado Police Department to integrate the Police Accountability and Service Standards (PASS) Model department-wide;

$300,000 to the Rhode Island Select Commission on Race and Police-Community Relations for its Police Professionalism Initiative;

$4,000,000 for the Southeast National Law Enforcement and Corrections Technology Center for the implementation of Project Seahawk. Funding is provided for the acquisition of communications equipment, computer software and hardware technology, and research and development needed to execute the project;

$2,000,000 to include New Hampshire police, medical and fire services in a comprehensive public safety training and communications system;

$55,000 for the Multnomah County, Oregon sheriff's Office to purchase portable radios to be used by the fifty-one members of its reserve unit;

$1,000,000 for the Ridge House Treatment Facility to provide stabilization, habilitation, and re-entry skills to the Nevada criminal justice population;

$500,000 to the Robinson Community Learning Center in South Bend, Indiana to support efforts at reducing the rate of local youth violence and young adult homicide;

$100,000 to the Safe Harbor Domestic Violence Shelter in Aberdeen, South Dakota for equipment and programming;

$500,000 for the Salt Lake Valley, Utah Emergency Communications Center;

$250,000 to the City of Fairfield, California for planning, equipment, and training necessary for response in the event of an emergency;

$1,250,000 for Standing Against Global Exploitation (SAGE) to replicate and expand training materials, regional training modules, and intensive technical assistance for survivors of prostitution, sexual exploitation, violence, abuse, and trauma;

$250,000 to the State of Wisconsin Court Interpreter's Program for statewide training programs for current and potential court interpreters;

$1,000,000 to Stop the Violence in South Carolina for programs to reduce crime and create sustainable neighborhood development through a successful model of community involvement;

$180,000 for the Homeless Outreach Team (HOT) in San Diego, California which assists the homeless in San Diego in being placed in the appropriate social services programs;

$1,500,000 for The National Judicial College in Reno, Nevada to provide education and training to judges, focusing particularly on judicial proficiency, competency, skills, and productivity;

$2,000,000 for the Tools for Tolerance Program;

$2,000,000 for grants to implement Sections 101, 102, and 103 of Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000;

$1,000,000 for the TRIAD senior fraud prevention program;

$258,476 for the Shoshone-Bannock Tribe at the Fort Hall Reservation in Idaho. Funds will be used for the architectural and engineering fees associated with construction of a new Justice Center;

$200,000 to the University of New Hampshire for the violent crime against women on campus reduction program;

$2,800,000 for the development of a security system at the Emergency Operations Center located in Virginia;

$1,000,000 for Washington County, Oregon for its County Alcohol and Drug Free Housing project;

$250,000 to the University of Southern Colorado for the Western Forensic Science and Law Enforcement Training Center;

$200,000 to the Yell County, Arkansas Juvenile Detention Center for drug and alcohol detoxification, counseling, and rehabilitation program;

$300,000 for Montana's Yellowstone County Family Drug Court.

Within the level of funds provided, $5,000,000 is available for independent program evaluations. The conferees are aware of reports concerning the success of the Doe's Fund's Ready, Willing, and Able program. Within funds provided for program evaluation, OJP is directed to perform a program review of the program and submit to the Committees on Appropriations a report detailing the results of the review and any "best practices" of the program that can be applied to other similar grant recipients.

Violence Against Women Act.—The conference agreement includes $390,165,000 to support grants under the Violence Against Women Act. The conference agreement provides funding under this account as follows:

Violence Against Women Act Programs

[Dollars in thousands]

	Amount
General Grants	$184,537
(National Institute of Justice)	(5,200)
(Safe Start Program)	(10,000)
(Domestic Violence Federal Case Processing Study)	(1,000)
Victims of Child Abuse:	
CASA (Special Advocates)	11,975
Training for Judicial Personnel	2,296
Grants for Televised Testimony	998
Grants to Encourage Arrests Policies	64,925
Rural Domestic Violence Assistance Grants	39,945
Training Programs	4,989
Stalking Database	3,000
Violence on College Campuses.	10,000
Civil Legal Assistance	40,000
Elder Abuse Grant Program	5,000
Safe Haven Project	15,000
Education and Training for Disabled Female Victims	7,500
Total	390,165

OJP was required to submit a report detailing a plan to address violence against women with particular emphasis on Alaska, which ranks first in the Nation for domestic violence and child abuse. The report was to be completed by May 1, 2002, but has yet to be received by the Committees on Appropriations. The Department is directed to provide monthly updates on its progress until the report is completed as required.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes $65,000,000 for grants to States and local governments for development and implementation of residential substance abuse treatment programs within State correctional facilities and certain local correctional and detention facilities. Up to 10 percent of the total program level maybe used for the treatment of parolees. These grants should only fund treatment for individuals up to 1 year after they are released from a State prison.

Juvenile Accountability Incentive Block Grant.—The conference agreement includes $190,000,000 for the Juvenile Accountability Incentive Block Grant program. The conferees direct the Office of Juvenile Justice and Delinquency Prevention to provide $250,000 to the American Prosecutors Research Institute to create and report on benchmarks to measure the use of individual programs and juvenile justice system performance in up to four pilot States. This funding shall be provided from the 2 percent set-aside under the Juvenile Accountability Block Grant program for technical assistance.

Within the level of funding provided, $25,000,000 is available for Project ChildSafe, which has been merged with Project HomeSafe, for the purchase and distribution of gun safety locks. These funds may only be used to produce and distribute gun locks based on OJP's interim standard. The conferees note that no additional funding will be provided until a final standard is adopted.

Harold Rogers Prescription Drug Monitoring Program.—The conferees are concerned with the growing abuse of prescription drugs such as OxyContin and the devastating impact it has on families and communities throughout the country. In order to address this problem, the Committees on Appropriations provided $2,000,000 in fiscal year 2002 for OJP to provide grants to States creating new prescription drug monitoring programs and to enhance current prescription drug monitoring programs. Prescription monitoring programs help prevent and detect the diversion and abuse of pharmaceutical controlled substances. States that have implemented prescription monitoring programs have the capability to collect and analyze prescription data much more efficiently than States without such programs, where the collection of prescription information requires the time consuming manual review of pharmacy files. The conference agreement includes $7,500,000 to expand the Harold Rogers Prescription Drug Monitoring Program. Recognizing that prescription drug abusers often cross multiple State borders in order to fill prescriptions, the conferees encourage States to develop systems that allow bordering States to share information.

Prison Rape Prevention and Prosecution.—The conferees understand that experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison and that many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000. The conferees understand that prison rape contributes to the spread of sexually transmitted diseases such as HIV and AIDS. The conferees also recognize that inmates with mental illness and juvenile inmates are particularly vulnerable to sexual victimization. The conferees further understand that most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults and that prison rape often goes unreported. Finally, the conferees understand that Congress will legislatively address this issue during the First Session of the 108th Congress.

In order to immediately address this problem, the conference agreement includes $13,000,000 for a new prison rape prevention and prosecution program. This funding is provided for statistical data collection and analysis, the establishment of a national clearinghouse of information, and will provide grants to States, local authorities, prisons, and prison systems to undertake more effective efforts to prevent prison rape, investigate such incidents, and punish the perpetrators. The conferees expect OJP to work with the Committees on Appropriations in the development of this program.

Senior citizens against marketing scams.—The recommendation provides $1,995,000 for this program to assist law enforcement in preventing and stopping marketing scams against the elderly. The conferees request that some program sessions be held at the National Advocacy Center. Also, the conferees direct that this effort be coordinated with the Federal Trade Commission.

Terrorism Prevention and Response Training for Law Enforcement and Other Responders.—The conference agreement includes $15,000,000 for terrorism prevention and response training for law enforcement and other responders to be administered by the Bureau of Justice Assistance (BJA). The conferees expect the grant approval process to include a review of training curricula and materials to ensure that grantees are using up-to-date training techniques. BJA is encouraged to work with the Office of Domestic Preparedness in the execution of this program. This program shall be available for the costs of developing training, conducting training, and procuring training equipment and materials.

Within the amounts appropriated, the conferees expects BJA to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

$500,000 for the Iowa Central Community College regional first responder training center;

$1,000,000 for the Onondaga Community College for a Regional Anti-Terrorism Training Center;

$1,000,000 for the University of Tennessee Center for Homeland Security and First Responding Training;

$3,000,000 for the National Terrorism Preparedness Institute of the Southeastern Public Safety Institute of St. Petersburg College;

$300,000 for the City of Arcadia, CA for a regional public safety training facility;

$250,000 for Southern Kane County, IL Fire Training Facility for first responders including both fire and law enforcement personnel;

$1,000,000 for the Southern Anti-terrorism Regional Training Academy;

$500,000 for the Northeast Wisconsin Technical College's Tactical Training Facility in Green Bay, WI;

$2,000,000 for the National Community Training and Response Center at Kirkwood Community College in Cedar Rapids, IA;

$500,000 for the Public Safety Academy in the Santa Clarita Valley, CA;

$1,000,000 for the Regional Counter-Drug Training Academy in Meridian, MS for anti-terrorism training for first responders;

$500,000 for the Regional Public Safety Center in Erie County, NY for first responder training programs in the Erie and Buffalo region;

$544,000 for the Criminal Justice Academy at Brevard Community College in Coca, FL for first responder training;

$150,000 for Williamson County, TX to purchase a portable testing chamber to train officers to function under chemical and biological warfare conditions;

$100,000 for Armstrong County, PA for a centralized homeland security training center;

$750,000 for the Essex County, NJ Office of Emergency Management for response training and equipment;

$400,000 for the Las Vegas, NV Metropolitan Police Department for defense and disaster response training and equipment;

$150,000 for the Lowell, MA Police Department for civilian emergency response team training;

$250,000 for the City of Norfolk, VA Police Department's Anti-terrorism and Disaster preparedness program;

$200,000 for the New Mexico State University to develop homeland security related education and training programs and identify and threats;

WEED AND SEED PROGRAM FUND

The conference agreement includes $58,925,000 for the Weed and Seed program.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $928,912,000 for the Community Oriented Policing Services (COPS). The conference agreement provides funding under this account as follows:

COMMUNITY ORIENTED POLICING SERVICES

[Dollars in thousands]

	Amount
Public Safety and Community Policing:	
Law Enforcement Hiring/Overtime	$200,000
Training and Technical Assistance	20,662
Tribal Law Enforcement	35,000
Police Corps	15,000
Methamphetamine Enforcement & Clean-up	57,132
Bulletproof Vests	25,444
Subtotal, Public Safety and Community	353,238
Crime-Fighting Technologies:	
Law Enforcement Technology Program	189,954
Interoperability	20,000
(Transfer to the BJA)	(3,000)
(Transfer to NIST—OLES)	(5,000)
Crime Identification Technology Act	69,075
(Safe Schools Technology)	(17,000)
National Criminal History Improvement	40,000
Crime Laboratory Improvement Program	40,538
DNA Backlog Elimination	41,000
Subtotal, Crime-Fighting Technologies	400,567
Prosecution Assistance:	
Southwest Border Prosecutors	40,000
Gun Violence Reduction Program	45,000
Subtotal, Prosecution Assistance	85,000
Community Crime Prevention:	
Police Integrity	16,963
Offender Reentry	14,934
School Safety Initiatives	15,210
Project Sentry	10,000
Subtotal, Community Crime Prevention	57,107
Management and Administration	33,000
Total, Community Policing Services	928,912

COPS Hiring Program.—The conference agreement includes $200,000,000 for the hiring of law enforcement officers, including school resource officers, to prevent acts of terrorism, and other violent and drug-related crimes. The budget request did not include any funding for this purpose. Through its knowledge of the local communities and interaction with citizens, local law enforcement plays a critical role in preventing and detecting terrorism and sharing this information with State and Federal law enforcement. The conferees also recognize that while local law enforcement responsibilities have expanded to include counterterrorism since September 11th, daily crime prevention and law enforcement duties must still be performed. Further, the conferees recognize that it is local law enforcement's role to respond to citizen concerns and alleviate fears related to terrorism and other violent crimes. The conferees expect the COPS Program Office to ensure the appropriate emphasis on law enforcement's role in combating terrorism, violence, and drug crime, and securing our nation's schools.

In addition, the conference agreement makes 30 percent of the funding available for law enforcement overtime costs for training and the prevention of acts of terrorism and other violent and drug-related crimes. The conferees feel that the cities of New York, NY, Detroit, MI and Wayne County, MI may be eligible under this program for anti-terrorism efforts.

The conferees also recognize that State and local law enforcement agencies depend on technology and communications equipment to perform their jobs safely and effectively. Therefore, the conference agreement includes language for a new communications technology grant program under the COPS Crime-Fighting Technologies section of this report.

Within the level of funding provided, the conferees expect the COPS office to provide training to assist school resource officers in preventing terrorist acts aimed at schools. The officers will be trained in non-intrusive defensive measures to reduce the vulnerability of schools to terrorist attacks and offensive measures to prevent, deter, and respond to terrorism. The conferees direct that a report be provided to the Committees on Appropriations no later than 60 days after enactment of this Act to include a spending plan for this effort and the hiring and overtime effort described above.

Police Corps.—The conference agreement includes $15,000,000 for the Police Corps program. The conferees understand that sufficient prior year unobligated balances exist to allow the program to maintain at least its current level. The conference agreement includes bill language, as requested, providing that funding agreements shall include the funding for outyear program costs of new recruits. This language is necessary to prevent the program from incurring unfunded future liabilities as new recruits enter the program.

The conferees understand that in fiscal year 2002 there were 22 States training recruits in the Police Corps programs. Within the available funding, including carryover balances, OJP is expected to fund additional programs as more State programs meet OJP program criteria. The conferees understand that Public Law 107–273 authorizes increased payments for scholarships, educational reimbursements, and stipends for trainees. However, the Administration's budget request did not include additional funding to accommodate these increased costs. Therefore, in order to ensure there are sufficient resources to fund additional training programs, the conference agreement directs OJP to continue to provide payments at the levels authorized in fiscal year 2002. In addition, the conference agreement directs OJP to standardize the funding provided for recruit training and require State matching funds for training costs. The conference agreement directs OJP to submit a Police Corps financial plan no later than 180 days after enactment of this Act.

The conferees expect OJP to work with State Police Corps programs to ensure these programs are providing effective and up-to-date terrorism prevention and response training. The conferees also recognizes that every State will not implement a Police Corps program and that the vast majority of law enforcement training will not be performed in Police Corps programs. The conferees direct OJP to submit a report no later than 180 days after enactment of this Act, describing how successful Police Corps training techniques can be incorporated in State and local law enforcement academies in order to maximize the number of recruits that receive this advanced training. The report shall also describe OJP's efforts to incorporate terrorism prevention and response training into the Police Corps program and discuss the feasibility of establishing regional Police Corps training centers.

Indian Country.—The conference agreement includes $35,000,000 to be used to improve law enforcement capabilities on Indian lands and native villages, both for hiring uniformed officers, including village public safety officers, and for the purchase of equipment and training for new and existing officers. The conferees recommend that five percent of these funds be provided directly to tribal judicial systems to assist Tribal courts with the increased caseload associated with the increased arrests as a result of the additional funds for tribal law enforcement.

Methamphetamine Enforcement and Clean-Up.—The conference agreement includes $57,132,000 for State and local law enforcement programs to combat methamphetamine production and distribution, to target drug "hot spots," and to remove and dispose of hazardous materials at clandestine methamphetamine labs.

Within the amount provided, the conference agreement includes $20,000,000 to reimburse the Drug Enforcement Administration (DEA) for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs.

In addition, within the amount provided, the conferees expect the COPS Program Office, in consultation with DEA, to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

$415,000 for the Oklahoma Bureau of Narcotics and Dangerous Drug Control to properly train and equip officers for operations involving clandestine methamphetamine labs;

$150,000 for the Criminal Justice Institute at the University of Arkansas at Little Rock to train rural law enforcement officers in the issues of safety, investigation, and evidence collection related to methamphetamine production;

$1,500,000 for the Indiana State Police to combat the production, distribution, and use of methamphetamine;

$500,000 to the Nebraska State Patrol for a Methamphetamine Drug Use Enforcement and Research Program. Funding is provided for drug treatment, enforcement enhancements, and laboratory enhancements;

$3,000,000 for the continuation of the Washington State Methamphetamine Program;

$2,200,000 for the Sioux City, Iowa Regional Methamphetamine Training Center, to provide training to officers from eight states;

$500,000 for the Minot State University, ND, rural methamphetamine project;

$800,000 for the Meth Laboratory Eradication Program located in the Ohio Bureau of Criminal Identification and Investigation, Narcotics Section;

$500,000 for the Virginia State Police to assist their efforts in combating methamphetamine;

$100,000 for the Tangipahoa Tri-Parish Meth Task Force for clean-up and equipment;

$750,000 for Marshal, Cullman, Walker and Etowah Counties, AL for methamphetamine initiatives;

$300,000 for the South Central Missouri Drug Task Force;

$300,000 for the Southeast Missouri Drug Task Force;

$125,000 for Cowley County, KS Sheriff's Department for methamphetamine clean-up and enforcement;

$125,000 for Butler County, KS Sheriff's Department for methamphetamine clean-up and enforcement;

$125,000 for Montgomery County and Independence, KS Police Department for methamphetamine clean-up and enforcement;

$1,000,000 for the Methamphetamine Task Force in East Tennessee, to fight the spread of meth labs in this region;

$500,000 for the Arkansas Methamphetamine Law Enforcement Initiative, including the Arkansas State Crime Lab, and the

Arkansas State Crime Lab to combat methamphetamine abuse;

$4,000,000 for the California Department of Justice, Bureau of Narcotic Enforcement, for the California Methamphetamine Strategy (CALMS);

$250,000 for the Oklahoma City Police Department for a Methamphetaimine/Drug Hot Spots Initiative;

$250,000 for Polk County, FL Sheriff's Department to combat methamphetamine production, distribution, and abuse;

$750,000 for the Pennyrile Narcotics Task Force in Madisonville, KY;

$250,000 for Lincoln County, OR for methamphetamine intervention and enforcement;

$400,000 for Marion County, OR for methamphetamine surveillance, search, and seizure training and equipment;

$100,000 for the Jackson County, AL Sheriff's Office Methamphetamine Enforcement Program;

$525,000 for the Lee County, SC, Sheriff's Department methamphetamine program;

$500,000 for the Orangeburg County, SC Sheriff's Department to fight methamphetamine;

$505,000 for the Cherokee Nation Methamphetamine Enforcement and Biohazard Disposal Program in Tahlequah, OK;

$600,000 for the Jackson County, IL Sheriff's Department to establish a methamphetamine lab dismantling project;

$500,000 for Tennessee's 13th Judicial District Drug Task Force to combat methamphetamine production;

$500,000 for personnel, training, and equipment under the Arizona Methamphetamine Initiative;

$1,000,000 for the Iowa Crime Free Rural State Program;

$1,000,000 for the Iowa Office of Drug Control Policy to combat the spread of methamphetamine in east central counties through intelligence gathering, enforcement, and lab clean up operations;

$4,000,000 for Hawaii County, Hawaii to carry out enforcement, prosecution, and cleanup activities associated with the manufacture, use, and distribution of methamphetamine;

$250,000 for the Jackson County, Mississippi Sheriff's Department to combat methamphetamine;

$200,000 to Marion County, Oregon for its Meth Lab Surveillance and Eradication project, which will provide law enforcement with training, equipment, and an improved communications system;

$750,000 for the Mississippi Bureau of Narcotics to combat methamphetamine and to train officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$1,000,000 for the Missouri Drug Eradication Initiative;

$1,500,000 for MoSmart. Funding is to assist sheriffs and rural drug task forces in combating methamphetamine production, use, and distribution by providing needed equipment, training, and lab clean up resources;

$1,000,000 to the Central Utah Narcotics Task Force for the Sevier Region Methamphetamine Project;

$500,000 for the Iowa Office of Drug Control Policy to combat the spread of methamphetamine in south central Iowa through intelligence gathering, enforcement, and lab clean-up operations;

$500,000 to the Vermont Department of Public Safety to support the Vermont Drug Task Force;

$1,400,000 for the Wisconsin Methampetamine Law Enforcement Initiative;

COPS Interoperable Communications Technology Program.—The conference agreement provides $20,000,000 for the Office of Community Oriented Policing Services (COPS) Interoperable Communications Technology program. This program should be designed and implemented by the COPS Office, in coordination with the National Institute of Justice's Advanced Generation of Interoperability for Law Enforcement (AGILE) program and the Bureau of Justice Assistance (BJA). The conferees seek to utilize the expertise of all three organizations so as to create a grant program that is highly responsive to the immediate needs of the State and local law enforcement community.

This program should address the critical need of law enforcement to improve cross-jurisdictional communication and information sharing. The conferees direct the COPS Office to develop and submit to the Committee, no later than 60 days after the implementation of this Act, proposed guidelines for the program. In addition, this program should be coordinated with other Federal grant programs designed to address communications interoperability, so as to develop a comprehensive strategy for improving the current state of public safety communications systems. Consistent with the COPS Office's existing grant programs, the COPS Interoperable Communications Technology program should include a 25 percent match requirement.

The conferees understand and support the need for minimum standards for law enforcement communications technology. Therefore, within the amount provided, the conferees direct that $5,000,000 be transferred to the National Institute of Standards and Technology to continue the efforts of the Office of Law Enforcement Standards (OLES) regarding the development of a comprehensive suite of minimum standards for law enforcement communications. In addition, to continue the research and development of improved communications technologies, the conferees direct that within the amounts provided, $3,000,000 is to enhance the current program level for NIJ's AGILE program.

Law Enforcement Technology Program.—The conference agreement includes $189,954,000 for the COPS Law Enforcement Technology Program for the continued development of technologies, communications equipment, and automated systems to assist State and local law enforcement agencies. The conferees realize that a large portion of the projects funded under this account are for enhanced communications systems. The conferees expect that, wherever feasible, voice/data communications equipment purchased with funds from this account be incorporated into an intra- or inter-jurisdictional strategy for communications interoperability among Federal, State, and local public safety first responders.

Within the amounts provided under this account, grants should be provided for the following:

$5,000,000 to I-Safe America for internet safety education for grades K–12 to prevent child predation on the internet;

$7,100,000 for the Southwest Border Anti-Drug Information System of which $3,500,000 is to go to the State of Idaho;

$1,000,000 for the Downriver Mutual Aid Data Network for an 800mhz digital communications system;

$500,000 to the Sandy City, Utah Police Department for an automated records storage and communications system to operate in conjunction with the court system;

$3,000,000 for Law Enforcement On-Line (LEO) information system which provides criminal justice information to law enforcement agencies throughout the country;

$3,000,000 for the City of Milwaukee, Wisconsin's Police Department to purchase and install mobile digital radios in its squad cars, and to increase public access to data through GIS crime-mapping and other technologies;

$1,000,000 for the County of Bergen, New Jersey to implement a multi-agency radio communications system that will provide interoperability capability across all agencies and integrate the operations of the Bergen County government;

$1,000,000 for the New Castle County, Delaware Police Department for a new records management system, additional computers and software, and surveillance equipment;

$350,000 for the City of Huntsville, Alabama to upgrade computer systems in police headquarters and district stations;

$1,000,000 for Project Hoosier SAFE–T, a statewide emergency response and telecommunications project;

$800,000 to the Rockdale County, Georgia Sheriff's Office to purchase mobile data computers and in-car video systems;

$5,000,000 for the Stark County Sheriff's Department, OH for a law enforcement communications system;

$2,500,000 for the Regional Law Enforcement Technology Program in KY;

$4,000,000 for the Simulated Prison Environment Crisis Aversion Tools for programs in Alabama, North Carolina, and Pennsylvania;

$100,000 for Loudoun County, VA for a court automation modernization project;

$200,000 for a New Orleans Metropolitan Crime Commission;

$100,000 for the St. Tammany Parish, LA Sheriff's Office for law enforcement technologies;

$50,000 for the Slidell, LA Police Department for technologies to increase information sharing;

$50,000 for the Jefferson Parish, LA Sheriff's Office for law enforcement technologies;

$50,000 for the Harahan, LA Police Department for systems to assist in the investigating, responding to and preventing crimes;

$219,000 for the Virginia Sheriff's Association Terrorist Information Network;

$3,000,000 for the Center for Criminal Justice Technology;

$1,250,000 for the San Diego County, CA Sheriff's Department for automation infrastructure improvements;

$1,500,000 for Morris County, NJ for police communications and law enforcement technologies;

$765,000 for video cameras for Virginia law enforcement vehicles in the jurisdictions of: $100,000 for Henry County, $100,000 for Pittsylvania County, $40,000 for Franklin County, $40,000 for Mecklenburg County, $40,000 for Halifax County, $40,000 for Campbell County, $25,000 for Appomattox County, $25,000 for Charlotte County, $25,000 for Lunenburg County, $25,000 for Brunswick County, $100,000 for Albermarle County, $25,000 for Bedford County, $25,000 for Cumberland County, $25,000 for Prince Edward County, $25,000 for Buckingham County, $25,000 for Nelson County, $25,000 for Greene County, $25,000 for Fluvanna County, $15,000 for the City of Bedford, and $15,000 for the Town of Rocky Mount;

$155,000 for mobile data terminals for the Albermarle County, VA Police Department ($50,000) and the cities of Charlottesville VA ($40,000), Danville, VA ($40,000), and Martinsville, VA ($25,000);

$50,000 for Pickaway County, OH Sheriff's Department for law enforcement technologies;

$500,000 for Putnam County, IL Sheriff's Department for law enforcement technologies;

$750,000 for the City of Peoria, IL Police Department for law enforcement technologies;

$800,000 for the East Valley Community Justice Center;

$250,000 for the Redlands Police Department, CA for law enforcement technologies;

$500,000 for the City of Louisville, KY for in-car video systems and mobile data terminals;

$100,000 for the Shivley, KY Police Department for in car video systems, mobile data terminals, and video surveillance equipment;

$5,000 for the Jeffersontown, KY Police Department for law enforcement technologies;

$500,000 for the Onondaga, NY Sheriff's Office for law enforcement technologies;

$200,000 for the City of Syracuse, NY Police Department for law enforcement equipment and technologies;

$1,100,000 for the National Training and Information Center (NTIC);

$1,000,000 for Pinellas County, FL for a facial recognition program;

$1,000,000 for the City of Largo, FL Police Department for laptops/mobile data terminals in vehicles;

$1,000,000 for the Florida Department of Corrections for a system to electronically monitor criminal probationers and link their location to crime events;

$500,000 for the Hanover County, VA Sheriff's Office for communications upgrades;

$250,000 for the City of Winston-Salem, NC for mobile data terminals;

$250,000 for the Riverside, CA Police Department for technology enhancements;

$72,000 for the Lewis County, WV Sheriff's Department for an upgraded records management system and an automated dispatching system;

$900,000 for the Concord, NC Police Department for a records management project;

$100,000 for DuPage County, IL for a geographic information system;

$500,000 for Cobb County, GA Sheriff's Department for a multi-level law enforcement technology system;

$87,000 for McHenry County, IL for equipment for the McHenry Sheriff's Training Facility;

$60,000 for the Vernon Parish, LA Sheriff's Office for law enforcement technologies;

$200,000 for the Woodland, CA Police Department for law enforcement equipment and technologies;

$150,000 for in-car video cameras and an integrated records management system for the York, PA police department;

$250,000 for the Orange County, Sheriff's Department of Santa Ana, CA for mobile data terminals;

$350,000 for the City of Fort Wayne, IL Police Department for in-car video cameras and mobile data terminals;

$500,000 for the Lafourche Parish, LA Sheriff's Department for investigative equipment;

$1,500,000 for the Maryland State Police Department for a police vehicle technology system;

$3,000,000 for the State of California for the California Anti-Terrorism Information Center;

$600,000 for the Indianapolis, IN Police Department to upgrade mobile data terminals;

$845,000 for the Williamson County, TX Sheriff's Department for law enforcement technology and training equipment;

$250,000 for Gladstone, OR for a public safety communications system upgrade

$1,000,000 for the Texas State University System to develop an integrated training and information-sharing network to enhance criminal information;

$70,000 for the City of Harstelle, AL Police Department for technology and equipment enhancements;

$50,000 for the City of Rogersville, AL Police Department for equipment and technology upgrades;

$50,000 for the Limestone County, AL Sheriff's Office for law enforcement technology and equipment upgrades;

$750,000 for the East Providence, RI Police Department for technology upgrade initiatives;

$300,000 for the Lincoln, RI Police Department for technology upgrade initiatives;

$500,000 for the Woonsocket, RI Police Department for technology upgrade initiatives;

$2,000,000 for the Los Angeles, CA County Sheriff's office for a training equipment;

$600,000 for the Arkansas Crime Information Center for phase II of the JailNet system;

$250,000 for the Williamsburg County, SC Sheriff's Office to implement a communications network;

$600,000 for the City of Toledo, OH for technology upgrades and enhancements for three district police stations;

$867,000 for the Arlington County, VA Police Department to obtain Mobile Data Terminals and upgrade its records management system;

$300,000 for the Fitchburg, MA Police Department for online booking/laser technology;

$1,500,000 for the Phoenix, AZ police department for law enforcement equipment including laptop replacements;

$550,000 for Avondale, AZ for a new police data retrieval and records management system;

$100,000 for Lake County, IN to enhance the Law Enforcement Management System;

$600,000 for Porter County, IN to install a Tiburon integrated public safety computer system;

$350,000 for the City of New Bedford, MA Police Department for technology upgrades;

$500,000 for Broward County, FL for technological security improvements at Port Everglades, FL;

$1,000,000 for Worcester Polytechnic Institute in Worcester, MA for law enforcement and first responder technologies;

$1,000,000 for the Cities of Bayamon and Guaynabo, PR for law enforcement technologies;

$1,000,000 for the Puerto Rico Police Department to purchase portable radios;

$400,000 for the Suffolk County, NY Police Department for enhancements and additions to existing communications systems;

$35,000 for the Eastchester, NY Police Department for in-car technologies;

$50,000 for the City of Rialto, CA for anti-terrorist technology;

$1,000,000 for the Bayonne, NJ Police Department for radio system replacement;

$500,000 for the City of Elizabeth, NJ to equip a Communication Command Center;

$500,000 for the City of Hoboken, NJ to upgrade a radio communication system;

$250,000 for the Los Angeles County, CA Sheriff's Department for a mobile communications system;

$250,000 for Orange County, CA for Mobile Data Terminals;

$111,000 for the San Louis County, CA Sheriff's Department for law enforcement technologies;

$250,000 for the Government of the Virgin Islands to obtain high technology crime fighting equipment;

$200,000 for the Denver, CO public safety intelligent integration project;

$500,000 for the seamless emergency communications network for the Imperial Valley Emergency Communications Agency;

$200,000 for the City of Houston, TX to implement the Enhanced Video Imaging Initiative;

$500,000 for the National Center for Rural Law Enforcement's Internet Project;

$250,000 for the Beaverton, OR Police Dept. Identity Theft program;

$1,000,000 for the City of New York, NY to equip a new police laboratory;

$200,000 for the Borough of Tinton Falls in Monmouth County, NJ for law enforcement and emergency communications upgrades;

$50,000 for the Borough of Frenchtown, NJ Police Department for in-car video cameras;

$100,000 for the City of Jackson, TN to purchase and install Mobile Data Terminals in police cars;

$3,000,000 for Tucson, AZ for public safety communications upgrades, of which $1,000,000 shall be for Cochise County;

$1,000,000 for Harris County, TX for a 911 emergency network;

$1,000,000 for Placer County, CA for public safety communications upgrades;

$500,000 for the City of Roseville, CA to improve communications among public safety agencies;

$750,000 for the City of Springfield, OH for communications upgrades;

$170,000 for Delaware County, NY for a communications system upgrade study;

$250,000 for the DuPage County, IL Emergency Operations Center for equipment upgrades;

$157,000 for the City of Rancho Cucamonga, CA for an emergency communications program;

$350,000 for the City of Upland, CA communications and technology upgrades;

$500,000 for Washington County, MD for a multi-jurisdictional radio communications system;

$2,000,000 for Greene County, MO for interoperable communications system for first responders;

$250,000 for Warren Township, NJ for emergency communications equipment;

$500,000 for Glades County, FL for emergency communications equipment;

$1,000,000 for the City of Chesapeake, VA public safety departments for a computer aided dispatch system;

$500,000 for Imperial County, CA for the development of an inter-agency emergency communications system;

$500,000 for Sevier County, TN for inter-agency communications equipment;

$500,000 for Hennepin and Caver counties, MN for a regional public safety communications system;

$250,000 for North Hempstead, NY Department of Public Safety for communications upgrades;

$500,000 for Kenosha, WI to modernize communications capabilities between police, fire and public safety agencies;

$1,000,000 for the City of Virginia Beach, VA to upgrade technology and infrastructure at the city's emergency communications and operations center;

$500,000 for Stamford, CT to upgrade emergency response infrastructure;

$500,000 for Franklin County, PA Emergency Management Agency for communications equipment;

$1,000,000 for the Colorado Division of Information Technologies for a seamless Statewide wireless communications system;

$500,000 for Pasco County, FL to upgrade communications equipment;

$500,000 for LaSalle County, IL for a county-wide public safety communications system;

$1,000,000 for the County of Salt Lake, UT for consolidation of the 911 dispatch system;

$750,000 for the City of Abilene, TX for purchase of emergency response and public safety communications equipment;

$500,000 for the State of Alabama for a statewide homeland defense network;

$860,000 for Matteson, IL for a SouthCom Combined Dispatch Center;

$978,000 for the South Suburban Mayors and Managers Association in East Hazel Crest, IL for a pilot joint dispatch center and regional law enforcement technology center;

$2,000,000 for City of Detroit, MI, homeland security technology and training needs;

$1,500,000 for the Twin Cities, MN area for communications radios for the Metro Radio Board;

$500,000 for the city of Madison, WI to create a consolidated 911 Computer Aided Dispatch and Records Management System;

$1,000,000 for the Lower Rio Grande Valley Development Corporation to establish a regional first responder communications system;

$250,000 for the Los Angeles County, CA Sheriff's Department for a mobile communications system;

$250,000 for the City of Belmont, CA to upgrade emergency communications technology;

$176,000 for Center Line, MI to upgrade records and dispatch system;

$250,000 for the Southwest Central Dispatch in Illinois for equipment upgrades;

$250,000 for the Lumber River Council of Governments in North Carolina for a critical incident communication system;

$1,000,000 to the City of Owensboro, Kentucky and Daviess County, Kentucky to implement an improved emergency responder and 911 operations system;

$250,000 to the City of Flint, Michigan for upgrades to its 911 emergency response system;

$500,000 for the Abilene, Texas Police Department to upgrade and expand the emergency response and communications network;

$2,000,000 to the State of Alaska to build statewide shared multi-agency communications network;

$1,500,000 for the Alaska Department of Public Safety to upgrade its communications systems;

$100,000 for the Brooklyn, Ohio Police Department to purchase a computer aided dispatch system and mobile data terminals;

$500,000 for Brown County, South Dakota to replace radio equipment, modernize the telephone infrastructure, and purchase computer-aided dispatch technology for the county's Regional Communications Center;

$1,310,000 to the City of Jackson, Mississippi for the public safety automated technologies system;

$300,000 for South Dakota's Cheyenne River Sioux Tribe to modernize its current court system by upgrading computer systems and acquiring court service processors;

$200,000 to the Choctaw County, Alabama Emergency Management Agency for a Emergency Warning Notification System;

$1,400,000 for the City of Cincinnati, Ohio to implement a record management system;

$750,000 to the City of Seattle, Washington for digital video surveillance cameras;

$2,000,000 to the City of Oceanside, California to upgrade the public safety radio system;

$30,000 to the Charter Township of Mt. Morris, Michigan for closed circuit video camera technology;

$7,500,000 for a grant to the Southeastern Law Enforcement Technology Center's Coastal Plain Police Communications initiative for regional law enforcement communications equipment. The state capitol of Columbia should be given due consideration in this year's implementation;

$250,000 to the Columbia, Mississippi Police Department for technology;

$3,000,000 for the Consolidated Advanced Technologies for Law Enforcement (CAT lab) Program;

$910,000 for the City and Borough of Juneau, Alaska for equipment and technology enhancements at the Juneau Dispatch and Evidence Center;

$300,000 for the City and Borough of Ketchikan, Alaska for an Emergency and 911 Dispatch system;

$3,000,000 to Montgomery County, Maryland to establish an integrated criminal justice information system;

$1,500,000 for the Rockville, Maryland Police Department to upgrade communications, records management, and emergency services systems;

$750,000 to the City of Wasilla, Alaska for a regional dispatch center;

$800,000 for the City of Jackson, Tennessee to install mobile data terminals in police vehicles;

$1,000,000 to the City of Memphis, Tennessee to install a regional law enforcement communications system;

$350,000 for Cowlitz County, Washington to replace its emergency response radio system;

$950,000 to George Mason University in Virginia for equipment for the Critical Infrastructure Protection Project (CIPP);

$150,000 for Curry County, Oregon to fund upgrades and repairs needed to maintain the integrity of the communications system;

Up to $3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle, which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;

$1,500,000 for the Delaware State Police to upgrade communications and video capabilities, purchase a real-time x-ray machine, and portable receivers;

$250,000 to the City and County of Denver, Colorado for an intelligent emergency service dispatch system;

$1,000,000 for the City of Des Moines, Iowa to develop a regional geographic information system that will enhance homeland defense and emergency response capabilities;

$500,000 to Eau Claire County, Wisconsin's Police Communications Project for a computer aided dispatch and records management system;

$2,250,000 for the Montana Public Safety Services Office to acquire enhanced 9–1–1 communications technology;

$810,000 for Hamilton County, Ohio to replace and upgrade the current dispatch system;

$2,500,000 to the Harrison County, Mississippi Sheriff's Department for the Public Safety Automated Systems project;

$400,000 to the Indianapolis, Indiana Police Department to upgrade the existing laptop computer system to a wireless land area network;

$850,000 to the National Center for Victims of Crime INFOLINK Program;

$500,000 for Jefferson County, Alabama to upgrade the public safety radio system and improve interoperability;

$1,000,000 to the Johnson County, Kansas Sheriff's Department for a computer-aided dispatch system;

$200,000 for the Town of Johnston, Rhode Island to acquire mobile data computers, a video surveillance system for police headquarters, and an automated telephone system;

$1,000,000 to the State of Kansas for the Public Safety Communications Network;

$25,000 to Bath and Menifee Counties in Kentucky for the purchase of law enforcement equipment;

$60,000 to the Rowan County, Kentucky Sheriff's Office and the Morehead Police Department for the purchase of radar units, mobile cameras, communications equipment, a records management system, and other investigative equipment;

$95,000 for Leake County, Mississippi for police technology and equipment;

$1,500,000 for the Louisiana Commission on Law for a Statewide Technology Coordination Project;

$1,500,000 to the City of Madison, Wisconsin Police Department's Consolidated Communications Project for new hardware, software, data conversion, training, and project administration;

$1,000,000 to the Maine State Police for a new voice and data communications system;

$2,250,000 for Minnehaha County, South Dakota to upgrade its existing communications system and to link with the new State of South Dakota Radio System;

$250,000 to the Madisonville, Kentucky Police Department for mobile data terminals;

$20,000 to Moody County, South Dakota for upgrades to the emergency response communications system;

$750,000 to the Town of Mountain Village, Colorado for a regional public safety communications system;

$4,750,000 to the Pegasus Research Foundation, Inc., in coordination with the National Sheriff's Association for a multi-state information system that will enable local law enforcement agencies to share important criminal justice information;

$200,000 to the Kenton County, Kentucky Sheriff's Office for communications system improvements;

$400,000 to the New Hampshire Department of Public Safety to provide equipment and technology to ten small law enforcement agencies throughout New Hampshire;

$750,000 for the New Jersey Marine Police Patrol for technology upgrades.

$300,000 to the Newago County Office of Administration for the acquisition of an 800mhz digital communications system;

$500,000 to the New Hampshire Police Standards and Training Facility to purchase technology and equipment for training recruits;

$300,000 for the Billings, Montana Police Department for vehicle enhancements, including automatic vehicle locators, in-car report writing modules, and mobile roaming technology;

$515,000 for the Lubbock, Texas Police Department to purchase mobile data terminals and related software;

$500,000 for the County of Passaic, New Jersey for the purchase of a trunked radio system;

$1,500,000 for the Oklahoma Department of Public Safety to provide comprehensive radio and data communications capabilities for all emergency response agencies units in Oklahoma;

$200,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to study requirements and develop a plan to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area;

$200,000 to the City of Santa Rosa, California for radio communications and emergency response systems upgrades;

$1,500,000 to the North Carolina State Highway Patrol for the development and implementation of an interoperable Voice Trunking Network (VTN) real-time voice communication system throughout the state;

$300,000 to REJIS for the establishment of a computer information system to serve the St. Louis Region;

$2,000,000 for the Montana Sheriff's & Peace Officers Association for a reverse 9-1-1 system which will allow State and local officials to distribute emergency information to citizens over their phone lines using auto-dialing technologies;

$750,000 to San Miguel County, New Mexico Emergency Services for a county wide communications system;

$850,000 to Simpson County, Mississippi for a public safety automated technologies system;

$1,500,000 for South Dakota's Sheriffs and Police Chiefs Association to acquire communications equipment, computers, and other crime-fighting technologies;

$2,000,000 for a grant for the Southeastern Law Enforcement Technology Center to partner with SPAWAR System Center Charleston to advance research and development into software radio technology;

$750,000 to the Oklahoma Department of Public Safety for a statewide public safety communications system;

$1,000,000 to Wake County, North Carolina's Department of Public Safety and Emergency Management for technology infrastructure improvements for law enforcement vehicles;

$200,000 for the Pike County, Illinois Sheriff's Department to upgrade law enforcement technologies and modernize equipment;

$50,000 for the City of West Point, Kentucky for the purchase of law enforcement equipment;

$1,500,000 for the training of village public safety officers and small village police offices and acquisition of equipment and technologies;

$250,000 to the Warren County, Mississippi Sheriff's Department for technology enhancements;

$125,000 for the Wilkinson County, Mississippi Sheriff's Department for police technology and equipment;

$1,000,000 for the Wilmington, Delaware Police Department to purchase equipment and technologies;

$300,000 to the Wyoming Law Enforcement Academy in Douglas, Wyoming for technology upgrades;

Crime Identification Technology Act.—The conference agreement includes $69,075,000 to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105-251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification systems, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capturing information for statistical and research purposes; (5) multijurisdictional, multiagency communications systems; and (6) improvement of capabilities of forensic sciences, including DNA.

Within the overall amounts recommended, the conferees expect OJP to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations its intentions for each proposal:

$250,000 for Pennsylvania's Cross Current Corporation Criminal Justice County Integration Project;

$1,500,000 to the Great Cities Universities Coalition in Georgia for criminal justice data gathering and analysis;

$500,000 to the City of Montrose, Colorado for a records management system and related technology to interface with the public safety communications system;

$1,000,000 for Whatcom County, Washington's Multi-Jurisdictional Criminal Justice Data Integration Project to develop and implement an integrated county-wide communications system;

$2,000,000 for the Ohio Bureau of Criminal Investigation to purchase Live-Scan machines for use by Ohio law enforcement agencies;

$200,000 for Henderson County, NC for COPLINK;

$1,000,000 for Harris County, TX Regional AFIS project;

$500,000 for San Bernardino, CA for an electronic crime report filing system;

$1,000,000 for San Bernardino, CA Sheriff's Department, for the SECURES gunshot detection system project;

$1,500,000 for Pinellas County, FL for a laptop interoperability project;

$3,000,000 for the National Forensics Science Technology Center in Largo, FL;

$1,000,000 for the Washington Association of Sheriffs and Police Chiefs (WASPC), for the Jail Booking an Reporting System;

$1,000,000 for the Bi-County Police Information Network in Benton and Franklin Counties, WA;

$250,000 for the Mecklenburg County, NC Criminal Justice Information System project;

$500,000 for the Jefferson County, AL Sheriff's Department for an Identification Based Information System;

$4,000,000 for the Cyber Science Laboratory for developing advanced electronic crime and computer forensics technology for law enforcement;

$250,000 for the King County, WA Sheriff's Office for electronic records and DNA testing;

$500,000 for Ventura County, CA for an integrated justice information system;

$20,000 for Madison Village, OH for a records management system;

$250,000 for Sacramento County, CA Sheriff's Department for records management and communications systems;

$250,000 for the State of Illinois for a fingerprint identification system;

$1,500,000 for St. Louis County, MO, to upgrade and enhance criminal ID technologies for police and sheriff's offices;

$150,000 to the Douglas County Sheriff's Department, Douglas County, WI to upgrade and expand the regional crime information system;

$25,000 for the City of Philadelphia, PA, for an electronic fingerprint scanner to connect to state-wide information;

$750,000 for the North Carolina State Attorney General, for a Computer Forensics Initiative;

$1,700,000 for Hennepin County, MN for an integrated criminal database system;

$400,000 for the City of New York to collect and provide digital identification evidence to support domestic violence cases;

$40,000 for the Eastchester, NY Police Department for an electronic fingerprinting ID system;

$650,000 for the City of Portland, OR Police Department for the IBIS system;

$100,000 for Wagoner County, OK for the Sex Crime Offender Registration Enforcement (SCORE) program;

$500,000 for development of the San Diego Police Department's Criminal Records Management System;

$750,000 for Lane County/Springfield/Eugene, OR for law enforcement area information records system;

$500,000 to the Arkansas Crime Information Center and the Arkansas Sheriff's Association for Phase II of the JailNet project;

$1,000,000 to the Arkansas State Police for an automated fingerprint identification system;

$500,000 to the Ogden City, Utah Police Department for an automatic finger print identification system (AFIS);

$400,000 for a Centralized Sex Offender Registry Program for the State of Colorado;

$1,000,000 for CJIS WareNET to connect all state law enforcement agencies into one information database;

$250,000 to the Ogden City, Utah Police Department for a consolidated records management system;

$2,000,000 for the Alaska Criminal Justice Information System to integrate federal, state, and local criminal records along with social service and other records. It expects the system design to include the capability to provide background checks on potential child care workers for child care providers and families with the permission of the job applicant. The State should consult with the National Instant Check System for technical expertise;

$7,250,000 for the South Carolina Judicial Department to purchase equipment for the integration of the case docket system into a state-of-the-art comprehensive database to be shared between the court system and law enforcement;

$1,000,000 to the Vermont Department of Public Safety for the Criminal Justice Integration System Project;

$1,000,000 to the Minnesota Department of Public Safety for the integrated criminal justice information system titled CriMNet;

$100,000 to the Ogden City, Utah Police Department for a facial recognition system;

$250,000 to the City of Gulfport, Mississippi for the Gulfport Critical Incident Response Technologies;

$1,000,000 to the Missouri Office of the State Court Administrator for computer upgrades and modernizations of the juvenile court system;

$450,000 to implement a Louisiana Statewide Sex Offender Database;

$800,000 for the Low Country Information Technology Improvement Project;

$250,000 for the Offenders' Unified Tracking for Rehabilitation, Enforcement, Assistance, and Community Health (OUTREACH) program at the University of Pennsylvania Lee Center of Criminology;

$2,800,000 for the South Carolina Law Enforcement Division to obtain equipment, convert existing databases and integrate systems for accurate and rapid processing of information to support identifications for criminal and civil purposes;

$250,000 to the South Bend, Indiana Police Department for the purchase of an automated fingerprint imaging system (AFIS);

$500,000 for the Syracuse University Cross-Information Language Retrieval system to assist law enforcement in the search and analysis of foreign Internet document databases;

$1,800,000 to upgrade automated fingerprint identification systems (AFIS) in Hawaii;

$850,000 for the University of Southern Mississippi for crime identification technology training;

Crime Laboratory Improvement Program.—The conference agreement includes $40,538,000 for the crime laboratory improvement program.

DNA Backlog Elimination.—The conference agreement includes $41,000,000 to reduce the DNA sample backlog including the testing of date rape kits. Within this amount, $5,000,000 is available for Paul Coverdell Forensics Sciences Improvement grants.

Within the overall amounts recommended for the Crime Laboratory Improvement and DNA Backlog Elimination Programs, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

$1,250,000 for the Florida Gulf Coast Univerisity for DNA testing center to help train students to work in DNA laboratories;

$1,500,000 for the Commonwealth of Virginia to enhance existing state forensics laboratory capabilities for analysis and training;

$1,500,000 for the Northeast Regional Forensic Institute in Albany, NY;

$500,000 for the Northern Illinois Police Crime Laboratory for forensic science equipment;

$2,000,000 for the State of Maryland and the City of Baltimore DNA Labs to be evenly divided among each;

$3,000,000 for the Iowa State University Midwest Forensics Science Center;

$2,000,000 for the New Jersey State Police for forensics equipment;

$250,000 for the DuPage County, IL Crime Laboratory;

$500,000 for the Center for Forensic Service in Indian Country in Arizona;

$500,000 for the City of Whittier, CA for forensic science equipment;

$2,000,000 for the Department of Justice of the State of California for the Integrated Laboratory Information Management System;

$1,500,000 for the Indiana State Police for the Forensic DNA Analysis Unit to address the backlog;

$500,000 for the Institute for Forensic Imaging at Indiana University Purdue University at Indianapolis;

$30,000 for Williamson County, TX for equipment to analyze both finger and palm prints;

$750,000 for the Forensic Science Center at California State University, Los Angeles;

$1,000,000 for Phoenix, AZ to expand the crime lab's DNA capabilities;

$350,000 for the City of New York, NY to develop a forensic evidence collection training program;

$250,000 for the Sacramento County, CA Sheriff's Department to modernize its data infrastructure;

$250,000 to Allegheny County, Pennsylvania for the Allegheny County Forensics Laboratory for improvements;

$142,900 to the Broome County, New York Government Security Division for a computer and video forensics laboratory;

$1,500,000 to establish the Metropolitan Forensic Science Center in Albuquerque, New Mexico which will serve law enforcement agencies involved in Indian Country;

$800,000 for the Central Piedmont Community College Forensics Lab in North Carolina;

$400,000 for the Birmingham Police Department to improve and update their forensic laboratory;

$400,000 for the Forensics Laboratory at East Stroudsburg University, Pennsylvania to assist Pennsylvania's law enforcement community by expediting the processing of the state's DNA backlog;

$500,000 to the Indiana State Police, Laboratory Division for personnel, equipment, supplies, and contractual needs in order to meet the increased demands on the DNA Analysis Unit;

$400,000 to the Kansas Bureau of Investigation for lab equipment and an information management system to track evidence;

$3,000,000 for the Marshall University (MU) Forensic Science Program in West Virginia;

$750,000 for the Mississippi Crime Lab to improve the state's capability to analyze DNA evidence;

$800,000 to the Ohio Bureau of Criminal Investigation for improvements to its Forensic Science Lab;

$500,000 to the Pikes Peak Metro Crime Lab in Colorado for renovations necessary to meet the demand for DNA analysis services;

$1,500,000 to the South Carolina Law Enforcement Division for equipment to support a federal and state collaboration of investigators and forensics experts to solve high technology crimes through one center;

$2,500,000 to the South Carolina Law Enforcement Division for continued funding to support the growing state and local law enforcement needs in the only full service forensic laboratory in South Carolina;

$970,000 to the Southeast Missouri Crime Lab for modernizations and equipment;

$250,000 to Texas Tech University for the Southwest Institute for Forensic Sciences;

$4,000,000 for the West Virginia University (WVU) Forensic Identification Program;

Southwest Border Prosecutions.—The conference agreement includes $40,000,000 for assistance to State and local prosecutors located along the Southwest border, including the integration and automation of court management systems. This program will provide financial assistance to Texas, New Mexico, Arizona, and California for the State and local costs associated with the handling and processing of drug and alien cases referred from Federal arrests. If additional funding is required for this program, the Committees on Appropriations will consider a reprogramming request under section 605 of this Act.

Offender Reentry.—The conference agreement includes $14,934,000 for the law enforcement costs related to establishing offender reentry programs. Offender reentry programs establish partnerships among institutional corrections, community corrections, social services programs, community policing, and community leaders to prepare for the successful return of inmates to their home neighborhoods. The amount recommended is provided to fund law enforcement participation and coordination of offender reentry programs. The conferees are pleased that the OJP is working in collaboration with the Departments of Labor, Health and Human Services, Housing and Urban Development, and Education in the execution of this program. The conferees encourage OJP to expand its collaboration with these departments to coordinate the resources provided by multiple agencies of the Federal government to address the needs of local communities.

Safe Schools Initiative.—The conference agreement includes $15,210,000 for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address the threat of terrorism, crime, disorder, gangs, and drug activities.

Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

$500,000 for the Family, Career and Community Leaders of America (FCCLA) "Stop the Violence" program;

$350,000 for the Virginia Attorney General's Office for Class Action and other educational programs in Virginia's schools;

$125,000 for the Rappahannock County, VA Sheriff's Office for a school resource officer program;

$125,000 for the Town of Stanley, VA Sheriff's Office for a school resource officer program;

$500,000 for the Learning for Life program;

$1,000,000 for Wichita, KS for a school safety programs in Wichita Public Schools;

$250,000 for the Pinellas County, FL Police Athletic League;

$500,000 for Palm Beach County, FL School District for security upgrades;

$125,000 for the Ashland County, WI Sheriff's Department for school resource officer program;

$560,000 for Rock in Prevention;

$250,000 for development and implementation of youth mentor programs for the Barrington Police Athletic League;

$500,000 for School District of Philadelphia for school violence prevention;

$500,000 for Toledo, OH Public School's Beacon Academy to serve as an alternative to suspension;

$500,000 for Operation Quality Time;

$1,000,000 for District 29 of Southeast Queens in New York, NY, for a Dial-Up system to strengthen home-school-community communication;

$500,000 for the Anaheim, CA Police Department for their School Gang Officers Division

$150,000 for the City of Rialto, CA for the Police Activities League program;

$500,000 for the Alaska Community in Schools Mentoring Program;

$1,000,000 for the Police Athletic League of New Jersey to implement a short term residential summer camp program for youth;

$850,000 for the East Orange Police Athletics League to provide services and programs, including parenting classes, computer training, GED preparation, mentoring and recreational programs;

$1,000,000 for Wisconsin's Families & Schools Together (FAST) Prevention Program to provide services to at-risk youth;

$60,000 for Washington County, Oregon's Hillsboro Boys and Girls Club Gang Prevention Program which is a targeted outreach program to deter young people from gang involvement;

$400,000 for the New Mexico Police Athletic League to continue the statewide Law enforcement and Professional Business Volunteer Technology and Mentoring program and to expand its program to assist at-risk youth to 14 additional sites;

$1,300,000 for the University of Montana to facilitate a statewide community based curriculum development initiative that promotes responsible behavior and reduces youth violence in schools and communities;

$100,000 for the Jefferson County, Illinois Sheriff's Office and Hamilton-Jefferson County Regional Office of Education to implement a safe schools program;

$500,000 for New Mexico's School Security Technology and Resource Center (SSTAR) to provide public schools with physical security assessments, to test existing school security systems, and to implement tailored security plans;

$1,500,000 to provide community-based, cost-effective alternative programs for juveniles who are, have been or may be subject to compulsory care, supervision or incarceration in public or private institutions in several states including South Carolina;

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $275,306,000 for Juvenile Justice programs, instead of $257,801,000 as proposed by the House and $315,425,000 as proposed by the Senate. The conference agreement provides for the following programs:

Juvenile Justice Programs

(Dollars in thousands)

	Amount
Management/Administration	$6,832
State Formula Grants	83,800
Discretionary Grants	89,257
Youth Gangs	11,974
State Challenge Activities	9,978
Juvenile Mentoring	15,965
Incentive Grants to Prevent Juvenile Crime	46,500
(Enforcing Underage Drinking Laws)	(25,000)
(Indian Youth Grants Program)	(12,472)
(Safe Schools Initiative)	(6,500)
Subtotal, Juvenile Prevention Programs	264,306
Victims of Child Abuse Act Programs	11,000
Total	275,306

Discretionary Grants.—The conference agreement includes $89,257,000 for this discretionary grant program. Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions.

$840,000 for Oregon Partnership for Champions for Healthy Kids and Communities initiative to combat drug abuse;

$1,500,000 for Girls and Boys Town, USA;

$750,000 for Yellowstone Boys and Girls Ranch for programs assisting at-risk youth;

$1,500,000 for "I Have a Dream" Foundation for at-risk youth;

$3,000,000 for the National Council of Juvenile and Family Courts for continued support, which provides continuing legal education and family and juvenile law;

$600,000 for Prevent Child Abuse America for the programs of the National Family Support Roundtable;

$3,000,000 for Parents Anonymous;

$2,500,000 for the South Carolina Truancy and Dropout Prevention Initiative;

$1,250,000 for the Teens, Crime and Community program;

$1,900,000 for law related education for continued support;

$200,000 for the Hazard, KY Buckhorn Wilderness Program;

$3,000,000 for Hamilton Fish National Institute on School and Community Violence;

$500,000 for Youth for Tomorrow;

$1,500,000 for the Harvard Medical School Center for Mental Health and Media for a study into certain causes of youth violence;

$1,000,000 for World Vision for at-risk youth programs;

$500,000 for the First Tee program;

$250,000 for Operation Blue Ridge Thunder;

$1,000,000 for Residential Care Consortium for delinquency prevention programs;

$250,000 for the Detroit Rescue Mission for its High Course Youth Corrections Program for at-risk youth;

$500,000 for the Child Endangerment Response Coalition in Spokane, WA;

$250,000 for the Interagency Family Assessment Team project;

$250,000 for Community Intensive Treatment Program (C.I.T.Y.) and Skills Training Consortium in Alabama for technology investments to be used by the teen centers;

$250,000 for Page County, VA for a juvenile crime prevention program;

$500,000 for the ARISE Foundation for at-risk youth;

$500,000 for Youth Crime Watch of America;

$100,000 for Laurinburg, NC for a juvenile delinquency program;

$500,000 for Orange County, CA Fire F.R.I.E.N.D.S. program, to help reduce juvenile fire setting;

$300,000 for Miami-Dade County, FL Juvenile Assessment Center;

$500,000 for A Child Is Missing;

$200,000 for the Somerville, MA Boxing Club for equipment for at-risk youth programs;

$750,000 for the Brooklyn Academy of Music to help at risk youth and combat teenage delinquency;

$500,000 for the Kennedy Kreiger Institute in MD to create a juvenile delinquency prevention program;

$400,000 for Project AVARY to support programs for at risk youth in California's Bay Area;

$1,000,000 for the Greater Heights Program to provide mentoring to high-risk youth;

$200,000 for the Sports Foundation, Inc., for a focused mentoring program for at-risk youth;

$250,000 for Bristol, RI for development and implementation of an at-risk youth program;

$2,000,000 for the Los Angeles, CA BEST youth program;

$100,000 for the Village of Riverdale, IL for the Riverdale Youth Interaction Program;

$200,000 for the City of Alexandria, VA to implement an alternative detention program for juveniles;

$500,000 for a Family Therapy Clinic at Seton Hill College to assist troubled teens;

$100,000 for the Washington, PA Community Arts and Cultural Center to provide programs for at-risk youth;

$300,000 for the Franklin County, MA Community Coalition of Teens, Youth Substance Abuse Prevention;

$300,000 for the Christian Center's Up-Reach center in Pittsfield, MA;

$200,000 for the Juvenile Day Reporting Center in Durham, NC;

$100,000 for the Culinary Education Training for At Risk Youth program at Johnson & Wales University in Miami Dade County, FL;

$1,000,000 for the Commonwealth Corporation's Diploma Plus program to serve at-risk youth in Massachusetts;

$500,000 for Mother Cabrini HS in New York City to provide at-risk girls with after school tutoring, mentoring, and prevention programs;

$125,000 for the Tilles Center, Long Island University for programs for at-risk youth;

$400,000 for the Father Bellini Association to expand and develop additional programs for "at-risk" youth in Northwest Queens;

$250,000 for the City of Mount Vernon, NY for at-risk youth programs;

$250,000 for the New Rochelle, New York City School District for after school programs for at-risk youth;

$500,000 for the Center for Alternative Sentencing and Employment Services, Inc. in New York, NY to help combat teenage delinquency and illiteracy;

$500,000 for the Elysian Valley United Community Services in Los Angeles, CA for youth programs;

$500,000 for Lawrence Hall Youth Services in Chicago, IL to continue delinquency prevention programs;

$350,000 for Path Community Services, Inc. in El Paso, TX for an after school program for at-risk youth;

$150,000 for the Catholic Charities Maine Rapid Response program for at-risk youth;

$100,000 for Fresno County, CA for the Keep Kids in School program;

$180,000 for the Lafayette Parish, LA Sheriff's Office Youth Academy;

$200,000 for the Children Who Witness Violence program in Cuyahoga County, OH;

$250,000 for Orleans County, VT for a crime prevention community center for at-risk youth in the Newport Derby region;

$5,000,000 for the Secure Our Schools Act;

$450,000 to the After School and Counseling Programs for At-Risk Native American Youth in South Dakota;

$200,000 to Task Inc. for a demonstration project with the Circuit Court of Cook County, Illinois to serve non-violent offenders who demonstrate mental illness and/or substance abuse;

$35,000 for the City of Fort Thomas, Kentucky to develop and implement a drug education and prevention program in the school system;

$90,000 to Lewis County, Kentucky and the City of Vanceburg, Kentucky to develop and implement a drug education and prevention program in the school system and provide additional resources to address law enforcement problems associated with drug use;

$100,000 to the Patriot Center in Rockford, Illinois for programs for at-risk youth;

$250,000 to the Birmingham, Alabama Education Technology (BET) Center for at-risk-youth programs;

$2,000,000 for the Cal Ripken, Sr. Foundation for youth prevention programs aimed at leadership, teamwork, and drug prevention;

$200,000 for the Camden City, New Jersey Housing Authority to establish a drug prevention program for children in low income housing developments;

$250,000 to the United Way of Chittendon County, Vermont to continue the Champlain Mentoring Initiative Project;

$290,000 to Charles Mix County, South Dakota for a full-time substance abuse counselor for local youth, and for the expansion of youth programs in Lake Andes and Wagner, South Dakota;

$75,000 to the Nez Perce Tribe in Lapwai, Idaho for the Child Protection Program to coordinate the services of human resource programs;

$4,000,000 to the National Center for Missing and Exploited Children for the Child Sexual Exploitation Campaign to expand services to law enforcement in cases of child pornography, child molestation, and sexual exploitation;

$400,000 to Ohio's Children Who Witness Violence Program for crisis intervention, assessment and treatment services to children and families impacted by violence;

$200,000 for Parents and Children Together (PACT) to provide gang prevention services, counseling and outreach, and supervised, alternative activities to youth in the Kuhio

Park Terrace and Kuhio Homes housing units in Honolulu, Hawaii;

$1,500,000 to the University of New Hampshire's Crimes Against Children Research Center;

$300,000 for the Elizabeth Buffum Chace Family Resource Center in Warwick, Rhode Island to provide services for members of the community affected by domestic violence;

$100,000 for the Family Ties Supervised Visitation Services in Wakefield, Rhode Island to provide domestic violence prevention and services;

$1,000,000 to Fox Valley Technical College of Appleton, Wisconsin to increase and expand services offered to local law enforcement involved in the investigation of child abuse and neglect;

$200,000 to From Darkness to Light in Charleston, South Carolina which seeks to prevent child abuse and obtain services for victims of child abuse by providing information about the prevalence and consequences of child sexual abuse;

$1,000,000 to expand and replicate the Beyond Bars program;

$300,000 to the City of Jackson, Mississippi for a juvenile justice program;

$1,000,000 to Western Kentucky University for the Juvenile Delinquency Project;

$390,000 for the Juvenile Fire Setters program in New Hampshire;

$2,000,000 to the State of Alaska for a Child Abuse Investigation Program;

$750,000 to Alaska's LOVE Social Services to establish and enhance after school programs in Fairbanks, AK for at risk youth;

$200,000 to the Second Judicial District Juvenile Justice Center in Albuquerque, New Mexico, for a truancy prevention program to help reduce juvenile delinquency and juvenile crime;

$200,000 for the Boys and Girls Home of Nebraska to expand programs geared towards youth who have committed minor offenses and/or have unique mental, psychological and behavioral problems;

$500,000 for a statewide at-risk youth mentoring program in Alaska involving community based organization, schools, and nonprofit entities including Boys and Girls Clubs and Big Brother-Big Sisters.

$500,000 for Juvenile Offender Treatment and Prevention Project to provide mental health treatment and prevention services to youth and families involved with or at high risk of involvement with the Tulsa County juvenile justice system;

$500,000 for the Kansas Big Brothers Big Sisters to expand services to all 105 counties in the state;

$500,000 to the City of Los Angeles, California for the Family Violence Program;

$100,000 for Marion County, Oregon's Life Directions Peer Mentoring Partnership which seeks to break the cycle of drug addiction, violent crime, and teenage pregnancy;

$125,000 to Virginia's Lonesome Pine Office on Youth for the continuation of delinquency prevention and youth development programs;

$750,000 to the Low County Children's Center in South Carolina for continued support for a collaborative effort among local organizations in Charleston that provide full services to children who have been abused;

$400,000 for Pennsylvania's Martin Luther King, Jr. Center for Non-Violence to continue its Life Skills program which enables students to work alongside business and industry mentors;

$1,000,000 for the National Child Protection Development and Training Center in Minnesota;

$2,000,000 to the National Center for Missing and Exploited Children for the NETSMARTZ Initiative to expand the program into schools, homes, and youth organization nationwide;

$200,000 for Nevada Child Seekers to assist in locating missing children and providing resources for the families of missing children;

$750,000 for the Afterschool Services Pilot program operated by the New Mexico State University Cooperative Extension Service to serve youth who are at home alone or are unsupervised between 2 and 6 in the afternoon;

$60,000 for the North Shore Youth Council in Long Island, New York to provide family counseling and youth development services to underserved children in the Miller Place and Rocky Point school districts;

$3,000,000 for the 'Innovative Partnerships for High Risk Youth' demonstration;

$200,000 for Prairie View Prevention Services in Sioux Falls, South Dakota to establish a pilot project for the long-term treatment of juvenile methamphetamine abuse and dependence;

$150,000 to the Crow Creek Sioux Tribe in South Dakota for Project Safe;

$400,000 for the Rapid Response Program in Washington and Hancock Counties in the State of Maine;

$250,000 for the Safer Learning Center in Chicago, Illinois for expansion of mentoring and peer-learning programs;

$200,000 to Boysville of Michigan and SER Metro Detroit for the Samaritan Center;

$60,000 for the South Coast Inter-Agency Narcotics Team, Coquilla, OR, for drug prevention;

$580,000 for St. Joseph's Indian School in South Dakota for juvenile delinquency prevention programs;

$100,000 for the St. Louis for Kids program to provide afterschool programs for at-risk elementary school students in inner city St. Louis, Missouri;

$450,000 for the State of Pennsylvania Witness Protection Program;

$900,000 for the Arkansas Boys and Girls Clubs to expand after-school programs, drug and violence prevention activities, and mentoring of at-risk children;

$400,000 for a grant for the Milwaukee Summer Stars Program;

$1,500,000 to The Family Development Foundation in Las Vegas, Nevada for domestic violence prevention and intervention;

$200,000 for the University of Southern Mississippi Juvenile Justice Prevention Partnership program;

$300,000 for a grant to the Vermont Coalition of Teen Centers;

$1,000,000 for the Wisconsin Safe & Sound Program which combines aggressive enforcement, community organizing, and the establishment of "safe places" for children to go during non-school hours in Milwaukee's highest crime areas;

$600,000 to Utah State University for the Youth and Families with Promise Program;

$300,000 for the Youth Center of Wyoming Valley, Pennsylvania to provide preventative substance abuse education programs;

$300,000 for the Vermont Department of Employment and Training to establish a statewide young offender reentry system targeted at young men aged 18–21;

$250,000 to Jefferson County, Colorado for the Youth System Improvement Project;

$500,000 for the Youth Violence Prevention Research Project at the University of South Alabama;

$150,000 for the City of Aberdeen, South Dakota to establish a Youth-Adult Partnership of Aberdeen (YAPA) community youth center, which will provide structured out-of-school activities for teens;

$1,000,000 for Kansas YouthFriends to expand the school mentorship program;

Within the level of funds provided, $3,000,000 is available for independent program evaluations.

Youth Gangs program.—The conference agreement includes $11,974,000 for the youth gang program to provide grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. Within the level of funds provided, OJP is expected to provide $520,000 for a Northern Virginia multi-jurisdiction anti-gang task force.

Juvenile Mentoring Program (Part G).—The conference agreement includes $15,965,000 for the juvenile mentoring program. Within the amounts provided, OJP is directed to provide $5,000,000 for the Big Brothers/Big Sisters of America program.

At-Risk Children's Program (Title V).—The conference agreement includes $46,500,000 for At-Risk Children's Program.

Safe Schools Initiative.—The conference agreement includes $6,500,000 within Title V grants for the Safe Schools initiative. Within this amount $5,000,000 is provided for Project Sentry.

Within the amounts provided for the safe schools initiative, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions.

$100,000 for the Bronxville, NY Public School System for video surveillance equipment;

$100,000 for Barron County Restorative Justice Programs, Inc. in Rice Lake, WI for a school truancy initiative.

Tribal Youth Program.—The conference agreement includes $12,472,000 within Title V grants for programs to reduce, control, and prevent crime both by and against tribal and Native American youth; for interventions for court-involved tribal youth; for improvement to tribal and Native juvenile justice systems; and for prevention programs focusing on alcohol and drugs, including the Alaska Federation of Natives to develop an underage drinking prevention program in rural Alaska that includes assessment and education and focuses on the children of alcoholics. Within this amount, the conferees direct that $2,000,000 be provided for a grant to fund the Alaska Illegal Drug and Alcohol Use Initiative.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within Title V grants to assist States in enforcing underage drinking laws. Each State shall receive $360,000 and $6,640,000 shall be available for discretionary grants to States. OJP is directed to provide a report to the Committee no later than March 1, 2003 on the accomplishments of the program to date. Within the amounts provided for underage drinking, OJP shall make an award to the Alaska Federation of Natives to develop an underage drinking prevention program in rural Alaska including assessment and education, focusing on the children of alcoholics.

Victims of Child Abuse Act.—The conference agreement includes $11,000,000 for the various programs authorized under the Victims of Child Abuse Act as follows:

$1,747,000 to Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$6,008,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,000,000 for the National Children's Advocacy Center in Huntsville, Alabama to develop and implement a training program; and

$1,497,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$748,000 for a continuation grant to the National Children's Alliance for technical assistance and training, as authorized by section 214a of VOCA.

The conference report includes bill language allowing training and technical assistance to help small, non-profit organizations with the Federal grant process. The Conferees direct OJP to submit a status report on the training and technical assistance provided by September 20, 2003.

PUBLIC SAFETY OFFICERS BENEFITS

The conferee agreement includes $53,054,000 for this account including $4,000,000 for disability benefits.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice in this bill:

Section 101 provides language, included in previous Appropriations acts, which makes up to $45,000 of the funds appropriated to the Department of Justice available to the Attorney General for reception and representation expenses.

Section 102 provides language, included in Appropriations acts for the last six years and prior to 1994, which prohibits the use of funds to perform abortions in the Federal Prison System.

Section 103 provides language, included in previous Appropriations acts, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Section 104 provides language, included in previous Appropriations acts, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 105 provides language, included in previous Appropriations acts, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding criminal acts and acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per award.

Section 106 provides language similar to language included in previous Appropriations acts, which allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 107 provides language to continue section 114 of Public Law 107–77 during fiscal year 2003.

Section 108 provides language regarding the collection of certain immigration fees for commercial vessels operating on regular schedules.

Section 109 provides language regarding the establishment of an advisory board for the Federal Bureau of Investigation.

Section 110 provides language that delays implementation dates for certain Juvenile Justice programs.

Section 111 provides language regarding a permanent law enforcement training facility.

Section 112 provides language regarding an immigration inspection program.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

The conference agreement includes a total of $5,695,127,000 for the programs of the United States Trade Representative, the International Trade Commission and the Department of Commerce for fiscal year 2003.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $34,999,000 for the Office of the United States Trade Representative (USTR) for fiscal year 2003. The recommendation provides additional trade negotiator positions and ancillary costs to address the increasing workload associated with anticipated new trade agreements. The budget request recommended transferring funding jurisdiction to the Executive Office of the President. The conferees do not concur with this proposal.

The Office of the United States Trade Representative is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries on such matters.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $54,000,000 for the International Trade Commission for fiscal year 2003. The recommendation provides for inflation-related costs and the continuation of two IT projects.

The International Trade Commission is an independent, quasi-judicial agency responsible for conducting trade-related investigations; providing the Congress and the President with independent, expert technical advice to assist in the development and implementation of U.S. international trade policy; responding to the Congress and the President on various matters affecting international trade; maintaining the Harmonized Commodity Description and Coding System of internationally accepted product nomenclature; providing technical assistance to eligible small businesses seeking remedies and benefits under the trade laws; and performing other specific statutory responsibilities ranging from research and analysis to quasi-judicial functions on trade-related matters.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement recommends $370,192,000 in total resources for the programs of the International Trade Administration (ITA) for fiscal year 2003. The recommendation includes $362,192,000 to be derived from direct appropriations and $8,000,000 from fee collections. Of the amount of fee collections, $5,000,000 is anticipated from a new fee proposal requested in the budget. The agreement adopts the consolidation of this effort within the Under Secretary/Administration heading, as proposed.

The conference agreement includes additional funding to monitor and enforce trade agreements, and to expand access for U.S. companies to foreign markets. In addition, funding is provided to ensure the United States Foreign Commercial Service has adequate resources to fund increased security and operating costs for overseas posts. The recommendation also assumes a realignment of $5,975,000 from base funds for information and communication systems and merges funding under the Under Secretary/Executive Administration to ensure greater efficiency, as proposed in the budget.

The following table reflects the distribution of the recommendation by subactivity:

Trade Development—The conference agreement provides a total of $67,669,000 for this component and an additional $450,000 is available from prior year unobligated balances. The recommendation includes $500,000 for increased inflationary costs. The conferees provide $10,000,000 for the National Textile Centers, and $3,000,000 for the Textile/Technology Center (TC2); $500,000 for an international competitiveness program; $500,000 for a trade processing center; $250,000 for an export database; and $500,000 for a travel industry statistics component, as provided in the prior year.

Of the funds provided, $500,000 is to develop a new steel industry information management system. Further, the recommendation assumes a transfer of $550,000 from this heading to the Under Secretary/Executive Administration heading for information and communication activities, as proposed.

Market Access Compliance—The conference agreement includes $31,204,000 for Market Access Compliance. Of the amounts provided, $557,000 is to provide for increasing costs for ongoing operations; $930,000 is provided to expand markets by combating regulatory barriers; $576,000 is provided to support negotiation efforts for the Free Trade Area of the Americas; $900,000 is provided to support new efforts relating to the Africa Growth Opportunity Act; and $850,000 is for new efforts relating to the Caribbean Basin Initiative (CBI). The conferees determined that it is more prudent to use direct appropriations for the new CBI efforts instead of relying on anticipated fees for this purpose, as proposed.

The recommendation assumes a transfer of $350,000 for information and communication activities from this heading to the Under Secretary/Executive Administration heading, as proposed.

Import Administration—The conference agreement includes $44,229,000 for the Import Administration. Of the amounts provided, $7,500,000 is to continue overseas compliance and import surge monitoring and enforcement, including $3,500,000 to monitor import data and customs flows for surges in key markets and sectors, such as steel and lumber, and take immediate action when such surges are detected. Such action should include using resources to expedite unfair trade cases so U.S. companies can receive relief at the earliest possible date. The conferees expect Import Administration to vigorously monitor foreign subsidies so that action can be taken if the subsidies violate trade agreements.

Of the amounts provided, $2,500,000 is provided to review and evaluate in-depth Chinese and Japanese compliance with antidumping and countervailing duty commitments. China and Japan represent the majority of unfair trade actions, and the conferees believe there is an urgent need for greater attention to both Japanese and Chinese trade practices.

Of the amounts provided, $1,633,000 for expanded compliance efforts, including $875,000 for additional personnel to increase enforcement of antidumping (AD) and countervailing (CV) duty laws, and $758,000 for the costs of five full-time equivalents to increase legal support for increased World Trade Organization litigation.

The recommendation also includes a transfer of $775,000 for information and communication activities from this heading to the heading of Under Secretary/Executive Administration heading, as proposed.

U.S. and Foreign Commercial Service (US & FCS)—The conference agreement includes $202,040,000 for the US & FCS. Of the amounts provided, $900,000 is to be derived from unobligated prior year balances. The conferees provide an additional 4 full-time equivalents and $1,125,000 for expanded compliance efforts. The recommendation assumes $6,000,000 for increased security costs and other uncontrollable costs of overseas posts, and $1,000,000 is to continue funding for a rural export program.

In addition, $1,674,000 is provided to expand U.S. commercial presence throughout the continent of Africa; and $1,650,000 is provided to cover the costs of a new presence in El Salvador, as proposed. The conference agreement includes direct appropriations for new Caribbean Basin Initiative efforts instead of relying on fees for this purpose, as proposed.

The conferees direct ITA to establish a partnership with communities in the City of Chicago and in Cook County, Illinois, to enhance trade relationships between the United States and African countries, focusing initially on efforts with Nigeria.

The conferees continue to direct that the US & FCS should continue and expand its Global Diversity Initiative to support minority-owned businesses in underserved areas, including inner-city urban areas, empowerment zones, enterprise communities, and Indian reservations. This initiative should continue to include support for companies that are export-ready and hoping to enter into and/or expand international operations.

Further, the conferees direct the Commercial Service to continue its work on the Appalachian-Turkish Trade Project, a project to promote opportunities to expand trade, encourage business interests, stimulate foreign studies, and to build a lasting and mutually meaningful relationship between the Appalachian states and the Republic of Turkey, as well as the neighboring regions, such as Greece.

Executive Direction/Administration—A total of $25,050,000 is recommended for the administrative and policy functions of ITA. The conference agreement includes $5,975,000 from base transfers from other activities to centralize information and communication activities under this heading, as proposed. In addition, $1,075,000 is for increased training efforts.

The conferees remain concerned that ITA's efforts to increase trade between the United States and its trading partners are coming at the expense of the promotion of human rights. The advancement of human rights and the development of economies are not mutually exclusive goals. In addition, the conferees understand that the majority of employees in the US & FCS have not received any formalized training to assist them in promoting human rights. Therefore, the conferees direct ITA to develop a comprehensive training program for all officers and employees to ensure that, when counseling U.S. businesses on market conditions within a particular country, they must include information on human rights, in addition to information on rule of law issues and corporate responsibility. Of the amounts provided for training efforts, $500,000 is to implement a formal human rights training program. ITA is strongly urged to work with non-government organizations, the State Department, and private entities to develop a comprehensive training program. The conferees direct the Secretary of Commerce to provide quarterly reports on the progress of the implementation of this new program.

In addition, language is included in the bill, as carried since fiscal year 1999 designating the amounts available for each unit within ITA. The conferees remind ITA that any changes from the funding distribution provided in the bill and report, including carryover balances, are subject to the standard reprogramming procedures set forth in section 605 of this Act. In addition, ITA is directed to report to the Committees on Appropriations, not later than April 11, 2003, a spending plan for all ITA units, which incorporates any carryover balances from previous fiscal years.

Trade Missions—The conferees direct all trade missions involving Department of Commerce agencies must be initiated, coordinated and administered through ITA.

Buying Power Maintenance—The conferees direct ITA to report on the impact of exchange rate fluctuations on ITA's budget on a quarterly basis. The conferees expect that any exchange rate gains reflected in this report will be reserved to balance future exchange rate losses.

Trade Show Revenues—The conferees direct ITA to submit a report by the date of the budget submission on the amount of trade show revenues that are collected on an annual basis, expenditures from these revenues, and how they displayed in the budget.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The conference agreement includes $79,328,000 for the Operations and Administration of the Bureau of Industry and Security (BIS), of which $4,675,000 is from prior year unobligated balances. Within the total amount available, the recommendation includes the following:

Export Administration—$33,399,000 is provided for export administration activities, of which $1,875,000 is from prior year unobligated balances. The recommendation includes $1,140,000 for export licensing personnel, as proposed.

Export Enforcement—$31,122,000 is provided for export enforcement activities. The recommendation continues funding for the Dubai and Cairo attaché offices, which received initial funding in Public Law 107–117. Of which, the recommendation provides $3,356,000 and 13 full-time equivalents to maximize legal export opportunities while ensuring that illegal exports are prevented.

BIS is expected to enhance its export control efforts, including a new initiative under which BIS will send a limited number of export enforcement agents (attachés) overseas to conduct end—use checks. The conferees direct that, prior to the assignment of any attaché at U.S. missions overseas, BIS is expected to provide a detailed report to the Committees on Appropriations detailing the location and responsibilities of each attaché. Additionally, the report should detail the arrangement between Department of Commerce and the Department of State concerning accommodations for these personnel within Department of State facilities to ensure there is sufficient space.

The conferees direct BIS to conduct a comprehensive study on the health, competitiveness, and the contribution of the U.S. textile and apparel industry to the U.S. economy and in particular to the U.S. armed forces. The study should include a review of whether the United States is increasing its dependency on foreign sources for critical textile-related materials; potential threats to internal security from increased foreign sourcing and dependency; and whether the Berry amendment and other Buy-American restrictions are being effectively enforced by the Department of Defense. The conferees direct that the study be completed no later than July 1, 2003, and direct that $750,000 be used for this purpose.

Management and Policy Coordination—$6,879,000 is provided for Management and Policy Coordination, of which $2,800,000 is from prior year unobligated balances. The recommendation includes $500,000 for a new information technology initiative.

In addition to the amounts provided under management and policy coordination, $7,928,000 is provided for critical infrastructure protection efforts. The conferees note that the primary responsibility for non-proliferation activities lies with the Department of Defense, the Department of Energy and the Department of State, and believes that BIS participation in such activities should be done using funds provided from those agencies. Language is included to rename the Bureau of Export Administration as the Bureau of Industry and Security.

ECONOMIC DEVELOPMENT ADMINISTRATION

The conference agreement includes $320,765,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2003, as described below:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

A total of $290,000,000 is included for fiscal year 2003 for Economic Development Assistance Programs. The conferees continue the traditional programs of the Economic Development Administration to provide needed assistance to communities struggling with long-term economic dislocation, as well as sudden and severe economic dislocation. Of the amounts provided, $205,000,000 is for Public Works and Economic Development, $40,900,000 is for Economic Adjustment Assistance, $24,000,000 is for planning, $9,100,000 is for technical assistance, including university centers, $10,500,000 is for trade adjustment assistance, and $500,000 is for research.

The conferees expect EDA to continue to assist communities impacted by economic dislocations related to coal industry downswings and timber industry downturns due to environmental concerns at no less than the fiscal year 2002 level. In addition, the conferees expect EDA to focus on communities impacted by United States-Canadian trade-related issues, communities in New England, the mid-Atlantic, Hawaii, and Alaska impacted by fisheries regulations, and communities in the Southeast impacted by downturns due to NAFTA.

The conferees remind EDA that no funding is provided for a special headquarters reserve fund.

The conferees laud EDA for its continued efforts to strengthen private sector business activity and development on Indian lands, and urges that it act expeditiously to develop an implementation plan for the recently enacted Native American Business Development, Trade Promotion, and Tourism Act.

The conferees recently approved the Economic Development Administration's headquarters reorganization plan, based upon the agency's commitment not to involuntarily terminate employees and not to increase the current number of political appointees. The conferees direct EDA to report to the Committees on Appropriations within 120 days from the date of enactment of this Act, on the status of the reorganization, including relocations.

The conferees note that EDA was reauthorized in 1999 (Public Law 105-393) through fiscal year 2003. That authorization locks into place the work that the authorization and appropriations committees have done to reform EDA programs to ensure that funds provided under this account be targeted to the most severely distressed areas, which, absent the assistance provided by the EDA, would have little to no access to resources for critical infrastructure development and capacity building. This puts the program on firm ground to carry out its purpose to provide the "seed capital" to distressed areas to allow local communities to increase their ability to create new economic opportunities and jobs in accordance with local priorities.

The conferees direct EDA to discontinue the use of single purpose grant loans.

SALARIES AND EXPENSES

The conference agreement includes $30,765,000 for the salaries and expenses of the Economic Development Administration. The conferees continue direction to the Administration to aggressively pursue all opportunities for reimbursement, deobligations and use of non-appropriated resources, including the care and protection of collateral account, to be able to maximize the operating level.

In addition, the conferees remind EDA of the requirements under section 605 of this Act regarding reorganization proposals.

The conference agreement retains language in the bill to provide the authority to use this appropriation to monitor projects approved under Title I of the Public Works Employment Act of 1976, Title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $28,906,000 for the Minority Business Development Agency (MBDA) for fiscal year 2003. Of the amounts provided, $16,794,000 is provided for business development, and $12,112,000 is provided for advocacy, research, and information programs. The conference agreement assumes that the Entrepreneurial Technology Apprenticeship Program (ETAP) will continue to be supported at the fiscal year 2002 level.

ECONOMIC AND INFORMATION INFRASTRUCTURE

The conference agreement includes under this section, the Department of Commerce agencies responsible for the nation's basic economic and technical information infrastructure, as well as the administrative functions to oversee the development of telecommunications and information policy.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes $72,158,000 for the economic and statistical analysis programs of the Department of Commerce, including the Bureau of Economic Analysis (BEA), for fiscal year 2003. Due to the Nation's economic situation, the conferees support the request to ensure policy makers have access to better and timely economic data. Therefore, the recommendation includes $4,776,000 to accelerate the release of major economic indicators; $2,116,000 to improve the processing systems used for statistical processing; and $2,751,000 to allow the United States to meet international agreements including the North American Free Trade Agreement.

The Economic and Statistics Administration (ESA) is responsible for the collection, tabulation and publication of a wide variety of economic, demographic and social statistics and provides support to the Secretary of Commerce and other Government officials in interpreting the state of the economy and developing economic policy. The Bureau of Economic Analysis and Under Secretary for Economic Affairs are funded in this account.

BUREAU OF THE CENSUS

The conference agreement includes a total operating level of $596,299,000 for the Bureau of the Census, of which $41,817,000 is from prior year unobligated balances from the 2000 Census.

SALARIES AND EXPENSES

The conference agreement includes $183,000,000 for the salaries and expenses of the Bureau of the Census for fiscal year 2003. The agreement includes $128,234,000 for current economic statistics, and $54,766,000 for current demographic statistics. The conferees direct the Bureau to continue to streamline and prioritize programs to ensure the highest priority core activities are supported. The conferees expect the Bureau to be fully reimbursed for any non-core survey by any other Federal agency or private organization.

In addition, the conferees are concerned that key reports on manufacturing, general economic and foreign trade statistics are maintained and issued on a timely basis.

This recommendation provides for the current statistical programs of the Bureau of the Census, which includes measurement of the Nation's economy and the demographic characteristics of the population. These programs are intended to provide a broad base of economic, demographic, and social information used for decision-making by governments, private organizations, and individuals.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes a total of $413,299,000 for all periodic censuses and related programs funded under this heading in fiscal year 2003. Of the amounts provided, $41,817,000 is to be derived from prior year unobligated balances.

2000 Decennial Census Program—The recommendation includes an operating level of $83,710,000, of which $41,817,000 is from prior year obligations for the final year of activities relating to the 2000 decennial census.

The recommendation includes the following:

(Dollars in thousands)

Decennial Census 2000	
Program Development & Mgmt	$3,461
Data Content & Product	42,651
Field Data Collection[1]	4,630
ADP & Telecommunications	12,826
Testing and Evaluation	16,333
Puerto Rico, Virgin Islands & Islands	2,472
Marketing, Communications & Partner	1,337
Minus Deobligations/Unobligations	(41,817)
Total, Decennial Census (Direct)	$41,893
Decennial Census 2010	
Operational Design Strategy	6,353
Data Collection Design	2,804
Questionnaire & Content Design	1,573
System Design & Software	7,220
Address List Updates	943
Test/Evaluation	22,982
Re-engineered Design Process	$41,875
American Community Survey[2]	$57,131
Modern Processing Environment	11,562
Geographic Partnership Programs	5,447
Evaluation	3,050
Street Address Location Correction	20,741
Community Address Updating System	6,500
MAF/TIGER	$47,300
Grand Total, Decennial Census	$146,306
Periodic Census	
Economic Censuses	87,392
Census of Governments	6,556
Subtotal, Economic Programs	$93,948
Demographic Statistics Programs:	
Intercensal Demographic Estimates	9,079
Demographic Survey Sample Design	12,583
Electronic Information Collection	6,254
Geographic Support	37,624
Data Processing Systems	23,795
Subtotal, Demographic Programs	$89,335

[1] The fiscal year 2003 budget request included $9,500,000 for an anticipated worker's compensation payment due to the Department of Labor. To date, no justification has been provided to substantiate this request. No funding is provided for this purpose.

[2] The budget request includes a total of $123,866,000 for the American Community Survey. The Census Bureau has proposed to alter the current process of conducting the decennial census. The current proposal is to abolish the long-form survey, but continue the short form survey as part of the 2010 census and replace the long-form survey with an annual survey of 3,000,000 households. The current proposal would require the American Community Survey to be considered a mandatory requirement for those households being surveyed. The conferees acknowledge that sufficient information is not available to weight the benefits of a mandatory survey versus a voluntary survey. Therefore, the conferees include $1,000,000 to test the response rates of both a voluntary and a mandatory survey. The conferees direct the Secretary of Commerce to report to the Committees on Appropriations as soon as the results of the study are available.

Subgroup Enumeration—The conferees understand the Census Bureau continues to face difficulty in accurately enumerating Hispanic subgroups and urges the Census Bureau to continue to work to address these concerns in preparation for the decennial census.

Hiring—The conferees recommend that the Census Bureau move decisively to improve the representation of minorities in senior management at the Census Bureau and to improve the representation of minorities in all areas of research. The conferees suggest that the Census Bureau take advantage of the Presidential Management Intern program and the Joint Program on Survey Methodology to achieve these goals.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The conference agreement includes a total of $73,759,000 for the National Telecommunications and Information Administration (NTIA) for fiscal year 2003.

The National Telecommunications and Information (NTIA) is responsible for developing domestic and international telecommunications and information policy for the Executive Branch, ensuring the efficient and effective use of the Federal radio spectrum, and administering Federal programs that supports telecommunications facilities for public broadcasting.

SALARIES AND EXPENSES

The conference agreement includes $14,700,000 for the Salaries and Expenses appropriation of the National Telecommunications and Information Administration (NTIA).

The conference agreement includes $625,000 and two full-time equivalents to improve NTIA's management of the Federal spectrum. Due to fiscal constraints, no additional funding is provided to upgrade existing facilities on the Table Mountain radio quiet zone. The conferees direct the Administration to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources, to be able to maximize the operating level for this purpose.

The conference agreement assumes an additional $26,270,000 will be available to the NTIA through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies, reflecting implementation of a policy of 80% reimbursement for such services that began in fiscal year 1999.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $43,556,000 for planning and construction grants for public television, radio, and nonbroadcast facilities. This amount will allow the continuation of the existing equipment and facilities replacement program.

Challenges are particularly great for those broadcasters who are located in, or who serve, largely rural areas. As in past years, the conferees continue to urge NTIA to place emphasis on the needs of these stations, and to support focusing resources on distance learning initiatives targeting rural areas.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement recommends $15,503,000 for the Information Infrastructure Grant program for demonstrations of new telecommunications technology applications. The recommendation is the same as the fiscal year 2002 funding level. The accompanying bill does not include language to terminate the program, as proposed.

The conferees note that there is some overlap between this program and technology programs under the Department of Justice, Community Oriented Policing Services and the Regional Information Sharing System with respect to grants for public safety. The conferees expect NTIA to give preference to applications relating to public safety only when there is no other source of funding available for such applications.

The conferees retain language making the funds provided under this heading available for program administration and related program support activities at the fiscal year 2002 level. The bill also includes language carried in previous appropriation acts which will allow up to five percent of this appropriation to be available for telecommunications research activities directly related to the development of a national information infrastructure (NII).

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement includes $1,182,000,000 for the United States Patent and Trademark Office (USPTO) in fiscal year 2003. The recommendation does not include the Administration's proposed language establishing a new fee structure to significantly increase fees for both trademark and patent applications resulting in additional fee collections of $197,000,000. To date, the fee structure changes and many of the other changes outlined in the 21st Century Strategic Plan have not been authorized.

In fiscal year 2002, the Congress directed the PTO to develop a 5-Year Strategic Plan for the PTO with three core objectives: (1) prepare the agency to handle the workload associated with the 21st century economy, (2) improve patent quality, and (3) reduce patent and trademark pendency.

The 21st Century Strategic Plan calls for some of the most sweeping changes to the patent review process in 200 years.

The conferees support efforts to shift resources to high priority areas and a more gradual increase in staffing to ensure that examiners have the expertise, tools, and training necessary to produce quality patents on a timely basis. This approach is consistent with the outline of the 21st Century Strategic Plan released in June 2002.

Of the amount recommended in the bill, $1,015,229,000 is to be derived from offsetting fees collected in fiscal year 2003 and $166,771,000 is to be derived from carryover funds from prior years. Of the amounts provided, $14,000,000 is for the completion of the trademark electronic processing system; and $4,499,000 is for increased workload costs and continued implementation costs of electronic patent filing system.

Within the amounts available, the conferees expect that USPTO continue its relationship with the National Inventor's Hall of Fame and Inventure Place, and the International Intellectual Property Institute at least at the same level as in fiscal year 2002.

The conferees understand that funding for a global intellectual program provided in fiscal year 2002 was not obligated. Therefore, the conferees direct USPTO to use prior year funding to offset any additional costs necessary to maintain the above-mentioned partnerships. The conferees remind the USPTO that any changes from the funding distribution provided in the bill and report, including carryover balances, are subject to the standard reprogramming procedures set forth in section 605 of this Act.

In addition, USPTO is directed to submit to the Committee, not later than April 11, 2003, a spending plan, which incorporates any carryover balances from previous fiscal years and any increase to the patent or trademark fee structure.

The conferees commend USPTO for its successful trademark telework program in support of section 359 of Public Law 106–346. Yet, despite this successful program, the patent employees are not gaining the benefits of a similar program. The conferees understand that telework programs can significantly help to alleviate crowded highways in the greater Washington area. Further, the private sector has shown that these programs can increase the performance and morale of employees. Therefore, the conferees direct the USPTO to provide a report to the Committees on Appropriations, not later than April 11, 2003, containing a detailed plan to implement a telework program for patent employees, including examiners.

The USPTO is charged with administering the patent and trademark laws of the United States. USPTO examines patent applications, grants patent protection for qualified inventions; and disseminates technological information disclosed in patents. USPTO also examines trademark applications and provides Federal registration to owners of qualified trademarks.

SCIENCE AND TECHNOLOGY

The conference agreement includes under this section of Title II the Department of Commerce agencies responsible for scientific and technological research and programs.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

The conferees recommend $9,886,000 for the Technology Administration's Office of the Under Secretary/Office of Technology Policy. Of the amounts provided, $1,000,000 is for the Global Technology Summit, and $1,000,000 is for the Networked Economy Summit.

The conferees did not support the proposed language making a portion of the funding under this account available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement includes $712,134,000 for the appropriations accounts under the National Institute of Standards and Technology (NIST) for fiscal year 2003.

A description of each account and the Committee recommendation follows:

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $359,411,000 for the Scientific and Technical Research and Services (core programs) appropriation of the National Institute of Standards and Technology.

The following is a breakdown of the amounts provided under this account by activity.

	FY03 Recom.
Electronics & Electrical	45,731
Manufacturing Engineering	21,128
Chemical	40,313
Physics	35,500
Building and Fire Research	21,542
Materials Science & Engineering	56,532
Computer Applied Mathematics	53,078
Technology Assistance	17,679
Baldridge Quality Awards	5,205
Research Support	62,703
Total, STRS	$359,411

Under the Building and Fire Research heading, the recommendation includes $2,500,000 for a wind research project, $3,000,000 for research efforts related to the World Trade Center collapse investigation.

Under the Computer and Applied Math heading, the recommendation includes $1,000,000 for expert review teams, $2,100,000 for wireless technologies and computer security checklists and guidelines, and $500,000 in support of voting machine standards.

Under the Chemical Science and Technology Program heading, the recommendation includes $1,000,000 to restore reductions in environmental measurements at the Hollings Marine Laboratory.

Under the Electronics and Engineering heading, $3,000,000 is for salaries associated with the Office of Law Enforcement Standards to ensure that NIST has the critical personnel with the expertise to implement law enforcement standards initiatives proposed by their partner federal agencies.

In addition, under the Research Support heading, the recommendation includes $2,400,000 for a telework project, $6,500,000 for a certain critical infrastructure program, and includes $15,000,000 for the Advanced Measurement Laboratory in Gaithersburg, Maryland.

Further, the conferees have heard reports that U.S. companies may not be as competitive as non-U.S. companies in emerging markets because U.S. standards are not incorporated in many international agreements. The conferees request NIST with input from the ITA, to provide to the Committees on Appropriations, no later than April 11, 2003, a plan detailing efforts that ensure U.S. business interests are represented in new international standard negotiations.

Competitive sourcing. The conferees understand that there are efforts within the Department of Commerce and other Departments, to use the implementation of the President's Management Initiative for Competitive Outsourcing (the A–76 process) as a way to reduce staff by more than 50 percent. This initiative is designed to compete or directly convert 15 percent of those positions identified as commercially competitive. However, the conferees understand that efforts are underway to identify roughly 75 percent of NIST's positions as commercial for purposes of this initiative. While the conferees certainly agree that there are certain advantages to competitive outsourcing, there is a concern that blind implementation could severely inhibit the operations of the Institute in the future. The conferees direct NIST to provide a detailed plan to the Committees on Appropriations prior to any changes in support of "competitive outsourcing".

For more than a century, the scientists, engineers, and supporting organizations of the Institute have established standards that affect nearly every aspect of life and work in America, from the doses of radiation in medical X-rays to the level of protection in bullet-proof vests used by police officers. NIST's mission plays an ever more critical role today by supporting our homeland security efforts through the development of standards for mail irradiation, guidelines for cyber security for Federal IT systems, and by conducting the Federal investigation of the collapse of the World Trade Center buildings.

The recommendation does not include a requested increase to the allowable amount to be transferred to the working capital fund.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $286,623,000 for the Industrial Technology Services appropriation of the National Institute of Standards and Technology.

Manufacturing Extension Partnership Program—Recent economic downturns have had a devastating effect on the manufacturing sector. Therefore, to ameliorate some of the effect on this sector, the conferees have included $106,623,000 for the Manufacturing Extension Partnership Program to fund all existing centers.

Advanced Technology Program—The conference agreement includes $180,000,000 for the program, of which $60,700,000 is for new awards. This amount, when combined with approximately $34,000,000 in prior year funds, provides ATP awards at the fiscal year 2002 level. Within the amounts made available, $45,000,000 shall be used for administrative costs, internal laboratory support, and for Small Business Innovation Research Program requirements.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes $66,100,000 for construction, renovation, and maintenance of NIST facilities. Of the amounts provided, $11,090,000 is for urgently needed construction and renovation projects at the Boulder, Colorado laboratory, including a new primary electrical service and the first phase of the central utility plant, these investments should help minimize the number of brownouts affecting the campus; $4,000,000 is to offset fit-up costs related to the Advanced Measurement Laboratory in Gaithersburg, Maryland, to be completed by December 2003; and $22,194,000 for the backlog of safety, capacity, maintenance, and major repair projects account for the two NIST campuses.

The conferees direct NIST to report to the Committees on Appropriations on the progress of these construction projects on a quarterly basis.

Up to $282,000 is available to transfer to the working capital fund, as proposed.

This account supports all NIST activities by providing the state of the art facilities necessary to carry out the NIST mission.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement includes a total of $3,154,551,000 for necessary expenses for the seven appropriation items of the National Oceanic and Atmospheric Administration (NOAA), including transfers totaling $65,000,000.

Of the amounts provided, $479,201,000 is provided in support of the separate conservation category created in Title VIII of the Interior and Related Agencies Appropriations Act, 2001.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,316,519,000 for the coastal, fisheries, marine, weather, satellite, and other NOAA programs funded in this account. The agreement includes a transfer of $65,000,000 from balances in the account entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries". The recommendation assumes deobligations of $17,000,000, as proposed, and $3,000,000 from prior year receipts relating to the coastal zone management program.

The bill continues language to allow NOAA to retain gifts and contributions made under the Marine Sanctuary Program. The conferees continue to direct NOAA to fully utilize the authorities provided for this program.

Language is also included in the bill specifying the total amount of direct obligations available for each of the NOAA line offices and other related activities funded through this account. The conferees continue to take this action to provide greater clarity and accountability in budgeting and management for the diverse activities funded in this account. In addition, the bill also retains language regarding the practice of assessing NOAA line organizations, programs, projects, and activities, to support NOAA and line office overhead and programs over and above the amounts specifically provided, and regarding the funding and personnel in Executive Direction and Administration. The conference agreement caps administrative expenses at $243,000,000. NOAA is directed to submit a spend plan to the Committees on Appropriations for these expenses at a level of detail comparable to that of the House and Senate NOAA tables. The plan shall be delivered not later than March 15, 2003.

The conferees remind NOAA that administrative charges levied against certain activities assigned in the bill are limited to no more than five percent. In addition, language is also included regarding use of deobligations in excess of amounts estimated in the budget.

In addition to the direction given in this section of the report, the conferees direct NOAA to comply with sections addressing the reprogramming and transfer requirements under Section 204 of this Act.

The following identifies the activities, subactivities, and projects funded in this appropriation.

NATIONAL OCEAN SERVICE ($ IN THOUSANDS)	FY03 Conference Agreement
Navigation Services	
Mapping & Charting	
Mapping & Charting Base	37,183
Coastal Storms	1,000
Joint Hydrographic Center	4,250
Joint Hydrographic Center - Bathymetric Research	3,200
Electronic Navigation Charts	3,350
Shoreline Mapping	2,000
Address Survey Backlog/Contracts	20,450
MS/LA Digital Coast	500
Vessel Lease/Time Charter	7,500
Subtotal, Mapping and Charting	79,433
Geodesy	
Geodesy Base	20,612
National Spatial Reference System	250
Height Modernization Study - NGS Implementation	250
Height Modernization Study NC	1,000
Height Modernization Study CA	1,000
Height Modernization Study WI	500
Height Modernization Study MS	500
Geodetic Survey- LA	500
S. Carolina Geodetic Survey	500
Subtotal, Geodesy	25,112
Tide & Current Data	13,250
PORTS	3,000
Great Lakes NWLON	2,000
Coastal Storms	1,000
Upper Cook Inlet Tidal Research	500
Subtotal, Tide & Current Data	19,750
Total, Navigation Services	124,295

NATIONAL OCEAN SERVICE ($ IN THOUSANDS)	FY03 Conference Agreement
Ocean Resources Conservation and Assessment	
Ocean Assessment Program (OAP)	
Ocean Assessment Program Base	13,721
Coastal Observation Technology System	1,700
Center for Integrated Marine Technologies	2,000
Alliance for Coastal Technologies	3,000
Center for Coastal Ocean Observation & Analysis	2,500
Carolina Coastal Ocean Observing and Prediction System	2,500
Wallops Ocean Observation Project	1,401
Lake Pontchartrain	2,000
Sarasota Bay - Mote	750
Coastal Marine Research & Monitoring Program	1,200
Coastal Storms	750
Beaufort, NC	1,500
Oxford, MD	1,400
Pfiesteria Research and HAB Rapid Response	4,000
Coastal Services Center	19,000
Pacific Coastal Center	2,000
Harmful Algal Blooms	5,000
CI-CORE	1,000
Coastal Watershed Groundwater Assessment NH	500
CREST	500
Harmful Algal Bloom Task Force SC	600
Aquatic Research Consortium MS	2,500
Coop Institute for Coastal and Estuarine Enviro Tech	6,550
Hawaii Coral Reef Initiative	1,000
Puerto Rico Coral Reef Initiative	500
National Coral Reef Institute - Florida	500
Coral Reef Program	12,000
National Fish and Wildlife Foundation - NFWF	1,500
South Florida Ecosystem	900
JASON Education and Outreach	2,500
Subtotal, Ocean Assessment Program (OAP)	94,972

NATIONAL OCEAN SERVICE **($ IN THOUSANDS)**	**FY03 Conference Agreement**
Response and Restoration	
Response and Restoration Base	4,641
Estuarine and Coastal Assessment	2,670
Estuarine Restoration Program	1,200
Damage Assessment Program	5,200
Oil Pollution Act of 1990	1,000
Coastal Protection and Restoration Project	1,000
Spill Response and Restoration Program	2,000
Aquidneck Island	600
Aquatic Resource Environmental Initiative	5,000
Marine Debris Removal SC	175
Edisto Beach Marsh Restoration	100
Water Control Impoundments SC	700
Coastal Remediation Technology	750
Subtotal, Response and Restoration	25,036
Oceanic and Coastal Research	
Oceanic and Coastal Research Base	6,293
Fish Forensics/Enforcement	1,300
MERHL	4,000
Murrell's Inlet Special Area	200
Gulf of Alaska Ecosystem Monitoring	750
Prince William Sound Science Center	500
Pfiesteria/Toxins Research	1,000
Subtotal, Ocean and Coastal Research	14,043
Coastal Ocean Science	
Coastal Ocean Program Base	12,096
ECOHAB	4,200
Long-term Estuary Assessment Consortium	1,200
Hypoxia	1,085
South Florida Ecosystem	1,200
Long Island Sound Coast Observing System	210
Subtotal, Coastal Ocean Science	19,991
Total, Ocean Resources Conservation & Assessment	154,042

NATIONAL OCEAN SERVICE **($ IN THOUSANDS)**	**FY03 Conference Agreement**
Ocean and Coastal Management	
Coastal Management	
CZM Grants	68,963
CZMA Program Administration	6,483
National Estuarine Research Reserve System	16,400
Nonpoint Pollution Implementation Grants	10,000
Marine Protected Areas	4,000
Subtotal, Coastal Management	105,846
Ocean Management	
Marine Sanctuary Program	
Marine Sanctuary Program Base	33,000
Northwest Straits Citizens Advisory Commission	750
Subtotal, Ocean Management	33,750
Total, Ocean and Coastal Management	139,596
GRAND TOTAL, NATIONAL OCEAN SERVICE - ORF	417,933

NATIONAL OCEAN SERVICE

The conference agreement includes a total of $417,933,000 for activities of the National Ocean Service (NOS) for fiscal year 2003.

Mapping and Charting.—The recommendation includes $79,433,000 for mapping and charting activities. The conferees include $20,450,000 to address the hydrographic survey backlog detailed in the National Survey Plan. The recommendation is consistent with the conferees decision that at least 50 percent of the hydrographic surveying should be contracted out to private companies. The conferees direct NOAA to report to the Committees on Appropriations within six months after the enactment of this Act on the progress being made to reduce the backlog.

Of the amounts provided for mapping and charting activities, the conferees include $7,500,000 to allow NOAA to continue its efforts to lease or charter a U.S.-purpose-built U.S. flag hydrographic survey vessel, which is capable of performing the full scope of necessary hydrographic services. The conferees expect the vessel to be equipped with a suite of state-of-the-art survey equipment capable of providing quality data from inshore waters to full ocean depth. The conferees direct NOAA to examine lease and charter options of longer than one-year, which may reduce the annual cost. The conferees direct NOAA to award the time charter contract on its current schedule and report by no later than April 11, 2003, on options for increasing the length of a lease or charter and whether savings might result from such an increase. In addition, NOAA is expected to follow the requirements of Section 303(b)(3) of the Hydrographic Services Improvement Act and contract for hydrographers on any leased or chartered vessel in accordance with title IX of the Federal Property and Administrative Services Act of 1949. Finally, the conferees adopts NOAA's proposal to hire a vessel that is capable of work in both the Gulf of Mexico and the Alaska waters. The conferees understand that the leased or chartered vessel will begin its work in the Gulf of Mexico no later than April 2003, but would survey in Alaska from April 1, 2004, through November 1, 2004. After that, the conferees expect the total vessel time to be split between the Gulf of Mexico and Alaska.

Of the amounts provided, $3,200,000 is for bathymetric surveys off the Northeast Coast of the United States and around the Aleutian Chain in accordance with the data needs identified by a Joint Hydrographic Center on the potential expansion of United States lands beyond the Exclusive Economic Zone. Within the funding recommendation for Shoreline Mapping, the conferees recommend that NOS focus on mapping the shoreline of the North Slope of Alaska.

Geodesy.—The conferees understand the State of Alabama has begun an effort to develop a comprehensive statewide Geographic Information System database and clearinghouse that will reduce duplication of resources among state agencies, improve quality, and reduce costs. The National Geodetic Survey has begun talks with representatives of the State of Alabama, including the Alabama Department of Revenue, on this effort and the conferees encourage the National Geodetic Survey to continue to support this effort as appropriate.

Tide and Current Data.—The conferees include $19,750,000 for this activity. The recommendation will enable NOS to implement and maintain the necessary quality controls for real-time tide and current data systems. Funding is included to continue implementation of the Physical Oceanographic Real-Time System (PORTS) program and continues the National Water Level Operation Network (NWLON) in the Great Lakes.

Coral Reefs.—Prior to obligation of the funding provided for this program, the conferees direct NOAA to submit a spending plan to the House and Senate Committees on Appropriations. A total of $14,000,000 is provided for this program, of which $2,000,000 is from unobligated prior year balances.

Ocean and Coastal Observing Systems.—The conferees support the establishment of an integrated interagency ocean and coastal observing system that will provide critical information to a wide variety of users of ocean and coastal information and services. Better information on the current and future state of the ocean and its role in environmental change is needed for policy makers. Adequate predictive capability is a prerequisite to the development of sound policies at the national and regional level, policies ranging from maritime commerce to public health, from fisheries to safety of life and property, from climate change to national security.

Broad scale discussions have been underway for almost three decades on this topic, but coordinated attention at the Federal level has begun in earnest only in recent years. The Office of Science and Technology Policy was directed to develop an interagency plan for the research, technology demonstration, and ultimately, the implementation of an integrated ocean observing system. The conferees direct NOAA to work with its partners on the National Ocean Research Leadership Council to submit a plan by June 30, 2003, to the Committees on Appropriations. This plan will detail an implementation strategy for the establishment of an integrated ocean and coastal observing system. This plan shall, at a minimum: (1) include an interagency governance structure; (2) define the roles and responsibilities of each agency in implementing and operating the system; (3) provide multi-year funding estimates by agency; and (4) include a process for regional coordination and technical support to ensure development of integrated regional systems with a national observing initiative.

In addition, as development of an integrated long-term Federal plan proceeds, the conferees urge NOAA to coordinate existing or planned regional coastal observing systems, particularly those for which funding has been provided or those which use Federal platforms such as buoys. The conferees direct NOAA to utilize the data management and technical expertise of the Coastal Services Center to perform this function as well as provide education and outreach to participating Federal agencies, academic institutions, State agencies, and other interests.

Ocean Health Initiative.—One area where coastal observing systems would be useful is in exploring the relationship between the oceans and human health. In 1999, a National Research Council report, From Monsoons to Microbes: Understanding the Ocean's Role in Human Health, focused attention on the implications of ocean phenomena for human health. The phenomena include climate change, weather events, coastal hazards, infectious diseases, and harmful algal blooms. As the nation faces increasing coastal pressures and scientists identify changes in coastal systems, including sentinel species such as dolphins and fish, NOAA is uniquely positioned to play a strong role in identification, prediction, and prevention of such changes. In addition, genetic and other characteristics of marine organisms can be used for medical advances and NOAA can help build a bridge between marine scientists and human health experts.

The conferees direct the Under Secretary to establish an Ocean Health Initiative to coordinate and focus agency activities on critical areas of concern and identify critical gaps in coverage. Of the amounts provided, $8,000,000 is for critical research and projects aimed at closing identified gaps. The conferees direct NOAA to: (1) work with the NSF and the National Institute of Environmental Health Sciences in developing a joint program that builds on and complements existing NOAA programs; (2) establish an external peer reviewed grant process; and (3) provide for the selection and funding of internationally recognized "distinguished" scholars to work in collaboration with NOAA researchers. NOAA will submit a spend plan for approval by the Committees on Appropriations before program funding is obligated.

Coastal Ocean Program.—The conferees direct the program to work with and continue its current levels of support for the Baruch Institute's research and monitoring of small, high-salinity estuaries and to continue its current levels of support for the LUCES program. Within the funds provided for the MERHL, the conferees direct NOAA to create a scientific and professional position to act as senior scientist for NCCOS.

Aquatic Resources Initiative.—Of the amounts available provided under this heading, up to $750,000 is for Bluegrass Pride, Inc.

Coastal Zone Management.—A total of $75,144,000 is provided to assist coastal states in implementing this program. The Committee continues its direction to report on the measures of performance used to justify requesting funding for this program. Bill language, carried in prior years, has been modified.

Marine Sanctuary Program.—$34,750,000 is provided for this program, of which $1,000,000 is from unobligated balances. Under this heading, the recommendation includes $750,000 for the activities of the Northwest Straits Citizens Advisory Commission. This Commission was established to provide an ecosystem focus on the marine resources in the area, mobilize science and support marine resource committees, and establish a forum for coordination and consensus building, in lieu of Federal designation of the area as a Marine Sanctuary. The conferees continue to believe that such a consensus-based approach is an innovative and novel approach to promote marine conservation, the goal of the Marine Sanctuary Program.

National Centers for Coastal Ocean Science (NCCOS).—The conferees are aware that the National Centers for Coastal Ocean Science (NCCOS) for several years have been cutting base funds without Congressional approval from certain labs that received specified program increases. The Conferees direct the NCCOS to stop this practice immediately. Further the Conferees direct NCCOS to report to the Committees on Appropriations no later than April 15, 2003 on what purposes the funding from the reductions was used and on the steps being taken to restore the cuts to base that have been sustained by those labs.

NATIONAL MARINE FISHERIES SERVICE	FY03 Conference Agreement
Fisheries Research and Management Services	
Science and Technology	
Base	69,290
AKFIN	3,200
Alaska Fisheries Development Foundation	925
Alaska Groundfish Monitoring	2,087
Alaska Groundfish Monitoring - Bering Sea Fishermen's Association CDQ	175
Alaska Groundfish Monitoring - Crab Research NMFS	473
Alaska Groundfish Monitoring - NMFS Field Fishery Monitoring	300
Alaska Groundfish Monitoring - NMFS Rockfish Research	340
Alaska Groundfish Monitoring - Winter Pollock Survey	1,000
Alaskan Groundfish Surveys	661
Alaskan Groundfish Surveys - Calibration Studies	240
American Fisheries Act Implementation	3,525
Atlantic Herring and Mackerel	200
Bering Sea Pollock Research	945
Bluefin Tuna Tagging (UNH)	850
Bluefin Tuna Tagging (Monterey)	425
Bluefish/Striped Bass	1,527
Charleston Bump Billfish Tagging	150
Chinook Salmon Research at Auke Bay	300
Computer Hardware and Software	3,492
Cooperative Research - National Cooperative Research	1,050
Cooperative Research - NE Cooperative Research	3,750
Cooperative Research - Cooperative Marine Education & Research	200
Cooperative Research - SE Cooperative Research	3,250
Cooperative Research Northeast Consortium	5,000
Driftnet Act Implementation	1,800
Driftnet Act Implementation/Pacific Rim Fisheries	150
Driftnet Act Implementation/Science Observer Russian EEZ	250
Expand Stock Assessments - Improve Data Collection	17,000
Fish Statistics - Atlantic States Marine Fisheries Commission	2,000
Fish Statistics - Economics & Social Sciences Research	2,500
Fish Statistics - National Standard 8	1,000
Fish Statistics	13,900
Fisheries Development Program - Hawaiian Fisheries Development	750
Fisheries Development Program - Product Quality and Safety/Seafood Inspection	8,685
FMP Extended Jurisdiction, State of Alaska	1,500
GULF FIN Data Collection Effort	3,500

NATIONAL MARINE FISHERIES SERVICE	**FY03 Conference Agreement**
Gulf of Maine Groundfish Survey	567
Gulf of Mexico Consortium	2,750
Halibut Data Collection	450
Hawaii Seafood Safety and Inspections	800
Hawaii Stock Management Plan	500
Highly Migratory Shark Fishery Research Program	1,850
Horseshoe Crab Research	650
Information Analysis and Dissemination	21,490
JIMAR	2,475
Lobster Sampling	150
Magnuson Stevens Implementation off Alaska	4,350
MARFIN	2,500
MARFIN - NE Activities	250
MARFIN Red Snapper	500
MarMap	850
Massachusetts Fishery Institute	500
Steller Sea Lion/Pollock Research North Pacific Council and Management	2,000
New England Stock Depletion	1,000
NMFS Facililties Maintenance	4,325
Observers - Fishery Observers	750
Observers/Training - Atlantic Coast Observers	3,350
Observers/Training - East Coast Observers	350
Observers/Training - Hawaii Longline Observer Program	3,000
Observers/Training - N. Pacific Marine Resources Observers	1,875
Observers/Training - N. Pacific Observer Program	800
Observers/Training - West Coast Observers	3,730
PACFIN Catch Effort Data	3,000
Pacific Highly Migratory Species Research	750
Recreational Fishery Harvest Monitoring RECFIN	3,450
Recreational Fishery Harvest Monitoring RECFIN - SC	500
Red Snapper Monitoring and Research	5,000
SEAMAP	1,400
Shrimp Pathogens South Carolina	450
South Carolina Taxonomic Center	500
VA Trawl Study	375
West Coast Groundfish	5,220
Subtotal, Science and Technology	238,847

NATIONAL MARINE FISHERIES SERVICE	FY03 Conference Agreement
Conservation and Management	
Base	8,583
Alaska Near Shore Fisheries State of Alaska	1,000
American Fisheries Act	2,174
American Fisheries Act - N. Pacific Council	499
American Fisheries Act - National Standards 4 and 8 State of Alaska	499
Anadromous Fish Commission -- North Pacific	750
Anadromous Grants	2,100
Bering Sea Crab State of Alaska	1,000
Gulf of Alaska Coastal Communities Coalition	375
Columbia River Facilities	3,365
Columbia River Hatcheries - Monitor, Evaluation and Reform	1,700
Columbia River Hatcheries and Facilities	11,457
Cooper River Corridor Management	125
Driftnet Act Implementation/State Participation - AK/WA	200
Fisheries Management Programs	27,657
Halibut/Sablefish	1,200
Hawaiian Community Development	500
Interjurisdictional Fisheries Grants	2,590
International Fisheries Commission State of Alaska	400
Interstate Fish Commissions - 3 Commissions	750
Interstate Fish Commissions - Atlantic Cooperative Management	7,250
Louisiana Oyster Assistance	2,000
Magnuson Stevens Implementation off Alaska	2,050
Management of George's Bank	478
National Environmental Policy Act	5,000
Pacific Salmon Treaty	5,612
Pacific Salmon Treaty - Chinook Salmon Agreement	1,844
Refine EFH Designations	500
Regional Councils	14,500
SCORE--NH/FL	1,000
South Carolina Seafood Marketing	500
South Carolina Shrimper Assistance	1,500
Yukon River Chinook Salmon State of Alaska	1,000
Yukon River Chinook Salmon - Yukon River Drainage Fisheries Assoc	499
Subtotal, Conservation and Management	110,657
Total, Fisheries Research and Management Services	349,504

NATIONAL MARINE FISHERIES SERVICE	FY03 Conference Agreement
Protected Resources Research and Management Services	
Science and Technology	
Base	9,045
Antarctic Research	1,550
Atlantic Salmon Research	710
Bottlenose Dolphin Research	2,000
Columbia River Endangered Species Studies	299
Conservation & Recovery with States	1,000
Dolphin Encirclement	2,700
Dolphin/Yellowfin Tuna Research	250
Endangered Species Act - Columbia River BIOP implementation	1,590
Endangered Species Act - Atlantic Salmon	1,717
Endangered Species Act - Marine Mammals, Sea Turtles & Other Species	3,500
Endangered Species Act - Other Species	2,700
Endangered Species Act - Pacific Salmon Recovery	17,450
Endangered Species Act - Right Whale Activities	5,000
Endangered Species Act - Sea Turtles	5,250
Hawaiian Monk Seals	825
Hawaiian Sea Turtles	6,300
Marine Mammal Protection	7,120
Marine Mammal Protection--Ice Seals	250
Marine Mammal Protection - Joint Alaska Harbor Seal Research	900
Marine Mammal Protection - Manatee - New College	250
Marine Mammal Strandings	4,000
NEPA - Hawaiian Sea Turtle Research	1,500
Protected Species Management Base	1,349
Protected Species Management - N. Pacific Southern Resident Orca Population	750
Rancho Nuevo Sea Turtles	350
Recovery of Endangered Large Whales	1,000
Steller Sea Lion Recovery Plan - Alaska Fisheries Foundation	1,000
Steller Sea Lion Recovery Plan - Alaska Sea Life Center	5,000
Steller Sea Lion Recovery Plan	5,000
Steller Sea Lion Recovery Plan - N. Pacific Universities MM Consortium	2,500
Steller Sea Lion Recovery Plan - Univ of AK Gulf Apex Predator	1,000
Steller Sea Lions - Endangered Species Act	850
Subtotal, Science and Technology	94,705

NATIONAL MARINE FISHERIES SERVICE	FY03 Conference Agreement
Conservation and Management Services	
Base	8,878
Atlantic Salmon Recovery Plan	400
Chinook Salmon Management	150
Cook Inlet Beluga	150
Endangered Species Act - Atlantic Salmon	500
Endangered Species Act - Pacific Salmon Recovery	20,500
Endangered Species Act - Right Whale Activities	5,000
Marine Mammal Strandings - Alaska SeaLife Center	1,000
Marine Mammal Strandings - Charleston Health and Risk Assessment	800
Native Marine Mammals - Alaska Eskimo Whaling Commission	500
Native Marine Mammals - Alaska Harbour Seals	150
Native Marine Mammals - Aleut Pacific Marine Resources Observers	125
Native Marine Mammals - Beluga Whale Committee	225
Native Marine Mammals - Bristol Bay Native Association	50
Protected Species Management - California Sea Lions	750
Protected Species Management - Base	7,109
Protected Species Management - NFWF Species Management	1,000
Protected Species Management - State of Maine Salmon Recovery	1,200
Southeastern Sea Turtles	300
State of Maine Recovery Plan	150
Steller Sea Lion Recovery Plan - State of Alaska	2,000
Subtotal, Conservation and Management Services	50,937
Total, Protected Resources Research and Management Services	145,642
Habitat Conservation Research and Management Services	
Base	5,858
Bay Watersheds Education and Training Program	2,500
Oxford	1,000
Blue Crab Advanced Research Consortium	2,000
Charleston Bump	450
Chesapeake Bay Multi-Species Management	500
Chesapeake Bay Oyster Research	2,000
Chesapeake Bay Studies	3,500
Center for Marine Education and Research MS	2,500
Connecticut River Partnership	300
Coral Reef	11,000
Fisheries Habit Restoration	12,000
Fisheries Habit Restoration - Bronx River Restoration	1,000
Fisheries Habit Restoration - LA DNR	1,385

NATIONAL MARINE FISHERIES SERVICE	FY03 Conference Agreement
Fisheries Habit Restoration - Pinellas County Environmental	1,500
Habitat Conservation	9,218
Kenai Peninsula Fish Habitat Restoration	700
Magnuson Stevens Implementation off Alaska	850
Marsh Restoration - NH	1,000
Mobile Bay Oyster Recovery	1,000
South Carolina Oyster Recovery	1,000
Non-native Oyster Chesapeake Bay Project - VA	1,000
Total, Habitat Conservation Research and Management Services	62,261
Enforcement and Surveillance Services	
Enforcement	
Driftnet Act Implementation	1,375
Enforcement and Surveillance	8,934
Enforcement and Surveillance - Cooperative Agreements w/States	2,500
Enforcement and Surveillance - Vessel Monitoring System	2,500
Subtotal, Enforcement	15,309
Partnerships in Enforcement	
Enforcement and Surveillance - Cooperative Agreements w/States	7,000
SC DNR Research Vessel	350
Subtotal, Partnerships in Enforcement	7,350
Total, Enforcement and Surveillance Services	22,659
GRAND TOTAL, NATIONAL MARINE FISHERERIES SERVICE - ORF	580,066

National Marine Fisheries Service

The conference agreement includes $580,066,000 in new funding for the operations of the National Marine Fisheries Service (NMFS). In addition to this amount, $19,500,000 is available from prior year unobligated balances for a total operating level of $599,566,000.

Expand Stock Assessments.—The conferees have provided $17,000,000 for additional stock assessments. Of the amounts provided, $1,000,000 for implementation of a West Coast in-season harvest data collection system.

Migratory Shark Fishery.—The conferees expect NMFS to continue the funding for collaborative multi-regional biological research on highly migratory species of sharks to provide NMFS with the information necessary for effective management of the highly migratory shark fishery and conservation of imminently threatened shark fishery resources.

Cooperative Research.—In addition to the amounts shown for the national cooperative research program, $1,700,000 is available from unobligated prior year balances.

National Fisheries Information System.—Funding of $2,600,000 is available from prior year unobligated balances.

Information Analysis and Dissemination.—The conferees include $21,890,000 for this program, of which $400,000 is from unobligated prior year balances.

California Sport fishing.—The conferees have been advised that the Republic of Mexico has closed U.S. sport fishing access to the Revillagigedo Islands. The sport fishing industry provides $5.5 million in direct revenue to Southern California and employs hundreds of people. The United States and Mexico have maintained a cooperative working relationship with regard to fishing and environmental issues, and U.S. boats have had access to the Revillagigego Islands under permits since 1994. The conferees direct the Secretary of Commerce to investigate the reason of the withdrawal of these permits, and to report to the Committee on Appropriations no later than April 2003.

Northern Right Whale Preservation.—The conferees include a total of $10,000,000 for North Atlantic right whale research, management activities, and Atlantic coastal States' implementation of cooperative Federal-state right whale recovery plans, such as those concluded under section 6 of the Endangered Species Act. Funding is included to assist NMFS and its' partners to expedite right whale recovery in consultation with the Implementation Team and the Take Reduction Team.

Of the amounts provided, $2,130,000 is for efforts to reduce ship strikes, the leading cause of death of these whales, including $200,000 for whale detection technologies, $560,000 is for passive acoustic technologies, $295,000 is for active acoustic technologies, and $200,000 is for measuring whale response to approaching vessels; $2,060,000 is to reduce entanglement including, $666,000 is for gear modification, $200,000 is for Southeast disentanglement teams, $400,000 is for the New England Aquarium efforts, and $800,000 is for the Center for Coastal Studies. Of the funding provided for the Center, final funding allocation should be based upon recommendations of the right whale program coordinator.

Of the amounts provided for NMFS base programs, funding is expected to support priority management, enforcement, and ship strike prevention activities, including expedited development and deployment of innovative fishing gear and whale tracking technologies, improved stranding response and procedures, a whale-sighting advisory system, and a mandatory ship-reporting system. No more than 20 percent of funds provided to NMFS may be used for salaries of existing personnel.

Fisheries Research and Management.—The conferees include $3,450,000 for the recreational fishing information network program, and expect that the Pacific, Atlantic, and Gulf States shall each receive one-third of these funds with funding for inshore recreational species assessment and tagging efforts in South Carolina.

In addition, the conferees expect that $500,000 will be used to continue the effort to enhance the annual collection and analysis of economic data on marine recreational fishing.

As in prior fiscal years, the conferees expect the Oceanic Institute to administer funding for the Hawaii Fisheries Development and for the Hawaii Stock Management Plan.

The conferees direct that $750,000 for the Interstate Fish Commissions be equally divided among the three commissions. The conferees also recommend that NMFS double its effort with regard to California Cooperative Fisheries Investigation cruises. Of the amounts recommended for the Stellar Sea Lion Recovery Plan, $1,000,000 is for Alaska Fisheries Foundation to study innovative methods to deter whale predation of sea lions. In addition, the Committee expects NOAA to continue its research initiative on Pacific decadal oscillation, predator-prey relationships with particular emphasis on killer whale predation on sea lion pups, and to explore other factors in the marine environment that may be contributing to the decline of Stellar sea lions and other marine mammal populations.

Enforcement of International Dolphin Agreement.—Although the National Marine Fisheries Service recently submitted it's completed science report required by the International Dolphin Conservation Program Act, the conference agreement includes $2,700,000 for research on dolphin encirclement in the eastern tropical Pacific (ETP). Funding is provided for additional research on herd sizes on which sets are made, additional biological sampling, impacts of cow-calf separation, and the impacts on dolphin populations of vessels with a carrying capacity of less than 400 short tons that are reportedly setting on dolphins in the ETP.

The conferees are concerned that Mexico and other non-U.S. parties to the International Dolphin Conservation Program [IDCP], of which the United States is a member, are not fully complying with the requirements of the IDCP, particularly with respect to accurate reporting of dolphin interactions and mortality. The conferees direct the Department, and in consultation with key U.S. stakeholders, to evaluate and document any lack of compliance by the non-U.S. parties to the IDCP with its provisions, including through on-site visits and discussions with government officials, observers and others with first-hand knowledge of country practices, and to submit a written report describing the findings to the Committees on Appropriations no later than May 1, 2003. The report is expected to include an evaluation of compliance with the on-board observer program, with a focus on national observers; reporting of dolphin interactions and mortality; international requirements for vessels; and actions by parties to follow-up on infractions identified by the international review panel.

Endangered Species-Columbia River.—The conferees include $1,590,000 to purchase two mass marking trailers for the state of Idaho.

Protected Resources Research and Management.—Of the amounts provided for Native Marine Mammals, $100,000 is to enable the Alaska Eskimo Whaling Commission to participate in International Whaling Commission meetings.

Chesapeake Bay—Of the amounts provided under this heading, $500,000 is for sea grass restoration. In addition, the conferees recommend that NOAA continue a micro-grant program allowing local governments and non-profit organizations to perform fisheries and shellfish restoration on the Chesapeake Bay. In addition, $1,500,000 is for seven full-time equivalents for the Oxford Laboratory to support the NOAA Chesapeake Bay Office's fisheries, habitat restoration, and ecosystem research needs.

The conferees provide $2,500,000 for a bay watersheds education and training program to be administered by the Chesapeake Bay Office. This initiative provides funding to establish an office in Virginia to better focus NOAA resources on Virginia issues in the Chesapeake Bay region. While cooperation between Virginia and NOAA programs is good, and significant NOAA funds are dispersed to Virginia programs, the physical distance between Norfolk and Annapolis limits the desired level of collaboration, not only with the NOAA Chesapeake Bay Office but also the Chesapeake Bay Program along with other signatories of the Chesapeake Bay agreement. This initiative guides NOAA to integrate existing staff resources across line offices and to appoint required staff to establish the program, working in concert with pertinent existing local, state, and federal offices or projects, academic institutions, NGOs, and the public. The program should integrate existing NOAA fisheries, habitat restoration, education, hazardous spill response, coastal zone, coastal oceanography, and other significant components. Of the amounts provided, $350,000 is available to for two full-time equivalents and administrative costs, including office space.

Enforcement and Surveillance.—The conferees continue at the fiscal year 2002 level funding for marine forensics and southeast fisheries' law enforcement, and the conferees expect cooperative laboratory activities to continue between NMFS and State and local governments and the academic community. The conferees recommend that three interstate marine fisheries commissions may be eligible to receive a portion of the Cooperative Enforcement Program funds for use in providing law enforcement coordination among the States and NMFS.

The conferees provide $23,734,000 for the operations of the enforcement and surveillance program, of which $14,800,000 is available from unobligated prior year balances. This is an increase of $3,314,000 above the fiscal year 2002 level.

NMFS Facilities Maintenance—Of the amounts provided, $325,000 is for additional costs related to the Santa Cruz laboratory.

Pacific Salmon Funding.—The conferees note the lack of accountability and performance standards for resources distributed to restore endangered and threatened salmon through the Pacific Coastal Salmon Recovery Fund. The conferees have provided hundreds of millions of dollars through this fund to be distributed among certain States and tribes for habitat restoration to assist in salmon population recovery. The conferees understand that there are other habitat restoration grant programs that fund grant proposals for the same purpose. Given the austere operating climate the conferees are working within, the conferees expect NOAA to prioritize funding from other habitat restoration funds on non-salmon related proposals.

The conferees understand the Secretary of Commerce has substantial legal obligations under the Endangered Species Act because no less than twenty-six runs of Pacific salmon are listed as endangered. Failure to make progress toward recovery under the Endangered Species Act poses adverse legal consequences for the agency. The conferees have received no assurances from the Administration that these funds have actually contributed to the recovery of Pacific salmon populations. This is particularly important at a time when the Department is struggling to respond to a tremendous litigation caseload.

The conferees understand that some mechanism is necessary to assure legal and fiscal accountability for distribution of funds to States with listed salmon species. In addition, the conferees direct NOAA to provide an annual report to the Committee no later than April 11, of each year on the projects funded through the Pacific Salmon Recovery Fund and their projected and actual results, particularly focusing on progress toward recovery of endangered and threatened salmon species and projected ending date for funding needs based on recovery schedules. The conferees allow up to one percent of the amounts made available for the grants to the states under the Pacific Coastal Salmon Recovery Fund be made available to NOAA to accomplish this task.

Saltonstall-Kennedy—The conference agreement includes $11,325,000 for the Saltonstall-Kennedy grant program, including prior-year unobligated funds. The conferees understand that NOAA has refocused the S–K program to address the needs of fishing communities as defined by the Magnuson-Stevens Act. The conferees understand that there is duplication between this program and the priorities identified in the accompanying NMFS table. Given the austere budget constraints that conferees are operating within, the conferees expect NMFS to award grants based on priorities and geographic areas that are not specifically identified elsewhere in this agreement.

Therefore, the conferees expect NOAA to prioritize grant proposals relating to fishing communities in non-specified areas including, the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, the Federated States of Micronesia, and other similar areas. Grants should focus on preventing over fishing, rebuilding of fisheries, and ensuring conservation, while realizing the full potential of fishery resources.

In addition, the conferees direct NOAA to assign high priority to proposals for research and education efforts directed at the protection of high-risk consumers from naturally occurring bacteria associated with raw molluscan shellfish, specifically Vibrio vulnificus. The conferees strongly urge NOAA to provide no less than $250,000 to the Gulf and Atlantic Foundation for their education efforts regarding Vibrio vulnificus.

Louisiana Oyster Assistance.—The conferees include $2,000,000 for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili. The conferees direct that funding may be used only for activities to rehabilitate oyster resources or oyster reefs damaged by the storms and for domestic product marketing and seafood promotion.

NOAA RESEARCH	FY03 Conference Outcome
Climate Research	
Laboratories & Joint Institutes	
Aeronomy Laboratory (Colorado)	8,111
Atlantic Oceanographic and Meterological Laboratory (Florida)	5,691
Air Resources Laboratory (CO,ID,NC,NV,TN)	3,447
Climate Diagnostic Center (Colorado)	2,555
Climate Monitoring and Diagnostic Laboratory (Colorado)	5,952
Environmental Technology Laboratory (Colorado)	243
Forecast Systems Laboratory (Colorado)	156
Geophysical Fluid Dynamics Laboratory (New Jersey)	14,229
Pacific Marine Environmental Laboratory (Washington)	8,523
Subtotal, Laboratories & Joint Institutions	48,907
Climate & Global Change Program	
Base	68,608
Aerosols-Climate Interaction	2,000
Variability Beyond ENSO	1,000
Climate Forcing Agents	1,000
Accelerating Climate Models - IRI	2,100
Subtotal, Climate & Global Change Program	74,708
Climate Observations & Services	
Climate Reference Network	3,000
Climate Data & Info and CLASS in PAC	1,000
Baseline Operations	2,500
Regional Assessments, Education and Outreach	2,750
Climate Change Assessments	650
Weather-Climate Connection	900
Carbon Cycle	4,300
Ocean Observations/Ocean Systems	4,500
ARGO -Related Costs [considered part of ocean observations/systems]	10,950
Climate Modeling Center (GFDL)	5,000
Global Climate Atmospheric Observing System	4,000
Subtotal, Climate Observations & Services	39,550

NOAA RESEARCH	FY03 Conference Outcome
Climate Partnership Programs	
Central CA Ozone Study	250
East Tennessee Ozone Study	300
International Pacific Research Center (U of HI)	600
Arctic Research Initiative (SEARCH)	2,000
Subtotal, Climate Partnership Programs	3,150
Total, Climate Research	166,315
Weather & Air Quality Research	
Laboratories & Joint Institutes	
Aeronomy Laboratory (Colorado)	2,054
Atlantic Oceanographic and Meterological Laboratory (Florida)	3,921
Air Resources Laboratory (CO,ID,NC,NV,TN)	2,077
Climate Monitoring and Diagnostic Laboratory (Colorado)	166
Environmental Technology Laboratory (Colorado)	6,864
Forecast Systems Laboratory (Colorado)	10,646
Geophysical Fluid Dynamics Laboratory (New Jersey)	3,077
National Severe Storms Labroratory (Oklahoma)	7,552
Pacific Marine Environmental Laboratory (Washington)	264
Space Environmental Center (Colorado)	5,242
Subtotal, Laboratories & Joint Institutes	41,863
U.S. Weather Research Program	
Base	3,805
Energy Security (CA)	2,000
Targeted Wind Sensing	2,000
Subtotal, U.S. Weather Research Program	7,805
Weather & Air Partnership Programs	
Tornado Severe Storm Research	0
New England Air Quality Study	1,750
AIRMAP	5,000
STORM	349
Subtotal, Weather & Air Partnership Programs	7,099
Total, Weather & Air Quality Research	56,767

NOAA RESEARCH	FY03 Conference Outcome
Ocean, Coastal, and Great Lakes Research	
Laboratories & Joint Institutes	
Atlantic Oceanographic and Meterological Laboratory (Florida)	3,299
Environmental Technology Laboratory (Colorado)	445
Great Lakes Environmental Research Laboratory (Michigan)	8,421
Pacific Marine Environmental Laboratory (Washington)	7,483
Subtotal, Laboratories & Joint Institutes	19,648
National Sea Grant College Program	
Base	54,410
Aquatic Nuisance Species/Zebra Mussel Research	3,000
Gulf of Mexico Oyster Initiative	1,000
Oyster Disease Research	2,000
Subtotal, National Sea Grant College Program	60,410
National Undersea Research Program (NURP)	13,550
National Institute for Undersea Science and Technology	2,500
Subtotal, National Undersea Research Program (NURP)	16,050
Ocean Exploration	13,200
NMNH East Wing (Oceans)	2,000
Ocean & Coastal Partnership Programs:	
Aquatic Ecosystems-Canaan Valley Institute	4,300
Arctic Research	2,000
Cooperative Institute for Arctic Research	350
Institute for Science Technology and Public Policy	1,000
Gulf of Maine Council	250
Lake Champlain Research Consortium	250
NISA/Ballast Water Demonstrations	350
NISA/Prevent & Control Invasive Species	800
NISA Alaska	1,500
Ocean Health Initiative	8,000
Cooperative Institute for New England Mariculture and Fisheries	3,000
Aquaculture Education Program - Cedar Point MS	1,000
Pacific Tropical Ornamental Fish	450
Tsunami Hazard Mitigation	4,300
Subtotal, Ocean & Coastal Partnership Programs	27,550
Total, Ocean, Coastal, and Great Lakes Research	138,858
High Performance Information Technology	12,800
GRAND TOTAL NOAA RESEARCH - ORF	374,740

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes $374,740,000 for the Oceanic and Atmospheric Research line office. This amount combined with $4,920,000 from prior year unobliged balances provides a total program level of $379,660,000. The conference agreement includes the following amounts for basic laboratory research and support under Oceanic and Atmospheric Research:

Climate Change Research.—The conference agreement includes a total of $166,315,000 for climate change research, including $18,000,000 for the Climate Change Research Initiative (CCRI), as proposed. This initiative provides increases over the fiscal year 2002 level as follows: $1,000,000 for the ocean observations/ocean systems; $3,000,000 for ARGO-related costs; $1,000,000 for regional assessments, education, and outreach; $2,000,000 for research on the carbon cycle; $5,000,000 for the climate modeling center; $4,000,000 for the global climate atmospheric observing system; and $2,000,000 to study the aerosols/climate interaction.

Of the amounts provided, $67,608,000 is available for competitively awarded grants, including grants to joint institutes, as determined by the Secretary of Commerce. In addition, $1,000,000 is provided to continue a certain program in Arizona for regional climate change research.

Of the funding provided for climate and global change activities, $12,000,000 shall only be available after the Committees on Appropriation are provided with a plan for completion of the national assessment required in section 106 of the Global Change Research Act of 1990. The plan should include a completion date for the national assessment of no later than September 30, 2004.

National Sea Grant Program.—The conference agreement includes $62,410,000 for the Sea Grant program, of which $2,000,000 is from prior year unobligated balances. The conference agreement does not include a proposal to transfer the program to the National Science Foundation. Instead, the recommendation appropriates the same level of funding as in fiscal year 2002 for the Sea Grant program, in accordance with the National Sea Grant Act, Public Law 89–688, as amended. Within the amounts provided, $3,000,000 is included for zebra mussel research in accordance with the Non-indigenous Aquatic Nuisance Prevention and Control Act; $3,000,000 is for oyster disease research, including $1,000,000 to continue the Gulf of Mexico initiative on oyster-related human health risks.

National Undersea Research Program (NURP).—A total of $13,770,000 is included for the National Undersea Research Program, of which $220,000 is from prior year unobligated balances. The conferees direct that funding is to be equally split between the east coast NURP centers and the west coast NURP centers, including the Hawaiian and Pacific Center and the West Coast and Polar Regions Center. The conferees expect level funding will be available for Aquarius, ALVIN, and program administration.

NISA Alaska.—The conferees include $1,500,000 to address the proliferation of exotic species such as Atlantic salmon in the marine environment in the North Pacific. Of this amount, $750,000 is for the Pacific States Marine Fisheries Commission to prevent the escapement of Atlantic salmon into Alaska streams and to address other invasive species issues including mitten crab and green crab.

NISA/Ballast Water Demonstrations.—The conference agreement includes $2,250,000 for this program, of which $1,900,000 is from unobligated balances. The conferees expect special attention should be given to the concerns of the Chesapeake Bay and the Great Lakes.

NATIONAL WEATHER SERVICE	FY03 Conference Agreement
Operations and Research	
Local Warnings and Forecasts	
Base	505,892
Air Quality Forecasting Pilot Program	3,000
Alaska Data Buoys	1,700
Southern California Data Buoys	600
Aviation Forecast	38,096
High Resolution Temperature Forecasting	3,000
Mt. Washington Observatory	500
New England Weather Technology Initiative	500
Sustain Cooperative Observer Network	1,890
Subtotal, Local Warnings and Forecasts	555,178
Advanced Hydrological Prediction Services	6,098
WFO Maintenance	5,000
Weather Radio Transmitters Base	1,176
NOAA Weather Radio Transmitters - WY	374
North Dakota Ag Weather Network	270
Subtotal, Weather Radio Transmitters	1,820
Central Forecast Guidance	43,525
Total, Operations and Research	611,621
Systems Operation & Maintenance (O&M)	
NEXRAD	39,996
ASOS	7,650
AWIPS	36,500
NWSTG Backup - CIP	3,000
Total, Systems Operation & Maintenance	87,146
GRAND TOTAL NATIONAL WEATHER SERVICE - ORF	698,767

NATIONAL WEATHER SERVICE

The conference agreement includes total of $698,767,000 for the operations of the National Weather Service (NWS) for fiscal year 2003.

Local Warnings and Forecasts—The conferees provide $555,178,000 for local warnings and forecasts. Within the amounts provided, $2,500,000 is to begin a new seven-year initiative to improve the accuracy and timeliness of aviation warnings and forecasts.

Of the amounts provided, the conferees direct the NWS to continue the Susquehanna River Basin gauges project and expand this program to include the Delaware River Basin.

The conferees have provided sufficient funding to continue operations of the Huntsville, Alabama center.

Air Quality Initiative—The conference agreement includes $3,000,000 to complete the analysis of the air quality pilot program, finalize a concept of operations, and begin procurement of the information technology infrastructure necessary to support operational air quality forecasts by the end of fiscal year 2004. In addition, $3,000,000 is provided to complete the operational implementation of a temperature forecasting pilot in New England. Funding should provide for the modernization 200 meteorological observing stations and for the operational use of high-resolution forecasts models at 8 sites in fiscal year 2003.

Flash floods.—The conferees direct NOAA to commission the National Academy of Sciences to conduct a study to assess the availability, performance, and capability of the NWS NEXRAD located on Sulphur Mountain in Ventura County, California to detect heavy precipitation and aid forecasters at the Los Angeles Weather Forecast Office in providing flash flood warnings and forecasts, and on the basis of that study, to provide the Under Secretary of Commerce for Oceans and Atmosphere with a report on the performance of that mission by the NWS. The report also should include any recommendations for improving the accuracy and timeliness of flash flood warnings in and around western Los Angeles and Ventura Counties, California.

Systems Operations & Maintenance—The conference agreement includes $87,146,000 for systems operations and maintenance.

In addition, the conferees continue direction from prior years regarding Erie, Pennsylvania and Williston, North Dakota.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE	FYO3 Conference Agreement
Environmental Satellite Observing Systems	
Satellite Command and Control	35,447
Product Processing and Distribution	23,771
Subtotal, Environmental Satellite Observing Systems	59,218
Product Development, Readiness & Application	
Base	19,500
Coral Reef Monitoring	750
Joint Center/Accelerate Use of Satellites	1,500
Global Wind Demo	4,000
Subtotal, Product Development, Readiness & Application	25,750
Commercial Remote Sensing Licensing & Enforcement	1,200
Total, Environmental Satellite Observing Systems	86,168
NOAA's Data Centers & Information Services	
Archive, Access & Assessment	26,750
GOES Active Archive	2,000
Archive, Access & Assessment /Climate Database Modernization	15,850
Subtotal, Archive, Access & Assessment	44,600
Coastal Data Development	4,513
Regional Climate Centers	3,000
Environmental Data Systems Modernization	12,335
Total, NOAA's Data Centers & Information Services	64,448
TOTAL NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE	150,616

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $150,616,000 for the operational and research and development programs of the National Environmental Satellite, Data, and Information Service (NESDIS).

Environmental Satellite Observing Systems—The Committee recommendation has provided a total of $86,168,000 for this account, including $23,771,000 for product processing and distribution. Within the recommendation, $1,500,000 is included for the Joint Center, and $4,000,000 is for a global wind demonstration.

Data Centers and Information Services—The conference agreement includes $64,448,000 for NOAA's Data Centers and Information Services, including $15,850,000 for the climate database modernization efforts in Kentucky and West Virginia. The conferees restore funding for the regional climate centers, which was proposed for elimination. The conferees recognize the value of NOAA climate data centers as the U.S. repository for historical environmental data.

The conferees direct NESDIS to continue fiscal year 2002 current staffing levels at the Gilmore Creek Tracking Station in fiscal year 2003. NESDIS will provide a report to the Committees on Appropriations by March 1, 2003 on how it plans to implement the new National Polar Orbiting Environmental Satellite System and its plans for the Gilmore Creek Tracking Station including staffing projections.

Within the amounts provided, $300,000 is to conduct a study to assess the feasibility, costs, and timing issues of the Fairmont, West Virginia location as a third site for physical storage of data from the CLASS program.

PROGRAM SUPPORT	FY03 Conference Outcome
Under Secretary and Associate Offices Base	23,823
Policy Formulation and Direction Base	29,000
Educational Partnership Program/Minority Serving Institutions	15,000
National Ocean Science Competition	1,000
Total, Corporate Services	68,823
Environmental Compliance	2,000
Maintenance and Safety	3,225
Pribilof Islands Cleanup	8,000
Total, Facilities	13,225
Marine Services	
Marine Services Base (Data Acquisition)	63,829
AGATE PASS (Coastal YTT) Operations	350
Subtotal, Marine Services (including base)	64,179
Fleet Planning and Maintenance	11,120
AGATE PASS (Coastal YTT) Maintenance	250
Subtotal, Fleet Planning and Maintenance	11,370
Total, Marine Operations and Maintenance	75,549
Aircraft Services	14,800
P-3 Upgrade	1,000
Total, Aircraft Services	15,800
Total, Marine and Aviation Operations	91,349
GRAND TOTAL PROGRAM SUPPORT - ORF	173,397

PROGRAM SUPPORT

The conference agreement includes $173,397,000 for the Program Support line office. The conference agreement continues a limitation of the administrative costs of the agency to $243,000,000. This limitation is in response to NOAA's practice of assessing certain programs and activities for the costs of managing those programs, including grant programs.

The recommendation includes $91,349,000 for maritime and aviation fleet maintenance and operations. The recommendation provides sufficient funding for routine maintenance of the existing NOAA fleet.

Program Review—The conferees laud the results of the Program Review Task Force (PRT) review. In fact, a number of the task forces' recommendations address long-standing concerns regarding the management of NOAA. For example, the grant process has been of particular interest to the conferees. Many of the conferees have heard complaints from grant recipients regarding unnecessary delays. For fiscal year 2002 alone, these delays contributed to $462,566,000 in prior year funding remaining unspent. In a number of areas, the conferees have taken into account these unobligated balances when determining the fiscal year 2003 levels for certain programs. The conferees support the efforts of NOAA management to alleviate many of these problems.

Office Relocations—The conferees direct the Department to submit quarterly reports providing details of all office moves, openings, reductions and closings, which will be considered as a reprogramming under section 605 of the Act. The conferees expect to be notified of office relocations before final agreements are made.

Pribilof Island Cleanup—The recommendation includes $8,000,000 for Pribilof Island cleanup. In 2000, Congress passed the Pribilof Islands Transition Act which created the framework under which NOAA was to complete the environmental cleanup of the property that it currently or formerly owned on the islands, and complete the transfer of that property to the designated local entities. Concern has been raised regarding the lack of a comprehensive cleanup plan, and firm cost estimates. The conferees direct NOAA to provide timetable and cost estimates to complete a cleanup and land transfer no later than April 11, 2003.

Minority Serving Institutions.—The conferees direct that this program be extended to Native Hawaiian Serving Institutions and Alaskan Native Serving Institutions as defined in the Higher Education Act.

Facilities.—The conference agreement includes $1,000,000 for necessary improvements to the National Aquarium. The conferees expect the Department of Commerce to prepare a 20-year plan to upgrade the facility. The conferees expect a plan to be provided to the Committees on Appropriations no later than July 1, 2003.

PROCUREMENT, ACQUISITION AND CONSTRUCTION ($ IN THOUSANDS)	**FY03 Conference Agreement**
NOS	
Coastal and Estuarine Land Conservation Program (CELP)	
Program Management	1,445
Camp Salmen, LA	1,350
Staten Island Harbor program	1,947
Tillamook Bay, OR	600
Mu'olea Point, HI	2,025
Meadowlands, NJ	3,000
South Orange Natural Community, CA	2,000
Seacoast, NH	2,000
Laughlin Cove, WA	200
Rocky Point, RI	1,900
Deer Island, MS	2,200
North Bass Island, OH	2,000
East Sandusky Bay, OH	2,500
Mill River, CT	1,000
Morro Bay Dunes, CA	500
Deer Lagoon, WA	600
City of Two Harbors, MN	400
Bonneau Ferry, SC	10,000
Cooper River, West Branch, SC	2,000
Subtotal, Coastal and Estuarine Land Conservation Program	37,667
Estuarine Land Acquistion & Construction:	
NERRS Base	4,012
Waquoit Bay NERRS	1,500
Sapelo Island NERRS	1,500
Conservation Institute	1,000
ACE Basin	4,500
Great Bay Partnership	6,000
Grand Bay, MS	6,000
Bonneau Ferry, SC	4,000
Subtotal, NERRS Acquisition/Construction	28,512

PROCUREMENT, ACQUISITION AND CONSTRUCTION ($ IN THOUSANDS)	FY03 Conference Agreement
Marine Sanctuaries Construction:	
Base	5,000
National Monitor Sanctuary	5,000
Subtotal, Marine Sanctuary Construction	10,000
Other NOS Facilities:	
Kasitsna Bay Laboratory	700
Port Aransas Marine Science Institute	200
Subtotal, Other NOS Facilities	900
Total NOS - PAC	77,079
NMFS	
Aquatic Resource Program	7,000
Honolulu Lab	15,000
Kodiak Pier	2,000
Ketchikan Facilities	3,000
Total, NMFS - PAC	27,000
OAR	
Systems Acquisition	
Comprehensive Large Array Data Stewardship System	2,900
Research Supercomputing (GFDL)	7,550
Subtotal, OAR Systems Acquisition	10,450
Construction	
Barrow Planning and Design	1,000
Norman Consolidation Project	6,000
Subtotal, OAR Construction	7,000
Total, OAR - PAC	17,450

PROCUREMENT, ACQUISITION AND CONSTRUCTION ($ IN THOUSANDS)	**FY03 Conference Agreement**
NWS	
Systems Acquisition	
ASOS	5,125
AWIPS	16,264
NEXRAD	8,260
WFO Huntsville, AL	3,000
NWSTG Backup	0
Radiosonde Network Replacement	6,989
Weather and Climate Supercomputing	21,160
Subtotal, NWS Systems Acquisition	60,798
Total, NWS - PAC	60,798
NESDIS	
Systems Acquisition	
Geostationary Systems	171,391
Polar Orbiting Systems	322,538
Coastal Remote Sensing - CSC	500
Subtotal, NESDIS Systems Acquisition	494,429
Total, NESDIS - PAC	494,429
Program Support	
CAMS	10,000
Herbert Hoover Infrastructure Repairs (Educational Outreach)	1,000
G-IV Instrumentation Upgrades	8,400
Fleet Replacement	
Small Waterplane Area Twin Hull Vessel	9,000
Fisheries Research Vessel Replacement #2	50,874
Hydrographic Equipment Upgrades	6,200
Subtotal, OMAO Fleet Replacement	66,074
Total, Program Support - PAC	85,474
GRAND TOTAL PAC	762,230

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The recommendation includes a programmatic level of $832,230,000 for fiscal year 2003, of which $762,230,000 is from new appropriations and $70,000,000 is from prior year unobligated balances. The recommendation assumes $3,200,000 from prior year deobligations. This account funds capital assets acquisition activities, including system and land acquisition, marine sanctuary and estuarine reserve construction, aircraft and vessel systems, and equipment.

The conferees have amended section 204 regarding reprogramming requirements to include all increases and decreases affecting capital assets. The following distribution reflects the activities funded within this account:

Coastal and Estuarine Land Conservation Program (CELP)—The conferees include $37,667,000 for the land acquisition program. The conferees understand that regulations for this program have not yet been finalized. For the priorities identified by the conferees, the interim regulations will apply as in fiscal year 2002, including funding and match requirements. This program is intended to protect those coastal and estuarine areas with significant conservation, recreation, ecological, historical, or aesthetic value.

Marine Sanctuaries Construction—Of the amounts provided, $5,000,000 is for the final Federal costs of the efforts relating to the National Monitor sanctuary center.

National Marine Fisheries Service—The conferees continue the aquatic resource program at the level of $7,000,000.

Construction—The conferees remain concerned that there is no long-term facility plan, including maintenance schedule for NOAA. A five-year plan for such purposes was requested during the fiscal year 2003 budget hearing before the House. To date, no plan has been provided. Further, there have been two separate incidents where NOAA has changed the scope of a funded project, including the location, without prior notification to the Committees on Appropriations. The conferees expect a final plan no later than June 30, 2003.

Geostationary Systems—Under this heading, the conferees include $221,391,000, as requested, of which $50,000,000 is to be derived from unobligated prior year balances. The conferees understand that the launch readiness date for N, O, and P, has slipped by one year. In addition, the conferees understand that the earliest available launch date for the GOES–R series has been revised from 2010 to 2012. The most recent data available to the conferees reflect a total $55,400,000 available from unobligated prior year balances to be used in fiscal year 2003 therefore, $5,400,000 continues to be available for any unforeseen purposes.

Polar Orbiting Systems—Under this heading, the conferees include $347,538,000, as requested, of which $25,000,000 is to be derived from unobligated prior year balances. The conferees understand that NOAA expects a ten-month delay in launching NOAA–M as a result of the unavailability of a launch pad site.

The National Polar Orbiting Operational Environmental Satellite System (NPOESS) is a joint program equally funded by the Department of Commerce and the Department of Defense based upon a 1994 decision to integrate civil and military polar-orbiting meteorological satellites systems into a single national system. This decision created a 50/50 cost-sharing partnership between the two departments. Due to the concern raised by NPOESS program managers, the conference agreement continues language formalizing this cost-sharing partnership as in the fiscal year 2002. The conferees are aware that NOAA did not obligate $10,200,000 of the amounts provided in fiscal year 2002 for NPOESS as a result of Department of Defense obligation decisions in fiscal year 2002.

Fleet Replacement—The conference agreement includes $50,874,000 for the second fisheries vessel. This vessel would replace the 40-year-old ALBATROS IV, as proposed. In addition, $9,000,000 is provided to continue construction of small waterplane area twin hull vessel to be homeported in New Castle, New Hampshire.

Hurricane Surveillance Aircraft—The conference agreement includes $8,400,000 for necessary instrumentation upgrades to the Gulfstream IV to improve storm-tracking forecasts, as proposed.

PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes $130,000,000 under this heading. A total of $40,000,000 is provided to fulfill the obligation of the United States under the 1999 Pacific Salmon Treaty between the United States and Canada. Specifically, $25,000,000 is included to complete the capitalization of the Northern Boundary Fund, and $15,000,000 is included to complete the capitalization of the Southern Boundary Fund. In addition, $90,000,000 is provided for grants to California, Oregon, Washington, Alaska, and coastal and river tribes for habitat restoration.

Of the amounts provided for the states, $28,000,000 is for the State of Washington, $22,000,000 is for the State of Alaska, $14,000,000 is for the State of Oregon, $14,000,000 is for the State of California, $9,000,000 is for the Pacific Coastal tribes, and $3,000,000 is for the Columbia River tribes.

Of the funds provided for the State of Alaska, $5,000,000 is for the Arctic Yukon-Kushokwim Sustainable Salmon initiative, $1,000,000 is for construction of salmon mitigation passes, $1,000,000 is for the Cook Inlet Fishing Community Assistance Program, $500,000 is for the Yukon River Drainage Association, $500,000 is for Fort Richardson fisheries, $500,000 is for Elmendorf AFB hatcheries, $500,000 is for Fort Wainwright fisheries, $450,000 is for universal quality standards, $450,000 is for competitive analysis of global salmon, $250,000 is to restore the king salmon runs in Coffman Cove, $250,000 is to enable the State of Alaska to participate in discussions regarding Columbia River hydro system management, $2,000,000 is to restore salmon runs at Chester Creek, Ship Creek, and Campbell Creek in Anchorage, $1,000,000 is to restore salmon runs in Seward, Alaska, and $100,000 is for the United Fishermen of Alaska's subsistence program.

Of the funds provided for the State of Washington, $4,000,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The funding shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species and Clean Water Acts. Further, $1,590,000 is for the purchase of two new mass marking trailers.

Of the funds provided to the State of Oregon, $1,100,000 is for conservation mass marking at the Columbia River Hatcheries; and $2,185,000 is for the purchase of two new and one used mass marking trailers.

Bill language is included designating the entire amount under the conservation category.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes a total program level of $2,376,000, of which $2,375,000 is from unobligated prior year funds.

The Fishermen's Contingency Fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or man-made obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $1,833,000 under this heading, of which $1,832,000 is from unobligated prior year funds.

Fees paid into the Fund are collected from owners and operators of certain foreign fishing vessels that fish within the United States Fishery Conservation Zone and are intended to be used by the Secretary of Commerce to finance the cost of placing United States observers aboard such fishing vessels.

FISHERIES FINANCE PROGRAM ACCOUNT

The conferees note that an appropriation is not necessary for the fisheries finance program account. Of the loan authority provided through bill language, $5,000,000 is for entry level and small vessel individual fishery quota [IFQ] obligation guarantees in the halibut and sablefish fisheries off Alaska pursuant to section 1104A(a)(7) of the Merchant Marine Act of 1936. These funds are provided for IFQ loans in accordance with section 303(d)(4) of the Magnuson-Stevens Act and section 108(g) of the Sustainable Fisheries Act.

In addition, $59,000,000 is for Traditional direct loan authority, of which $40,000,000 may be used for the direct loans to the United States distant water tuna fleet.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $44,954,000 for costs of managing the Department of Commerce. The recommendation includes $4,776,000 for the recurring costs for guard contracts, security equipment upgrades and an emergency communication system for the Herbert Clark Hoover Building originally funded with fiscal year 2002 emergency supplemental appropriations; $1,590,000 is for IT security increases; and $1,200,000 is for continuity of operation efforts.

Telework Programs—The conference agreement includes language, under section 208 to allow the Department of Commerce to carryover unused funds into the next fiscal year, saved as a consequence of the Department's implementation of telecommuting programs. Telecommuting programs offer the opportunity for cost-savings as well as increased productivity and employee morale. By allowing the Department to keep the savings from telecommuting, there should be a strong incentive for the Department to increase its number of telecommuters, as required by section 359 of Public Law 106–346. Telecommuting also can help improve traffic congestion, provide energy savings and improve air quality.

This appropriation provides for the Office of the Secretary and for staff offices of the Department, which assist in the formulation of policy, management, and administration.

Office Relocations—The conference agreement continues to direct the Department to submit quarterly reports providing details of all office moves, opening, reductions and closing, which will be considered as a reprogramming under section 605 of the Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,635,000 for the Commerce Department's Office of Inspector General for fiscal year 2003.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following General Provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in both the House and Senate, regarding certification of advanced payments.

Section 202.—The conference agreement includes section 202, included in both the House and Senate, allowing funds for hire of passenger motor vehicles, and for services, uniforms and allowances as authorized by law.

Section 203.—The conference agreement includes section 203, included in both the House and Senate, making permanent a provision prohibiting of funds to be used to support hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve. The House section did not propose to make this section permanent.

Section 204.—The conference agreement includes section 204, included in both the House and Senate, regarding transfer authority among Commerce Department appropriation accounts. The language also makes the transfers subject to the Committee's standard reprogramming procedures, including the acquisition and disposal of capital assets. The Senate did not contain a provision on the matter of capital assets.

Section 205.—The conference agreement includes section 205, included in the House, requiring that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall not be subject to the reprogramming limitations in this Act. The Senate did not contain a similar provision.

Section 206.—The conference agreement includes section 206, included in both the House and Senate, making permanent a provision to allow the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act. The House did not make the provision permanent.

Section 207.—The conference agreement includes section 207, included in both the House and Senate, allowing the Department of Commerce franchise fund to retain a percentage of earnings from services provided for capital investments.

Section 208.—The conference agreement includes section 208, modified from a provision in the Senate, to provide $28,260,000 within the "National Institute of Standards and Technology, Construction of Research Facilities" account, for five projects. The House did not contain a similar provision.

Section 209.—The conference agreement includes section 209, included in the Senate, to provide $10,000,000 for an Alaskan Seafood marketing program. The House did not contain a similar provision.

Section 210.—The conference agreement includes section 210, included in the Senate, to authorize and appropriate $50,000,000 for travel and tourism grant program. The House did not include a similar provision.

Section 211.—The conference agreement includes section 211, included in the Senate, to exempt two foreign-built cruise ships to engage in service between and among the islands of Hawaii. The section is modified to prohibit vessels access.

Section 212.—The conference agreement includes section 212, included in the Senate, designating requirements for a certain fishing capacity reduction program for the West Coast groundfish fishery. The House did not contain a similar provision.

Section 213.—The conference agreement includes section 213, a new provision, allowing the National Weather Service to engage in a certain lease arrangement to be funded from base resources.

Section 214.—The conference agreement includes section 214, a new provision, designating certain programs under the conservation category.

TITLE III—THE JUDICIARY

The conferees do not agree with the practice of the Judiciary of displaying significant program increases as adjustments to base. The conferees direct the Judiciary to discontinue this practice.

The conferees expect the Judiciary to submit a financial plan, allocating all sources of available funds including appropriations, fee collections, and carryover balances. The Judiciary should consider this financial plan to be the baseline for reprogramming and expects the plan to be submitted within 30 days after enactment of this Act.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $45,743,000 for the salaries and expenses of the Supreme Court, as provided by the House, instead of $44,399,000 as provided by the Senate. The conference agreement provides increases for information technology and security related initiatives.

The conferees are aware of continued concerns about the number of minority law clerks at the Supreme Court. The Conferees are appreciative of the Court's responsiveness in providing information regarding its hiring practices and encourages the Court and the Judicial Conference of the United States to continue to make progress in this matter.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $41,626,000 for the Supreme Court "Care of the Building and Grounds" account, as provided by the House, instead of $53,304,000 as provided by the Senate. The conference agreement is $12,000,000 below the request for the Supreme Court building renovation project. The conferees understand that these additional obligations will occur in subsequent fiscal years and therefore may be budgeted in those fiscal years.

The conferees recognize there are security concerns related to the building modernization project and the Architect of the Capitol is directed to ensure that the Court's security concerns are addressed throughout the procurement and construction of the project. The conferees direct the Architect of the Capitol to submit the Committees on Appropriations, no later than 60 days after enactment of this Act, a financial plan and schedule for this project.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $20,313,000 for the United States Court of Appeals for the Federal Circuit, instead of $20,490,000 as provided by the House and $20,136,000 as provided by the Senate.

The conferees recognize that the Court has additional information technology and facility renovation requirements. However, the conferees also understand that between March 1992 and March 2001, filings have decreased by 13 percent. The conferees recommend the Court examine its base operating budget to identify funding that could be used to meet the Court's remaining information technology and facilities requirements. No funding is provided to establish a deputy circuit executive position.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $13,687,000 for the U.S. Court of International Trade, as provided by the House, instead of $13,529,000 as provided by the Senate. The conferees are pleased with the Court's utilization of the Judiciary Information Technology Fund to upgrade and enhance the Court's use of information technology without requiring additional appropriations.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,800,000,000 for the salaries and expenses of the Courts of Appeals, District Courts and Other Judicial Services. Within the funding provided, the Conferees direct not less than $10,000,000 for facilities enhancements to meet requirements associated with high threat trials and to upgrade the Judiciary's mail handling operations.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides $2,784,000 from the Vaccine Injury Compensation Trust Fund as provided by both the House and the Senate.

DEFENDER SERVICES

The conference agreement includes $538,461,000 for the Federal Judiciary's Defender Services account, instead of $545,129,000 as provided by the House and $531,792,000 as provided by the Senate.

The conference agreement includes an increase of $30,066,000 to annualize the panel attorney rate increase provided in fiscal year 2002. This increase brought panel attorney hourly rates up to $90 for in-court and out-of-court hours. This was the first significant increase in private panel attorney hourly rates since 1986 and represents a 20 percent increase in the in-court rate and a 64 percent increase in the out-of-court rate.

In fiscal year 2003, the Judicial Conference requested an increase in the panel attorney rate to $113 per hour, which if approved would amount to a 25 percent increase over the rate approved in fiscal year 2002. Because it was recently implemented, the Judicial Conference is unable to document the impact of the significant increase provided in fiscal year 2002 to determine if that rate is sufficient to solve the problem of obtaining adequate counsel for CJA representations. In addition, from 1987 to 2001, the Congress and the Judicial Conference provided a higher hourly rate in 16 districts than the standard rate provided in the other 78 lower-cost districts. The conferees understand that there continues to be disparities throughout the country in the costs to provide legal representation, and yet the Judicial Conference's requested $113 hourly rate would reimburse panel attorneys at the same rate nationally.

Because of these uncertainties between localities, the size of the increase approved in fiscal year 2002, and the level of funding required to annualize this increase in fiscal year 2003, the conference agreement does not include the requested additional increase in the hourly rate this fiscal year. The conferees expect the Judicial Conference, before requesting any future rate increases, to consider the concerns described above. The conferees also expect any future rate increases requested above inflation to be justified as a program increase.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $54,636,000 for Fees of Jurors and Commissioners, as provided by the House and Senate.

COURT SECURITY

The conference agreement includes $268,400,000 for the Federal Judiciary's Court Security Account, instead of $286,200,000 as provided by the House and $276,342,000 as provided by the Senate. In addition, the conference agreement includes $15,800,000 in the U.S. Marshals Service, Salaries and Expenses account for supervisory deputy marshals previously funded in this account.

In order to address the courts' security requirements, funding for this program has increased by approximately 50 percent since fiscal year 2001. However, the conferees are concerned that as the program has grown, sufficient attention has not been provided to program and budget administration, especially oversight of court security officer funding, positions and full-time equivalents. The conferees expect that the funding provided in the conference agreement will significantly improve this deficiency.

The conferees understand that this is a unique account appropriated to the Judiciary but primarily managed by the Department of Justice. The Committee expects the Director of the U.S. Marshals Service to provide the same level of budgetary and program oversight to this program as programs appropriated directly to the U.S. Marshals Service.

Within the level of funding provided, the conferees direct U.S. Marshals Service to conduct a study with an independent consultant on the management of this program and the unique relationship between the Federal Judiciary, the U.S. Marshals Service, and the Federal Protective Service in administering this program and providing facilities security for the Judiciary.

The conferees expect future budget justifications to clearly display the level and types of court security equipment and systems requested compared to the current year.

Within the level of funding provided, $1,000,000 shall be transferred to the U.S. Marshals Service for a courthouse security survey to be conducted by the Judicial Security Divison/Judicial Security Systems personnel.

Following the September 11th and anthrax attacks, the Judiciary was directed in the Conference Report accompanying Public Law 107–117, to consider establishing a court operations support center located outside of Washington, D.C. The Judiciary's study, conducted by an independent expert and endorsed by the Judicial Conference, recommends establishing a small leased facility at least 20 miles outside of Washington, D.C. This facility would help ensure continuity of operations in the event that administrative and automation support functions are shut down as a result of the closure of the Thurgood Marshal Federal Judiciary Building (TMFJB). The Judiciary's study recommends transferring portions of the courts' payroll processing, financial disbursing, and information technology support to this new facility. The study also recommends that this facility be within a reasonable travel range of the TMFJB so that it can be utilized by essential Administrative Office and court staff in the event that certain facilities located in Washington D.C. are shut down. The conferees direct the Judiciary to establish a judiciary automation and communications operations facility consistent with its study at an economically feasible location. The conferees expect costs of this facility to be absorbed within existing available resources as proposed by the Judiciary. The conferees encourage the Judiciary to find alternative uses for the facility during non-emergency periods. However, the primary design goal of the facility should be continuity of operations. As recommended in the study, the conferees direct the Judiciary to provide telework opportunities at this facility.

As discussed in the beginning of Title III, a financial plan is required to be submitted for this program.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $63,500,000 for the Administrative Office of the United States Courts.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $20,856,000 for salaries and expenses of the Federal Judicial Center as provided by the House, instead of $20,156,000 as provided by the Senate.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDIDICARY TRUST FUNDS

The conference agreement includes $35,300,000 for payment to various judicial retirement funds, as provided by both the House and Senate.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $12,090,000 for the U.S. Sentencing Commission, instead of $12,344,000 as provided by the House and $11,835,000 as provided by the Senate. As part of the financial plan discussed at the beginning of this title, the Commission is directed to provide plan for the utilization of carryover balances.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision included by both the House and Senate allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Section 302.—The conference agreement includes a provision included in the House related to the transfer of funds. The Senate included a similar provision.

Section 303.—The conference agreement includes a provision included in by the House allowing up to $11,000 of salaries and expenses provided in this title to be used for official representation expenses of the Judicial Conference of the United States. The Senate included a similar provision.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

In total, the conference agreement includes $7,900,660,000 for the Department of State and the Broadcasting Board of Governors. Of the total amount provided, $7,762,460,000 is derived from general purpose discretionary funds and $138,200,000 is scored as mandatory spending. This funding level includes significant program increases to improve diplomatic readiness and security. The conference agreement includes the full amount requested, $1,308,000,000, to continue worldwide security activities, including the design and construction of replacement facilities for the most vulnerable overseas posts.

DEPARTMENT OF STATE

The conference agreement for the Department of State is intended to continue the Department's efforts to achieve diplomatic readiness, strengthen diplomatic and border security, and to institute sweeping management reforms. In fiscal year 2002, the Congress enacted an appropriations increase of 16.8 percent to the Department's operating budget, including funding to support the hiring and training of an additional 910 employees.

The conference agreement includes a total of $7,394,026,000 for fiscal year 2003 for the Department of State. Of the total amount provided, $7,255,826,000 is derived from general purpose discretionary funds and $138,200,000 is scored as mandatory spending. The overall funding level for fiscal year 2003 represents an additional 8.6 percent increase to the operating budget, which will support up to 585 additional new positions. The conferees expect that this funding level will allow the Department to meet critical embassy security and staffing requirements, modernize its technology and equipment, and continue vigorous management reform initiatives to right-size America's overseas presence.

The conference agreement includes a total of $5,587,293,000 for the discretionary appropriation accounts under Administration of Foreign Affairs; $1,539,710,000 for International Organizations and Conferences; $57,504,000 for International Commissions; and $71,319,000 for Other activities. The conferees' priorities for the Department of State are delineated in the following paragraphs.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $3,822,258,000 for the Diplomatic and Consular Programs account, including $553,000,000 to continue funding for worldwide security upgrades and $292,693,000 for public diplomacy programs. The conference agreement represents an increase of $192,246,000 above the fiscal year 2002 appropriation. Within this total, the funding level for worldwide security upgrades is $65,265,000 above the fiscal year 2002 level and the same amount as requested.

This appropriation provides for the formulation and execution of United States foreign policy, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations, and related activities. The account includes funding for all of the program and operations bureaus and offices of the Department of State and the Foreign Service.

The conference agreement includes funding for program activities described below:

Diplomatic Readiness Initiatives.—The conference agreement includes a program increase of $70,000,000 for the diplomatic readiness initiative to support the hiring and training of approximately 399 new foreign service and civil service employees. Before obligation of these funds the Department shall provide the Committees, through the regular reprogramming process, a comprehensive spending and staffing plan accompanied by materials demonstrating any and all right-sizing analyses and actions taken worldwide since the issuance of the Overseas Presence Advisory Panel report in 1999. The Department may propose, through the reprogramming process, to reallocate funding under the diplomatic readiness initiative for critical foreign national hiring needs. The conferees expect that the highest priority will be placed on new positions in Near East and South Asia. The program increase described below for public diplomacy includes funding for additional foreign national public diplomacy staffing overseas.

Public Diplomacy Programs.—The conference agreement includes language specifying that $292,693,000 is available only for Public Diplomacy programs. The integration of the United States Information Agency into the State Department in fiscal year 2000 resulted in public diplomacy resources being spread across several different bureaus. The conferees believe that separately identifying total resource levels will facilitate the Committees' ability to monitor funding levels and trends for these activities. The amount identified for public diplomacy programs includes the costs of personnel and programs throughout the Department. The conferees expect the Department to identify all organizational impediments to optimal performance of public diplomacy programs, and propose the necessary changes through the reprogramming process.

The conference agreement includes a program increase of $10,300,000 for public diplomacy programs. This funding will support expansion of InfoUSA content, and other internet-based information programs, including the translation of content into Arabic and South Asian languages, as well as the continuation of programs in the Arab and Muslim world initiated with fiscal year 2002 supplemental funding. This funding will also support surveys and research to improve effectiveness of public diplomacy programs, and increased local staffing worldwide.

The conferees acknowledge the critical role that public diplomacy will play in the global war against terror. The Department will not be successful in its important public diplomacy mission unless it is guided by a comprehensive, sustained strategy for program execution. The Department is directed to submit a Public Diplomacy Strategy to the Committees on Appropriations no later than June 1, 2003. The conferees understand that the need for interagency coordination in international public information programs has resulted in the creation of the White House Office of Global Communications. The use of any funds provided to the Department of State under this Act or any prior Act for initiatives or programs of the Office of Global Communications must be approved in advance by the Committees on Appropriations.

Africa Policy Advisory Panel.—The conference agreement includes language authorizing the Secretary to create an Africa Policy Advisory Panel, and provides up to $500,000 to fund related costs. The conferees expect that this panel will be appointed by the Secretary and will deliver its final report to the Secretary no later than one year from the enactment of this Act. The conferees believe that the U.S. Government too frequently fails to devote sufficient attention and resources to African affairs. African nations today face enormous obstacles to development and political stability. The United States has a vital national interest in helping African nations to develop workable solutions to provide people with freedom, economic opportunity, and functioning governments.

The conferees expect that the establishment of this panel will generate greater interest in the importance of Sub-Saharan Africa. In calling for this panel, the conferees recognize the complex issues facing Africa and the limited budgetary resources available to help policymakers address these problems.

The conferees acknowledge the Department's increased efforts in these areas, including the strengthening of the trading relationships spawned by the African Growth and Trade Act, substantially increasing two-way trade with Africa, launching a Sovereign Credit Rating Initiative, increased HIV/AIDS funding, programs to enhance African peacekeeping capabilities, support for UN and regional peacekeeping efforts, and assistance in ending conflicts continent-wide, including in the Sudan and in the Democratic Republic of the Congo.

Assertive engagement between Africa and the United States is vital to U.S. interest and necessary. Africa is a key player in our global war against international terrorism. Africa is also a key supplier of crucial resources, including oil. The most serious challenge facing Africa today is the AIDS pandemic: its social, economic, and political impact will be devastating for millions of Africans for years to come. In the past decade alone an estimated 17 million Africans died of AIDS. Of the 40 million people infected with HIV worldwide, an estimated 28 million are in sub-Saharan Africa. Civil war continues to plague the continent. The conflict in Sudan continues unabated with two million killed and four million displaced.

It is critically important to strengthen our relations with Africa and formulate a coherent, effective Africa policy. An Africa Policy Advisory Panel could help meet these objectives and explore related issues, including how the United States can most effectively assist in the fight against AIDS/HIV and other infectious deadly diseases in Africa; what role the United States should play in conflict prevention and resolution in Africa; how the United States can use its economic and development assistance more effectively; how the United States should approach recurring natural and man-made humanitarian crisis; what specific measures the United States can take to promote democracy, human rights, religious tolerance, and a free press in Africa; how the United States can help strengthen Africa's institutional capacity to fight international terrorism effectively, and U.S.-Africa security relations; what specific measures the United States can take to increase trade and investment between Africa and the United States.

The conferees expect that this panel will take a fresh look at U.S. policy in the region, focus more attention to the importance of U.S.-African affairs, and make recommendations to the Secretary for specific action.

Trafficking in Persons.—The conferees continue to be concerned about the serious problem of international trafficking in persons. The conferees note the important role given to the Department to monitor and combat trafficking in persons in the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386), and the establishment of the Office to Monitor and Combat Trafficking in Persons (TIP Office) within the Department. The conference agreement includes the costs to continue the operations of this office.

The conferees believe that there must be increased coordination among executive branch agencies and even within the Department of State with respect to the implementation of the Trafficking Victims Prevention Act of 2000 (Public Law 106-386). While the Committee recognizes that efforts have been made by the Interagency Task Force to establish a lower level group of the Senior Policy Advisers' Group, chaired by the Undersecretary of State for Global Affairs, the Department needs to better coordinate day-to-day activities to implement the Act. Current efforts by the Office to Monitor and Combat Trafficking to fulfill a similar function are impeded by the inability to obtain full participation and cooperation from other agencies and offices involved in addressing this critical area. In particular, the Committee is concerned that at times there is unnecessary duplication among the agencies that implement the program and inconsistent or uncoordinated approaches to combating the heinous abuses inherent in trafficking in persons.

In order to improve accountability for government-wide anti-trafficking policies, the conference agreement includes language establishing a Senior Policy Operating Group, chaired by the Director of the Office to Monitor and Combat Trafficking, who will have enhanced responsibility to help coordinate these programs. It will also provide the Committees and others in Congress a central point to obtain information and affect anti-trafficking programs administered by the U.S. Government. The conferees also expect that such a group will ensure that scarce resources are wisely used. The conferees believe that U.S. Government anti-trafficking programs should deliver coordinated, effective assistance to address all three areas of prevention, protection and prosecution, and such programs should focus on both sex trafficking and trafficking involving labor slavery, just as the Act addresses all such trafficking abuses.

The conferees do not intend to transfer ultimate agency decision-making power to the Operating Group. Its establishment is intended, however, to ensure active interagency discussion and full interagency coordination before and after agency decisions are made regarding significant actions to combat trafficking and to implement the Trafficking Victims Protection Act of 2000. Where grants are awarded by an agency's field offices abroad, the Operating Group will have to work out a mechanism to ensure that the making of such grants is not impeded while ensuring coordination between the agencies involved and the Operating Group.

Within the amount provided under this heading, the conferees expect the Department to provide sufficient staff positions from within Global Affairs to the TIP Office to assist in the production of the Department's annual report on trafficking in persons. In addition, the recommendation includes an increase of $500,000 for grants to the participating organizations in the War Against Trafficking Alliance for activities and services related to preparation, execution and follow-up for an international conference on sex trafficking to be held in Washington, DC. This conference will bring additional international attention to the issues related to sex trafficking, and will be an opportunity to network, share best practices, and develop international plans of action on prevention, prosecution and protection.

Facilities.—The conference agreement includes $30,448,000 for facilities-related initiatives. This includes $14,000,000 for the relocation and housing of the staff of the United States Mission to the United Nations in temporary space in anticipation of the construction of a new headquarters building. The funding level also includes an increase of $16,448,000, and a total funding level of $31,305,000, to continue the renovation and expansion of the Charleston Financial Services Complex and to cover consolidation costs for functions moving from Washington and the Financial Services Center in Bangkok.

Availability of Reports.—The conferees recommend that each U.S. Embassy translate into the official language of the host country the report for the host country from the "Country Reports on Human Rights Practices", the "Annual Report on International Religious Freedom", and the "Trafficking in Persons Report" within 30 days of issuance, and post those documents on the embassy website along with the English version.

NATO Interparliamentary Assembly.—The conference agreement includes such funds as necessary for costs associated with fulfilling United States responsibilities with regard to hosting the NATO Interparliamentary Assembly in 2003.

Interagency Task Force.—The conference agreement includes such funds as necessary for costs associated with the establishment of a U.S. Government interagency task force to monitor the United Nations headquarters renovation project.

Worldwide Security Upgrades.—The conference agreement includes $553,000,000, the full amount requested under Diplomatic and Consular Programs, for the costs of worldwide security upgrades. This funding includes $418,501,000 to provide full year costs of maintaining base security activities at current levels. These activities include guard services, physical security equipment, armored vehicles, personnel, training and wireless communications.

In addition, the conference agreement includes $74,000,000 to continue the perimeter/compound security initiative. Through fiscal year 2002, upgrades had been completed at 115 posts. With this funding and additional funding under the Embassy Security, Construction and Maintenance account, upgrades will be completed at an additional 71 posts. The remaining 57 posts are scheduled for completion in fiscal year 2004.

The conference agreement also includes $21,000,000 for domestic technical and physical security upgrades, $17,302,000 to improve response to terrorist incidents and potential usage of chemical and biological weapons, and $22,197,000 to support additional positions in the Bureau of Diplomatic Security, including security engineers, security technicians, and civil service support staff. This increase is on top of 389 new positions provided in fiscal year 2002, which included 277 special agents, 13 security engineers, 18 security technicians and 81 civil service support staff. This staffing increase will ensure that sufficient resources are allocated to address continuing high threat levels overseas, to improve the management of overseas security improvement programs, and also to maintain domestic protective and other responsibilities. The Department shall submit a detailed spending plan by March 1, 2002, for the entire amount provided for worldwide security upgrades, subject to the regular reprogramming requirements. This spending plan shall include a complete and thorough accounting of prior year security funds.

Right-Sizing the U.S. Government Presence Overseas.—The conferees expect the Department to continue efforts to develop interagency mechanisms to better coordinate, rationalize and manage the overall deployment of U.S. Government personnel overseas. The conferees continue to expect that right-sizing can result in significant overall budget savings. Right-sizing is also discussed under the Embassy Security, Construction and Maintenance account.

Border Security Program.—The Department's budget request includes funding of $642,731,000 for the Department's Border Security program, to be entirely funded through collection of Machine Readable Visa fees. Since the submission of that budget request there has been a decline in fee revenue resulting from a reduction in the number of visa applications received. In addition, changes in programmatic emphasis have resulted from new laws as well as Departmental reviews of consular processes, procedures and policies.

These factors have led the Department to propose a new fiscal year 2003 budget for the Border Security Program totaling $616,821,000, a reduction of $25,910,000 from the original requested level. This adjusted level of operations includes a program increase of 52 new consular positions, reflecting projected workload increases in relation to visa applications, passport adjudications, citizen services and associated management. The new budget estimate includes $70,100,000, an increase of $15,000,000 over the original estimate, in the modernization and support area. This increase will fund software development to implement collection of a biometric in the visa and to support an expanded data share requirement with other agencies.

The conferees urge the Department to continue to work on an interagency basis to strengthen the visa process to make it an effective anti-terrorism tool, while avoiding the creation of unnecessary barriers or delays to legitimate travel to the United States. In this regard, the conferees expect the Department to submit a report by March 31, 2003, detailing all the changes to the visa application review process since September 11, 2001, and establishing a program spending plan and timetable for any further improvements or enhancements.

Based on information from the Department, the conferees estimate there will be $89,727,000 in carryover funds from fiscal year 2002 available to support the fiscal year 2003 program. The conferees continue to support Bureau of Consular Affairs efforts to implement the diversity visa program.

Saudi Arabia.—The conferees are gravely disappointed by reports that American citizens seeking refuge and assistance have been turned away at the U.S. Embassy in Riyadh, Saudi Arabia. The conferees expect the Department and the Embassy to follow the stated Department goal to support U.S. citizens abroad and those concerned about them in the United States, and to take every step possible within current law to ensure that any American citizens seeking refuge in similar cases are not treated in a similar fashion.

Minority Recruitment and Hiring.—The Department is directed to provide $1,500,000 to continue its educational partnership begun in fiscal year 2001 with Hostos Community College and Columbia University in New York. This model program will support the Department's ongoing efforts to increase minority hiring and diversity by facilitating the preparation of non-traditional and minority students for careers in the Foreign Service and the State Department. The conferees also expect the Department to continue base funding for an ongoing partnership with Howard University. With regard to this partnership, the funding is provided to support the Department's efforts to enhance the diversity of the U.S. diplomatic corps by increasing the number of underrepresented minorities in foreign relations and international affairs careers. These resources are to continue and expand the successful collaborative partnership between the Department and Howard University to recruit and prepare students from various institutions with large minority populations for positions in the U.S. Foreign Service.

Overseas Schools.—The conferees commend the Consolidated Overseas Schools Assistance Program for its effective work in improving the quality of education for children of U.S. citizens living overseas. The program fulfills a dual purpose of providing a high quality, American-style education for children of U.S. citizens assigned overseas and introducing the best in American educational practices to children of and educators of other nations. In addition, the conferees commend the Overseas Schools Advisory Council, which helps bring educational excellence to American-sponsored overseas schools through the enhancement projects of the Council's annual Educational Assistance Program. Further, the Council successfully encourages financial support to these schools from U.S. corporations and foundations, as well as volunteer participation in activities of the schools by U.S. firms' overseas employees and their spouses.

Office of Defense Trade Controls (ODTC).—The conferees note the efforts of the ODTC to streamline licensing processes and to reduce response times without compromising national security. However, despite improvements, the conferees remain concerned that compliance with existing regulations is increasingly problematic for small businesses, and has contributed to a drop-off in foreign sales for the U.S. satellite industry. The conferees are aware of additional concerns that some small businesses active in the manufacture and export of defense articles are unaware of the existence of the ODTC and export regulations. To deal with these concerns, the conferees expect the ODTC, within the level of funding provided under this account, to provide a point of contact and start-up guidance to small businesses and other new registrants, and to ensure they receive appropriate consideration. In addition, ODTC should develop training tools accessible to such small businesses, and other outreach efforts, as appropriate.

Extradition.—The conferees expect the Department to work with the Department of Justice to bolster efforts to negotiate effective extradition treaties.

Security of Classified Material.—Consistent with the report submitted to the Committees on Appropriations in 2002 regarding the number of containers used for storage of classified material that are not in compliance with Federal specifications, the recommendation includes such sums as necessary to continue efforts to replace such locks.

Art in Embassies.—The conferees support efforts to conduct collaborative art projects for display on-site at U.S. Embassies. Such projects can create a low-cost medium for dialogue and interaction, and can increase understanding of common interests and the free exchange of ideas. Within available funds, up to $1,000,000 may be used for this initiative.

New Post Openings.—The conferees are concerned that the Department is taking actions to establish new overseas posts before any request is transmitted to the appropriate Congressional committees, thereby undermining the purposes of Congressional review and Committee reprogramming requirements. The conferees remind the Department that the establishment of a new Department Office or post overseas is subject to section 605 reprogramming procedures. The conferees expect that any such proposals will, whenever possible, be included in the Department's annual budget submission, and will include a full accounting of the anticipated costs of such proposals. The Conferees remind the Department that decisions by the Committees on Appropriations to open new posts are based on overall U.S. foreign policy objectives, right-sizing considerations, and on the resource limitations of the Department. Such decisions are made irrespective of any unofficial or unauthorized presence the post might have established prior to the Department's submission of a formal request to the Committees on Appropriations.

Security Training and Enhancements.—Explosive growth in numbers of personnel in the Bureau of Diplomatic Security [DS] has created an imbalance between seasoned and unseasoned agents that can only be solved with time. The total number of DS agents now stands at 1,150, with just under half of these agents having been hired in fiscal years 2001 and 2002. The Committee therefore directs that DS utilize a portion of the funding provided under Frontline Security Readiness for the training of new agents.

Additionally, the conferees remain concerned about the Department's decisions relating to the placement of DS agents. This is a time of heightened threat to our overseas posts, as demonstrated by recent attacks against U.S. diplomatic and military installations around the world. Given this security environment, the conferees are concerned that too few agents are stationed overseas compared with the number on assignment in the United States. The conferees direct the Secretary of State to submit a staffing plan for the Bureau of Diplomatic Security to the Committees on Appropriations by June 1, 2003.

At this time of heightened threat to American posts abroad, the benefits of the security enhancement funds the Committees have provided to the Department since the Dar and Nairobi bombings in 1998 are being realized. The most recent indicator of improved physical security at U.S. posts overseas came on June 14, 2002, when a suicide bomber detonated a 500-pound fertilizer bomb outside the U.S. Consulate General in Karachi. The physical damage to the building was minimized due to recent security upgrades to the embassy compound. The Consulate's perimeter wall had recently been reinforced, and barriers installed between the wall and the street prevented the vehicle from reaching the building. Shatter resistant window film also significantly mitigated damage from the blast. An earlier reconfiguration of interior office space, undertaken to provide additional blast separation, also proved helpful. Continual security upgrades to existing properties are as important as the Department's Capital Security Construction program. Accordingly, the conference report includes full funding for worldwide security upgrades.

Host country relations.—The conference agreement includes up to $2,000,000 out of available funds to continue the Ambassador's Fund for Cultural Preservation. U.S. Ambassadors serving in less developed countries may submit competitive proposals for awards for one-time or recurring projects. Awards will be based on the importance of the site, the country's need, and the potential of the award to make a meaningful contribution to the preservation of the site, object, or form of expression. The Department is directed to submit an annual report to the Committees on Appropriations on winning projects.

International Center for Muslim-Western Dialogue.—The conference agreement for the Embassy Security Construction and Maintenance account includes funding for the restoration of the original U.S. consular facility in Istanbul, Turkey. The conferees direct that the facility be used as an International Center for Muslim-Western Dialogue, the mission of which shall be to promote democracy. The conferees direct the Secretary to collaborate with existing non-profit organizations that focus on Western-Muslim relations such as the Asia Foundation, the National Endowment for Democracy, and other U.S.-based centers for Islamic studies in developing a plan for the creation and administration of the Center. The conferees encourage the non-profit organizations involved in the planning of the Center to play a continuing role both in the administration of the Center and in the execution of its programs. The Department is directed to submit this plan to the Committees on Appropriations no later than September 1, 2003.

Language training.—Several reports have identified a serious shortage within the Federal Government of personnel who possess the language skills required for their positions. This challenge appears particularly acute at the Department of State where language skills are directly linked to the execution of the Core Missions. Reliable aggregate data on the language capabilities of Foreign Service Officers [FSOs] is, however, not generally available or, when available, is seriously flawed. The Department has indicated that the primary factor contributing to its inability to meet its language staffing and proficiency goals is an overall staffing shortfall of more than 1,100 people, as identified in the Department's Diplomatic Hiring Report. This report led the Department to propose the Diplomatic Readiness Initiative, a program under which a projected 1,158 new Foreign Service Officers will be hired over a 3-year period. However, the Diplomatic Readiness Initiative does little to address the specific problem of language proficiency at the Department. Funds available for salaries should be leveraged to provide pay incentives to FSOs who gain expertise in hard-to-learn languages, to provide an attractive career path for linguists, to enhance the retention of FSOs with desired language skills, and to provide ample training opportunities to FSOs willing to learn a difficult language mid-career. Funds provided for workforce retention should also be utilized to recruit native speakers of difficult and hard to fill languages, drawing upon the vast human resources afforded by a demographically diverse United States. Language proficiency must be a criterion in the selection of FSOs. If our diplomats truly are our "first line of defense" against foreign threats, then their ability to converse fluently in the languages of the countries to which they are posted is critical to national security. The conferees direct the Department to develop a plan to address the problem of foreign language proficiency, particularly as it concerns difficult languages, and to submit the plan to the Committees on Appropriations no later than July 1, 2003. The conferees further direct the Department to collaborate with the Committees during the preparation of the fiscal year 2004 appropriations bill so that immediate funding requirements associated with improving foreign language proficiency can be met as soon as possible.

Continuing language education.—Language skills ensure that dependents of Department of State personnel are not overwhelmed by isolation and alienation, resulting in lowered post morale. The conference agreement includes up to $10,000,000 for continuing language education programs for both employees and dependents at posts worldwide. Language classes should also be open to non-State Department (Federal) employees on a space-available, reimbursable basis.

Office of Foreign Missions.—The conferees are aware of concerns that the Office of Foreign Missions [OFM] may be more appropriately aligned organizationally with other management functions, rather than with the Bureau of Diplomatic Security. The conferees expect the Department to submit a report to the Committees by June 1, 2003, reassessing organizational issues with regard to OFM, and including any recommendations for changes.

International conservation of sea turtles.—The conferees remain concerned with the increasing threat to sea turtles, particularly those listed under the Convention on International Trade on Endangered Species of Wild Fauna and Flora [CITES], from incidental capture by foreign fishing fleets, particularly in the longline fishery. The Department has ignored Committee direction for the past 2 years. Specifically, the Department ignored direction stating that the Secretary should, on an expedited basis, negotiate strong, enforceable management, reporting, and data collection measures (including economic measures) focused on reducing incidental capture of sea turtles in commercial fisheries under regional management agreements for living marine resources. These agreements include the Inter-American Sea Turtle Conservation Treaty, the Inter-American Tropical Tuna Convention, the International Convention for the Conservation of Atlantic Tunas, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Multilateral High Level Conference). The conferees are concerned that no international agreements specifically addressing turtle by-catch from longline fishing have been negotiated, and the Department has negotiated only voluntary initiatives rather than binding agreements to this end.

The conferees expect the Secretary, in cooperation with the Secretary of Commerce, to use all appropriate means available to broaden the participation of other nations in the Convention on the Conservation and Management of Highly Migratory Species in the Western and Central Pacific Ocean. Of the funding provided for the Bureau of Oceans and International Environmental and Scientific Affairs, not less than $750,000 shall be for negotiating, in consultation with the Department of Commerce, a binding agreement providing for annual reductions in sea turtle mortality in the longline fisheries of the Western and Central Pacific, that shall, by 2008, result in at least a 30 percent reduction in takes, and thereafter result in such fisheries meeting sea turtle take levels comparable to those achieved by the U.S. longline fleet.

Conservation enhancements.—The conferees are concerned that non-U.S. parties to the International Dolphin Conservation Program (IDCP), of which the United States is a member, are not fully complying with the requirements of the IDCP, particularly with respect to accurate reporting of dolphin interactions and mortality. The conferees expect the Department, in conjunction with the Department of Commerce, and in consultation with key U.S. stakeholders, to evaluate and document any lack of compliance by the non-U.S. parties to the IDCP with its provisions, including through on-site visits and discussions with government officials, observers and others with first-hand knowledge of country practices, and to submit a written report describing the findings to the Committees no later than September 30, 2003. The report should include an evaluation of compliance with the on-board observer program, including a comparison of the reporting frequency of national observers as compared to IATTC observers; reporting of dolphin interactions and mortality; operational requirements for vessels; the extent to which vessels with a carrying capacity of 400 short tons or less are setting on dolphins, and actions by parties to report and follow-up on infractions identified by the international review panel. The conferees also expect the Department, in conjunction with the Department of Commerce, to seek measures to strengthen the IDCP to reduce impacts from setting on dolphin populations in the ETP other than reported mortalities, including expanding the application of the IATTC observer program to include vessels with a carrying capacity of 400 short tons or less, requiring measures that will reduce cow-calf separation, limiting the number of sets on dolphins, and limiting the dolphin herd sizes on which sets are made. Of the funding provided for the Bureau of Oceans and International Environmental and Scientific Affairs, not less than $750,000 is for these negotiations.

International trade.—In past years the Department has attempted to pursue enhancements for international trade activities that fall more appropriately under the jurisdiction of the Commerce Department's International Trade Administration, and in particular under the jurisdiction of the United States and Foreign Commercial Service. The conference agreement does not include funding for any new initiatives with regard to expansion of international trade activities. In addition, the conferees expect that the Department will not unnecessarily impede any legal and appropriate technical discussions between the United States Department of Agriculture and Cuba's Agriculture ministry regarding health standard certifications for agricultural products exported from the United States to Cuba.

Secure Card Technology.—The conferees are aware that the U.S. Embassy in Mexico City began issuing secure laser visa border crossing cards to Mexican visitors in May, 2002. The conferees direct the Department, in consultation with the Immigration and Naturalization service, to report no later than May 5, 2003 on the success of this secure visa issuance program in Mexico City. The report should provide recommendations to the Committees regarding the expansion of this visa issuance process to all visa types and the potential for application of the secure card technology at U.S. foreign missions.

Fingerprint services.—The conferees expect U.S. embassies and consulates with fingerprinting capabilities to fingerprint aliens seeking first-time flight training in aircraft weighing 12,500 pounds or more and transmit those fingerprints to the Department of Justice and other relevant agencies for the purposes of checking fingerprints against appropriate terrorist watch-lists.

International Child Abductions.—The conferees remain concerned about the adequacy of the Department's efforts to counter the serious problem of international child abductions. Within 90 days of enactment of this Act, the Department is directed to submit a report to the Committees on Appropriations which includes the following information: the country, location, and number of all known U.S. citizens under the age of 18 who have been abducted by a parent or relative as the result of a custody dispute and who are being held abroad in contravention of U.S. laws or judicial orders; a summary of actions taken by the Department of State to secure the repatriation of abducted American children; and a list of diplomatic measures, including treaties and agreements, that can be used to facilitate the repatriation of abducted American children. The conferees expect the Department to complete and release the State Department's report on compliance with the Hague Convention on the International Aspects of Child Abduction. The Hague Convention, which the United States and many of our Allies have signed, is in place to facilitate the return of internationally abducted children to their countries of "habitual residence" for custody determination. The conferees recognize the importance of compliance with the Hague Convention and request this report be sent to the Committee on Appropriations no later than March 31, 2003. The conference agreement includes such funds as necessary to be used for an international conference on best practices in adoption. The conference would promote cooperation among the U.S. and other countries in support of the Hague Convention.

Globalization.—Within available funding, up to $1,000,000 may be available, if merited, to support the Globalization Research Network [GRN] research consortium. The consortium conducts interdisciplinary, international studies of pressing problems faced by humanity. Any funding allocated to this activity shall be proposed through the regular reprogramming process.

Financial Operations.—Over the past several years the Department of State has made significant improvements in its financial operations. For the past six years, the Department has had clean audited financial statements. Additionally, the Department has been streamlining and centralizing its overseas and domestic financial operations in Charleston, South Carolina. The conferees are aware that the Office of Management and Budget has undertaken an effort to consolidate payroll operations among the Federal agencies. From Charleston, the Department currently pays over 25,000 Americans both domestically and overseas and over 35,000 local national employees in 180 different countries, bi-weekly, in local currencies. Before the Department expends any resources to join a consolidated payroll effort, the Committees on Appropriations are to be notified through the reprogramming process of any such plans and how this will affect staffing, and represent a cost savings to the taxpayer.

Changes from the Budget Request.— As in previous years, the conferees expect that there will be additional savings available to the Department, including exchange rate gains and vacancies in funded positions. The Department will have the ability to propose that savings be used for needs not funded by the recommendation through the normal reprogramming process.

CAPITAL INVESTMENT FUND

The conference agreement includes $183,311,000 for the Capital Investment Fund. In addition, the conferees expect that $86,000,000 in expedited passport fees will be used to support the information technology modernization effort, for a total fiscal year 2003 spending availability of $269,311,000.

The entire amount available under this heading, including fees, will support investments in new information technologies and infrastructure to improve the efficiency of Department operations. Costs associated with ongoing information technology operations and maintenance are included under the Diplomatic and Consular Programs account, as in fiscal year 2002.

The conference agreement provides the full requested amounts for two major technology initiatives:

$94,235,000 for the Classified Connectivity Project (CCP). This amount will enable the Department to replace obsolete computer and communications equipment that posts use for classified operations. The Committee views this project as the Department's highest priority technology investment activity, and expects the Department to achieve installation of CCP connectivity in all eligible posts by October 1, 2003. The Committee is willing to consider a reprogramming of funding under this account if additional resources are required to achieve this timetable.

$36,500,000 for the OpenNet Plus project. This amount will enable the Department to complete the expansion of desktop Internet access to all Department employees worldwide during fiscal year 2003. The Committee expects that, by April 30, 2003, 100 percent of bureaus and eligible posts overseas will have OpenNet Plus installed and operating, and 100 percent of Internet users Department-wide will have only one computer with Internet and Intranet access at their desktops.

The conference agreement includes a total of $17,000,000 for the Integrated Messaging and Foreign Affairs Systems Integration (FASI) initiatives, and $7,345,000 for public key infrastructure requirements. The Department shall report to the Committee no later than 30 days after the enactment of this Act on results of the FASI pilots in fiscal year 2002, and a program and financial plan for fiscal year 2003 to establish secure interagency communications using a public key infrastructure.

The Committee directs that the Chief Information Officer of the Department develop an annex to the existing IT Strategic Plan which outlines in detail the Department's 5-year strategy for maintaining and upgrading its existing IT infrastructure. This strategy will help ensure that the significant investments made in the last 2 years are not lost, and that the Department's current IT infrastructure is leveraged both to capitalize on these prior investments and to meet the needs of the Department. The Department is directed to submit this annex to the Committees on Appropriations no later than September 1, 2003.

The conferees direct the Department to submit, by April 30, 2003, an updated performance report for the Classified Connectivity and OpenNet Plus projects. This report should include a corresponding implementation timetable, a multi-year funding requirement table, and specific efficiencies and savings resulting from each project.

The conferees direct the Bureau of Human Resources, in consultation with the Chief Information Officer of the Department, to report to the Committees on Appropriations on how the Department plans to meet its short and long-term human capital needs in the area of information technology. The report should address such issues as pay incentives, specialized recruitment strategies, and preventing attrition to the private sector.

The conferees support the trend at the Department towards the central management of information. The conferees are aware that, at a time of increased threat to our overseas posts, the ability to store and manage information, particularly classified information, domestically can greatly enhance the security of that information. One technology that appears particularly promising is the high-assurance virtual wide area network [WAN]. This technology would allow the Department to minimize the information stored at post and permit computer terminals to be "sanitized" of sensitive information when not in use. Within the funds made available under this account for Centrally Managed Infrastructure, the Department shall institute a pilot project to develop a high-assurance virtual WAN architecture and prototype in support of Department of State activities. Up to $8,000,000 may be made available for this purpose, subject to reprogramming. The conferees expect the Bureau of Information Resource Management to collaborate closely with the Bureau of Diplomatic Security (DS) and with other relevant agencies on this pilot project. This will ensure that any technologies employed by the Department to centrally manage its information meet all of the security requirements set forth by DS and by other relevant agencies. The conferees direct the Department to present a preliminary plan for this project within 60 days of enactment of this Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $29,264,000 for the Office of Inspector General (OIG). The Inspector General conducts oversight at the State Department and the Broadcasting Board of Governors. The conference agreement includes funding for OIG oversight of the Department's efforts to implement worldwide security upgrades.

The conference agreement includes language, as in previous years, waiving the statutory requirement that every post be inspected every five years, in order to provide greater flexibility to the Inspector General to use resources in the most productive areas. The Department shall report to the Committees by July 4, 2003 on the OIG's post inspection regime, and the need for the continuation of waiver language in future fiscal years. The conferees believe that the OIG can achieve the statutory post inspection requirements within existing resource levels by re-engineering inspection processes and reprioritizing tasks.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a total of $245,306,000 for the Educational and Cultural Exchange Programs of the Department of State. In addition to the amount provided under this heading, the Department expects to receive transfers from accounts in other appropriations acts for exchange programs, primarily with nations of east and central Europe, and of the former Soviet Union. The following chart displays the conference agreement on the distribution of funds by program or activity under this account, including an estimated $5,754,000 in prior year recoveries:

	Amount (in thousands)
Academic Programs:	
Fulbright Students, Scholars, Teachers	123,000
Hubert H. Humphrey Fellowships	6,000
Foreign Study Grants for U.S. Undergraduates ...	1,575
Educational Advising and Student Services ...	3,600
English Language Programs	4,335
American Overseas Research Centers	2,500
South Pacific Exchanges	500
Tibet Exchanges	500
East Timor Exchanges ...	500
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	143,010
Professional and Cultural Programs:	
International Visitor Program	50,365
Citizen Exchange Program	17,000
Congress Bundestag Youth Exchange	3,000
Mike Mansfield Fellowship Program	2,200
Youth Science Leadership Institute of the Americas	100
Special Olympics	150
Africa Workforce Development Exchanges	300
National Forensics League	250
George Mitchell Scholarship Program	500
PSC US-Pakistan Educator Development	250
Institute for Representative Government	500
Irish Institute	275
Rule of Law Forum—SMU	800
Winter Cities Conference	100
Girls International Forum	200
Atlantic Corridor	275
Interparliamentary Exchanges with Asia/Africa	400
Subtotal, Professional and Cultural Exchanges:	76,665
North/South Center	500
Exchanges Support	30,885
Prior Year Balances Applied:	(5,754)
Total Exchange Programs:	245,306

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act.

The Committee recognizes that international education and exchange programs are critical components of U.S. national security and foreign policy. In light of the tragic events of September 11, 2001 this type of engagement with the world is more important than ever. International educational and exchange programs enable the United States to augment the foreign language and foreign area expertise of each successive generation of rising leaders, prepare U.S. students to function effectively in a global environment through study abroad, and promote international understanding through professional, scholarly, and citizen exchanges.

The Conference agreement includes funding for citizen exchange programs (including continued base funding for the American Council of Young Political Leaders exchanges and the Congress-Bundestag Program). With respect to the Congress-Bundestag Program, the conferees intend that the amount provided will support 380 exchanges in fiscal year 2003, the same level as in fiscal year 2002. The conference agreement also includes funding for African workforce development exchanges (including funding for the AFTECH virtual university initiative) and funding for the Disability Exchange Clearinghouse. The conferees continue to support the goal of increasing the number and quality of exchange opportunities for people with disabilities. The conferees expect the Department to submit a report to the Committees on Appropriations within 90 days of enactment of this Act detailing current efforts to make exchange opportunities available for people with disabilities and a plan to increase such opportunities in the future.

The conference agreement includes funding for enhanced programs to engage Arab and Muslim audiences through educational and cultural exchanges. The conferees expect this funding to continue and expand the programs funded from fiscal year 2002 supplemental appropriations, including Fulbright Exchanges (including American Studies), English Language Programs (including English Language Fellows), US/Afghan Women's Council exchanges, Values/Religious Tolerance programs, Media Training Exchanges, and American Studies programs. The conferees expect the Department to allocate at least 15 percent of the fiscal year 2003 appropriations provided under this heading to the Near East region, and at least 10 percent of such funds to the South Asia region. Should additional recoveries become available under this heading, the conferees expect the Department to allocate such funds to programs to engage Arab and Muslim audiences on a priority basis.

Of the funds provided for the Council of American Overseas Research Centers, the conferees expect that necessary funds will be for a grant for research to develop a diamond fingerprinting technology that will facilitate the monitoring of the international trade in conflict diamonds.

The conferees expect the Department to submit a proposal for the programmatic and geographic distribution of available resources (including all unobligated balances and recoveries) through the normal reprogramming process within 60 days from the date of enactment of this Act. Within available funds under this account, the conferees encourage the Department to consider supporting the Israel/Arab Peace Partners, and African Career Internship Immersion Programs.

The conferees expect that the overall funding distribution will conform to the geographical guidance above. The conferees further expect that this distribution of available resources will separately identify any amounts allocated to subsidize the administrative expenses of programs that are not funded by amounts appropriated under this heading.

The conferees support the continuation of regional scholars and graduate exchange fellowship programs with the former Soviet Union, such as the Muskie Ph.D. program, and expect that these activities will be funded from within amounts transferred from other appropriations. In the event that these programs are not adequately funded from other appropriations, the conferees would entertain a proposal to fund such programs from this appropriation through the regular reprogramming process.

The conference agreement includes a limitation of not to exceed $2,000,000 on the use of fees or other payments received from or in connection with English teaching, educational advising and counseling, and exchange visitor programs as authorized by law.

The conferees are aware of the economic and cultural exchange program, as well as the proposed "sister state" relationship being developed between the Tver Region of the Russian Federation and the State of Louisiana. The conferees support these efforts and encourage the Department to consider providing assistance to the Louisiana-Tver Region of Russia international exchange program.

REPRESENTATION ALLOWANCES

The conference agreement includes $6,485,000 for representation allowances. These funds are used to reimburse Foreign Service Officers for expenditures incurred in their official capacities abroad in establishing and maintaining relations with officials of foreign governments and appropriate members of local communities.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $11,000,000 for the Protection of Foreign Missions and Officials account. The increase under this heading reflects the addition of protection requirements after September 11th, including additional fixed guard posts and increased motorcade, demonstration and protective detail costs.

This account reimburses local governments and communities for the extraordinary costs incurred in providing protection for international organizations, foreign missions and officials, and foreign dignitaries under certain circumstances. The Committee believes that local jurisdictions incurring such costs must submit a certified billing for such costs in accordance with program regulations. The Committee also believes that in those instances where a local jurisdiction will realize a financial benefit from a visit by a foreign dignitary through increased tax revenues, such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program. The conferees expect the Department to treat such submissions diligently and provide reimbursement to local jurisdictions on a timely basis if claims are fully justified.

Of the total amount recommended, $2,300,000 is available for protection of foreign diplomats and their families throughout the United States. The Foreign Missions Act of 1982 authorizes the provision of such services when necessary either at the request of a foreign mission or on the initiative of the Secretary of State. In these situations, where State and local authorities cannot provide the security required, the Act permits the Department of State to employ the services of private security firms.

Of the total amount recommended, $8,700,000 is allocated to reimburse New York City for the protection of foreign missions and officials accredited to the United Nations and other international organizations. These funds provide for the costs of guard posts and security escort and motorcade services to foreign missions and personnel assigned to the United Nations.

The conference agreement includes language making these funds available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes a total appropriation of $1,263,500,000 for Embassy Security, Construction, and Maintenance. The conference agreement designates $755,000,000 as available only for priority worldwide security upgrades, acquisition, and construction, the full amount requested for such activities. The conference agreement includes $508,500,000 for non-security related costs. The conference agreement includes full requested wage and price increases for the Department's Office of Overseas Buildings Operations (OBO) totaling $12,936,000, which will support 787 positions in fiscal year 2003.

This account provides funding to manage U.S. Government real property worth more than $10,000,000,000 in over 200 countries, including maintaining 3,000 Government-owned and long-term leased properties at 250 posts and leasing approximately 1,100 office and functional facilities and 8,000 residential units, not only for the Department of State, but for all U.S. employees overseas. The Department's latest inspection survey identified in excess of 4,200 maintenance and repair needs, as well as major rehabilitation requirements.

Worldwide Security Upgrades.—The conference agreement includes $755,000,000 for security projects, including $608,550,000 to continue the capital security program of constructing new secure replacement facilities for the Department's most vulnerable embassies and consulates. Projects undertaken under this program will address the highest priority facilities from a security standpoint. The conferees are concerned that specific projects proposed in the budget request may not meet this criterion, and that in previous fiscal years the Department has proposed to reprogram funds under this activity for projects that do not address top priority security vulnerabilities and for projects that will not result, when complete, in a facility that meets existing security standards.

The conference agreement also includes $146,450,000 to complete worldwide perimeter security projects and begin a new initiative to upgrade compound security, including installation of forced entry/ballistic resistant roof hatches, vault doors and power-assisted vehicle barriers.

A proposed spending plan for the entire amount of available resources provided for worldwide security upgrades will be submitted through the normal reprogramming process within 60 days from the date of enactment of this Act. The Department shall notify the Committees immediately if there are any facilities that the Department believes face serious security risks.

Non-Security Base Programs.—The Committee expects the Department to propose an allocation of any proposed funding for non-security capital projects through the normal reprogramming process.

The conference agreement includes up to $53,500,000 for facility rehabilitation and up to $90,000,000 for maintenance and repair of buildings. Within the amounts provided, the conferees expect the Department to allocate funds as necessary: to renovate the Istanbul consulate to serve as a center for mutual cultural understanding; to carry out upgrades at the U.S. Embassy in Luxembourg; and to conduct renovations at the U.S. Embassies in Dili and Belgrade necessary to establish and maintain classified activities at post. In addition, the conferees are aware of proposals to address facilities and security requirements with regard to the U.S. presence in Rome. The conferees expect the Department to assess these proposals and requirements and allocate funding as appropriate within the funding provided under this heading. The conference agreement includes full funding for the leasehold program. Within available funds, the conferees expect the Department to allocate up to $20,000,000 for the buyout of uneconomic leases.

The conference agreement funding level includes the full amount requested for Security Management. This amount will support additional site security measures and cleared American guards to supervise an increasing number of capital projects.

The conference agreement also assumes $6,000,000 for headquarters operations, $17,500,000 for information management and support, and $23,000,000 for renovations of the Harry S Truman Building.

Right-Sizing the Overseas U.S. Government Presence.—The conferees continue to be disappointed at the failure to make discernable progress in the pursuit of an Administration-wide process of determining the right size and makeup of overseas posts, including the explosive staffing projections at posts scheduled for new office buildings. The conferees continue to define "right-sizing" as the reconfiguration of overseas U.S. Government staff to the minimum number necessary to meet critical U.S. foreign policy goals. The notion of right-sizing as a desirable means to improve security and gain efficiencies implies that the current number of overseas staff is greater than the minimum number necessary, and that the presence of a number greater than the minimum number presents an unnecessary financial and security burden. The conferees are not aware of any right-sizing analysis to date that has resulted in a proposed reduction to a country-wide staffing presence.

The conferees strongly encourage the Department to continue to work toward an interagency mechanism that can result in meaningful right-sizing. The conferees urge the Department to adapt, as appropriate, the basic right-sizing framework developed by the General Accounting Office to link embassy staffing levels to physical security considerations, mission priorities, and costs. In this regard, the conferees support the Department's effort to initiate a consolidation, streamlining and regionalization of country and multi-regional staffing in Frankfurt, Germany. The success of this initiative will be measured largely by the staffing reductions made possible at less secure locations throughout Germany, Europe, Eurasia, Africa and the Near East.

It costs two to three times as much to maintain an employee outside of the United States as it does within the United States. The conferees agree with the recommendation of the Overseas Presence Advisory Panel, that rationalizing staffing and operations abroad has the potential for large budgetary savings. The justification for all facilities projects funded under this account must include a full explanation of regional efficiency and security planning, and related staffing assumptions, and such projects will not be approved for funding absent evidence of the application of a uniform right-sizing methodology.

Assets Management.—The budget request designates $80,000,000 in assets management funds planned for expenditure in fiscal year 2003. The conferees expect that these funds will be used for opportunity purchases to replace uneconomical leases and for other priority capital acquisition purposes. In addition, as in previous years, the conferees expect that assets management funds will continue to be allocated in part to security construction needs. Any use of these or additional assets management funds in fiscal year 2003 is subject to reprogramming. In addition, with respect to the requirement that a reprogramming for any major new start be submitted, the conferees understand that requirement to mean that rehabilitation or construction of projects involving ambassador's residences will be subject to the requirement.

The conference agreement continues language carried in the bill in previous years that prohibits funds from being used for acquisition of furniture and furnishings and generators for other departments and agencies.

Soft Targets.—Recent terrorist attacks have brought into focus a new kind of threat against our interests abroad, specifically, threats against so-called "soft targets". The conferees direct the Department to formulate a strategy for addressing such threats to locales that are either frequented by Americans or are symbolic of the United States. The conferees are particularly concerned about the safety of American schools abroad, as well as international schools attended by American children. The conferees direct the Department to undertake a review of the security of all overseas schools attended by the children of non-military United States government employees. The report shall include information on each individual facility, including but not limited to the number of American children enrolled at the school; an accounting of all financial assistance provided to the school by the Department of State for the past 5 fiscal years; threat and risk assessments; an evaluation of the adequacy of the school's security in light of these threat and risk assessments; and recommendations for immediate steps the school can take, with the support of the Department, to enhance its security posture. The conferees expect the Department to propose a corresponding spending plan of up to $15,000,000 to address such vulnerabilities from within the resources provided under this account.

Consular workspace improvement initiative.—The Department's consular mission is critical to our national security. Consular workspace must be adequately sized and outfitted in order to ensure that the processing of visas and visa applicants takes place in an organized and efficient manner. To ensure this, and to improve the overall working environment for Consular Affairs Officers, the conferees direct the Office of Overseas Buildings Operations [OBO] to undertake a 3-year Consular Workspace Improvement Initiative. The conferees are aware that, traditionally, OBO considers posts' facilities requirements in a holistic manner, and does not single out specific bureaus for workspace improvements. However, the conferees are also aware of the direct link between the quality of consular workspace and the efficiency and accuracy of consular work. There is a pressing need for additional consular windows and interview space, enlarged reception and waiting areas, office space, and document storage space. The Initiative should identify posts for consular workspace rehabilitation where errors in visa issuance present the greatest threat to our national security, as determined by OBO in consultation with the Bureau of Consular Affairs. The conferees expect construction to begin on priority projects no later than 60 days after the enactment of this Act. The Committee expects that up to $8,000,000 within the funds available under this account for facilities rehabilitation may be used for this initiative.

Marine Security Guard housing.—Marine Security Guards are essential to the Department's ability to carry out its mission overseas. In fiscal year 2002, the Department completed the final phase of a multi-year effort, undertaken at the insistence of the Committees, to address the long-neglected capital needs of many Marine Security Guard [MSG] housing facilities worldwide. The conferees support the Department's new policy of incorporating MSG housing costs into the initial cost estimates, and thus the budget requests, for overseas construction or rehabilitation projects. The conferees note that MSG housing costs for fiscal year 2003 are embedded within the capital projects account.

Reprogramming Requirements.—The conferees agree that the reprogramming requirements that have been applied in prior years regarding programs under this heading shall continue to apply during fiscal year 2003.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $6,500,000 to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service. This funding level anticipates that carryover balances from fiscal year 2002 will be available for obligation in fiscal year 2003. Funding provided in this account is available until expended.

The conference agreement includes a provision in the bill that permits up to $1,000,000 to be transferred from this account to the Repatriation Loans Program account. This provision will ensure an adequate level of resources for loans to American citizens through the Repatriation Loans Program account should that account require additional funds in fiscal year 2003 due to an unanticipated increase in the number of loans.

This appropriation provides resources for the Department of State to meet emergency requirements in the conduct of foreign affairs. The Committee recommendation provides funds for: (1) travel and subsistence expenses for relocation of American employees of the United States Government and their families from troubled areas to the United States and/or safe-haven posts; (2) allowances granted to State Department employees and their dependents evacuated to the United States for the convenience of the Government; and (3) payment of rewards for information concerning terrorist activities.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes $612,000 for the subsidy cost of repatriation loans and $607,000 for administrative costs of the program.

This account provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States.

In the past, less than 20 percent of repatriation loans have ever been repaid. The conferees endorse efforts by consular services to limit assistance only to victims of unforeseen circumstances or travelers whose mental instability presents a risk to themselves or others.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $18,450,000 for the "Payment to the American Institute in Taiwan". The conference agreement provides for the Institute's pay and inflationary base adjustments. In addition, the Institute is authorized to collect Machine Readable Visa fees, which are expected to generate an additional $14,000,000 in revenues in fiscal year 2003, as well as reimbursements from agencies and user fees from trade show exhibitors.

The conferees expect that the American Institute in Taiwan (AIT) will cover anticipated operating expenses in fiscal year 2003 through a combination of appropriations and visa fee revenues, and encourages the Institute to continue to pursue cost saving measures. The conferees expect the Department to submit by March 31, 2003, an AIT spending plan for fiscal year 2003, indicating the total amount of estimated fee collections, the amount of such fee collections allocated for operating expenses, and the total amount planned for operating expenses from all funding sources.

The Taiwan Relations Act requires that programs concerning Taiwan be carried out by the American Institute in Taiwan and authorizes funds to be appropriated to the Secretary of State to carry out the provisions of the Act. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, and logistics. The Department of State contracts with the American Institute in Taiwan to carry out these activities.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $138,200,000 for the appropriation entitled "Payment to the Foreign Service Retirement and Disability Fund". The amount provided in the Committee recommendation is required to amortize the unfunded liability in the system, as documented by the annual evaluation of Fund balances.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes a total of $866,000,000 for payment of the obligations of United States membership in international organizations as authorized by conventions, treaties, or specific Acts of Congress for fiscal year 2003.

The amount provided in the bill is intended to cover anticipated assessments for membership in international organizations, including the United Nations. In addition, the amount provides full funding for anticipated assessments for membership in the North Atlantic Treaty Organization and the related North Atlantic Assembly, International War Crimes Tribunals for Rwanda and the former Yugoslavia, the Organization of American States, and the Pan American Health Organization, among others.

The conference agreement is based on a upward adjustment of the fiscal year 2003 request based on exchange rate fluctuations, and also reflects the application of an estimated $46,739,000 in available balances from fiscal year 2002 that the Committee has directed the Department to apply to the fiscal year 2003 assessment for the United Nations regular budget.

Reassesment of U.S. Membership in International Organizations.—The conferees note, with approval, the Department's recent actions to formally withdraw from certain international organizations where continued U.S. participation was determined to be a low priority in the context of overall U.S. national interests. The conferees continue to support the comprehensive reassessment of U.S. membership in each of the 50 international organizations for which funding is requested under this account. The Department shall notify the Committees in advance of taking any action to join, or rejoin any international organization.

Reform and Budget Discipline.—The conferees continue to insist on reform and budget discipline as the highest priorities for all of the international organizations, including the development of processes to evaluate, prioritize and terminate programs. The conferees believe that the onus is on each international organization and the State Department representatives to those organizations to reduce overall budgets and eliminate duplicative activities, excessive administrative costs, and inefficient operations.

United Nations Regular Budget.—As indicated, the funding level assumes full payment of the U.S. assessment to the United Nations (UN) regular budget, as has been provided every year since fiscal year 1989. This assessment is estimated at $279,327,000 for calendar year 2002. In order to assure that the UN achieves the fiscal discipline that the Congress has insisted upon, the Committee strongly urges the Department to ensure that the UN takes no action to increase funding for any program without identifying an offsetting decrease elsewhere in the regular budget. Toward this end, the Committee expects the Department to insist on the prioritization of ongoing UN programs and activities, so that in the event of unanticipated requirements, budget offsets may be taken from activities and programs that have already been determined to be lower-priority by the organization.

The Committee expects the Department to certify to the Committee by March 1, 2003 that the UN has taken no action to exceed the approved 2002–2003 budget of $2.63 billion, which is an increase of $90 million from the previous biennium. Any proposal to exceed this budget level should be communicated to the Committee far in advance of the formal consideration and adoption of such a proposal. The Department shall also report to the Committees by April 30, 2003, describing any and all programmatic or administrative reductions adopted in the current UN biennial budget.

For nine of the international organizations funded under this account, including the United Nations regular budget, the payment of the United States assessment for a given calendar year is deferred until the subsequent fiscal year. As a result, United States assessment payments for membership in such organizations are not made until the fourth quarter of the calendar year. The conferees expect the Department to report to the Committees by September 30, 2003, on the significance of this practice with regard to the achievement of United States multilateral diplomacy goals and the financial operations of such international organizations. The report should include recommendations, as appropriate, for addressing any negative impacts. The report should also address any cost implications associated with such recommendations.

OECD.—The recommended funding level includes requested funding for future renovations to the Organization for Economic Cooperation and Development (OECD) headquarters building in Paris. The conferees remain concerned about the scope and cost of this project, and the need for the United States to assume the largest funding share for an undefined capital project in Paris with costs that could exceed $200,000,000. The Committees expect to review detailed plans, cost estimates, and potential financing methods through the reprogramming process before these funds are obligated for this project. Should the Department experience further exchange rate losses during fiscal year 2003, the Committees would entertain a reprogramming of this funding toward other comparatively higher-priority activities.

IAEA.—The conference agreement includes full funding for the adjusted request level for anticipated assessments for the International Atomic Energy Agency (IAEA). The conferees recognize the importance of the role played by the IAEA in efforts to enact stronger global measures to protect nuclear material and facilities against potential acts of terrorism.

PAHO.—The conferees continue to support the work done by the Pan American Health Organization (PAHO). PAHO has continued to take the lead in health issues, including border health concerns, emerging diseases and bio-terrorism that have an impact on citizens of the United States and all citizens of the Americas. The conferees encourage the Department to continue to support PAHO's efforts.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $673,710,000 for United States payments for Contributions for International Peacekeeping Activities for fiscal year 2003. The conference agreement provides for the full payment of anticipated fiscal year 2003 assessments for United Nations peacekeeping missions. The conferees are aware that prior year balances of $46,000,000, plus additional UN credits are available to offset the cost of fiscal year 2003 assessments.

The conferees are concerned about the continuing lack of demonstrable progress toward resolution of the Western Sahara dispute, despite an enormous investment of funds over the past decade in the UN's MINURSO peacekeeping mission. The conferees urge the Department to push for a negotiated settlement to the dispute, and to terminate the costly UN presence. MINURSO was established to oversee a referendum and settlement program that has failed to materialize over the past decade and which the Secretary General and his Personal Envoy have recognized as unworkable.

The establishment of several large, complex missions over the past few years has tested the capacity of the U.N. to plan and manage such operations successfully. The Brahimi report addressed many deficiencies in U.N. peacekeeping efforts, including problems in doctrine, strategy, decision-making, planning, deployment, support and information technology. The conferees support efforts to improve the performance and efficiency of U.N. peacekeeping missions through structural and procedural reforms. The conferees also support efforts to better limit and focus the goals of such missions, and to set specific benchmarks for performance and mission termination.

The conferees are concerned that clear, realistic benchmarks be established and enforced for the performance of the UN peacekeeping mission in the Democratic Republic of the Congo (MONUC). The conference agreement includes funding to cover anticipated fiscal year 2003 assessments for MONUC totaling $273,226,000. The conferees expect the department to consult with the Committees on Appropriations, and to submit the required notifications, prior to any increase or mandate change in this mission. Specifically, the conferees expect the Department to certify that the following conditions have been met with regard to this mission. First, firm benchmarks for what constitutes a successful mission must be determined, articulated, and followed. Second, the security of The Democratic Republic of the Congo's (DROC) neighbors must be factored in to all of MONUC's strategic and contingency planning, and must be heavily considered in the negotiation of a final political settlement. Third, the UN must construct an arrangement for the withdrawal of foreign forces from the DROC that, to the greatest degree possible, does not destabilize DROC's neighbors. Fourth, contingency plans must be developed and implemented for the safe withdrawal of peacekeepers in the event of a resumption of hostilities.

The conferees are encouraged by the significant progress made over the past year toward the establishment of peace in Sierra Leone. The conference agreement includes full funding for anticipated assessments for the UNAMSIL mission in Sierra Leone. In addition, the conferees strongly support the work of the Special Court for Sierra Leone to prosecute those who bear the greatest responsibility for serious violations of human rights and international law. The conferees expect the Department to consider ways it can support, and encourage international and private organizations to undertake new efforts to prevent, respond to, and document crimes, particularly crimes involving sexual violence, and violations in West Africa and the Congo.

The conferees continue to support the efforts of the UN's Office of Internal Oversight Services (OIOS) to identify waste, fraud and abuse with regard to peacekeeping operations, and to recommend specific reforms to ensure that such practices are brought to an end. The conferees expect the Department to provide the necessary support to ensure that the work of the OIOS is maintained and strengthened as it relates to oversight of peacekeeping operations.

The conference agreement also includes full funding for anticipated assessments for the UNMISET mission in East Timor. As East Timor begins to establish a criminal justice system, basic social services, and professional police and defense forces, the conferees support the continued presence and gradual drawdown of the UN peacekeeping force.

The conferees direct the Department to resume transmission of UN Security Council reports on peacekeeping missions to the Committees on Appropriations.

The conference agreement includes language carried in previous years requiring 15-day advance notice of any new or expanded mission, together with a statement of cost, duration, exit strategy, vital national interest, and source of funds to pay the cost. The conference agreement also retains language requiring certification that American manufacturers and suppliers are provided equal procurement opportunities, and language prohibiting the use of funds under this account for the costs of court monitoring.

International Commissions

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

The conference agreement includes a total of $30,932,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). The total amount provided includes $25,482,000 for Salaries and Expenses and $5,450,000 for construction. The conference agreement includes language authorizing not to exceed $6,000 for representation expenses.

SALARIES AND EXPENSES

The conference agreement for the Salaries and Expenses account includes $25,482,000. The Committee notes that fluctuations in the Commission's operations and maintenance budgets can result in unanticipated cost savings. Should the Commission experience such savings, the Commission may propose, through the section 605 reprogramming process, the use of surplus funds for items not included in the Committee recommendation.

CONSTRUCTION

The conference agreement for IBWC construction provides $5,450,000 for ongoing projects including: $2,500,000 for Boundary-wide construction and $2,950,000 for Rio Grande construction. The conferees note that the Rio Grande American Canal Extension project and the Colorado River project are both currently delayed by required, and extensive, environmental studies. No funding has been provided for those projects for fiscal year 2003. Reallocation of funding may be proposed to the Committees under the reprogramming procedures set forth in section 605 of this Act.

The conferees note that the IBWC has initiated formal negotiations with the Mexican Section of the IBWC concerning the provision of secondary treatment to Tijuana sewage in Mexico. The agreement that results from these negotiations will represent a significant long-term measure to address Tijuana sewage. The conferees are aware of concerns over the lack of progress in this regard, and strongly encourages the IBWC to forge a workable agreement to ensure secondary treatment of Tijuana sewage.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes a total of $9,472,000 to fund the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission for fiscal year 2003. This amount includes $1,143,000 for the International Boundary Commission, $6,246,000 for the International Joint Commission and $2,083,000 for the Border Environment Cooperation Commission. The funding level for the International Joint Commission includes $2,294,000 for the third year costs of a five-year study of the water regulation plan governing Lake Ontario and the St. Lawrence River.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $17,100,000 to fund the U.S. share of the expenses of international fisheries commissions or related organizations, as well as the travel expenses of the United States commissioners.

The conference agreement includes $2,100,000 for the Inter-American Tropical Tuna Commission, $12,248,000 for the Great Lakes Fishery Commission, $2,100,000 for the International Pacific Halibut Commission, $90,000 for the International Whaling Commission, $121,000 for the International Commission for the Conservation of Atlantic Tunas, $70,000 for the Commission for the Conservation of Antarctic Marine Living Resources, $150,000 for the Inter-American Sea Turtle Convention Commission, and $100,000 for Expenses of the U.S. Commissioners. The balance of funds in this account may be allocated, on a priority basis, to other international fisheries commissions.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $10,444,000 for payment to the Asia Foundation for fiscal year 2003. The conference agreement includes funding for enhanced Foundation programs on human rights, higher education, democratic governance, ethnic harmony, religious tolerance and legal/judicial reform in Nepal, Indonesia, Afghanistan, and Pakistan. The Committee expects the Foundation to provide a program and spending plan for these special initiatives to the Committee by June 30, 2003.

The conferees support the Foundation's efforts to reestablish its program and presence in Afghanistan. The conferees encourage the Foundation to use its expertise in developing programs to encourage women's political participation in Central Asia, and specifically Afghanistan.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

The conference agreement includes an appropriation for fiscal year 2003 of interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund, expected to total $500,000. The conferees recognize the important and unique role of the Eisenhower Exchange Fellowships in the U.S. Government's worldwide public diplomacy effort. The conferees therefore expect that Eisenhower Exchange Fellowships, Incorporated, (EEF) will fashion its exchange programs for fiscal year 2003 to reflect the priority within all public diplomacy programs of building mutual understanding with Arab and Muslim populations worldwide. In this regard, the conferees expect that the selection of foreign and United States fellows will reflect this priority. In addition, the conferees support a nation-wide, merit-based recruitment and selection process for United States Fellows.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language that will appropriate for fiscal year 2003 interest and earnings of the Israeli Arab Scholarship Endowment Fund, expected to total $375,000.

EAST-WEST CENTER

The conference agreement includes $18,000,000 for the costs of maintaining and operating the East-West Center. Of the amount provided, up to $2,500,000 is intended for one-time costs associated with improvements to Center facilities.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $42,000,000 for the National Endowment for Democracy (NED) for fiscal year 2003. The conferees expect that funding provided will allow NED to provide additional targeted grants to indigenous groups to build and strengthen democratic institutions in the Muslim world. The conference agreement also continues funding for grants to foster Africa's dynamic democracy movements, including groups in Sudan and the Democratic Republic of Congo. Within funds provided under this account the conferees expect the Endowment to increase democratization programs with Romania.

The conferees reaffirm the role that NED plays in strengthening democratic institutions around the world. Any perception that funds are used to directly support a particular party or candidate, or to support the removal of elected leaders through unconstitutional means, undermines the credibility and effectiveness of NED programs. The Committee expects NED to take all necessary measures to continue to ensure that all sponsored activities adhere to the core NED principles.

In order to be successful in its global fight against terrorism, the U.S. must develop a long-term response that addresses the root causes of terrorism. This response must include support to developing countries in the Middle East, Africa, South and Central Asia, and other regions where terrorism has flourished over the last decade. NED has an established network of organizations and professionals in these regions that work to promote democracy in ways that are consistent with Islamic tradition. These existing networks can be used to further the U.S.'s broader objectives in the war on terror. The conference agreement includes $6,000,000 above the request for programs that encourage the development of ties with modernist Muslim groups, foster pro-democracy networks, support independent journalism, and assist women's business organizations. The distribution of these additional funds should be guided by the following four goals: (1) ending repression, permitting freedom of expression, and introducing genuine political parties; (2) modernizing economies and, as a consequence, reducing poverty and inequality; (3) controlling corruption and establishing a genuine rule of law; and (4) ending the political abuse of religion and reconciling Islam with modern concepts of citizenship and individual rights. The Conferees expect that this funding increase will be distributed throughout NED's four core institutes in the same manner as NED's core budget.

The conference agreement includes up to $1,000,000 above current funding levels to expand a women's rights and democracy training program for Lebanon's female Shiite educators, students, and mothers. The conference agreement also includes up to $2,000,000 above current funding levels for NED to establish a program for women's rights in Afghanistan. Within available funds, the NED should increase its support for independent women's cultural and human rights organizations in the Democratic Republic of Congo, Sierra Leone, Sudan, and Nigeria and for enhanced programs in The People's Republic of China, including Tibet, Burma, and North Korea.

The conferees expect the NED to submit to the Committees on Appropriations a financial plan for the entire amount made available under this heading prior to obligation.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $468,898,000 to carry out United States International Broadcasting Operations for fiscal year 2003. This account funds the operating and engineering costs of Voice of America [VOA], Radio Free Europe/Radio Liberty [RFE/RL], Radio Free Asia [RFA], Worldnet Television/VOA-TV, and the Broadcasting Board of Governors [BBG]. The conference agreement provides all requested adjustments to base for all entities funded under this account and full requested funding to continue the Middle East Radio Network (Radio Sawa) initiative.

Of the funds made available under this heading, $965,000 is recommended for the Office of the General Counsel.

Arabic Television.—The United States continues to face an enormous challenge to provide the people of Arab and Muslim countries with accurate information about our policies and values. The conferees support the Board's efforts to expand its ability to reach audiences in the Middle East. The conference agreement includes up to $2,500,000 for the development of an Arabic language television initiative in the Middle East. In addition, the conferees are aware of prior-year recoveries in the Broadcasting Capital Improvements account that may be used for the development of an Arabic television initiative. Developing quality and attractive news and entertainment Arabic language programs should to the maximum extent possible involve the creative talents of the private and not-for-profit sectors. The conferees urge the Board to integrate new approaches, such as using private and not-for-profit content providers of Arabic broadcast programming, to more effectively engage key audiences.

Reprogramming of Exchange Rate Gains/Other Savings.—As in past years, the conferees expect that there will be additional savings available to the Board, including exchange rate gains and vacancies in funded positions. The conferees note that the Board will have the ability to propose that savings be used for additional requirements related to the Arabic broadcasting initiative, broadcasting to China and North Korea, and other emerging priority programs through the normal reprogramming process.

Language Service Review and Research.—The conferees continue to support the Board's efforts to objectively and systematically review and evaluate the performance, results, and importance of every U.S. Government-sponsored international broadcasting language service and to propose corresponding reallocations of funds. The conferees endorse this process as a means to improve broadcast quality and meet emerging program priorities within limited resources. The conferees commend the Board for taking steps to consolidate and strengthen the research function by establishing the Office of Performance Review. The conferees expect that the Board will be able to establish comprehensive performance measures and improve coordination of programming streams across component organizations, including the grantee organizations. The conferees support the continuation and expansion of this effort in fiscal year 2003. The conference agreement assumes total funding of at least $5,000,000 for the Research function in fiscal year 2003. The conferees strongly urge the Board to ensure that foreign policy implications are given full consideration before adopting language service review recommendations. The conferees direct the Board to submit a comprehensive report on Language Service Review results and corresponding reallocations of funds. The conferees expect that the continuing language service review effort may result in the dedication of additional resources to emerging priority programs, through the normal reprogramming process.

Africa Broadcasting.—The problem of AIDS in Africa is ubiquitous. Radio broadcasting is an underutilized tool in the fight against the African AIDS epidemic. Its accessibility to even the most impoverished communities makes it an ideal way to transmit information about the disease. Radio broadcasts could be a major component of sustained prevention efforts undertaken by the governments of many African countries, humanitarian organizations, and U.S. assistance programs. The recommendation includes up to $10,000,000 for Voice of America's Africa Division for broadcasting to Africa. The conferees direct VOA to incorporate AIDS education into its regular programming. VOA is directed to report to the Committees on Appropriations on its progress no later than 90 days after enactment of this Act.

Security of RFE/RL headquarters.—The conferees are aware that RFE/RL and the government of the Czech Republic have jointly developed a preliminary plan to relocate RFE/RL headquarters from St. Wenceslas Square in Prague, the Czech Republic, to a new and safer location. The BBG must consult with the Committees on Appropriations on all decisions concerning a future capital project as they relate to security. RFE/RL is directed to report to the Committees on Appropriations on all aspects of the relocation currently being considered. The report should explain whether it would be desirable, from both a security and from an economic perspective, to move RFE/RL headquarters to a location outside of the Czech Republic. The BBG is encouraged to consider Turkey as a possible host nation for the new RFE/RL headquarters.

Security of worldwide broadcasting facilities.—In the post-September 11 environment, the broadcasting services no longer have the luxury of ignoring the security of their personnel and facilities. The Broadcasting Board of Governors is therefore directed to develop, in consultation with the Department of State and other relevant U.S. agencies, a 5-year capital worldwide security plan. The plan shall be transmitted to the Committees on Appropriations no later than July 1, 2003.

The conferees remain concerned that adequate transmission capacity be available to support broadcasting to Iran and Iraq. The conferees understand the Board is in the process of identifying additional transmission capacity in the region to support Radio Free Iraq and its new Radio Farda initiative. The conferees direct the Board to consult with the Committees on Appropriations as new transmission opportunities are identified that will provide strong broadcast signals for all relevant language services to Iran and Iraq.

Anti-jamming efforts.—The conferees continue to support initiatives by the BBG to defeat jamming and reach a wider audience for Radio Free Asia and Voice of America broadcasts to China, Tibet, Vietnam, and North Korea. The conferees are aware that new technologies may allow the VOA and RFA to more effectively defeat jamming efforts. The conferees encourage the Board to evaluate the usefulness of these technologies and will entertain proposals to reprogram additional funds for anti-jamming technologies.

The conference agreement provides funding for the principal broadcasting entities as follows:

Voice of America.—The conference agreement provides $154,307,000 for VOA. The conference agreement provides for adjustments to base and requested funding to continue surge broadcasting in Dari, Pashto, Urdu, Farsi, Arabic, Uzbek, and Turkish. The conferees expect the Board to complete the merger of Worldnet and VOA-TV resources. The conferees understand that the BBG is in the process of determining final organizational changes to complete this merger and direct the Board to submit these proposed changes to the Committees on Appropriations in accordance with Section 605 of this Act.

Radio Free Europe/Radio Liberty.—The conference agreement provides the full requested amount of $73,086,000 for RFE/RL, including the requested amounts for broadcasting to Iran and Iraq. The conference agreements provides for adjustments to base, including $2,423,000 to continue surge programming in Persian, Tajik, Uzbek, Turkmen, Arabic, Kazakh, Kyrgyz, and Azeri.

The conferees commend RFE/RL for developing programming in Avar, Chechen, and Circassian, and for expanding broadcasting to the Northern Caucasus. The conferees recognize the continuing importance of reaching the isolated minorities of the Northern Caucasus in their native languages. The Chechen crisis is ongoing and there is still a great need in this region for objective, uncensored information. Within the funding provided for RFE/RL, $850,000 is for the North Caucasus Unit.

Radio Free Asia.—The conference agreement provides the full requested amount of $27,084,000 for RFA. This amount includes $1,684,000 for adjustments to base, and will allow RFA to continue its expanded schedule of broadcasting to China, Tibet, Burma, Vietnam, North Korea, Laos, and Cambodia.

The conference agreement includes full funding for RFA to continue daily Uyghur broadcasts. Radio Free Asia's Uyghur broadcasts are proving successful in northwest China in spite of top-level officials' efforts to erect a steel wall against "hostile radio stations from abroad".

The conferees are supportive of efforts to increase the number of broadcast hours of both the VOA Korean and the RFA Korea services. Within the funding made available for RFA, up to $1,500,000 is for the Korea Service.

The BBG is directed to submit to the Committees on Appropriations, no later than sixty days from the date of enactment of this Act, a financial plan including a distribution of the total resources available under this account.

BROADCASTING TO CUBA

The conference agreement includes $24,996,000, to remain available until expended, for Broadcasting to Cuba under a separate account.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $12,740,000 in new budget authority for broadcasting capital improvements. This amount will provide for the continuation of base costs for maintenance, improvements, replacements and repairs, digital production capability development, and security upgrades at transmitting stations overseas.

The Board shall continue to keep the Committees on Appropriations informed on the status of its efforts to acquire additional transmission capabilities in the Middle East. The Board shall also continue to keep the Committees on Appropriations informed regarding costs and results of the ongoing digital conversion project.

General Provisions—Department of State and Related Agency

The conference agreement includes section 401, permitting the use of funds for allowances, differentials and transportation.

The conference agreement includes section 402 dealing with transfer authority.

The conference agreement includes section 403 prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors to provide certain assistance to the Palestinian Broadcasting Corporation.

The conference agreement includes section 404 regarding the recording of place of birth on certain passport applications.

The conference agreement includes section 405 regarding a certain land transfer.

The conference agreement includes section 406 regarding coordination of programs to combat trafficking in persons. The conferees have included additional guidance regarding these programs under the "Diplomatic and Consular Programs" heading in this Statement of Managers.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

MARITIME SECURITY PROGRAM

The conference agreement includes $98,700,000 for the Maritime Security Program as proposed in both the House and Senate.

OPERATIONS AND TRAINING

The conference agreement includes $92,696,000 for the Maritime Administration Operations and Training account. Within the amounts provided, $13,000,000 is for the U.S. Merchant Marine Academy construction and maintenance.

SHIP DISPOSAL

The conference agreement includes $11,161,000 for the disposal of obsolete vessels the National Defense Reserve Fleet of the Maritime Administration. This program should ensure the expeditious implementation of a pilot program for export and disposal of obsolete vessels during fiscal year 2003. Priority should be given to the most hazardous vessels, including those in the James River. The conferees expect the MARAD to report back to the Committees on Appropriations on the vessels designated for disposal; the comparative condition of the vessels; the proposed method of disposal, including reefing; and the projected cost for disposal of each vessel. The conferees urge MARAD to work with the Environmental Protection Agency to design an environmentally sound disposal program.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conferees include $4,126,000 for the administrative expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction account.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

The conference agreement includes $499,000 for the expenses of the Commission for the Preservation of America's Heritage Abroad. The conference agreement will allow the Commission to fund its administrative expenses through appropriated funds while relying on privately donated funds for the actual purchase and restoration of property and other project implementation purposes. The conferees encourage current efforts to attract private funding to support the work of the Commission.

Revolutionary War heroes—The conferees support implementation of phase II of the foreign born revolutionary war heroes project to the extent that private funding is available for this purpose.

Commission on Civil Rights

SALARIES AND EXPENSES

The conference agreement includes $9,096,000 for the salaries and expenses of the Commission on Civil Rights for fiscal year 2003. The Commission investigates charges of citizens being deprived of voting rights, and collects, studies and disseminates information on the impact of Federal laws and policies on civil rights. The Commission was established by the Civil Rights Act of 1957 and is directed by eight part-time commissioners. The Commission was created to protect the civil rights of people within the U.S. and was intended to be an independent, bipartisan, fact-finding agency. The conferees are concerned about the present state of affairs at the Commission, and the Commission's apparent inability to fulfill its mission. The conferees note that recent Commission meetings have been held without a quorum of 5 Commissioners. The conferees are surprised by the Commission's decision to incur additional expense to hold monthly meetings in cities other than Washington, D.C. The Commission has stated in its budget request and in briefings with Committees on Appropriations staff that it may be unable to meet basic operational requirements such as payroll processing and rent increases in fiscal year 2003 at the budget level in the President's request. The conferees expect the Commission to meet its requirements in fiscal year 2003 through savings realized in salary expenses and other operational costs, including travel and other costs related to Commission meetings. The conferees direct the Commission to submit, within 60 days after the enactment of this Act, a spending plan for the costs of conducting all Commission meetings in fiscal year 2003, making note of any meeting the Commission plans to hold in a city other than Washington, D.C. This spending plan shall be submitted to the Committees on Appropriations pursuant to section 605 of this Act.

The conference agreement includes language as included in previous years, which provides (1) $50,000 to employ consultants; (2) a prohibition against reimbursing commissioners for more than 75 billable days, with the exception of the chairwoman, who is permitted 125 billable days; and (3) a limitation of four full-time positions under schedule C of the Excepted Service, exclusive of one special assistant for each commissioner.

Commission on International Religious Freedom

SALARIES AND EXPENSES

The conference agreement includes $2,884,000 for the Commission on International Religious Freedom, the amount identified by the Commission as necessary to carry out all requested activities for fiscal year 2003.

The conferees note that the Commission held only three public hearings in fiscal year 2002. As an authoritative and unique resource on religious freedom issues, the conferees expect the Commission to be more active in fiscal year 2003 in holding hearings, seminars, and other events involving public audiences. This may include holding Commission hearings and events in locations around the United States.

Commission on Ocean Policy

SALARIES AND EXPENSES

The conference agreement includes $2,000,000 for necessary expenses of the Commission of Ocean Policy, to remain available until expended.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

The conference agreement includes $1,582,000 for the Commission on Security and Cooperation in Europe, the amount identified by the Commission as necessary to carry out all requested Commission activities for fiscal year 2003.

Congressional—Executive Commission on the People's Republic of China

SALARIES AND EXPENSES

The conference agreement includes $1,380,000 for the Congressional-Executive Commission on the People's Republic of China, an increase of $380,000 above the amount provided in fiscal year 2002. Within this amount, the conference agreement includes $3,000 to be available for the purposes of official representation, upon the joint certification of the Chairman and Co-Chairman.

Victims Lists Database—Of the total amounts available in fiscal year 2003, including fiscal year 2002 carryover of $621,813, the conferees expect that $500,000 will be used by the Commission to develop, populate, and operate a database of information on political and religious prisoners in China, pursuant to section 302(b) of Public Law 106–286. The conferees believe that a comprehensive and accessible database of prisoners of conscience in China can be a powerful tool for Members of Congress, the Administration, NGOs, scholars, and the public to monitor and call attention to human rights abuses in the People's Republic of China, including specific cases.

The conferees encourage the Commission to continue building a staff composed of personnel with comprehensive experience in the field of human rights, the core component of the Commission's work. Within the amounts appropriated under this heading, the conferees expect the Commission to strengthen staff expertise in this area to better serve as an authoritative voice on human rights and human rights-related rule of law issues in China. The conferees urge that the Commission model itself on the Helsinki Commission, which has served as a visible and effective advocate for democratic and human rights development in OSCE member countries since 1976.

The Congressional-Executive Commission on the People's Republic of China was authorized as part of the United States-China Relations Act of 2000 that established permanent normal trade relations with China. The Commission monitors the acts of the People's Republic of China that reflect compliance with or violation of international human rights standards and monitors the development of the rule of law, including the development of democratic institutions, reform of legal procedures, transparency of the legal system, and the establishment of an independent judiciary.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

The conference agreement includes $308,822,000 for the salaries and expenses of the Equal Employment Opportunity Commission (EEOC) for fiscal year 2003.

The conferees note with concern the apparent lack of sound managerial and fiscal practices that have resulted in the Commission's projected shortfall in fiscal year 2003. The conferees expect the Commission to meet its requirements in fiscal year 2003 through savings realized in salary expenses and other operational costs.

The EEOC is directed to submit to the Committees on Appropriations, no later than sixty days from the enactment of this Act, a financial plan, including steps the Commission intends to take to control costs and stay within its fiscal year 2003 appropriation level.

The conference agreement includes language similar to that included in previous Appropriations Acts allowing not to exceed $33,000,000 for payments to State and local FEPAs. This level of funding will allow the Commission to ensure that State and local FEPAs receive a contract rate of $500 per charge. The conferees again encourage the EEOC to use the experience the FEPAs have in mediation, as the Commission expands its ADR programs.

The conference agreement also includes language similar to that included in previous Appropriations Acts allowing non-monetary awards to private citizens, and up to $2,500 for official reception and representation expenses.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total budget authority of $271,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) for fiscal year 2003, of which $269,000,000 is to be derived from offsetting collections, resulting in a direct appropriation of $2,000,000.

The conferees note with concern the apparent lack of sound managerial and fiscal practices that have resulted in the FCC exceeding its authorized full-time equivalent (FTE) level and the consequent budget shortfall projected in fiscal year 2003. The conferees direct the FCC to consult with the Committees on Appropriations on the Commission's plan to control costs and remain within its fiscal year 2003 appropriation and FTE levels.

The conferees are concerned about the declining standards of broadcast television and the impact this decline is having on America's children. An analysis of all prime-time programming has found that overall sexual content, foul language and violence have tripled over the past decade. In December 1999, the FCC issued a notice of inquiry regarding the public interest obligations of broadcasters during and after the transition to digital transmission. The conferees direct the Commission to continue to report to Congress on the issues associated with resurrecting a broadcast industry code of conduct of programming, that if adhered to by the broadcast industry, would protect against the further erosion of broadcasting standards.

The conferees continue to emphasize the importance of the FCC's commitment to the availability of high quality communications. In addition to technical quality, the conferees hope the Commission will continue to take steps toward carrying out its responsibilities under Title 18 of the United States Code, Section 1464. The conferees commend recent FCC efforts to take a more aggressive stance in curbing an assault of obscene matter over the airwaves while remaining cognizant of the Constitutional rights of our citizens.

In addition, the conferees laud the recent FCC enforcement actions against telephone companies operating "fat finger" dialing scams. The conferees encourage the FCC to continue working to make consumers aware of these scams and to take appropriate actions against companies operating them.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $16,700,000 for the salaries and expenses of the Federal Maritime Commission (FMC) for fiscal year 2003. The conferees expect that any pay and inflationary increases shall be absorbed through hiring below attrition and other cost-cutting measures.

The Federal Maritime Commission is directed to provide a report to the Committees on Appropriation no later than June 1, 2003, on the Far Eastern Shipping Company's (FESCO) participation in the Grand Alliance Agreement in providing service in the United States-Russian Far East trade. Specifically, the FMC should report to the Committees on Appropriation whether or not FESCO should be reclassified as a controlled carrier.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $176,608,000 for the Federal Trade Commission (FTC), instead of $174,508,000 as proposed by the House and $175,148,000 as proposed by the Senate.

The conference agreement provides a $2,100,000 increase, as requested, to address the physical security needs of the Commission's headquarters building. The Conferees direct the Commission to coordinate its physical security enhancements with GSA to ensure that these upgrades are consistent with other security upgrades being implemented throughout Washington, D.C.

The Conferees direct the Commission to study the impact on underage consumers of the significant expansion of new ads for liquor-branded "alcopops" and report the Commission's finding to the Committee within six months of enactment of this Act. The Conferees are also concerned that the alcoholic-beverage industry has not implemented all of the recommendations of the 1999 Commission report, "Self Regulation and the Alcohol Industry," and that only one industry member has taken action to provide for independent review of complaints about its advertising. The Conferees urge the Commission to encourage the industry to adopt stricter advertising placement standards as well as establish an independent third-party review mechanism to limit the appeal and exposure of alcohol advertising to underage consumers and report back to the Committees on Appropriations no later than six months from enactment of this bill on the status of the implementation of these recommendations and whether further rulemaking by the Commission is required.

The Conferees are aware of steps the Commission is taking to address consumer issues of particular concern to Hispanic Americans, including the hiring of bilingual outreach and legal staff, as well as the increased monitoring of Spanish-language advertisements, enforcement actions and education initiatives. The Conferees commend the Commission for its efforts to respond to the concerns of Hispanic Americans and encourages the Commission to continue its efforts to render effective consumer assistance.

The recommendation retains requested bill language prohibiting the use of funds to implement section 151 of the Federal Deposit Insurance Corporation Improvements Act of 1991 (FDICIA). The Conferees are concerned that the consumer protection intent of this law may be going largely unenforced. Further, the Conferees recognize that the Commission, who is assigned enforcement responsibility under section 151, may not be the appropriate Federal agency to regulate non-federally insured depository institutions. The Conferees direct the General Accounting Office to study enforcement of this provision, evaluate the risk to consumers if this provision is not enforced, and make recommendations on which Federal agency could most effectively enforce this provision. The Conferees expect this report to be submitted 180 days after enactment of this Act.

The Conferees are concerned that consumers are not adequately protected against telephone companies operating "fat finger" scams. The Conferees direct the Commission to work with the Federal Communications Commission to make consumers aware of these scams and take appropriate actions against companies operating them.

The Commission released a report two years ago that was very critical of the entertainment industry and their persistent and calculated marketing of violent games, movies, and music to children. In response to this report the entertainment industry has promised to place tougher regulations on itself and voluntarily comply with the report's recommendations. The Conferees believe that the FTC should continue and expand its efforts in this area and directs the Commission to continue to engage in consumer research and workshops, underage shopper-retail compliance surveys, and marketing data collection.

The Commission is charged with monitoring compliance with the Children's Online Privacy Protection Act. The conference agreement ensures the agency is adequately prepared to meet the challenges of increased fraud on the Internet and the agency's recognition that Internet fraud is an international phenomenon since the Internet has no borders.

The conference agreement includes additional funding and authority to collect offsetting fees for the Commission's Do-Not-Call initiative under its Telemarketing Sales Rule. The Do-Not-Call initiative will establish a national database of telephone numbers of consumers who choose not to receive telephone solicitations from telemarketers. The Conferees understand that the Commission has adopted, prior to enactment of this legislation, the Do-Not-Call initiative as an amendment to its Telemarketing Sales Rule. The Conferees further understand that the Commission has developed a spending plan for the Do-Not-Call initiative. The Conferees recognize that these additional funds and fee collection authority are needed to implement the Do-Not-Call initiative, which has received broad support from, and will provide significant benefits to, consumers throughout the United States.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $338,848,000 for the payment to the Legal Services Corporation. The Legal Services Corporation will provide $9,500,000 in one-time grants equitably distributed among those service areas that will receive less funding in FY 2003 than they did in FY 2002 because of census-based reallocations.

ADMINISTRATIVE PROVISION

The conference agreement includes language to continue the terms and conditions included under this section in previous Appropriations Acts, except that section 501(a)(1) of Public Law 104–134 shall not apply to the use of $9,500,000.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $3,050,000 for the necessary expense of the Marine Mammal Commission. Of the amounts provided, up to $1,000,000 is available to fund an international conference, or series of conferences, to share findings, survey acoustic "threats" to marine mammals and develop means of reducing those threats while maintaining the oceans as a global highway of international commerce.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

The conference agreement includes $2,000,000 for the National Veterans Business Development Corporation. The conferees note that the Corporation's authorizing legislation mandates that it institute a plan to raise private funds and become a self-sustaining corporation. The conferees encourage efforts by the Corporation to meet this goal.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $716,350,000 for the Securities and Exchange

Commission, instead of $776,000,0000 as provided by the House and $656,700,000 as provided by the Senate. In addition, $29,439,000 in unobligated prior year balances previously appropriated is available to the Commission for a fiscal year 2003 operating level of $745,789,000.

The conference agreement supports the continuation of pay parity for the SEC's staff, adds additional staff, and provides the funds necessary to improve the agency's monitoring systems. The conferees expect the SEC to provide quarterly reports to the Committees on Appropriations on the status of the implementation of these funds and the measures it is taking to restore the public's confidence in the financial markets.

The conferees understand the Commission plans on receiving 700 new staff and that the majority of these new staff would be allocated to the Divisions of Enforcement and Corporation Finance and the agency's inspection and examination program. The conferees require a spending plan be provided and approved.

The inability of Commission staff to conduct data-intensive analyses and examinations has hampered the Commission's investigative and enforcement efforts. In particular, the Commission has continued to struggle with the massive inflows of paper documents received in the course of its investigations. For this reason, the Committee recommendation includes an increase of not less than $47,200,000 for information technology. This funding increase will allow for the development of a pilot document management system and the deployment of substantially more robust analytical tools for SEC examination staff. This increase also will allow the Commission to undertake a requirements analysis to determine how best to improve its corporate disclosure review activities so that investors are provided with enhanced protections and assurances of the validity of corporate financial disclosures.

The recommendation funds the necessary costs of additional security measures now required at the Commission's new headquarters building as a result of the September 11 attack and continuing threats to Federal facilities.

Exercise of options—The Conferees continue to be concerned that corporate insiders are enriching themselves at the expense of the commercial enterprises and stockholders for whom they work by exercising stock options immediately prior to companies' financial collapse. In fact, exercising stock options at times may actually contribute to the bankruptcy of teetering corporations. Therefore, the Conferees recommend that the SEC provide monthly updates regarding the exercise of stock options by corporate officers and directors both electronically to the Senate Appropriations Committee as well as publicly on the Commission's Electronic, Data Gathering, Analysis, and Retrieval system (EDGAR). Specifically, the information shall include every corporate officer or director whose exercise of options under section 12 of the Securities and Exchange Act exceeds $100,000 during each 30 day reporting period. The Committee recognizes the SEC's effort to begin making these disclosures available electronically in fiscal 2003 and expects the Commission to keep the Committee apprized of its progress in this regard.

The conference agreement includes bill language, similar to that included in previous appropriations acts, which: (1) allows for the rental of space; (2) makes up to $3,000 available for official reception and representation expenses; (3) makes up to $10,000 available for a permanent secretariat for the International Organization of Securities Commissions; and (4) makes up to $100,000 available for governmental and regulatory officials.

SMALL BUSINESS ADMINISTRATION

The conference agreement provides a total of $736,459,000 for the four appropriations accounts of the Small Business Administration (SBA). Detailed guidance for the four SBA appropriation accounts is contained in the following paragraphs.

SALARIES AND EXPENSES

The conference agreement includes $314,457,000 for the salaries and expenses account of the SBA. Of the amount provided under this heading, $176,882,000 is for operating expenses of the SBA. In addition, a total of $138,854,000 from other SBA accounts may be transferred to and merged with the salaries and expenses account for indirect operating costs. This amount consists of $129,000,000 from the Business Loans Program account and $9,854,000 from the Disaster Loans Program account for the administrative expenses related to those accounts. The conferees also anticipate that the SBA will have an additional $3,000,000 in fee receipts available for operating expenses. This will result in a total availability of $318,736,000 for the operating expenses of the SBA, an increase of $15,400,000 above the comparable fiscal year 2002 amount.

In addition, the conference agreement includes language under the Disaster Loans Program account providing that $108,000,000 of the amount provided for administrative expenses may be transferred to and merged with the salaries and expenses account for the direct administrative costs of disaster loan making and servicing.

The conference agreement includes requested language authorizing $3,500 for official reception and representation expenses, as well as language authorizing the SBA to charge fees to cover the cost of publications and certain loan servicing activities. The language also permits revenues received from all such activities to be credited to the salaries and expenses account to be available for carrying out these purposes without further appropriations. The conference agreement includes the full amount requested for Low Documentation Processing Centers.

The conferees support efforts by the SBA to examine and implement organizational changes, both in Washington, DC and in the field, that result in greater operational efficiencies, cost savings, and improved delivery of SBA services to small businesses nationwide and look forward to the submission of subsequent detailed workforce transformation plans.

The conference agreement does not include requested language allowing the SBA to retain up to $3,000,000 of increased collections of delinquent debt for qualified expenses.

Systems Modernization.—The conferees note that $32,000,000 has been appropriated for systems modernization at the SBA over the past four years, including funding for the loan monitoring system (LMS) and the joint accounting and administrative management system project (JAAMS). The conferees remain concerned about the lack of progress by the SBA in delivering tangible and timely systems improvements. The conferees expect that the SBA will use remaining balances obligated to FEDSIM in prior fiscal years for priority systems projects, including core LMS acquisitions, implementation of phase II of JAAMS, or effective alternatives that bring about meaningful systems improvements. Systems modernization expenditures during fiscal year 2003 from funds provided in previous fiscal years shall be subject to the submission of project spending plans through the reprogramming process in accordance with section 605 of this Act.

Non-Credit Programs—The conference agreement includes the following for the non-credit programs of the SBA:

Regulatory Fairness Boards/National Ombudsman	500,000
Advocacy Research	1,100,000
Veterans Programs	750,000
BusinessLINC	2,000,000
7(j) Technical Assistance Programs	1,500,000
Small Business Development Centers	89,000,000
SCORE	5,000,000
Women's Business Centers	12,500,000
Women's Business Council	750,000
Native American Outreach	2,000,000
Drug-free Workplace Program	2,000,000
Business Information Centers	475,000
Microloan Technical Assistance	15,000,000
PRIME Technical Assistance	5,000,000
Total, non-credit initiatives	137,575,000

Funding for any non-credit program not listed above shall be subject to the availability of funds and will be considered by the Committee on Appropriations in accordance with the section 605 of this Act.

Of the amounts provided for the Small Business Development Center (SBDC) program, $2,000,000 is to continue the SBDC defense transition program and $1,000,000 is for a regulatory compliance simplification program to increase coordination of environmental, Occupational Health and Safety Administration and Internal Revenue Service compliance requirements and to avoid duplication among programs for compliance assistance to small businesses. The conferees believe that the Small Business Development Centers provide useful services to small businesses nationwide. Federal funding constitutes the seed funding for this program, which is leveraged by State, local and private funds.

The conferees expect that within the overall amount provided under this account, full funding will be provided for the operations of the Office of Advocacy, to include $1,100,000 for Advocacy Research. The conferees direct the Office of Advocacy to document and report to the Committees on Appropriations by September 30, 2003 the number of small businesses owned by people with disabilities served by SBA credit and non-credit programs.

The conference agreement includes $2,000,000 to continue funding for a drug-free workplace demonstration program to provide technical assistance to small business concerns seeking to start a drug-free workplace program.

The conference agreement includes $1,500,000 for SBA's 7(j) Technical Assistance programs. Within this amount, funding is provided to continue executive education programs and programs to help small businesses adapt to a paperless procurement environment. Funding is also provided to continue minority enterprise development week activities. The conferees expect that the remaining balance of 7(j) funds will be awarded through the grants solicitation process.

The conference agreement includes $2,000,000 for a Native American initiative. The conferees expect that this initiative will assist small business and economic development only in the most disadvantaged tribal areas. The conferees realize that not all Native American tribes, particularly those in remote areas experiencing severe economic hardship, may be aware of this and other SBA programs. The conferees expect the SBA to develop a strong outreach capacity with this initiative to ensure that underserved Native American tribes have the opportunity to participate in this program and other SBA non-credit and loan programs. The conferees direct the SBA to submit a spending plan for this initiative by April 30, 2003, through the regular reprogramming process.

Finally, the conferees direct the SBA to submit a report to the Committees on Appropriations no later than March 31, 2003 listing all personnel reassignments and lateral personnel actions executed at the GS–15 and senior executive service career civil service levels, over the past three fiscal years.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $12,422,000 for the Office of Inspector General of the Small Business Administration. The conference agreement assumes that, as in fiscal year 2002, the appropriation under this heading will be supplemented by an additional $500,000, which may be transferred to this account, from the administrative expenses of the Disaster Loans Program account for oversight costs related to that program. The conference agreement includes resources for continued oversight of SBA's business loan portfolio and SBA's administration of the 7(a) and disaster loan programs and non-credit programs. The conferees expect the office to report on its progress in reviewing and auditing the agency's financial management systems.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $218,086,000 under this account, consisting of: $85,360,000 for the Business Loans Program account for subsidies for guaranteed business loans; $3,726,000 for subsidies for direct business loans; and $129,000,000 for administrative expenses related to business loan programs. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA salaries and expenses to cover the common overhead expenses associated with business loans. In addition, the conference agreement includes a provision, also carried in previous years, which allows up to $45,000,000 to remain available for two fiscal years.

7(a) Business Loan Program—The SBA 7(a) Business Loan Program serves as an important source of capital for America's small businesses. Each year, 40,000 or more small business concerns, who cannot obtain comparable credit elsewhere, turn to the 7(a) program for critical financing. The conferees have been concerned throughout the fiscal year 2003 budget process that the requested amount of $85,360,000 for 7(a) budget authority would not provide for a credible business loan program level for fiscal year 2003, absent a correction to the SBA's subsidy rate calculation. Further, the conferees note that schemes put forth by the SBA in the budget request to offset the shortfall in the 7(a) Business Loan program never materialized, including high carryover balance estimates. As a result, the SBA has depended on solutions predicated on the enactment of separate authorization and appropriation measures to achieve an adequate program level. In 2001, the GAO estimated that on a cumulative basis since 1992, the SBA overestimated the cost of the 7(a) program by approximately $958 million using inflated subsidy rate calculations, similar to those used for fiscal year 2003. The conferees understand that during fiscal year 2002, the SBA and the Office of Management and Budget developed a new econometric model to address flaws in the subsidy rate methodology to more accurately estimate defaults for the 7(a) Loan Program. The conferees support a recalculation of the 7(a) subsidy rate using this new econometric method in fiscal year 2003. In addition, the conferees direct the SBA to develop similar, more accurate econometric models during this fiscal year for use in other SBA loan and financing programs, especially the 504 Loan Program. The conferees expect the SBA to put forward credible program proposals for the 7(a) Business Loan Program account in future fiscal years.

7(a) Business Loan Cap—Beginning October 1, 2002, the SBA imposed a $500,000 cap on the maximum loan size of 7(a) business loans with the justification that funding under any fiscal year 2003 continuing resolution would limit the amount of available funds for 7(a) and require the SBA to limit the size of individual loans. The conference agreement includes the requested amount of new budget authority for the 7(a) Loan Program for fiscal year 2003. The conferees therefore expect that, upon enactment of this Act, the SBA will remove the 7(a) loan cap or submit a written justification to the Committees on Appropriations and the Small Business Committees as to the necessity of such a cap.

The conferees support the participation of credit unions as authorized lenders for the guaranteed loan programs of the SBA, in accordance with the Small Business Act, as amended, and State and Federal regulatory requirements.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes $191,494,000 for the Disaster Loans Program Account for loan subsidies and associated administrative expenses. The conference agreement includes new budget authority of $73,140,000 for the subsidy costs of disaster loans, which when combined with estimated recoveries and balances of $38,806,000 will provide for a loan program level of over $800,000,000, which represents an average annual disaster loan program level.

The conference agreement includes $118,354,000 for administrative expenses of carrying out the program, which may be transferred to and merged with appropriations for salaries and expenses. The conference agreement includes language specifying that, of the amount provided for administrative expenses, $108,000,000 is for the direct administrative expenses of loan making and loan servicing, and $9,854,000 is for indirect administrative expenses. The conference agreement also includes language requiring that any amount in excess of $9,854,000 transferred to the salaries and expenses account for indirect administrative expenses shall be subject to reprogramming requirements, as detailed under section 605. In addition, the conference agreement retains language transferring $500,000 of the amount provided for administrative expenses to the Office of Inspector General for audits and reviews of the disaster loan portfolio.

State Justice Institute

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 for the State Justice Institute (SJI), as proposed by the House instead of $3,100,000 as proposed by the Senate.

The SJI is a private, non-governmental organization, which awards grants to improve the administration of justice in State courts. In addition to grants provided by SJI, State courts are also eligible to receive funding from many Office of Justice Programs' accounts such as the Byrne Formula program, Drug Courts, Criminal Identification Technology Act programs, Southwest Border Prosecutor Initiative, the Gun Violence Reduction Program, Juvenile Accountability Incentive Block Grant Program, Criminal Records Upgrade programs, Child Abuse Training for Judicial Personnel and Practitioners, Closed-Circuit Televising of Testimony for Children, and Violence Against Women—STOP Grants.

The fiscal year 2002 Conference Report recommended discontinuing Federal funding for this program in fiscal year 2003 and encouraged SJI to solicit private donations and resources from State and local agencies. The Conferees understand that the Institute has not been successful in its efforts to obtain non-Federal funds and has therefore included $3,000,000 to keep SJI operating. The Conferees encourage SJI to continue to solicit donations in order to fund its programs including asking for support from State, local and national bar associations. The Committees on Appropriations have received many letters of support for SJI from these organizations and State court judges. The Conferees feel that the bar associations and the States, who are the beneficiaries of SJI's work, should contribute to funding its programs.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following General Provisions:

Sec. 601.—The conference agreement includes section 601 regarding the use of appropriations for publicity and propaganda purposes.

Sec. 602.—The conference agreement includes section 602 regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603 regarding the use of funds for consulting purposes.

Sec. 604.—The conference agreement includes section 604 providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605 regarding the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606 regarding the construction, repair, or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607 regarding the purchase of American made products.

Sec. 608.—The conference agreement includes section 608 prohibiting funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission (EEOC) similar to proposed guidelines covering harassment based on religion published by the EEOC in October 1993.

Sec. 609.—The conference agreement includes section 609 prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national unless the President certifies that the involvement is in the national security interest.

Sec. 610.—The conference agreement includes section 610 that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 611.—The conference agreement includes section 611 prohibiting any use of funds to implement a certain Memorandum of Agreement between the Federal Trade Commission and the Antitrust Division of the Department of Justice.

Sec. 612.—The conference agreement includes section 612 requiring agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Sec. 613.—The conference agreement includes section 613 limiting funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty.

Sec. 614.—The conference agreement includes section 614 that permanently prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Sec. 615.—The conference agreement includes section 615 extending the prohibition on the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, including exemption and reporting requirements.

Sec. 616.—The conference agreement includes section 616 that prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 617.—The conference agreement includes section 617 regarding amounts available under the Crime Victims Fund.

Sec. 618.—The conference agreement includes section 618 prohibiting the use of Department of Justice funds for programs that discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs.

Sec. 619.—The conference agreement includes section 619 prohibiting the use of funds appropriated or otherwise made available to the departments of State and Justice to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Sec. 620.—The conference agreement includes section 620 prohibiting the use of Department of Justice funds to transport a maximum or high security prisoner to any facility other than a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner.

Sec. 621.—The conference agreement includes section 621 that prohibits the use of appropriated funds to purchase certain audio-visual materials to be used by Federal prisoners for primarily recreational purposes.

Sec. 622.—The conference agreement includes section 622 regarding transfers of funds.

Sec. 623.—The conference agreement includes section 623 regarding the implementation of telecommuting programs.

Sec. 624.—The conference agreement includes section 624 making funds appropriated for a certain loan program available for the general 7(a) Business Loan Program.

Sec. 625.—The conference agreement includes section 625 providing additional amounts for the Small Business Administration Salaries and Expenses account for certain initiatives.

Sec. 626.—The conference agreement includes section 626 regarding the transfer of funds for an intermodal marine facility for the Port of Anchorage to the Maritime Administration.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

General Administration

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $78,000,000 from unobligated balances under this heading.

Legal Activities

ASSETS FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $50,874,000 from unobligated balances under this heading.

Immigration and Naturalization Service

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement includes a rescission of $580,000 from unobligated balances under this heading.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

COASTAL IMPACT ASSISTANCE

(RESCISSION)

The conference agreement includes a rescission of $7,000,000 from unobligated balances under this heading.

Departmental Management

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $920,000 from unobligated balances under this heading.

RELATED AGENCIES

Federal Communications Commission

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $5,700,000 from unobligated balances under this heading. The conferees agree that this rescission represents an amount available in prior year excess fee collections.

Small Business Administration

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $13,750,000 from unobligated balances under this heading. The conferees agree that this rescission represents unobligated balances remaining from appropriations for New Markets Technical Assistance.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $10,500,000 from unobligated balances under this heading. The conferees agree that this rescission represents unobligated balances remaining from appropriations for the New Markets Venture Capital Program.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[in thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$44,601,829
Budget estimates of new (obligational) authority, fiscal year 2003	44,019,021
House bill, fiscal year 2003	44,352,872
Senate bill, fiscal year 2003	44,939,792
Conference agreement, fiscal year 2003	44,773,730
New budget (obigational) authority, fiscal year 2002	+171,901
Budget estimates of new (obligational) authority, fiscal year 2003	+754,709
House bill, fiscal year 2003	+420,858
Senate bill, fiscal year 2003	−166,062

DIVISION C

District of Columbia Appropriations, 2003

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 107–716 and the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S469 through S492, that are not changed by the conference are approved by the committee of conference.

In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 2003 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House report and the Senate explanatory statement. With respect to the provisions in the House report and the Senate explanatory statement that specifically allocate funds, each has been reviewed and those which are jointly concurred in have been included in this joint statement.

A summary chart appears later in this statement showing the Federal appropriations by account the fiscal year 2003 request, the House and Senate recommendations, and the conference allowance.

The District of Columbia Appropriations Act, 2003, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

The conference agreement includes $17,000,000 for a Federal payment for resident tuition support as proposed by both the House and Senate.

Language was included in the District of Columbia Appropriations Act, 2002 requiring the Resident Tuition Support Program Office and the Office of the Chief Financial Officer to provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of resident tuition support funds by object class. The conferees are concerned that these reports have not been forthcoming. The conferees have included this reporting requirement again in the fiscal year 2003 appropriations bill and expect the Chief Financial Officer to submit these reports in a timely manner. The conferees request that the Chief Financial Officer include with the quarterly report due March 31, 2003, a second report reviewing the program, by quarter and in summary, since its inception.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

The conference agreement includes $15,000,000 for a Federal payment for emergency planning and security costs in the District of Columbia as proposed by both the House and Senate. These funds are to reimburse the District for overtime expenses related to providing security at events related to Federal government activities and for costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia.

The agreement includes a provision as proposed by the House to provide that this funding is available only after notice of its proposed use has been transmitted by the President to the Congress and such amount has been apportioned pursuant to chapter 15 of title 31, U.S.C. The Senate bill included a provision to require the Chief Financial Officer to submit a report, within 15 days of an expenditure, to the President and the Committees on Appropriations of the House of Representatives and Senate detailing the expenditure of funds for public safety purposes.

The agreement also includes a modified provision to require that the Office of Management and Budget, in consultation with the United States Park Police, National Park Service, Secret Service, Federal Bureau of Investigation, United States Protective Service, Department of State, and the General Services Administration, review the National Capital Planning Commission study on "Designing for Security in the Nation's Capital" and report on the steps each agency will take to improve aesthetic the appearance of security measures no later than April 11, 2003. The Senate bill included a similar provision, but required the report no later than February 5, 2003. The House had no similar provision.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

The conference agreement includes $10,000,000 for a Federal payment for hospital bioterrorism preparedness in the District of Columbia as proposed by the Senate. The House had no similar provision. Of this amount, $5,000,000 is for the expansion of quarantine facilities and the establishment of a decontamination facility at Children's National Medical Center and $5,000,000 is for construction of containment facilities at the Washington Hospital Center.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The conference agreement includes $161,943,000 for a Federal payment to the District of Columbia courts, instead of $160,545,000 as proposed by the House, and $166,193,000 as proposed by the Senate. Included in this amount is $1,500,000 above the President's request for the Integrated Justice Information System as proposed by both the House and Senate.

The agreement includes a provision as proposed by the Senate to allow the District of Columbia courts to reallocate not more than $1,000,000 of the funds provided under this heading among items and entities funded under this heading 30 days after providing written notification to the Committees on Appropriations of the House of Representatives and Senate. The House had no similar provision.

The agreement also includes a provision proposed by the Senate to exempt the District of Columbia courts from violating section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, on the use of interest earned on the Federal payment provided in the 1998 appropriations Act during fiscal year 1998. The House had no similar provision.

The conference agreement does not include funding or contract authority for guardian ad litem representation as proposed by the Senate under this heading. The House had no similar provisions. These provisions are addressed under Defender Services.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

The conference agreement includes $17,100,000 for Defender Services in District of Columbia courts. In addition, the conferees direct Defender Services to use $16,400,000 of unobligated balances to provide a total program level of $33,500,000, instead of $32,000,000 as proposed by the House, and $34,000,000 as proposed by the Senate. Defender Services is currently carrying an unobligated balance of $20,673,000. The conferees understand that costs in this program have historically been difficult to predict and there is a need to carryover some unobligated balances from year to year to ensure adequate financing of representation for vulnerable children and families and indigent defendants. However, the conferees believe the courts need to develop a better way of tracking these costs and request a preliminary report on how to achieve this goal no later than April 30, 2003.

The conference agreement includes $1,500,000 to provide guardians ad litem to abused and neglected children in the District of Columbia Family Court. The agreement also includes language to allow the courts to enter into contractual agreements to provide guardian ad litem representation, training, technical assistance, and/or other services to improve the quality of guardian ad litem representation, including infrastructure development, as necessary. The conferees urge the courts to enter into these agreements with entities that have expertise in representing abused and neglected children, child welfare, adoption, guardianship, special education, and domestic violence.

The agreement does not include a provision as proposed by the House to allow unobligated funds from previous years to be used toward the portion of the amount under this heading which is attributable to increases in the maximum amounts which may be paid for representation services in the District of Columbia courts. The Senate bill contained no similar provision.

The agreement does not include a provision as proposed by the Senate to provide an increase in the hourly rate of defender services attorneys from $65 per hour to $75 per hour in fiscal year 2003 and from $75 per hour to $90 per hour in fiscal year 2004. The House contained no similar provision.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

The conference agreement includes $154,707,000 for a Federal payment to the court services and offender supervision agency for the District of Columbia as proposed by both the House and Senate

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

The conference agreement includes $1,000,000 for a Federal payment to the District of Columbia Department of Transportation as proposed by both the House and Senate.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

The conference agreement includes $40,300,000 for a Federal payment to the Chief Financial Officer of the District of Columbia, instead of $23,450,000 as proposed by the House, and $15,000,000 as proposed by the Senate. These funds are for programs and activities to support economic development and infrastructure in the District and the health, education, and job training needs of District residents and are to be allocated as follows: $50,000 for the American University Women & Politics Institute to contribute to the annual National Education for Women Leadership D.C. Program; $100,000 for Project Reality to implement the Game Plan abstinence education program in the District of Columbia public schools; $100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields; $100,000 to the Association for the Preservation of Historic Congressional Cemetery for repairs and renovations, including the cemetery's fence and the Public Vault; $150,000 to the Capital Children's Museum to conduct a feasibility study of the proposed southwest waterfront site for a relocated museum in Washington, D.C.; $150,000 for KidBiz 3000 for a reading comprehension, fluency, and vocabulary program; $200,000 to the National Maritime Heritage Foundation to establish the National Maritime Heritage Program to create maritime education focused on youth training and tourism promotion initiatives in Washington, D.C.; $250,000 for Values First, Inc. to continue to implement a values infusion program in the District of Columbia public schools: $250,000 to the Best Friends Foundation to provide a youth development program to District of Columbia youth; $250,000 to the National Music Center and Museum Foundation for a program to use the performing and visual arts as teaching and learning tools in the District of Columbia Public Education System; $250,000 to the National Council of Negro Women, Inc. for renovations at 633 Pennsylvania Avenue; $250,000 for the Washington Opera Education and Community Program to enhance classroom learning in District of Columbia Public Schools through music education and with the D.C. Arts Humanities Education Collaborative; $250,000 for the Washington Lab School to continue the development of methodologies for teaching individuals with learning disabilities; $250,000 for the Congressional Glaucoma Caucus Foundation to provide glaucoma screenings in low-income District of Columbia neighborhoods; $250,000 for the Perry School Community Services Center to expand its job and career training programs to poor individuals in the District; $275,000 for the DC Safe Kids Coalition to provide a child occupant protection program and to operate a child safety seat fitting station; $300,000 to the International Youth Service and Development Corps for the

Washington, D.C. Mentoring Friends Program and the People's House Hotline; $300,000 to the Public Access Corporation of the District of Columbia for the Future Producers Program; $300,000 to the Criminal Justice Coordinating Council for the District of Columbia; $300,000 for the Washington Jesuit Academy to provide hardware and software to equip the Technology Innovation and Learning Lab; $350,000 to the National Center for Manufacturing Sciences for a partnership with the Excel Institute to develop a job training program for District residents; $400,000 to the Excel Institute Adult Education Program for construction; $400,000 for the Close-Up Foundation Capital Connection Program to provide a multi-year civic education residential program for 10th grade students in District of Columbia Public Schools; $400,000 for Teach for America, DC, to recruit and train qualified college graduates to teach in understaffed and low-performing schools; $500,000 to the Historical Society of Washington for capital improvements to the City Museum; $500,000 to the United Negro College Fund Special Programs for a study on how the District of Columbia Public School System could improve the educational performance and achievement of its students; $500,000 to the American Cities Foundation to collect national data and disseminate information to District entities on innovative approaches to the delivery of K–12 education; $500,000 to the Innovative Emergency Management, Inc. to assist the Emergency Management Office in developing an evacuation plan for the District of Columbia; $500,000 to the University of New Orleans Center for Hazards Assessment and the George Washington University Institute for Crisis, Disaster and Risk Management to assist the District in city security and emergency preparedness; $500,000 to the Capitol City Career Development and Training Partnership to provide job training and career development services to District residents; $500,000 to the Washington Center on Best Practices for assistance to and promotion of early education awareness programs; $500,000 to the Caribbean American Mission for Education Research and Action to support the Mission's efforts to build linkages between Caribbean educational entities and District of Columbia and other regional higher education institutions for the purposes of sharing of U.S. expertise in educational methodologies; $500,000 for Community Youth Connection to expand its mentoring to disadvantaged students; $500,000 to the Metropolitan Council of Governments' District of Columbia Area Housing Trust Fund for development, rehabilitation, and construction of affordable housing in the Washington region; $500,000 to the Milton Eisenhower Foundation to expand the Carver Terrace initiative and add another safe-haven ministation in the District; $500,000 to the Good Samaritan Foundation to acquire and renovate a building to expand outreach and mentoring services to at-risk District of Columbia youths; $500,000 to Reach for Tomorrow to support a program that takes a multidimensional approach to working with middle school students in the District of Columbia; $500,000 to the District of Columbia Metropolitan Police Department for Secures demonstration project with the Washington, D.C. Metropolitan Police Department to evaluate the effectiveness and technical utility of an automated gunshot detection system; $500,000 to the Institute for Responsible Fatherhood to expand capacity to provide home-based counseling, education, training, and related services to low-income fathers and their families; $600,000 to Second Chance Employment Services to increase capacity to provide additional job training opportunities for at-risk and low-income women in the District of Columbia; $1,000,000 to Real World Schools to further develop and implement advanced technology curriculum models and learning reforms for secondary education in the District of Columbia Public Schools; $1,000,000 to the Whitman-Walker Clinic for infrastructure improvements; $1,000,000 to the Metropolitan Washington Council of Governments to support the Regional Incident Communication and Coordination System; $1,000,000 to the Council of Court Excellence to continue ongoing independent oversight, which will include an annual report to Congress on implementation of the District of Columbia Family Court Act of 2000 and the Adoption and Safe Families Act of 1997; $1,000,000 to Green Door to renovate its clinic and community center to provide additional services to District of Columbia residents with severe mental illnesses; $1,000,000 to continue demonstration of the "Active Cap" river cleanup technology on the Anacostia River which immobilizes river sediment contaminants and treats them in place; $1,225,000 to Covenant House for construction of a new Community Service Center at Covenant House in S.E. Washington, D.C.; $1,250,000 to the Excel Institute for operations in equal quarterly installments within 15 days of the beginning of each quarter; $2,000,000 to the National Center for Manufacturing Sciences for civil infrastructure vulnerability assessment and implementation of resulting protection profiles; $2,000,000 for Voyager Expanded Learning to implement the Voyager Universal Literacy System throughout all District of Columbia Public School kindergarten and 1st grade classes; $2,000,000 to the SEED Foundation Charter School, the only urban public boarding school in the nation, for construction of the Academic Center; $2,000,000 to St. Coletta of Greater Washington, Inc. for property acquisition and construction of a facility to provide services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia; $2,350,000 to the National Trust for Historic Preservation to restore the Lincoln Cottage and to create interpretive programs and exhibits at the site; $2,500,000 to the Canal Park Development Association for development of a park on 2 Street between I Street and M Street in Southeast Washington; and $5,000,000 to Children's National Medical Center in the District of Columbia for capital and equipment improvements.

The conference agreement includes a modified provision to require each entity that receives funding under this heading to submit to the Committees on Appropriations of the House of Representatives and Senate, a report on the activities carried out with such funds by April 30, 2003. The House had a similar provision, but required the report no later than February 15, 2003. The Senate bill contained no similar provision.

FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

The conference agreement includes $2,800,000 to continue improvements on the historic Potomac Southwest Waterfront, including rebuilding the docks, instead of $1,000,000 as proposed by the House. The Senate bill contained no similar provision.

The agreement also requires the District of Columbia Department of Housing and Community Development to report on the activities carried out with these funds by April 30, 2003. The House had a similar provision, but required the report no later than February 15, 2003. The Senate bill contained no similar provision.

FEDERAL PAYMENT FOR ASBESTOS REMEDIATION

The conference agreement includes $1,000,000 to reimburse Fairfax County, Virginia for remediation of asbestos on the former site of the Lorton Correctional Complex as proposed by the House. The Senate bill contained no similar provision.

The agreement also requires the General Services Administration to report on the activities carried out with these funds by April 30, 2003. The House had a similar provision, but required the report no later than February 15, 2003. The Senate bill contained no similar provision.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

The conference agreement includes $2,000,000 to repair, renovate, and rehabilitate fire stations in need of capital improvements as proposed by the House. The Senate bill contained no similar provision.

The agreement also requires the District of Columbia Fire and Emergency Medical Services Department to report on the activities carried out with these funds by April 30, 2003. The House had a similar provision, but required the report no later than February 15, 2003. The Senate bill contained no similar provision.

FEDERAL PAYMENT FOR SPECIAL EDUCATION

The conference agreement includes $3,000,000 to establish special education satellite facilities in the District of Columbia. The House proposed $14,000,000 for a Federal payment for special education, including $5,000,000 for transportation services and $9,000,000 for satellite facilities. The Senate bill contained no similar provision.

The conferees are concerned about the increasing costs of delivering services to special education students. Several factors are responsible for these increases, many of which are interrelated, such as the increase in the special education population and the number of non-public placements. The conferees commend the Mayor and the Board of Education for their efforts to begin to reform the special education system in the District. A Special Education Task Force that was recently established has adopted and presented to the Mayor a Special Education Cost Savings Plan that has been certified by the Chief Financial Officer. The conferees are supportive of these efforts and concur with the District's fiscal year 2003 budget submission to dedicate $27,000,000 in local funds for special education reform. In addition, the conferees provide $3,000,000 in Federal funds to create additional campuses that will provide all special education students who live in the District with the opportunity to receive a public education in their own city. The conferees will continue to monitor the efforts of the District to reform the special education system.

FEDERAL PAYMENT FOR THE FAMILY LITERACY PROGRAM

The conference agreement includes $4,000,000 for the family literacy program as proposed by the Senate, instead of $5,000,000 as proposed by the House.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The conference agreement includes $50,000,000 for a Federal payment to the District of Columbia Water and Sewer Authority for the Combined Sewer Overflow Long-Term Plan, as proposed by both the House and Senate. The agreement also includes a provision that the Water and Sewer Authority provide a 100 percent match for the fiscal year 2003 Federal contribution, as proposed by the Senate. The House had a similar provision, but required the match to be made in fiscal year 2003.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITITIAVE IN THE DISTRICT OF COLUMBIA

The conference agreement includes $5,000,000 for implementation of the Anacostia Waterfront Initiative as proposed by the Senate. The House had no similar provision.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CAPITAL DEVELOPMENT

The conference agreement includes $10,150,000 for a Federal payment to the District of Columbia for capital development, instead of $24,298,000 as proposed by the House, and $13,100,000 as proposed by the Senate. Included in this amount is $150,000 for renovations at Eastern Market as proposed by the House, instead of $100,000 as proposed by the Senate. Also included in this amount is $10,000,000 for the Unified Communications Center as proposed by the Senate, instead of $19,148,000 as proposed by the House.

The agreement does not include funding for the forensic laboratory. The House had $5,000,000 and the Senate bill contained $3,000,000 for this project. The District estimates the total cost of construction to be $75,000,000 over three years. The conferees note that the District's capital budget does not include local funding dedicated to this project. While the conferees are supportive of the project, there are not sufficient Federal funds available for it in fiscal year 2003.

The conference agreement includes a provision to make these funds available until expended as proposed by the House. The Senate bill contained no similar provision.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PUBLIC CHARTER SCHOOL FACILITIES

The conference agreement includes $17,000,000 for a Federal payment to the District of Columbia for development of public charter school facilities, instead of $16,000,000 as proposed by the House, and $20,000,000 as proposed by the Senate. Included in this amount is $4,000,000 to supplement the per pupil facilities allocation, $5,000,000 for the Direct Loan Fund for Charter School Improvement, and $8,000,000 for the Credit Enhancement Revolving Fund. The House provided $16,000,000 for the Credit Enhancement Revolving Fund while the Senate bill included $1,000,000 for the Office of Charter School Financing and Support, $4,000,000 for the Per Pupil Allocation, $5,000,000 for the Credit Enhancement Fund for Public Charter Schools, and $10,000,000 for the Direct Loan Fund for Charter School Improvement. The per pupil facilities allocation will establish a minimum allocation of $1,500 per charter school pupil.

TITLE II—DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

DIVISION OF EXPENSES

The conference agreement provides that operating expenses for the District of Columbia for fiscal year 2003 shall not exceed $6,294,522,000, of which $1,712,498,000 is from Federal funds, instead of $6,434,709,000, of which $1,770,948,000 is from Federal funds as proposed by the House, and $6,433,359,000, of which $1,824,578,000 is from Federal funds, as proposed by the Senate. The changes in the amounts reflect the revised budget submitted pursuant to Sec. 138 of H.R. 5521 of the 107th Congress, as reported by the Committee on Appropriations of the House of Representatives and actions taken by the conferees in the funding levels under the various appropriation headings.

GOVERNMENTAL DIRECTION AND SUPPORT

The conference agreement includes $307,173,000 for governmental direction and support, including $207,971,000 from local funds, $80,854,000 from Federal funds, and $18,348,000 from other funds, instead of $303,586,000, including $225,234,000 from local funds, $60,004,000 from Federal funds, and $18,348,000 from other funds as proposed by the House, and $295,136,000, including $225,234,000 from local funds, $51,554,000 from Federal funds, and $18,348,000 from other funds as proposed by the Senate.

Office of the Mayor—The conference agreement includes $4,000,000 from Federal funds appropriated earlier in this Act for the family literacy program.

Office of the Chief Financial Officer—The conference agreement includes $40,300,000 from Federal funds appropriated earlier in this Act for programs and activities to support economic development and infrastructure in the District and the health, education, and job training needs of District residents.

ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement includes $244,358,000 for economic development and support, including $56,872,000 from local funds, $97,796,000 from Federal funds, and $89,690,000 from other funds, instead of $258,539,000, including $64,553,000 from local funds, $97,796,000 from Federal funds, and $96,190,000 from other funds as proposed by both the House and Senate.

The conference agreement earmarks $725,000 for the Development of Employment Services as proposed by the House, instead of $725,400 as proposed by the Senate.

PUBLIC SAFETY AND JUSTICE

The conference agreement includes $622,531,000 for public safety and justice, including $602,678,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds, instead of $639,892,000, including $620,039,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds as proposed by both the House and Senate.

PUBLIC EDUCATION SYSTEM

The conference agreement includes $1,206,169,000 for the public education system, including $939,174,000 from local funds, $208,470,000 from Federal funds, $31,525,000 from other funds, and $27,000,000 from the Medicaid and Special Education Reform Fund, instead of $1,257,201,000, including $980,206,000 from local funds, $218,470,000 from Federal funds, $31,525,000 from other funds, and $27,000,000 from the Medicaid and Special Education Reform Fund as proposed by the House, and $1,220,201,000, including $980,206,000 from local funds, $208,870,000 from Federal funds, and $31,525,000 from other funds as proposed by the Senate.

District of Columbia Public Schools—The allocation includes $902,936,000 for District of Columbia public schools, including $713,494,000 from local funds, $150,800,000 from Federal funds, $11,642,000 from other funds, and $27,000,000 from the Medicaid and Special Education Reform Fund, instead of $944,157,000, including $743,715,000 from local funds, $161,800,000 from Federal funds, $11,642,000 from other funds, and $27,000,000 from the Medicaid and Special Education Reform Fund as proposed by the House, and $903,157,000, including $743,715,000 from local funds, $147,800,000 from Federal funds, and $11,642,000 from other funds as proposed by the Senate.

The conference agreement includes $3,000,000 from Federal funds appropriated earlier in this Act to establish special education satellite facilities in the District of Columbia.

State Education Office—The allocation includes $49,687,000 for the State education office, including $22,594,000 from local funds, $26,917,000 from Federal funds, and $176,000 from other funds as proposed by both the House and Senate.

District of Columbia Public Charter Schools—The allocation includes $142,711,000 for District of Columbia public charter schools, including $125,711,000 from local funds and $17,000,000 from Federal funds, instead of $148,865,000, including $132,865,000 from local funds and $16,000,000 from Federal funds as proposed by the House, and $132,865,000 from local funds as proposed by the Senate.

The conference agreement includes $17,000,000 from Federal funds appropriated earlier in this Act for public charter school facilities development.

University of the District of Columbia—The allocation includes $81,180,000 for the University of the District of Columbia, including $49,462,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds, instead of $83,990,000, including $52,272,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds as proposed by both the House and Senate.

District of Columbia Public Libraries—The allocation includes $27,363,000 for District of Columbia public libraries, including $26,216,000 from local funds, $610,000 from Federal funds, and $537,000 from other funds, instead of $28,150,000, including $27,003,000 from local funds, $610,000 from Federal funds, and $537,000 from other funds as proposed by both the House and Senate.

Commission on the Arts and Humanities—The allocation includes $2,292,000 for the commission on the arts and humanities, including $1,697,000 from local funds, $475,000 from Federal funds, and $120,000 from other funds, instead of $2,352,000, including $1,757,000 from local funds, $475,000 from Federal funds, and $120,000 from other funds as proposed by both the House and Senate.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,451,818,000 for human support services, including $1,002,284,000 from local funds, $1,373,680,000 from Federal funds, $52,987,000 from other funds, and $22,867,000 from the Medicaid and Special Education Reform Fund, instead of $2,474,297,000, including $1,019,763,000 from local funds, $1,378,680,000 from Federal funds, $52,987,000 from other funds, and $22,867,000 from the Medicaid and Special Education Reform Fund as proposed by the House, and $2,500,297,000, including $1,069,630,000 from local funds, $1,377,680,000 from Federal funds, and $52,987,000 from other funds as proposed by the Senate.

PUBLIC WORKS

The conference agreement includes $320,357,000 for public works, including $304,363,000 from local funds, $5,669,000 from Federal funds, and $10,325,000 from other funds, instead of $324,828,000, including $309,824,000 from local funds, $4,669,000 from Federal funds, and $10,325,000 from other funds as proposed by both the House and Senate.

The conference agreement includes $1,000,000 from Federal funds appropriated earlier in this Act to implement transportation systems management initiatives and strategies.

RESERVE

The conference agreement includes $70,000,000 for the reserve from local funds as proposed by both the House and Senate.

REPAYMENT OF LOANS AND INTEREST

The conference agreement includes $260,951,000 for repayment of loans and interest from local funds, instead of $267,451,000 from local funds as proposed by both the House and Senate.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

The conference agreement includes $39,300,000 for repayment of general fund recovery debt from local funds as proposed by both the House and Senate.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

The conference agreement includes $1,000,000 for payment of interest on short-term borrowing from local funds as proposed by both the House and Senate.

CERTIFICATES OF PARTICIPATION

The conference agreement includes $7,950,000 for certificates of participation from local funds as proposed by both the House and Senate.

SETTLEMENTS AND JUDGMENTS

The conference agreement includes $22,822,000 for settlements and judgments from local funds as proposed by both the House and Senate.

WILSON BUILDING

The conference agreement includes $4,194,000 for the Wilson building from local funds as proposed by both the House and Senate.

WORKFORCE INVESTMENTS

The conference agreement includes $48,186,000 for workforce investments from local funds, instead of $54,186,000 from local funds as proposed by both the House and Senate.

TOBACCO SETTLEMENT TRUST FUND

In November 1998, the District, 46 state governments and other jurisdictions signed the agreement, ending a four-year legal battle over medical treatment costs incurred for smoking-related illnesses. Under the settlement, the tobacco companies are scheduled to pay $253 billion over 25 or more years. The receiving governments may use the funds for any purpose including issuance of revenue bonds.

In fiscal year 2001, the District securitized its settlement payments in exchange for a lump-sum payment to repay existing long-term debt and thereby generating relief from that debt service. In fiscal year 2003, $49,867,430 in savings will be achieved. Of this amount $49,867,000 will be placed into the District's Medicaid and Special Education Reform fund established by D.C. Law 14-190. These funds shall remain available until expended. From this fund, $27,000,000 will be made available to the District's Public Education System and $22,867,000 will be made available to the District's Human Support Services to fund Medicaid and special education reform activities within the District. These funds will ensure that adequate resources are available to support District-wide Medicaid costs.

NON-DEPARTMENTAL AGENCY

The conference agreement includes $5,799,000 for the non-Department agency from local funds as proposed by both the House and Senate.

EMERGENCY PLANNING AND SECURITY COSTS

The conference agreement includes $15,000,000 for emergency planning and security costs from Federal funds appropriated earlier in this Act as proposed by both the House and Senate.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

The conference agreement includes $253,743,000 for the water and sewer authority from other funds as proposed by both the House and Senate.

WASHINGTON AQUEDUCT

The conference agreement includes $57,847,000 for the Washington aqueduct from other funds as proposed by both the House and Senate.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

The conference agreement includes $3,100,000 for the stormwater permit compliance enterprise funds from other funds as proposed by both the House and Senate.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

The conference agreement includes $232,881,000 for the lottery and charitable games enterprise fund from other funds as proposed by both the House and Senate.

SPORTS AND ENTERTAINMENT COMMISSION

The conference agreement includes $20,510,000 for the sports and entertainment commission, including $5,000,000 from Federal funds appropriated earlier in this Act for implementation of the Anacostia Waterfront Initiative and $15,510,000 from other funds as proposed by the Senate, instead of $15,510,000 from other funds as proposed by the House.

The conferees note that the District of Columbia has developed plans for the design and construction of a Regional Sports Complex at Kenilworth Park, NE., Washington, D.C., a portion of which is owned by the National Park Service. The site, an area of approximately 50 acres, was a District landfill until the late 1960's when the landfill was capped.

The National Park Service has conducted a Preliminary Assessment/Site Investigation and a Remedial Investigation/Feasibility Study at the site. The latter study is in draft and has been coordinated with the District and the Environmental Protection Agency (EPA) Region III. As a result of regulatory reviews, the District has requested a Human Health Risk Assessment from the Centers for Disease Control and Prevention and the EPA Region III has extensive comments that will result in further investigations and require at least a year or more to complete.

The conferees urge the District of Columbia, specifically the D.C. Department of Recreation and D.C. Sports and Entertainment Commission to work with the National Park Service to develop a land use plan for the development of Kenilworth Park that could be implemented in conjunction with remediation and report the results of that effort to the Committees on Appropriations of the House of Representatives and Senate no later than six months after enactment. The conferees recognize that before any plan can be implemented for this site, the environmental investigations and subsequent remediation will have to be completed.

DISTRICT OF COLUMBIA RETIREMENT BOARD

The conference agreement includes $13,388,000 for the District of Columbia retirement board from other funds as proposed by both the House and Senate.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

The conference agreement includes $78,700,000 for the Washington convention center enterprise fund from other funds as proposed by both the House and Senate.

NATIONAL CAPITAL REVITALIZATION CORPORATION

The conference agreement includes $6,745,000 for the National capital revitalization corporation from other funds as proposed by both the House and Senate.

CAPITAL OUTLAYS

(INCLUDING RESCISSIONS)

The conference agreement includes $671,020,000 for capital outlays, including $555,097,000 from local funds, $48,132,000 from Highway Trust funds, $321,782,000 from Federal funds, and a rescission of $253,991,000 from local funds appropriated under this heading in prior years, instead of $666,367,780, including $538,096,996 from local funds, $48,131,855 from Highway Trust funds, $334,130,057 from Federal funds, and a rescission of $253,991,128 from local funds appropriated under this heading in prior years as proposed by the House, and $981,527,780, including a rescission of $253,991,128 from local funds appropriated under this heading in prior years as proposed by the Senate.

The conference agreement includes $2,000,000 from Federal funds appropriated earlier in this Act to repair, renovate, and rehabilitate fire stations in need of capital improvements; $2,800,000 from Federal funds appropriated earlier in this Act to continue improvements on the historic Potomac Southwest Waterfront; and $10,150,000 from Federal funds appropriated earlier in this Act for capital development, of which $150,000 is for renovations at Eastern Market and $10,000,000 is for the Unified Communications Center. The conferees request that a report on the activities carried out with these funds be submitted to the Committees on Appropriations of the House of Representatives and Senate by April 30, 2003.

TITLE III—GENERAL PROVISIONS

The conference agreement changes several section numbers for sequential purposes and makes technical revisions to several provisions.

The conference agreement retains Sec. 105 as proposed by the Senate. The House proposed to make this section permanent law.

The conference agreement makes Sec. 108 permanent law as proposed by the House. The Senate bill contained no similar provision.

The conference agreement amends Sec. 112 to require the Mayor report to the Committees on Appropriations of the House of Representatives and Senate, as well as the Council, the new fiscal year 2003 revenue estimates as proposed by the House. The Senate bill contained no similar provision.

The conference agreement retains Sec. 113 as proposed by the Senate. The House proposed to make this section permanent law.

The conference agreement amends Sec. 120(b) to require the Chief Financial Officer of the District of Columbia to submit, by March 1, 2003, an inventory of all vehicles owned, leased or operated by the D.C. government. The House had a similar provision, but required the inventory by November 15, 2002. The Senate bill also contained a similar provision, but required the inventory by February 5, 2003.

The conference agreement includes Sec. 124 as proposed by the House to prohibit the use of any funds contained in this act for needle exchange programs. The Senate bill included a provision to prohibit the use of Federal funds contained in this Act for needle exchange programs.

The conference agreement amends Sec. 129 to require the Mayor to address access to substance and alcohol abuse treatment and consult with District of Columbia Public Schools and District of Columbia public charter schools on education reporting as proposed by the House. The Senate bill contained a similar provision, but it addressed only drug abuse treatment and required consultation with District of Columbia Public Schools only.

The conference agreement includes Sec. 130 to require a revised appropriated funds operating budget no later than 30 calendar days after the date of enactment of this Act as proposed by the Senate. The House had a similar provision, but required the revised operating budget no later than 30 days after date of enactment of this Act.

The conference agreement includes Sec. 132 to prohibit any Federal funds in this Act from being transferred to any department, agency, or instrumentality of the United States Government, except pursuant to authority in an appropriations Act as proposed by the House. The Senate bill contained no similar provision.

The conference agreement includes Sec. 133 to allow the District government to pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000 as proposed by the Senate. The House had no similar provision.

The conference agreement includes Sec. 137 to allow local funds appropriated under this Act to be available for use by the Office of Labor Relations and Collective Bargaining to reimburse the cost of providing representation as proposed by the House. The Senate bill contained a similar provision, but allowed all funds appropriated under this Act to be used for this purpose.

The conference agreement includes Sec. 138 to amend the United States Code and the D.C. Code to allow District of Columbia court employees to participate in the Federal long-term care insurance program as proposed by the Senate. The House had no similar provision.

The conference agreement includes Sec. 139 to transfer $560,000 of funds made available to the District of Columbia courts in the fiscal year 2002 appropriations Act to the District of Columbia Child and Family Services Agency for child abuse services as proposed by the Senate. The House had no similar provision.

The conference agreement amends Sec. 140 to require a report from the Comptroller General no later than June 2, 2003 providing a detailed analysis of the national effort to establish adequate charter school facilities, including a comparison of the efforts in the District of Columbia. The Senate bill contained a similar provision, but required the report no later than April 1, 2003. The House had no similar provision.

The conference agreement includes Sec. 141 to require the Mayor and Council to conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act as well as a plan for occupying at least 50 percent of the space available at the time the report is submitted, which is within 180 days of enactment as proposed by the Senate. The House had no similar provision.

The conference agreement includes Sec. 142 to require the Mayor to establish and fulfill specific performance measures in administering funds provided under the heading "Federal Payment for Incentives for Adoption of Children," in Public Law 106–113 as proposed by the Senate. The House had no similar provision. The conferees are concerned that funds provided in 1999 to the District of Columbia government to promote the adoption of children have yet to be expended. The conferees supported the extension of the availability of funds in 2000 and the expansion of the purpose for which the funds may be used in 2001. However, the funds have still not met their original intent, to increase adoption of children in the foster care system in the District of Columbia. The District of Columbia shall submit quarterly reports on the expenditure of these funds and the implementation of the performance measures to the Committees on Appropriations of the House of Representatives and Senate.

The conference agreement includes Sec. 143 to establish an Office of Public Charter School Financing and Support and a Direct Loan Fund for Charter School Improvement within the District of Columbia as proposed by the Senate. The House had no similar provision.

The conference agreement includes Sec. 146 to amend the District of Columbia School Reform Act of 1995 to establish a Charter School Fund and transfer $5,000,000 from this fund into the credit enhancement revolving fund as proposed by the Senate. The House had no similar provision.

The conference agreement includes Sec. 144 as proposed by the Senate to prohibit the use of any funds in this Act to pay the fees of an attorney who represents a party in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities In Education Act in excess of $4,000 for that action or to pay the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers. The House has no similar provision.

The conference agreement includes Sec. 145 as proposed by the Senate to require attorneys in special education cases brought under the Individuals with Disabilities in Education Act (IDEA) to: certify in writing that the attorney rendered any and all services for which they receive rewards; require all attorneys in IDEA cases to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which attorneys have referred any clients; require the Chief Financial Officer of the District of Columbia to prepare and submit quarterly reports on the certification of and the amount paid by the District of Columbia government, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA; and allow the Inspector General of the District of Columbia to conduct investigations to determine the accuracy of the certifications. The House had no similar provision.

The conference agreement does not include a provision as proposed by the Senate to require District of Columbia Public Schools to conduct the evaluation and, if necessary, place the student in an appropriate program of special education services 120 days from the time a student is referred for evaluation or assessment. The House had no similar provision.

The conference agreement does not include a provision to prohibit any person or entity that violates the Buy American Act from receiving funds appropriated in this Act as proposed by the Senate. The House had no similar provision.

The conference agreement does not include a provision to amend the District of Columbia Home Rule Act to conform deposit dates of the emergency and contingency reserve funds as proposed by the House. The Senate bill contained no similar provision.

The conference agreement does not include a provision to require the District of Columbia to submit a revised financial plan and budget for the District government for fiscal year 2003 not later than October 2, 2002 as proposed by the House. The Senate bill contained no similar provision.

DIVISION D

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

The language and allocations set forth in House Report 107–681 and the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S492 through S546, should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Such language should be considered approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate explanatory statement address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate explanatory statement are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below.

The conferees remain concerned about the huge and increasing backlog of infrastructure development, maintenance, and repair over which the Corps of Engineers has jurisdiction. The Administration's proposed fiscal year 2003 budget would have caused the backlog of unconstructed projects to increase from $40,000,000,000 to $44,000,000,000, and ignores an accelerating critical maintenance backlog which would increase from $702,000,000 to $884,000,000. This maintenance backlog will soon become entirely unmanageable under the weight of an aging and crumbling inventory. Proposing no new studies and only one new construction start, under funding ongoing projects, and providing minimal operation and maintenance funding for completed projects leads the conferees to believe that the budget request may have been influenced by very narrow interest groups rather than the needs of the country. In the face of such an irresponsible position, the Congress has no option but to step forward in support of these vital projects.

The conferees are concerned that Corps of Engineers technical and planning capabilities have diminished over the past decade. This diminished capability has been evident in recent studies, such as the Upper Mississippi and Illinois Waterway Navigation Study and the Delaware River Deepening project. The conferees urge the Corps of Engineers to review ways in which it can improve its capability, including concentrating its technical and planning expertise in regional centers. The Corps should report back to the House and Senate Appropriations Committees within one year on its findings.

GENERAL INVESTIGATIONS

The conference agreement appropriates $135,019,000 for General Investigations instead of $143,680,000 as proposed by the House and $148,304,000 as proposed by the Senate.

The conference agreement includes $1,000,000 for the Napa River Salt Marsh Restoration project in California, $900,000 to complete the feasibility study, and $100,000 to initiate preconstruction engineering and design.

The conference agreement does not include funds for the Port of Stockton, California, study proposed by the House. Funds for this work are included in the amount provided for the San Francisco Bay to Stockton, California, project in the Construction, General, account.

The conference agreement includes $3,073,000 for the Corps of Engineers to complete the feasibility study and initiate preconstruction engineering and design for the Sacramento and San Joaquin Comprehensive Basin study in California.

The conference agreement does not include funds in this account for the Treatment of Dredged Material from Long Island Sound, Connecticut, project. Funds for the project are included in the Operation and Maintenance, General, account.

The conference agreement includes $500,000 for the Corps of Engineers to perform a General Reevaluation Report for the Federal navigation project at St. Petersburg Harbor, Florida.

The conferees have provided $450,000 for the Chesapeake Bay Shoreline Erosion, Maryland, Virginia, and Pennsylvania, study, including $100,000 to initiate the shoreline erosion portion of the feasibility study.

The conference agreement includes $1,500,000 for the Great Lakes Navigation System study. The conferees have included language in the bill allowing the Secretary, in pursuing this study, to partner with, and accept contributions from, the St. Lawrence Seaway Development Corporation and agents of the government of Canada. The conferees understand the need for an evaluation of the existing physical structures of the St. Lawrence Seaway to ensure the future viability of the system. However, the conferees are concerned about the scope of the ongoing study, primarily with respect to the environmental impact on the Seaway system as a whole and the St. Lawrence River in particular. Any significant disruption of the delicate balance of the St. Lawrence/Great Lakes ecosystem could have a detrimental impact on critical habitats and adversely affect the region's critical recreation, commercial and tourism industries. The conferees direct the Corps of Engineers to take into consideration the recreational, commercial, environmental and tourism impacts of any changes to the Great Lakes Ecosystem, including impacts to the St. Lawrence Seaway as the Corps conducts its Great Lakes Navigation System study.

The conference agreement includes $150,000 for the Corps of Engineers to continue shoreline monitoring and undertake other preconstruction engineering and design activities for the Manteo (Shallowbag) Bay, North Carolina, project. The conferees are aware that there are significant issues that remain to be resolved before this project can proceed to construction.

The conference agreement includes $800,000 for the Mahoning River Environmental Dredging, Ohio and Pennsylvania, study, including $100,000 to study the need for environmental dredging of the Mahoning River within the State of Pennsylvania.

The conferees have provided $200,000 for continuation of the riverfront project in Cincinnati, Ohio. The conferees understand that the City has accelerated the planning and design of the project using non-Federal funds. It is the sense of the conference that these funds should be counted toward any non-Federal cost-sharing requirement. Therefore, the funding provided is to be used for assistance with the development of design and environmental compliance documentation.

The conferees have provided $650,000 for the Walla Walla River Watershed, Oregon and Washington, study, including $100,000 for the Corps of Engineers to work with the Walla Walla Watershed Alliance to investigate restoration of riparian habitat and river flow improvements in the basin.

The conference agreement includes $1,800,000 for the Upper Trinity River Basin, Texas, study, including $300,000 for the Dallas Floodway portion of the project and funds to continue the Trinity Visions project.

The conference agreement includes $4,500,000 for the Coastal Field Data Collection Program, including $1,000,000 for the Southern California Beach Processes study, and $1,000,000 for hurricane evaluation studies in the State of Hawaii and U.S. Territories.

The conferees have provided $8,000,000 for the Flood Plain Management Services program. Within the funds provided, the conferees expect the Corps of Engineers to carry out the work described in the House report and Senate explanatory statement, including $1,000,000 to continue the foundational geographic information system for flood plain management in East Baton Rouge Parish in Louisiana.

The conference agreement includes $5,250,000 for Other Coordination Programs. Within the amount provided, the conferees direct the Corps of Engineers to undertake the activities described in the Senate explanatory statement.

The conference agreement includes $6,500,000 for the Planning Assistance to States program. Within the funds provided, the conferees expect the Corps of Engineers to undertake the activities described in the House report and Senate explanatory statement except for the work described in the House Report for Gwinnett County, Georgia, and the work in Alaska described in the Senate explanatory statement, which has been funded under the Tribal Partnership Program authorized by section 203 of the Water Resources Development Act of 2000. In addition, the conference agreement includes $300,000 for the statewide watershed management assessment for the State of Alabama.

Within the amount provided for Research and Development, $2,000,000 is provided for innovative technology demonstrations for urban flooding and channel restoration. The conferees encourage the Corps of Engineers to cooperate with the Urban Water Research Program of the Desert Research Institute of Nevada in carrying out these demonstrations. In addition, $500,000 is provided for submerged aquatic vegetation research as described in the Senate explanatory statement.

The conferees have agreed to include language in the bill proposed by the House related to the Southwest Valley Flood Damage Reduction study in New Mexico.

The conference agreement deletes language proposed by the House regarding the water resources needs of the central Gulf Coast area.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,756,012,000 for Construction, General instead of $1,831,030,000 as proposed by the House and $1,636,602,000 as proposed by the Senate.

In the process of arriving at the agreed-upon distribution of funding, the conferees were aware of, and took into consideration, the effects on the capability of the Corps of Engineers to execute its fiscal year 2003 program of having functioned for nearly half the year under a series of continuing resolutions. Recognition of the restrictions associated with this mode of operation, and their inevitable impact, compelled the conferees to make several changes from the program that would have been enacted earlier.

The conference agreement includes $19,000,000 for the Corps of Engineers to continue construction of the Rio Salado project in Arizona.

The conference agreement includes $2,000,000 for the Sacramento Area, California, project for the Corps of Engineers to carry out the activities described in the House Report.

The conference agreement includes $1,800,000 for the San Francisco Bay to Stockton, California, project, including funds for continuation of the General Reevaluation Reports on the Avon Turning Basin and the minimal deepening of San Francisco Bay to the Port of Stockton.

The conference agreement includes $2,000,000 for the Tule River, California, Success Reservoir enlargement project. The conferees direct the Corps of Engineers to include the additional rock protection required on the approaches to the State Route 190 bridge as a project cost.

The conferees have included $2,000,000 for the Broward County, Florida, project, including $300,000 for the Corps of Engineers to prepare a General Reevaluation Report for implementation of Segment I of the project.

The amount provided for the Jacksonville Harbor, Florida, project includes $500,000 for the Corps of Engineers to complete plans and specifications for the proposed extension of the channel and initiate a General Reevaluation Report regarding further improvements.

The conference agreement includes $2,500,000 for the Palm Beach/County, Florida, project for activities described in the House Report.

The conferees have provided $3,000,000 for a portion of the Federal share of the costs of the Estero and Gasparilla segments of the Lee County, Florida, shore protection project. The conferees are aware that section 312 of the Water Resources Development Act of 1999 directed the Secretary to carry out the Captiva Island segment of the Lee County project in accordance with section 206 of the Water Resources Development Act of 1992; and also that section 309 of the Water Resources Development Act of 2000 authorized the Secretary to carry out the Estero and Gasparilla segments of the same project in accordance with section 206 of the Water Resources Development Act of 1992. The conferees urge the Secretary of the Army to enter into the required project cooperation agreements for the Captiva, Estero, and Gasparilla segments of the Lee County, Florida, project within six months of enactment of this Act into law and to include funds for these segments in future annual budget requests to Congress.

None of the funds provided for the Olmsted Locks and Dam project are to be used to reimburse the Claims and Judgment Fund.

The conferees continue to recognize the vital importance of the Inner Harbor Navigation Canal Lock, Louisiana, project and direct the Corps of Engineers to take every practicable action to ensure that construction proceeds expeditiously and that project benefits are delivered with dispatch.

The conferees have provided $750,000 for the Mississippi River Gulf Outlet, Louisiana, project for the Corps of Engineers to continue the reevaluation study for the project.

The conference agreement includes $200,000 for the Genessee County Environmental Infrastructure project in Michigan for work on the rain gauge system and the Kearsley Creek interceptor.

The conferees reiterate their support for the wastewater infrastructure needs of the Mille Lacs Band of Ojibwe and the Garrison-Kathio-West Mille Lacs Lake Sanitary District through continued construction of the Mille Lacs Regional Wastewater System connected to the regional wastewater treatment plant on the Mille Lacs Indian Reservation, as established in the Treaty of 1855, 10 Stat. 1165.

The conference agreement includes $8,000,000 for the Mississippi Environmental Infrastructure project. The conferees expect the Corps of Engineers to use the funds to address the most critical water resources needs within the State of Mississippi.

The conferees have provided $1,000,000 for the Rural Montana project. Within the funds provided, the Corps of Engineers should give consideration to Grant Creek, Missoula County, the cities of Belgrade, Helena, and the City of Conrad as described in the House Report.

The conference agreement includes $10,000,000 to continue the Rural Nevada project. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Boulder City, Lyon County (Carson River Regional Water System), Gerlach, Incline Village, Round Hill, Mesquite, Moapa; Spanish Springs, Battle Mountain, Virgin Valley, Lawton-Verdi, and Esmeralda County.

The conferees are aware that the Corps of Engineers has made significant progress during calendar year 2002 to reorganize the Acequias Irrigation System construction project in New Mexico. The conferees are concerned, however, that the State of New Mexico's Interstate Stream Commission is facing funding shortfalls and is having difficulty garnering the needed resources as the non-Federal sponsor of the project. In addition, the conferees are also aware that there are delays in both the community ditch in northwest New Mexico, as well as in the Cuchillo project. The conferees continue to support this project and are hopeful that the outstanding issues will soon be resolved.

The additional funds provided for the Fire Island Inlet to Montauk Point, New York, project are to be used to carry out the activities described in the House Report.

The conference agreement includes $8,000,000 for the South Central Pennsylvania Environmental Improvement Program. The funds are to be divided equally for work within the Corps of Engineers Baltimore and Pittsburgh Districts.

The conferees have provided $8,500,000 for the Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota, project. Within the funds provided, $1,000,000 shall be provided for administrative expenses. The Corps of Engineers is to distribute the remaining funds as directed by Title VI of the Water Resources Development Act of 1999 to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe.

The conference agreement includes $2,000,000 for the Norfolk Harbor and Channels, Virginia, project, including funds to initiate deepening of the outbound channel.

The conference agreement includes $85,000,000 for the Columbia River Fish Mitigation program in Washington, Oregon, and Idaho. Within the funds provided, $300,000 is for a reconnaissance level investigation of Columbia River flood control operations for the Corps of Engineers to determine what changes, if any, would benefit endangered species, particularly salmon. Evaluation beyond the reconnaissance phase is subject to agency review and congressional notification.

The conferees direct the Corps of Engineers to undertake the projects listed in the House report and Senate explanatory statement and any additional projects described below for the various continuing authorities programs. The recommended funding levels for these programs are as follows: Section 206—$20,000,000; Section 204—$1,500,000; Section 14—$10,000,000; Section 205—$45,000,000; Section 111—$2,000,000; Section 107—$11,000,000; Section 1135—$23,000,000; Section 103—$5,000,000; and Section 208—$1,000,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the intent of the conferees that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program.

Under the Section 205 program, the conference agreement includes $750,000 to initiate detailed plans and specifications for the Jackson Brook Watershed, Morris County, New Jersey, project. The conference agreement does not include funds for the Wind Lake, Wisconsin, project described in the House Report. In addition, $500,000 is provided for the Corps of Engineers to initiate work on the flood damage reduction project on the James River in Greene County, Missouri.

Under the Section 14 program, $200,000 is provided for the Kenosha Harbor, Wisconsin, retaining wall project.

Under the Section 107 program, the conference agreement includes $500,000 to complete plans and specifications, negotiate the project cooperation agreement, and initiate construction of the Russellville Slackwater Harbor project in Arkansas. In addition, the conferees urge the Corps of Engineers to take whatever steps necessary within the funds available under Section 107 to begin work on the small boat harbor at Tatitlik, Alaska.

Under the Section 206 program, the conference agreement includes $250,000 for the Arroyo Mocho, California, project for preliminary restoration planning followed by planning, design, and implementation studies; $700,000 to complete the ecosystem restoration report, initiate and complete plans and specifications, and initiate construction of the Efroymson Restoration Project, Newton County, Indiana; and $180,000 for the Long Lake, Indiana, project.

The conference agreement includes $4,000,000 for the Aquatic Plant Control Program. Within the funds provided, the conferees expect the Corps of Engineers to carry out the activities described in the House Report and Senate explanatory statement.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: San Timoteo Creek (Santa Ana River Mainstem), California, $7,000,000; Southern and Eastern Kentucky, $3,000,000; Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Report dated January 2002, Floyd County, Martin County, and Johnson County, Kentucky elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $26,100,000; Grundy, Buchanan, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $13,400,000; and Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,500,000. The conference agreement also includes language proposed by the Senate directing the Corps of Engineers to continue the Dickenson County, Virginia, Detailed Project Report as defined by Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction, dated April 1997.

For the Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, the conferees direct the Secretary of the Army to amend the Project Cooperation Agreement and implement the project described in the Pike County, Kentucky, Tug Fork Tributaries Detailed Project Report Supplement, dated January 2002.

The conference agreement deletes language proposed by the Senate regarding dispersal barriers in the Chicago Ship and Sanitary Canal in Illinois. Funding for this work is included in the amount appropriated for Construction, General.

The conference agreement includes language proposed by the House regarding the Bois Brule Drainage and Levee District project in Missouri, the Dallas Floodway Extension project in Texas, the Bowie County Levee project in Texas, and the Los Angeles Harbor project in California.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to continue construction of the Hawaii Water Management Project. The conferees have provided $1,000,000 for the project.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to continue construction of the Kaumalapau Harbor, Hawaii, project. The conferees have provided $1,000,000 for the project.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to continue construction of the Waterbury Dam, Vermont, project. The conference agreement includes $2,000,000 for the project within the Dam Safety and Seepage/Stability Correction Program.

The conference agreement includes language proposed by the Senate regarding the Seward Harbor, Alaska, project; the Wrangell Harbor, Alaska, project; the Galena Bank Stabilization, Alaska, project; and the Devils Lake, North Dakota, project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $344,574,000 for Flood Control, Mississippi River and Tributaries, instead of $342,071,000 as proposed by the House and $346,437,000 as proposed by the Senate.

The conference agreement includes $37,790,000 for the Channel Improvement program. The amount provided includes $700,000 for the Caruthersville-Linwood, Missouri, dike; $200,000 for the Donaldson Point, Missouri, dike; and $200,000 for the Island 7 & 8, Missouri, dike.

The conferees have provided $47,885,000 for continued construction of the Mississippi River levees feature of the Mississippi River and Tributaries project, including $2,300,000 to construct the Nash Road, Missouri, relief wells; $2,325,000 for the Birds Point-New Madrid, Missouri, levee closure and box culvert; $400,000 for wave wash protection along a portion of the main line levee near Tiptonville, Tennessee; and $500,000 to continue engineering and design of the Lower Mississippi River Museum and Interpretive Site.

The conference agreement includes $3,100,000 for the Corps of Engineers to continue construction of the St. Francis Basin project in Arkansas and Missouri, including $100,000 for constructing channel stabilization measures in Stoddard and Dunklin Counties in Missouri.

The conferees have provided $20,000,000 for the Yazoo Basin, Mississippi, Delta Headwaters Project. The conferees agree that the work performed to date on this program by the Corps of Engineers and the Natural Resources Conservation Service has shown positive results in reduction of flood damages, decreased erosion and sedimentation, and improvements to the environment. Therefore, the conferees have agreed to rename the program to reflect the fact that it has now gone beyond the demonstration phase. These positive results show that continued funding for this effort is important, and that the entire program should be completed. This may well be a case where the completed program gives results that are much greater than the sum of the individual items of work. The funds included in the bill are for the Corps of Engineers to continue design, real estate acquisition, monitoring of completed work, and initiation of continuing contracts. The conferees expect the Administration to request funds for this important program until it is completed.

The conference agreement includes $9,000,000 for maintenance of Mississippi River levees. The funds provided above the budget request are to be used to provide gravel surfacing to selected locations on levee roads in Arkansas, Mississippi, and Louisiana.

The additional funds provided for maintenance of the Atchafalaya Basin, Louisiana, project are for dewatering and major lock repairs to Berwick Lock.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to continue design and real estate acquisition and initiate the pump supply contract using continuing contracts for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi, project. The conferees have agreed to include $10,000,000 for this work.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,940,167,000 for Operation and Maintenance, General instead of $1,990,280,000 as proposed by the House and $1,956,182,000 as proposed by the Senate.

The amounts provided for the Black Warrior and Tombigbee Rivers and Alabama-Coosa River projects include $250,000 and $50,000 respectively, for the Corps of Engineers to perform maintenance dredging of backwater areas.

The conference agreement includes $3,174,000 for operation and maintenance of the Alabama-Coosa River project in Alabama. Of the total provided, $200,000 is for implementation of a system-wide geographic information system for the project.

The conference agreement includes $24,000,000 for operation and maintenance of the Tennessee-Tombigbee Waterway project in Alabama and Mississippi. The funds provided above the budget request should be used for additional dredging of the navigation channel.

The conferees have provided $750,000 for the Cook Inlet, Alaska, project for the Corps of Engineers to initiate a modeling study of the Upper Cook Inlet navigation channel in conjunction with the ongoing modeling study for the Anchorage Harbor project.

The conference agreement includes $1,000,000 for the Corps of Engineers to continue the San Francisco Bay Long Term Management Strategy, including $200,000 for the Oakland Harbor operation and maintenance project.

The conference agreement includes an additional $250,000 each for the Cherry Creek Lake, Chatfield Lake, and Trinidad Lake projects in Colorado. Frequent inundation of recreation areas is causing health and safety problems that require repair or replacement of facilities. It is not the conferees' intent to alter the Corps of Engineers lease and property accountability policies. It is the conferees' understanding that the State of Colorado has agreed to cost share these projects on a 50–50 basis. It is also the understanding of the conferees that the Secretary of the Army will not assume, nor share in, the future cost of the operation and maintenance of these recreation facilities.

The conference agreement includes $750,000 for the Corps of Engineers to plan for and enter into a continuing contract to implement a demonstration project for innovative dredged material treatment technology for maintenance dredging of Bridgeport Harbor, Connecticut, under authority of section 345 of the Water Resources Development Act of 2000.

The conferees have provided $4,709,000 for operation and maintenance of the Apalachicola, Chattahoochee, and Flint Rivers project in Georgia, Florida, and Alabama. The amount provided includes annual dredging of the channel, normal operation and maintenance of the George W. Andrews lock, spot dredging of shoals, continued slough mouth restorations, continued restoration efforts at Corley Slough, and other routine operation and maintenance of the project.

The conference agreement includes $175,000 for the Corps of Engineers to initiate design for a replacement for the existing breakwater at the Grand Marais Harbor, Michigan, navigation project.

The conferees have provided an additional $500,000 for the Missouri River, Rulo to the Mouth, project to continue implementation of actions related to the U.S. Fish and Wildlife Service biological opinion.

The conference agreement includes $4,200,000 for operation and maintenance of the Calumet Harbor and River project in Illinois, including $750,000 for design, engineering, and rehabilitation of the stone dock, and funds for additional maintenance dredging of the project.

The conference agreement includes $5,400,000 for operation and maintenance of the Carlyle Lake, Illinois, project, including $250,000 for rehabilitation of the Dam West Campground.

The conferees have provided $8,862,000 for operation and maintenance of the Wolf Creek Dam, Lake Cumberland, Kentucky, project. The additional funds are for the purchase and use of a skimmer boat to remove trash and debris from the lake, and to make safety and other necessary improvements to the boat ramps at Old Fall Creek, Tate Access, Camp Attrahunt, and Ramsey Point.

The conference agreement includes $11,000,000 for the J. Bennett Johnston Waterway project in Louisiana, including $1,000,000 for bank stabilization repairs and $400,000 for dredging entrances to oxbow lakes.

The conferees have provided $3,360,000 for the Clearwater Lake, Missouri, project. The additional funds are to be used for the preparation of a new Water Control Plan, the continuation of design and construction of additional high water recreational facilities, and to reduce the maintenance backlog at the project.

Within the funds provided for the Morehead City Harbor, North Carolina, project, $300,000 is for the Corps of Engineers to complete the Section 933 study concerning placement of maintenance dredging material on the beaches of Bogue Banks.

The conference agreement includes additional funds for mosquito control and continued improvements to low water lake accessibility at the Garrison Dam, Lake Sakakawea, North Dakota, project.

The conference agreement includes $7,000,000 for the Muskingum River Lakes, Ohio, project. The additional funds are for the Corps of Engineers to conduct a system operations study, develop a flood warning system, and conduct a water quality study of selective withdrawal concepts at Tappan Lake.

The additional funds provided for the Bonneville Lock and Dam project in Oregon and Washington are for continued activities related to implementation of the Federal Columbia River Power System Biological Opinion.

The conference agreement includes $9,200,000 for the Columbia River at the Mouth, Oregon and Washington, project. The funds are to be used for routine operation and maintenance of the project, additional dredging, jetty evaluation, studies of alternative dredged material disposal, and a dredged material disposal demonstration project at Benson Beach.

The additional funds provided for the Raystown Lake, Pennsylvania, project are for the Corps of Engineers to make improvements to the road leading to the Susquehanna Campground.

The additional funds provided for the Tionesta Lake, Pennsylvania, project are for the Corps of Engineers to upgrade the campground at the project.

The conference agreement includes $6,890,000 for the Cooper River, Charleston Harbor, South Carolina, project. The additional funds are for the Corps of Engineers to make a lump sum payment to the South Carolina Department of Natural Resources to perform future operations of the fish lift.

The conference agreement includes $6,732,000 for the Denison Dam, Lake Texoma, Texas, project. Pursuant to Sec. 838 of Public Law 99-662, the additional funds are for the Corps of Engineers to study the proposed reallocation of storage at the lake to water supply.

The Corps of Engineers is directed to update the Master Plans for the Ball Mountain, North Springfield, Townshend, and Union Village Reservoirs in Vermont, within the funds provided for each project.

The amount provided for the The Dalles Lock and Dam project in Washington and Oregon includes $250,000 for work needed to meet Biological Opinion requirements.

The conference agreement includes $11,500,000 for the Grays Harbor and Chehalis River, Washington, project, including funds for rehabilitation of the north jetty, the entrance channel study, and maintenance of the south jetty.

The conferees have provided additional funds for the Corps of Engineers to continue the drift and debris initiative being undertaken at Bluestone Lake, West Virginia.

The conference agreement includes $5,000,000 for the Corps of Engineers to complete the transfer of the locks on the Fox River to the State of Wisconsin.

The conference agreement includes language proposed by the House directing the Corps of Engineers to undertake recreation improvements associated with the pool raise at Waco Lake, Texas.

The conference agreement does not include language proposed by the House regarding maintenance of the Tennessee-Tombigbee Waterway.

The conference agreement includes language proposed by the House regarding improvements to recreational facilities and environmental restoration at the Hansen Dam feature of the Los Angeles County Drainage Area project in California. The conferees have provided $3,160,000 for this work. The amount provided for the Los Angeles County Drainage Area project also includes $100,000 for additional maintenance on the Compton Creek segment of the project.

The conference agreement includes language proposed by the Senate regarding operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge over the Chesapeake and Delaware Canal. The language has been amended to provide for reimbursement of those costs between October 1, 2002, and September 30, 2003.

The conference agreement includes language directing the Corps of Engineers to rehabilitate the disposal area for the Bodega Bay, California, project, perform maintenance dredging, and make dredged material available to the non-Federal sponsor.

The conferees are aware of the lead-time required to repair and rehabilitate recreational facilities for the upcoming Lewis and Clark Bicentennial Commemoration. Therefore, the Corps of Engineers may, within available funds, perform maintenance and repair of these facilities as is considered necessary to accommodate the anticipated visitor population.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement appropriates $15,000,000 for Flood Control and Coastal Emergencies instead of $20,000,000 as proposed by the House and $20,227,000 as proposed by the Senate.

The conferees believe that stackable, modular floodwall systems that have recently been developed could provide a significant advantage over traditional methods of fighting floods. One such system, which utilizes a series of inter-connecting plastic cells to form a flood protection barrier when filled with sand, has been successfully tested at the Waterways Experiment Station in Vicksburg, Mississippi. Accordingly, the conferees expect the Corps of Engineers to utilize funds available in the Flood Control and Coastal Emergencies account to invest in a stackable, modular floodwall system so that, like sandbags, the material can be stockpiled and be available for deployment in areas of the country prone to flooding.

REGULATORY PROGRAM

The conference agreement appropriates $139,000,000 for the Regulatory Program instead of $134,000,000 as proposed by the House and $144,252,000 as proposed by the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $145,000,000 for the Formerly Utilized Sites Remedial Action Program instead of $150,000,000 as proposed by the House and $140,298,000 as proposed by the Senate.

The conferees provide the Corps of Engineers with reprogramming authority for FUSRAP projects of up to 15 percent of the base of the receiving project. Reprogrammed funds must be excess to the source project.

GENERAL EXPENSES

The conference agreement appropriates $155,151,000 for General Expenses instead of $154,651,000 as proposed by the House and $155,651,000 as proposed by the Senate.

The conference agreement includes language proposed by the House and the Senate which prohibits the use of funds to support a congressional affairs office within the executive office of the Chief of Engineers. This language has been included in Energy and Water Development Appropriations Acts since fiscal year 2000. The conferees continue to believe that an office of congressional affairs is unnecessary for the effective management of the Civil Works program by the Corps' headquarters, and the efficient coordination of Civil Works issues with Members of Congress and committee staff. The conferees are concerned that, despite the language that has been carried in this Act, the Office of Congressional Affairs has been involved in the exchange of Civil Works information between the headquarters and the Congress, at times causing delays in scheduling meetings and providing answers to Congressional inquiries. The conferees believe that the technical knowledge and managerial expertise needed for the Corps' headquarters to effectively address Civil Works authorization, appropriations, and policy matters resides in the Civil Works organization. Therefore, the conferees direct that the Office of Congressional Affairs not be part of the process by which information on Civil Works projects, programs, and activities is provided to the Congress.

In 1998, the Chief of Engineers issued a Command Directive transferring the oversight and management of the General Expenses account, as well as the manpower associated with this function, from the Civil Works Directorate to the Resource Management Office. The oversight and management of the Civil Works program lies solely with the Directorate of Civil Works, and it is funded through the General Expenses account to perform those duties. Both the House and Senate Committees expressed concern that the lack of oversight by the Director of Civil Works over the General Expenses account could be having a detrimental impact on the performance of the Civil Works mission. Information recently provided by the Corps of Engineers regarding management of the General Expenses account has done nothing to lessen that concern. Therefore, the Corps of Engineers is directed to adhere to the guidelines described in the Senate explanatory statement regarding the allocation of non-labor discretionary General Expenses funds.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

Section 101.—The conference agreement includes language proposed by the House and the Senate which places a limit on credits and reimbursements allowable per year and per project.

Section 102.—The conference agreement includes language proposed by the House prohibiting the use of funds to support activities related to the Chicago Harbor Visitors Center.

Section 103.—The conference agreement includes language proposed by the Senate relating to the use of funds for closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.

Section 104.—The conference agreement includes language proposed by the Senate amending section 595 (h) (1) of Public Law 106-53.

Section 105.—The conference agreement includes language proposed by the Senate amending the authorization for the St. Paul Harbor, Alaska, project.

Section 106.—The conference agreement includes language proposed by the Senate amending the authorization for the Abiquiu Dam, New Mexico, emergency gate project.

Section 107.—The conference agreement includes language proposed by the Senate amending the authorization for the Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, flood control project.

Section 108.—The conference agreement includes language proposed by the Senate amending the authorization for the Atlantic Intracoastal Waterway Bridge Replacement at Great Bridge, Chesapeake, Virginia, project.

Section 109.—The conference agreement includes language proposed by the Senate regarding the Civil Works mission of the Corps of Engineers. The language has been amended so that it only applies to funds provided for fiscal 2003 in this or any other Act.

Section 110.—The conference agreement includes language proposed by the Senate amending the authorization for the Terminus Dam, Kaweah River, California, project.

Section 111.—The conference agreement includes language amending the authorization of the Little Calumet River Basin (Cady Marsh Ditch) Lake County, Indiana, flood control project.

Section 112.—The conference agreement includes language providing credit for environmental dredging feasibility study work done by the non-Federal sponsor on the Indiana Harbor, Indiana, navigation project.

Section 113.—The conference agreement includes language providing credit to a local sponsor for wetlands restoration work on the Brownsville Navigation Channel, Texas, navigation project.

Section 114.—The conference agreement includes language authorizing replacement of the Chickamauga Lock in Tennessee.

Section 115.—The conference agreement includes language authorizing construction of a project under provisions of section 205 of the Flood Control Act of 1948 for the James River, Green County, Missouri.

Section 116.—The conference agreement includes language amending the authorization of the Amite River and Tributaries, Louisiana, flood control project.

Section 117.—The conference agreement includes language prohibiting expenditure of funds related to a proposed landfill in Tuscarawas County, Ohio.

Section 118.—The conference agreement includes language amending the authorization of the Brunswick Harbor, Georgia, navigation project.

Section 119.—The conference agreement includes language providing credit for work done subsequent to authorization by a non-Federal sponsor on the expansion of the Savannah Harbor, Georgia, navigation project.

Section 120.—The conference agreement includes language providing credit for work done by a non-Federal sponsor for a project being constructed under section 206 of the Water Resources Development Act of 1996 at Rose Bay, Volusia County, Florida.

Section 121. The conference agreement includes language requiring amendment of the shoreline management plan of Lake Cumberland, Kentucky.

Section 122. The conference agreement includes language providing credit for work done after October 1, 2002, by a non-Federal sponsor on the Des Moines Recreational River and Greenbelt, Iowa, environmental restoration project.

Section 123. The conference agreement includes language amending the authorization of the Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, flood damage reduction project.

Section 124. The conference agreement includes language imposing certain specific requirements for the design and construction of the Long Lake Environmental Restoration, Indiana, project to be constructed under section 206 of the Water Resources Development Act of 1996.

Section 125. The conference agreement includes language extending the authorization for the Missouri and Middle Mississippi Rivers Enhancement project.

Section 126. The conference agreement includes language establishing an environmental assistance program in Idaho.

Section 127. The conference agreement includes language amending provisions of section 531 of the Water Resources Development Act of 1996 affecting Southern and Eastern Kentucky.

Section 128. The conference agreement includes language providing that credit be provided a non-Federal sponsor for work done after the execution of the environmental dredging design amendment on the Ashtabula, Ohio, navigation project.

Section 129.—The conference agreement includes language making revisions to the geographic provisions of section 313 of the Water Resources Development Act of 1992, as amended.

Section 130.—The conference agreement includes language proposed by the Senate providing for corrective maintenance at the Herring Creek—Tall Timbers, Maryland, project.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House to reduce employment at the Chicago District office of the Corps of Engineers, language proposed by the House and Senate regarding the dredge McFARLAND, and language proposed by the Senate regarding the American River Watershed project.

The conference agreement does not include language proposed by the Senate concerning private sector contracting percentages by the Corps of Engineers. It is the sense of the conferees that the Corps is meeting requirements in this area and that the Corps should continue its emphasis on "contracting out" work whenever that represents the best use of its limited funds.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	300	---	300	---
BALDWIN COUNTY SHORE PROTECTION, AL	100	---	---	---
BALDWIN COUNTY WATERSHEDS, AL	100	---	---	---
BAYOU LA BATRE, AL	50	---	50	---
BREWTON AND EAST BREWTON, AL	150	---	150	---
CAHABA RIVER WATERSHED, AL	50	---	50	---
DOG RIVER, AL	150	---	150	---
SPRING CREEK, TUSCUMBIA, AL	---	---	125	---
TUSCALOOSA COUNTY, AL	50	---	---	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	---	200	---	300
ALASKA REGIONAL PORTS, AK	---	---	100	---
ANCHOR POINT HARBOR, AK	50	---	100	---
ANCHORAGE HARBOR DEEPENING, AK	50	---	100	---
ANIAK HARBOR, AK	50	---	100	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	200	---	400	---
CHENA RIVER WATERSHED, AK	50	---	50	---
COFFMAN COVE, AK	---	---	100	---
DELONG MOUNTAIN HARBOR, AK	150	---	350	---
EKLUTNA WATERSHEAD, AK	---	---	100	---
FALSE PASS HARBOR, AK	---	25	---	25
FIRE ISLAND CAUSEWAY, AK	---	---	100	---
HAINES HARBOR, AK	---	115	---	250
HOMER HARBOR, AK	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
KAKTOVIK BEACH EROSION, AK	---	---	100	---
KENAI RIVER BLUFF EROSION STUDY, AK	---	---	100	---
KETCHIKAN HARBOR, AK	50	---	50	---
KNIK BRIDGE CROSSING, AK	---	---	100	---
KOTZEBUE SMALL BOAT HARBOR, AK	50	---	200	---
LITTLE DIOMEDE HARBOR, AK	115	---	115	---
MATANUSKA EROSION STUDY, AK	---	---	100	---
MCGRATH BANK STABLIZATION, AK	---	---	100	---
MEKORYUK HARBOR, AK	50	---	100	---
PORT LIONS HARBOR, AK	50	---	100	---
QUINHAGAK HARBOR, AK	---	---	100	---
SAINT GEORGE NAVIGATION IMPROVEMETS, AK	75	---	300	---
SAND POINT HARBOR, AK	---	50	---	---
SHIP CREEK WATERSHED, AK	50	---	50	---
SITKA HARBOR, AK	50	---	100	---
SKAGWAY HARBOR MODIFICATION, AK	45	---	45	---
SKAGWAY RIVER FLOOD CONTROL, AK	50	---	50	---
UNALAKLEET HARBOR, AK	50	---	50	---
UNALASKA HARBOR, AK	144	---	300	---
VALDEZ HARBOR EXPANSION, AK	---	150	---	200
WHITTIER BREAKWATER, AK	50	---	100	---
AMERICAN SOMOA				
TUTUILA HARBOR, AS	100	---	100	---
ARIZONA				
AGUA FRIA RIVER, AZ	100	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
NAVAJO NATION, AZ, NM & UT	100	---	400	---
PIMA COUNTY, AZ	200	---	750	---
RILLITO RIVER, PIMA COUNTY, AZ	150	---	500	---
RIO DE FLAG, FLAGSTAFF, AZ	---	150	---	---
RIO SALADO OESTE, SALT RIVER, AZ	150	---	150	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	50	---	50	---
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	200	---	650	---
TRES RIOS, AZ	---	350	---	---
TUCSON DRAINAGE AREA, AZ	---	100	---	---
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ	200	---	800	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR	---	50	---	175
ARKANSAS RIVER NAVIGATION STUDY, AR & OK	910	---	1,100	---
HOT SPRINGS, AR	---	---	100	---
MAY BRANCH, FORT SMITH, AR	---	100	---	100
NORTH LITTLE ROCK, DARK HOLLOW, AR	---	200	---	300
PINE MOUNTAIN LAKE, AR	---	150	---	350
RED RIVER NAVIGATION, SW ARKANSAS, AR AND LA	---	---	583	---
SOUTHWEST ARK, LITTLE RIVER BASIN, AR	---	---	100	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	400	---	600	---
WHITE RIVER MINIMUM FLOWS, AR	150	---	200	---
WHITE RIVER NAVIGATION TO NEWPORT, AR	---	---	---	100
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	250	---	300	---
AMERICAN RIVER WATERSHED, CA	---	1,275	---	1,275

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ARANA GULCH WATERSHED, CA	50	---	50	---
ARROYO DE LA LAGUNA, CA	---	---	100	---
ARROYO SECO WATERSHED RESTORATION, CA	100	---	100	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA	100	---	175	---
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	---	200	---	300
CALIFORNIA COSTAL SEDIMENT MASTER PLAN, CA	---	---	100	---
CITY OF INGLEWOOD, CA	---	---	200	---
CITY OF NORWALK, CA	---	---	---	100
CITY OF SAN BERNARDINO, CA	---	---	250	---
CITY OF SANTA CLARITA, CA	100	---	100	---
COAST OF CALIFORNIA, SOUTH COAST REGION, LA COUNTY, CA	---	---	350	---
COYOTE DAM, CA	50	---	100	---
DESERT HOT SPRINGS, CA	---	---	---	200
EASTERN MUNICIPAL WATER DISTRICT, CA	---	---	---	150
ESTUDILLO CANAL, CA	---	---	100	---
FOLSOM DAM, CA	---	---	100	---
GRAYSON AND MURDERER'S CREEKS, CA	200	---	200	---
HUNTINGTON HARBOR DREDGING, CA	---	---	100	---
LAGUNA CREEK WATERSHED, CA	---	---	100	---
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LAKE ELSINORE ENVIRONMENTAL RESTORATION, CA	100	---	100	---
LLAGAS CREEK, CA	---	225	---	325
LOS ANGELES COUNTY, CA	150	---	225	---
LOS ANGELES COUNTY DRAINAGE AREA (CORNFIELDS), CA	---	---	100	---
LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY,	---	200	---	250
LOWER MISSION CREEK, CA	---	200	---	500
MALIBU CREEK WATERSHED, CA	200	---	200	---
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	25	---	25	---
MARINA DEL REY AND BALLONA CREEK, CA	170	---	275	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MATILIJA DAM, CA	150	---	200	---
MIDDLE CREEK, CA	---	50	---	50
MORRO BAY ESTUARY, CA	200	---	250	---
MUGU LAGOON, CA	100	---	250	---
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	200	---	200	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	100	---	100	---
NAPA RIVER, SALT MARSH RESTORATION, CA	100	---	900	100
NAPA VALLEY WATERSHED MANAGEMENT, CA	150	---	150	---
NEWPORT BAY (LA-3 SITE DESIGNATION), CA	---	---	300	---
NEWPORT BAY HARBOR, CA	---	100	---	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	200	---	250	---
OCEAN BEACH, CA	50	---	50	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	200	---	200	---
ORANGE COUNTY COAST BEACH EROSION, CA	---	---	250	---
ORANGE COUNTY SAMP, CA	---	---	300	---
PAJARO RIVER AT WATSONVILLE, CA	---	275	---	500
PAJARO RIVER BASIN STUDY, CA	100	---	100	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,	---	200	---	200
PORT OF STOCKTON, CA	100	---	---	---
POSO CREEK, CA	100	---	200	---
PRADO BASIN ENVIRONMENTAL RESTORATION, CA	50	---	50	---
RIVERSIDE COUNTY SAMP, CA	---	---	1,000	---
ROCK CREEK AND KEEFER SLOUGH, CA	---	25	---	25
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	200	---	200	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	100	---	100	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	2,973	---	2,973	100
SAN BERNARDINO COUNTY, CA	50	---	200	---
SAN CLEMENTE SHORELINE, CA	100	---	398	---
SAN DIEGO COUNTY SAMP, CA	---	---	600	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SAN DIEGO COUNTY SHORELINE, CA	---	---	500	---
SAN FRANCISCO BAY, CA	225	---	300	---
SAN JACINTO RIVER, CA	100	---	250	---
SAN JOAQUIN RB, W STANISLAUS, DEL PUERTO & SALADO CREE	100	---	150	---
SAN JOAQUIN RB, WEST STANISLAUS COUNTY, ORESTIMBA CREE	---	100	---	100
SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO, CA	100	---	150	---
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	100	---	100	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	100	---	200	---
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	100	---	100	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	100	---	100	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	100	---	200	---
SAN PABLO BAY WATERSHED, CA	240	---	240	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	100	---	300	---
SANTA CLARA RIVER, CITY OF SANTA CLARITA, CA	100	---	200	---
SANTA CRUZ PORT, CA	50	---	50	---
SANTA ROSA CREEK WATERSHED, CA	260	---	260	---
SANTA YNEZ RIVER, CA	50	---	50	---
SOLANA-ENCINITAS, CA	---	---	500	---
SONOMA CREEK AND TRIBUTARIES, CA	150	---	150	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	100	---	100	---
SUTTER COUNTY, CA	677	---	677	---
TAHOE BASIN, CA & NV	690	---	1,500	---
TIJUANA RIVER VALLEY, CA	200	---	300	---
TUJUNGA WASH RESTORATION, CA	---	---	100	---
UPPER GUADALUPE RIVER, CA	---	---	---	200
UPPER PENITENCIA CREEK, CA	559	---	559	---
UPPER SANTA ANA RIVER WATERSHED, CA	150	---	150	---
VENTURA AND SANTA BARBARA COUNTY SHORELINE, CA	100	---	200	---
VENTURA HARBOR SAND BYPASS, CA	150	---	150	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WESTMINSTER, COYOTE AND CARBON CANYON CREEK WATERSHEDS	50	---	50	---
WESTMINSTER, EAST GARDEN GROVE, CA	200	---	300	---
WHITE RIVER AND DEER CREEK, CA	100	---	150	---
WHITEWATER RIVER BASIN, CA	---	---	---	350
WILDCAT AND SAN PABLO CREEKS, CA	50	---	50	---
YUBA RIVER BASIN, CA	---	250	---	---
COLORADO				
ADAMS COUNTY, CO	---	---	100	---
ARAPAHOE COUNTY, CO	---	---	100	---
CACHE-LA POUDRE, CO	---	---	100	---
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	200	---	200	---
FOUNTAIN CREEK AND TRIBUTARIES, CO	330	---	330	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO	---	200	---	---
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS				
ROTA HARBOR MODIFICATIONS, CNMI	25	---	25	---
TINIAN HARBOR MODIFICATIONS, CNMI	50	---	50	---
DELAWARE				
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE	---	100	---	---
MID-DELAWARE RIVER BASIN, DE, NJ & PA	---	---	100	---
FLORIDA				
BISCAYNE BAY, FL	---	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
DAYTONA BEACH SHORES, FL	---	---	100	---
FLAGLER COUNTY, FL	---	---	100	---
HILLSBOROUGH RIVER, FL	280	---	280	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	126	---	126	---
LIDO KEY, SARASOTA COUNTY FL	---	---	---	200
PORT EVERGLADES HARBOR, FL	---	100	---	100
ST JOHNS COUNTY BEACHES, FL	---	---	100	---
ST LUCIE COUNTY BEACHES, FL	---	---	100	---
ST PETERSBURG HARBOR, FL	---	100	---	500
WALTON COUNTY, FL	---	---	100	---
WITHLACOOCHEE RIVER, FL	271	---	271	---
GEORGIA				
ALLATOONA LAKE, GA	186	---	300	---
ARABIA MOUNTAIN, GA	50	---	50	---
AUGUSTA, GA	230	---	230	---
DEEP AND CAMP CREEKS WATERSHED STUDY, GA	---	---	100	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	100	---	100	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	150	---	150	---
METRO ATLANTA WATERSHED, GA	50	---	50	---
NEW SAVANNAH BLUFF LOCK AND DAM, GA & SC	---	50	---	176
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	100	---	100	---
SAVANNAH HARBOR ESTUARY RESTORATION STUDY, GA	---	---	100	---
SAVANNAH HARBOR EXPANSION, GA AND SC	---	428	---	500
SAVANNAH HARBOR SEDIMENT CONTROL WORKS, GA & SC	50	---	50	---
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	120	---	120	---
UTOY, SANDY AND PROCTOR CREEKS, GA	150	---	150	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
GUAM				
HAGATNA RIVER FLOOD CONTROL	---	---	100	---
HAWAII				
ALA WAI CANAL, OAHU, HI	135	---	135	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	---	50	---	50
KAHUKU, HI	100	---	100	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	142	---	142	---
KIHEI AREA EROSION, HI	50	---	100	---
NAWILIWILI HARBOR MODIFICATION, KAUAI, HI	50	---	250	---
WAIKIKI EROSION CONTROL, HI	---	48	---	250
WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI	---	50	---	100
IDAHO				
BOISE RIVER, BOISE, ID	50	---	50	---
LITTLE WOOD RIVER, GOODING, ID	145	---	145	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	147	---	147	---
DES PLAINES RIVER, IL (PHASE II)	335	---	400	---
ILLINOIS RIVER AT BEARDSTOWN, IL	---	---	100	---
ILLINOIS RIVER BASIN RESTORATION, IL	1,051	---	951	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	365	---	500	---
KEITH CREEK, ROCKFORD, IL	---	---	100	---
PEORIA RIVERFRONT DEVELOPMENT, IL	---	237	---	350

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ROCK RIVER, IL & WI	182	---	225	---
UPPER MISS & ILLINOIS NAV STUDY, IL, IA, MN, MO & WI	1,000	---	3,000	---
UPPER MISS RVR COMPREHENSIVE PLAN, IL, IA, MO, MN & WI	1,814	---	1,814	---
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	463	---	600	---
WAUKEGAN HARBOR, IL	---	200	---	200
WOOD RIVER LEVEE, IL	---	130	---	130
INDIANA				
COLUMBUS WATERFRONT STUDY, IN	---	---	100	---
FORT WAYNE, IN	---	---	---	100
INDIANA HARBOR, IN	248	---	500	---
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	---	150	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	1,346	---	1,346
VINCENNES WATERFROUNT STUDY, IN	---	---	100	---
IOWA				
DAVENPORT, IA	---	61	---	200
DES MOINES AND RACCOON RIVERS, IA	51	---	225	---
FORT DODGE, IA	87	---	100	---
LOWER DES MOINES, IA & MO	89	---	125	---
KANSAS				
GRAND (NEOSHO) RIVER BASIN STUDY KS AND OK	---	---	100	---
MANHATTAN, KS	---	---	100	---
TOPEKA, KS	125	---	125	---
TURKEY CREEK BASIN, KS & MO	---	250	---	400

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
UPPER TURKEY CREEK, KS	125	---	200	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	110	---	200	---
KENTUCKY				
COVINGTON WATERFROUNT STUDY, KY	---	---	200	---
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	1,302	---	1,800
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	225	---	225	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	187	---	187	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	140	---	250	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	3,000	---	2,500	---
WILLIAMSTOWN LAKE, KY	---	---	100	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA.	150	---	300	---
AMITE RIVER AND TRIBUTARIES, BAYOU MANCHAC, LA	100	---	200	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	100	---	450	---
BARATARIA BASIN BARRIER SHORELINE RESTORATION, LA	---	100	---	100
BARATARIA BASIN MARSH CREATION AND RESTORATION, LA	---	100	---	100
BAYOU SORREL LOCK, LA	---	110	---	350
CALCASIEU LOCK, LA	150	---	300	---
CALCASIEU RIVER BASIN, LA	150	---	300	---
CALCASIEU RIVER PASS SHIP CHANNEL ENLARGEMENT, LA	---	---	100	---
GIWW ECOSYSTEM RESTORATION, LA	100	---	250	---
HURRICANE PROTECTION, LA	125	---	250	---
JEFFERSON PARISH, LA	---	25	---	25
LAFAYETTE PARISH, LA	---	125	---	125
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	585	---	1,250	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ORLEANS PARISH, LA	---	25	---	25
OUACHITA AND BLACK RIVERS, LA & AR	37	---	37	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	100	---	200	---
PORT OF IBERIA, LA	185	---	250	---
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	150	---	200	---
ST CHARLES PARISH URBAN FLOOD CONTROL, LA	100	---	200	---
ST. JOHN THE BAPTIST PARISH, LA	100	---	200	---
WEST BATON ROUGE PARISH, LA	---	---	---	300
WEST SHORE, LAKE PONTCHARTRAIN, LA	---	100	---	200
MARYLAND				
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	248	---	248	---
BALTIMORE METRO, GWYNNS FALLS, MD	---	50	---	250
CHESAPEAKE BAY SHORELINE EROSION, MD, VA & DE	350	---	450	---
EASTERN SHORE, MD	350	---	650	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD	100	---	100	---
MIDDLE POTOMAC RIVER BASIN, MD	350	---	450	---
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	---	249	---	249
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	140	---	140	---
BOSTON HARBOR (45-FOOT CHANNEL), MA	362	---	362	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA	80	---	80	---
MUDDY RIVER, BROOKLINE AND BOSTON, MA	---	322	---	---
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA & VT	62	---	62	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MICHIGAN				
DETROIT RIVER ENVIRONMENTAL DREDGING, MI..............	---	---	150	---
DETROIT RIVER MASTER PLAN, MI..........................	---	---	150	---
DETROIT RIVER SEAWALLS, MI.............................	---	---	---	150
GREAT LAKES FISHERY & ECOSYSTEM RESTORATION...........	---	---	174	---
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	375	---	1,500	---
JOHN GLENN GREAT LAKES STRATEGIC PLAN, MI.............	---	---	100	---
LANSING, MI...	---	---	100	---
ROUGE RIVER ENVIRONMENTAL DREDGING, MI................	---	---	100	---
MUSKEGON LAKE ENVIRONMENTAL DREDGING, MI..............	---	---	100	---
ROUGE RIVER WATERSHED MANAGEMENT, MI..................	---	---	100	---
ST CLAIR RIVER AND LAKE ST CLAIR, MI..................	---	---	124	---
WHITE LAKE ENVIRONMENTAL DREDGING, MI.................	---	---	100	---
MINNESOTA				
MINNESOTA DAM SAFETY, MN..............................	222	---	222	---
MINNESOTA RIVER BASIN, MN.............................	---	---	100	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD & MANITOBA, C	1,078	---	1,478	---
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2,	400	---	400	---
MISSISSIPPI				
PEARL RIVER WATERSHED, MS.............................	363	---	500	---
MISSOURI				
CHESTERFIELD, MO......................................	---	385	---	600

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
KANSAS CITYS, MO & KS	400	---	600	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	100	---	331	---
RIVER DES PERES, MO	---	130	---	130
SPRINGFIELD, MO	140	---	370	---
ST LOUIS AREA MISSISSIPPI RIVERFRONT, MO & IL	185	---	185	---
ST LOUIS HARBOR, MO & IL	---	73	---	73
ST. LOUIS FLOOD PROTECTION, MO	---	150	---	150
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	100	---	200
WEARS CREEK, JEFFERSON CITY, MO	57	---	57	---
MONTANA				
YELLOWSTONE RIVER CORRIDOR, MT	300	---	300	---
NEBRASKA				
LOWER PLATTE RIVER AND TRIBUTARIES, NE	139	---	139	---
SAND CREEK WATERSHED, WAHOO, NE	---	130	---	---
WESTERN SARPY AND CLEAR CREEK, NE	---	180	---	---
NEVADA				
LAS VEGAS WASH, NORTH LAS VEGAS, NV	100	---	500	---
LOWER LAS VEGAS WASH WETLANDS, NV	100	---	300	---
TRUCKEE MEADOWS, NV	---	650	---	1,000
WALKER RIVER BASIN, NV	25	---	25	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW HAMPSHIRE				
CONNECTICUT RIVER ECOSYSTEM RESTORATION, NH & VT	25	---	25	---
MERRIMACK RIVER BASIN, NH	350	---	400	---
NEW JERSEY				
BARNEGAT BAY, NJ	---	---	---	100
DELAWARE RIVER BASIN COMPREHENSIVE, NJ, NY, DE & PA	100	---	300	---
GREAT EGG INLET TO TOWNSEND INLET, NJ	---	300	---	350
HUDSON - RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	---	---	100	---
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	206	---	500	---
LOWER PASSAIC RIVER, NJ	30	---	30	---
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	200	---	300
NEW JERSEY SHORE PROTECTION, HEREFORD TO CAPE MAY INLE	100	---	200	---
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT	100	---	200	---
NJIWW ENVIRONMENTAL RESTORATION, NJ	---	---	---	100
PASSAIC RIVER, HARRISON, NJ	---	270	---	270
PECKMAN RIVER AND TRIBUTARIES, NJ	50	---	150	---
RAHWAY RIVER BASIN, NJ	100	---	100	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	100	---	150	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ	100	---	150	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	200	---	200	---
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ	---	100	---	200
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	---	100	---	100
SHREWSBURY RIVER AND TRIBUTARIES, NJ	100	---	100	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	---	100	---	150
STONY BROOK, MILLSTONE RIVER BASIN, NJ	100	---	150	---
UPPER PASSAIC RIVER AND TRIBUTARIES, NJ	---	30	---	30

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
UPPER ROCKAWAY RIVER, NJ	300	---	400	---
WOODBRIDGE RIVER BASIN, NJ	100	---	100	---
NEW MEXICO				
EAST MESA, LAS CRUCES, NM	---	---	100	---
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50	---	50	---
MIDDLE RIO GRANDE BOSQUE, NM	100	---	350	---
RIO GRANDE BASIN, NM, CO & TX	300	---	300	---
SANTA FE, NM	205	---	205	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, N	---	250	---	450
NEW YORK				
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY	50	---	100	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY	50	---	100	---
BRONX RIVER BASIN, NY	30	---	100	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	---	---	100	---
EAST RIVER SEAWALL, QUEENS COUNTY, NY	---	---	100	---
FLUSHING BAY AND CREEK, NY	258	---	258	---
FREEPORT CREEK, VILLAGE OF FREEPORT, NY	100	---	100	---
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY & NJ	360	---	360	---
HUDSON - RARITAN ESTUARY, NY & NJ	676	---	1,800	---
HUDSON RIVER HABITAT RESTORATION, NY	---	50	---	50
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY	50	---	50	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	200	---	200	---
LAKE MONTAUK HARBOR, NY	30	---	30	---
LINDENHURST, NY	50	---	50	---
NEW YORK HARBOR ANCHORAGE AREAS, NY	364	---	364	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY............	200	---	200	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY.............	250	---	300	---
ONONDAGA LAKE, NY....................................	300	---	1,000	---
SAW MILL RIVER AND TRIBUTARIES, NY...................	50	---	50	---
SOUTH SHORE OF LONG ISLAND, NY.......................	50	---	50	---
SOUTH SHORE OF STATEN ISLAND, NY.....................	200	---	250	---
SUSQUEHANNA RIVER ENVIRON RESTOR AND LOW FLOW MGMT....	---	---	200	---
UPPER DELAWARE RIVER WATERSHED, NY...................	146	---	250	---
UPPER SUSQUEHANNA RIVER BASIN, NY....................	---	---	450	---
UPPER SUSQUEHANNA RIVER BASIN ENVIRON RESTORATION, NY.	161	---	300	---
NORTH CAROLINA				
BOGUE BANKS, NC......................................	300	---	350	---
CATAWBA RIVER WATERSHED, NC..........................	---	---	100	---
CURRITUCK SOUND, NC..................................	200	---	300	---
DARE COUNTY BEACHES, HATTERAS AND ORACOKE ISLANDS, NC.	150	---	350	---
MANTEO (SHALLOWBAG) BAY, NC..........................	---	---	---	150
NEUSE RIVER BASIN, NC................................	100	---	150	---
SURF CITY AND NORTH TOPSAIL BEACH, NC................	173	---	250	---
OHIO				
ARCOLA CREEK WATERSHED, MADISON, OH..................	---	---	100	---
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH...........	---	160	---	500
BELPRE, OH...	---	---	---	300
BUTLER COUNTY, OH....................................	243	---	243	---
DUCK CREEK WATERSHED, OH.............................	---	---	100	---
OHIO RIVERFRONT STUDY, CINCINNATI, OH................	---	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
COLUMBUS METROPOLITAN AREA, OH	100	---	100	---
GULLEY BROOK, WILLOUGHBY, OH	---	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	205	---	205	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	225	---	225	---
MAHONING RIVER ENVIRONMENTAL DREDGING, OH & PA	40	---	800	---
MUSKINGUM BASIN SYSTEM STUDY, OH	225	---	225	---
POLK RUN CREEK, OH	---	---	100	---
WESTERN LAKE ERIE BASIN, OH	---	---	150	---
WHEELING CREEK, OH	---	---	100	---
WOODTICK PENINSULA AND TOLEDO HARBOR, OH	---	---	100	---
OKLAHOMA				
GRAND LAKE COMPREHENSIVE STUDY, OK	---	---	200	---
MIAMI AND VICINITY, OK	380	---	380	---
MOUNTAIN FORK WATERSHEAD STUDY, OK	---	---	100	---
OOLOGAH LAKE WATERSHED, OK & KS	310	---	450	---
RED RIVER WATERWAY, OK, TX & AR	50	---	50	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	100	---	100	---
SPAVINAW CREEK, OK	---	---	100	---
WASHITA RIVER BASIN, OK	---	---	100	---
WISTER LAKE WATERSHED, OK	50	---	100	---
OREGON				
AMAZON CREEK, OR	100	---	100	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	300	---	300	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	266	---	266	---
WALLA WALLA RIVER WATERSHED, OR & WA	390	---	650	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WILLAMETTE RIVER BASIN REVIEW, OR	100	---	100	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	249	---	249	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	150	---	150	---
PENNSYLVANIA				
BLOOMSBURG, PA	204	---	204	---
CHRISTINA RIVER WATERSHED, PA, DE & MD	100	---	250	---
SCHUYLKILL RIVER, WISSAHICKON, PA	100	---	200	---
SCHUYLKILL RIVER BASIN ESTAURINE, PA	---	---	200	---
STREETS RUN WATERSHED, PA	---	---	100	---
SUSQUEHANNA AND DELAWARE RIVER BASINS, PA	---	---	100	---
TUNUNGUANT CREEK, PA	---	---	100	---
UNAMI CREEK, PA	---	---	100	---
UPPER OHIO RIVER NAVIGATION SYSTEM STUDY, PA	---	---	800	---
PUERTO RICO				
RIO NIGUA AT SALINAS, PR	---	147	---	147
RIO YAGUEZ AT MAYAGUEZ, PR	---	---	100	---
RHODE ISLAND				
QUONSET DAVISVILLE PORT, RI	25	---	---	---
RHODE ISLAND ECOSYSTEM RESTORATION, RI	25	---	25	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	475	---	575	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
BROAD RIVER BASIN, SC	103	---	200	---
CHARLESTON HARBOR, SC	135	---	135	---
PAWLEYS ISLAND, SC	---	100	---	100
REEDY RIVER, SC	50	---	50	---
SANTEE DELTA ENVIRONMENTAL RESTORATION, SC	50	---	50	---
WACCAMAW RIVER, SC	25	---	25	---
SOUTH DAKOTA				
JAMES RIVER, SD	---	---	750	---
NIOBRARA RIVER AND MISSOURI RIVER, SD	100	---	100	---
WATERTOWN, SD	---	---	750	---
TENNESSEE				
CHICKAMAUGA LOCK, TENNESSEE RIVER,TN	---	252	---	4,000
DAVIDSON COUNTY, TN	240	---	240	---
FRENCH BROAD WATERSHED, TN	205	---	264	---
LICK BRANCH WATERSHED, TN	---	---	100	---
WASHINGTON DEE CEE BASIN, TN	---	---	100	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	100	---	100	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	160	---	400	---
BUFFALO BAYOU AND TRIBUTARIES (MAIN STEM), TX	---	---	---	100
CEDAR BAYOU, TX	---	310	---	400
COLONIAS-LWR RIO GRANDE BASIN ALONG TX & MEXICO BORDER	---	100	---	350
CORPUS CHRISTI SHIP CHANNEL, TX	410	---	410	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
FREEPORT HARBOR, TX	200	---	350	---
FREEPORT HURRICANE PROTECTION LEVEE, TX	100	---	200	---
GIWW MODIFICATIONS, TX	225	---	225	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	225	---	225	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	---	275	---	275
GIWW, MATAGORDA BAY, TX	---	480	---	500
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	228	---	228	---
GIWW, VICINITY OF PORT ISABEL, TX	---	---	100	---
GREENS BAYOU, HOUSTON, TX	---	150	---	350
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	300	---	750	---
HARRIS GULLY, HOUSTON, TX	---	---	100	---
LOWER COLORADO RIVER BASIN, TX	600	---	1,500	---
LOWER SABINE RIVER, TX	---	---	100	---
MATAGORDA SHIP CHANNEL (PORT LAVACA), TX	---	---	500	---
MIDDLE BRAZOS RIVER, TX	50	---	150	---
MUSTANG BAYOU, BRAZORIA COUNTY, TX	137	---	137	---
NORTH BOSQUE RIVER, TX	---	50	---	50
NORTHWEST EL PASO, TX	228	---	228	---
NUECES RIVER AND TRIBUTARIES, TX	87	---	87	---
RAYMONDVILLE DRAIN, TX	---	250	---	400
RESACAS AT BROWNSVILLE, TX	200	---	200	---
RIO GRANDE BASIN, TX	---	---	200	---
RIVERSIDE OXBOW, UPPER TRINITY BASIN, TX	---	---	---	300
SABINE - NECHES WATERWAY, TX	400	---	450	---
SABINE PASS TO GALVESTON BAY, TX	250	---	250	---
SOUTH MAIN CHANNEL, TX	---	200	---	350
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	137	---	137	---
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	50	---	50	---
TEXAS CITY CHANNEL (50-FOOT PROJECT), TX	---	200	---	600

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
UPPER TRINITY RIVER BASIN, TX	433	---	1,800	---
UTAH				
PARK CITY WATER SUPPLY PROJECT, UT	---	---	500	---
PROVO AND VICINITY, UT	25	---	25	---
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	---	275	---	275
CLINCH RIVER WATER PROJECT, VA	---	---	100	---
DISMAL SWAMP, VA	---	---	100	---
ELIZABETH RIVER, HAMPTON ROADS, VA	---	471	---	471
FOURMILE RUN, VA	37	---	200	---
JAMES RIVER CHANNEL, VA	---	109		109
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	300	---	350	---
LOWER RAPPAHANNOCK RIVER BASIN, VA	157	---	157	---
LYNNHAVEN RIVER BASIN, VA	37	---	137	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	350	---	350	---
PHILPOTT LAKE (SECTION 216), VA	---	---	100	---
POWELL RIVER WATERSHED, VA	100	---	100	---
WASHINGTON				
BELLINGHAM BAY, WA	50	---	50	---
CENTRALIA, WA	---	500	---	1,000
CHEHALIS RIVER BASIN, WA	250	---	350	---
COMMENCEMENT BAY AND HYLEBOS WATERWAY, PIERCE COUNTY,	200	---	450	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	265	---	500

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
ELLIOT BAY SEAWALL, WA	---	---	100	---
LAKE WASHINGTON SHIP CANAL, WA	450	---	450	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	50	---	50	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	250	---	700	---
SKAGIT RIVER, WA	450	---	800	---
STILLAGUAMISH RIVER BASIN, WA	---	100	---	100
WHITE RIVER FLOOD CONTROL AND ECOSYSTEM RESTORATION, W	200	---	200	---
WEST VIRGINIA				
ERICKSON/WOOD COUNTY PORT STUDY, WV	---	---	---	250
ISLAND CREEK AT LOGAN, WV	---	697	---	697
LITTLE KANAWHA RIVER, WV	---	---	100	---
NEW RIVER BASIN, WV, NC & VA	235	---	235	---
PARKERSBURG/VIENNA RIVERFRONT PARK, WV	---	---	---	250
SOUTH CHARLESTON, WV	---	---	200	---
WISCONSIN				
BARABOO RIVER, WI	350	---	350	---
FOX RIVER, WI	40	---	40	---
FOX RIVER ENVIRONMENTAL DREDGING, WI	---	---	150	---
WYOMING				
JACKSON HOLE RESTORATION, WY	---	108	---	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,500	---	4,500	---
ENVIRONMENTAL DATA STUDIES	100	---	100	---
FLOOD DAMAGE DATA	300	---	300	---
FLOOD PLAIN MANAGEMENT SERVICES	7,500	---	8,000	---
GREAT LAKES REMEDIAL ACTION PROGRAM (SECTION 401)	---	---	1,500	---
HYDROLOGIC STUDIES	400	---	400	---
INTERNATIONAL WATER STUDIES	400	---	400	---
NATIONAL SHORELINE	500	---	500	---
OTHER COORDINATION PROGRAMS	4,850	---	5,250	---
PLANNING ASSISTANCE TO STATES	6,000	---	6,500	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	300	---	300	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	200	---	200	---
RESEARCH AND DEVELOPMENT	22,000	---	24,500	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	500	---	500	---
TRANSPORTATION SYSTEMS	500	---	500	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	450	---	450	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-21,430	---	-55,300	---
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	-517	---	---	---
TOTAL, GENERAL INVESTIGATIONS	83,488	18,995	103,441	31,578

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
DUCK RIVER, CULLMAN, AL	---	500
MOBILE HARBOR, AL	200	2,000
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	16,473	16,473
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	2,852	2,857
ALASKA		
BETHEL BANK STABILIZATION, AK	---	3,000
CHIGNIK HARBOR, AK	3,120	3,120
DILLINGHAM BANK STABILIZATION, AK	---	2,000
FALSE PASS HARBOR, AK	---	500
GALENA, AK	---	3,000
KAKE, AK	---	2,000
NOME HARBOR IMPROVEMENTS, AK	4,500	4,500
ST PAUL HARBOR, AK	5,880	5,880
SAND POINT, AK	---	500
SEWARD HARBOR, AK	---	3,500
WRANGELL HARBOR, AK	5,000	5,000
ARIZONA		
RIO DE FLAG, FLAGSTAFF, AZ	---	1,000
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	14,300	19,000
TRES RIOS, AZ	---	1,000
TUCSON DRAINAGE AREA, AZ	---	2,000
ARKANSAS		
FOURCHE BAYOU BASIN, AR	---	500
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,360	3,360
MONTGOMERY POINT LOCK AND DAM, AR	20,000	23,000
OZARK POWERHOUSE, AR (MAJOR REHABILITATION)	---	500
RED RIVER BELOW DENISON DAM, AR, LA, TX	---	2,500
RED RIVER EMERGENCY BANK PROTECTION, AR, LA	---	4,000
UNION COUNTY, AR	---	500
CALIFORNIA		
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C	4,900	4,900
AMERICAN RIVER WATERSHED, CA	22,280	22,280
CITY OF SANTA CLARITA, CA	---	1,500
CORTE MADERA CREEK, CA	100	100
COYOTE AND BERRYESSA CREEKS, CA	---	750
FARMINGTON GROUNDWATER RECHARGE DEMO PROGRAM, CA	---	1,000
GUADALUPE RIVER, CA	5,000	8,000
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	3,900	5,000
HARBOR/SOUTH BAYWATER RECYCLING, CA	---	6,000
IMPERIAL BEACH, SILVER STRAND SHORELINE, CA	200	600
KAWEAH RIVER, CA	10,151	11,000
LOS ANGELES HARBOR, CA	---	12,000
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,680	1,680
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	5,900	5,900
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	5,172	5,172
MURIETTA CREEK, CA	---	1,000
NAPA RIVER, CA	5,000	9,000
NEWPORT BAY HARBOR, CA	---	972
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE, CA	---	1,000
OAKLAND HARBOR (50 FOOT PROJECT), CA	5,000	12,000
PETALUMA RIVER, CA	4,000	6,000
SACRAMENTO AREA, CA	---	2,000
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	2,600	2,600
SACRAMENTO RIVER DEEPWATER SHIP CHANNEL, CA	250	250
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	806	806

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SAN FRANCISCO BAY TO STOCKTON, CA....................	---	1,800
SAN LORENZO RIVER, CA................................	2,751	2,751
SAN RAMON VALLEY RECYCLED WATER PROJECT, CA...........	---	300
SANTA ANA RIVER MAINSTEM, CA.........................	29,700	35,000
SANTA BARBARA HARBOR, CA.............................	100	100
SOUTH PERRIS, CA.....................................	---	1,000
SOUTH SACRAMENTO COUNTY STREAMS, CA..................	2,000	2,000
STOCKTON METROPOLITAN FLOOD CONTROL REIMBURSEMENT, CA	1,000	4,000
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY).............	1,000	1,000
SURFSIDE - SUNSET - NEWPORT BEACH, CA................	4,300	4,300
TULE RIVER, CA.......................................	---	2,000
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA........	3,510	3,510
YUBA RIVER BASIN, CA.................................	---	500
DELAWARE		
DELAWARE BAY COASTLINE, PORT MAHON, DE...............	---	500
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH	500	1,500
DELAWARE COAST PROTECTION, DE........................	294	294
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE...	---	500
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE.....	1,000	500
FLORIDA		
BREVARD COUNTY, FL...................................	---	2,000
BROWARD COUNTY (REIMBURSEMENT), FL...................	---	2,000
CANAVERAL HARBOR, FL.................................	3,600	3,600
CENTRAL AND SOUTHERN FLORIDA, FL.....................	108,202	90,000
DADE COUNTY, FL......................................	---	3,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	19,526	19,526
FORT PIERCE BEACH, FL................................	---	3,000
JACKSONVILLE HARBOR, FL..............................	4,028	4,028
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	1,742	1,742
KISSIMMEE RIVER, FL..................................	23,727	23,727
LEE COUNTY (REIMBURSEMENT), FL.......................	---	3,000
MANATEE COUNTY, FL...................................	---	3,500
MANATEE HARBOR, FL...................................	---	4,000
MIAMI HARBOR CHANNEL, FL.............................	13,100	6,000
NASSAU COUNTY, FL....................................	---	400
PALM BEACH COUNTY (REIMBURSEMENT), FL................	---	2,500
PANAMA CITY HARBOR, FL...............................	1,645	1,645
PINELLAS COUNTY, FL..................................	---	3,000
PONCE DE LEON INLET, FL..............................	---	1,000
PORT EVERGLADES, FL..................................	---	3,000
SARASOTA COUNTY, FL..................................	---	2,000
ST JOHNS COUNTY, FL..................................	---	300
TAMPA HARBOR, FL.....................................	---	200
TAMPA HARBOR, ALAFIA RIVER, FL.......................	---	500
TAMPA HARBOR, BIG BEND CHANNEL, FL...................	---	500
TAMPA HARBOR DISPOSAL AREAS, FL......................	---	500
GEORGIA		
BRUNSWICK HARBOR, GA.................................	11,116	6,000
BUFORD POWERHOUSE, GA (MAJOR REHAB)..................	3,374	3,374
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	2,493	2,493
LOWER SAVANNAH RIVER BASIN, GA & SC..................	250	100
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)...........	850	850
RICHARD B RUSSELL DAM AND LAKE, GA & SC..............	1,000	1,000
RICHARD B RUSSELL DAM AND LAKE MITIGATION ESCROW ACCT.	---	500
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	3,500	3,500
HAWAII		
HAWAII WATER MANAGEMENT, HI..........................	---	1,000
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR).........	419	419

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
KAUMALAPAU HARBOR, HI	---	1,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	4,303	4,303
MAALAEA HARBOR, MAUI, HI	2,262	2,262
IDAHO		
ALBENI FALLS DAM, RILEY CREEK RECREATION AREA, ID	---	2,320
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,037	1,900
CHICAGO SANITARY AND SHIP CANAL, IL	---	500
CHICAGO SHORELINE, IL	19,000	23,000
COOK COUNTY, IL	---	400
DES PLAINES RIVER, IL	---	2,000
EAST ST LOUIS, IL	800	800
EAST ST LOUIS INTERIOR FLOOD CONTROL, IL	---	600
ILLINOIS RIVER BASIN RESTORATION, IL	---	2,000
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	10,000	10,000
LOVES PARK, IL	2,973	4,000
MADISON/ST CLAIR COUNTIES, IL	---	850
MCCOOK AND THORNTON RESERVOIRS, IL	10,000	14,000
MELVIN PRICE LOCK AND DAM, IL & MO	1,200	2,200
NUTWOOD LEVEE, IL	---	200
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	77,000	65,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	12,200	12,200
INDIANA		
CALUMET REGION, IN	---	3,300
CITY OF INDIANAPOLIS (ENVIRON. INFRASTRUCTURE), IN	---	750
GRAND CALUMET RIVER REMEDIAL ACTION PLAN, IN	---	250
INDIANA HARBOR (CONFINED DISPOSAL FACILITY), IN	6,800	7,000
INDIANA SHORELINE EROSION, IN	---	1,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	2,000	2,000
LITTLE CALUMET RIVER, IN	3,562	3,562
LITTLE CALUMET RIVER, CADY MARSH DITCH, IN	---	2,000
MISSISSINEWA LAKE, IN (MAJOR REHAB)	7,094	9,000
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	732	2,000
IOWA		
DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	---	1,000
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)	1,366	1,366
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	5,404	1,200
LOCK AND DAM 19, MISSISSIPPI RIVER, IN (MAJOR REHAB)	---	500
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	17,500	17,500
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	6,978	9,000
PERRY CREEK, IA	4,000	1,000
KANSAS		
ARKANSAS CITY, KS	3,000	3,000
KENTUCKY		
DEWEY LAKE, KY (DAM SAFETY)	600	600
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	27,400	30,000
KENTUCKY RIVER, LOCK AND DAM 10, KY	---	1,000
LOUISVILLE WATERFRONT, KY	---	500
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	6,192	21,000
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	3,838	3,838
METROPOLITAN LOUISVILLE, POND CREEK, KY	2,000	2,000
SOUTHERN AND EASTERN, KY	---	3,000

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
LOUISIANA		
ASCENSION PARISH (ENVIRONMENTAL INFRASTRUCTURE), LA	---	750
COMITE RIVER, LA	3,000	5,000
EAST BATON ROUGE PARISH, LA	---	1,000
EAST BATON ROUGE PARISH (ENVIRONMENTAL INFRASTRUCTURE)	---	750
GRAND ISLE AND VICINITY, LA	---	213
IBERIA PARISH (ENVIRONMENTAL INFRASTRUCTURE), LA	---	500
INNER HARBOR NAVIGATION CANAL LOCK, LA	9,000	15,000
J BENNETT JOHNSTON WATERWAY, LA	11,016	17,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	4,900	7,000
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	410	410
LIVINGSTON PARISH (ENVIRONMENTAL INFRASTRUCTURE), LA	---	500
MISSISSIPPI RIVER GULF OUTLET, LA	---	750
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	200	200
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	900	1,500
OUACHITA RIVER LEVEES, LA	---	1,500
RED RIVER BELOW DENISON DAM, LA	---	1,000
SOUTHEAST LOUISIANA, LA	20,083	50,000
WEST BANK AND VICINITY, NEW ORLEANS, LA	5,000	9,000
MARYLAND		
ASSATEAGUE ISLAND, MD	6,900	5,700
ATLANTIC COAST OF MARYLAND, MD	200	200
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA	10,590	9,200
CHESAPEAKE BAY ENVIRONMENTAL RESTOR & PROTECTION, MD	---	500
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	2,000	3,000
CUMBERLAND, MD	---	3,000
POPLAR ISLAND, MD	10,600	10,600
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	8,500	8,500
MUDDY RIVER, BROOKLINE AND BOSTON, MA	---	750
WEST HILL DAM, MA (MAJOR REHAB)	2,800	750
MICHIGAN		
GENESEE COUNTY (ENVIRONMENTAL INFRASTRUCTURE), MI	---	200
NEGAUNEE, MI	---	575
SAULT STE MARIE LOCK REPLACEMENT, MI	---	2,500
TWELVE TOWNS DRAIN RETENTION FACILITY	---	300
MINNESOTA		
BRECKENRIDGE, MN	---	2,000
CROOKSTON, MN	3,202	3,202
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	3,000	600
LOWER ST ANTHONYS FALLS, MN	---	1,000
MILLE LACS REGIONAL WASTEWATER, MN	---	1,000
NORTHEASTERN MINNESOTA, MN	---	3,000
UPPER MISSISSIPPI R., MISSISSIPPI PLACE, ST PAUL, MN	---	500
MISSISSIPPI		
DESOTO COUNTY, MS	---	4,000
GULFPORT HARBOR, MS	---	800
MISSISSIPPI ENVIRO. INFRA.(SECTION 592, WRDA1999), MS.	---	8,000
PASCAGOULA HARBOR, MS	2,476	2,476
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	200	200
BLUE RIVER CHANNEL, KANSAS CITY, MO	6,676	10,000
BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO	---	200

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO............	600	3,000
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	1,700	2,500
MISSOURI & MIDDLE MISSISSIPPI R. ENHANCEMENT PROJ, MO.	---	500
STE GENEVIEVE, MO....................................	300	300
ST LOUIS, MO...	---	2,500
TABLE ROCK LAKE, MO & AR (DAM SAFETY)................	10,000	10,000
MONTANA		
FORT PECK FISH HATCHERY, MT..........................	---	6,000
FORT PECK LAKE CABIN CONVEYANCE, MT..................	---	500
RURAL MONTANA, MT....................................	---	1,000
NEBRASKA		
ANTELOPE CREEK, NE...................................	---	2,000
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.........	750	750
SAND CREEK, NE.......................................	---	500
WESTERN SARPY/CLEAR CREEK, NE........................	---	500
WOOD RIVER, GRAND ISLAND, NE.........................	3,536	3,536
NEVADA		
RURAL NEVADA, NV.....................................	---	10,000
TROPICANA AND FLAMINGO WASHES, NV....................	33,900	45,000
NEW HAMPSHIRE		
ENVIRONMENTAL INFRASTRUCTURE, LEBANON................	---	1,000
NASHUA...	---	100
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG INLET (ABSECON ISLAND)..	500	500
BRIGANTINE INLET TO GREAT EGG INLET (BRIGATINE ISLAND)	---	500
CAPE MAY INLET TO LOWER TOWNSHIP, NJ.................	82	82
DELAWARE BAY COASTLINE, REEDS BEACH AND PIERCES POINT.	---	500
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE.............	12,000	2,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ............	460	460
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ...........	2,000	1,000
PASSAIC RIVER FLOOD MANAGEMENT, NJ...................	---	500
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	3,000	3,000
PASSAIC RIVER STREAMBANK RESTORATION, NJ.............	---	1,000
RAMAPO AND MAHWAH RIVERS, MAHWAH, NJ AND SUFFERN, NY..	500	500
RAMAPO RIVER AT OAKLAND, NJ..........................	5,241	5,241
RARITAN BAY AND SANDY HOOK BAY, NJ...................	1,000	750
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ........	5,000	7,000
SANDY HOOK TO BARNEGAT INLET, NJ.....................	4,434	4,434
TOWNSENDS INLET TO CAPE MAY INLET, NJ................	7,000	7,000
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM.......................	1,500	2,500
ALAMOGORDO, NM.......................................	5,400	5,400
CENTRAL NEW MEXICO, NM...............................	---	6,000
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	800	800
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	800	800
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	450	450
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,000	1,000
FIRE ISLAND INLET TO JONES INLET, NY.................	500	500
FIRE ISLAND INLET TO MONTAUK POINT, NY	2,750	3,500
NEW YORK AND NEW JERSEY HARBOR, NY & NJ..............	120,000	105,000
NEW YORK STATE CANAL SYSTEM, NY......................	---	500

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	700	700
DARE COUNTY BEACHES (BODIE ISLAND), NC	---	500
STANLY COUNTY WASTEWATER, NC	---	1,000
WEST ONSLOW BEACH AND NEW RIVER INLET, NC	1,200	1,200
WILMINGTON HARBOR, NC	24,650	40,000
NORTH DAKOTA		
BUFORD - TRENTON IRRIGATION DISTRICT LAND ACQUISITION,	1,000	3,000
DEVILS LAKE, ND	---	5,000
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	6,500	6,500
GRAFTON, PARK RIVER, ND	---	500
GRAND FORKS, ND - EAST GRAND FORKS, MN	30,000	35,000
HOMME LAKE, ND (DAM SAFETY)	2,272	1,200
MISSOURI RIVER RESTORATION, ND	---	500
SHEYENNE RIVER, ND	2,417	2,417
OHIO		
HOLES CREEK, WEST CARROLLTON, OH	---	2,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	3,270	4,000
MILL CREEK, OH	1,100	4,500
OHIO ENVIRONMENTAL ASSISTANCE, OH	---	4,500
WEST COLUMBUS, OH	2,000	7,400
OKLAHOMA		
CANTON LAKE (DAM SAFETY), OK	---	2,000
LAWTON, OK	---	500
SKIATOOK LAKE, OK (DAM SAFETY)	3,000	3,000
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,600	4,600
YUKON, OK	---	4,125
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	8,913	8,913
COLUMBIA RIVER CHANNEL IMPROVEMENTS	---	2,000
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	5,800	5,800
ELK CREEK LAKE, OR	1,000	1,000
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	100	100
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	2,000	2,000
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	6,000	8,000
PENNSYLVANIA		
3 RIVERS WET WEATHER DEMONSTRATION PROJECT, PA	---	750
KEHLY RUN DAM NO. 5, PA	---	150
LACKAWANNA RIVER, OLYPHANT, PA	1,161	1,161
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	36,017	42,000
NANTY GLO ENVIRONMENTAL RESTORATION, PA	---	1,350
NORTHEAST PENNSYLVANIA INFRASTRUCTURE PROGRAM, PA	---	1,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	580	880
SAW MILL RUN, PITTSBURGH, PA	4,103	4,103
SCHUYLKILL RIVER PARK, PA	---	900
SOUTH CENTRAL ENVIRONMENTAL IMPROVEMENT PROGRAM, PA	---	8,000
SOUTHEASTERN PENNSYLVANIA, PA	---	400
WYOMING VALLEY, PA (LEVEE RAISING)	9,439	9,439
PUERTO RICO		
ARECIBO RIVER, PR	5,000	5,000
PORTUGUES AND BUCANA RIVERS, PR	5,500	5,500
RIO DE LA PLATA, PR	500	500

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RIO GRANDE DE MANATI, PR	4,981	4,981
RIO PUERTO NUEVO, PR	8,778	8,778
SAN JUAN HARBOR, PR	1,457	1,457
SOUTH CAROLINA		
CHARLESTON HARBOR (DEEPENING & WIDENING), SC	4,539	5,500
HARTWELL LK,CLEMSON UPPER & LOWER DIVERSION, SC (DAM S	5,791	3,200
LAKES MARION AND MOULTRIE, SC	---	1,862
MYRTLE BEACH STORM DAMAGE REDUCTION, SC	---	400
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	3,964	3,000
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	1,700	8,500
MISSOURI RIVER RESTORATION, SD	750	750
PIERRE, SD	1,426	6,000
TENNESSEE		
BLACK FOX, OAKLANDS AND MURFREE SPRINGS WETLANDS, TN	---	3,000
CUMBERLAND COUNTY WATER SUPPLY, TN	---	400
TEXAS		
BRAYS BAYOU, HOUSTON, TX	3,798	5,000
CLEAR CREEK, TX	1,200	1,200
DALLAS FLOODWAY EXTENSION, TX	---	9,744
EL PASO, TX	1,000	1,000
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	19,487	36,000
HUNTING BAYOU, TX	---	2,000
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	3,636	3,636
MOUTH OF COLORADO RIVER, TX	---	500
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	7,000	7,000
NORTH PADRE ISLAND, PACKERY CHANNEL, TX	---	4,000
RED RIVER BASIN CHLORIDE CONTROL, TX	---	1,500
RED RIVER BELOW DENISON DAM (BOWIE COUNTY LEVEE), TX	---	4,000
SALT CREEK, GRAHAM, TX	---	500
SAN ANTONIO CHANNEL IMPROVEMENT, TX	3,219	4,000
SIMS BAYOU, HOUSTON, TX	9,000	9,000
WACO LAKE AIRPORT PARK, TX	---	3,000
WHITNEY LAKE POWERHOUSE (MAJOR REHABILITATION), TX	---	1,200
UTAH		
UPPER JORDAN RIVER, UT	500	500
VERMONT		
LAKE CHAMPLAIN WATERSHED INITIATIVE, VT	---	500
VERMONT DAMS REMEDIATION, VT	---	100
VIRGINIA		
AIWW BRIDGE AT GREAT BRIDGE, VA	3,401	3,401
EMBREY DAM, VA	---	2,500
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	6,600	6,600
LAKE MERRIWEATHER, LITTLE CALFPASTURE (GOSHEN DAM), VA	---	500
LYNCHBURG (COMBINED SEWER OVERFLOW), VA	---	500
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	477	2,000
RICHMOND (COMBINED SEWER OVERFLOW), VA	---	500
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	850	1,100
SANDBRIDGE BEACH, VA	---	1,400
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	120	120

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA	---	500
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	98,000	85,000
GRAYS HARBOR, WA	50	50
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA	5,776	6,800
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	4,600	4,000
MT ST HELENS SEDIMENT CONTROL, WA	281	281
MUD MOUNTAIN DAM, WA (DAM SAFETY)	1,200	2,500
PUGET SOUND AND ADJACENT WATERS RESTORATION, WA	---	500
SHOALWATER BAY SHORELINE EROSION, WA	---	700
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	3,000	3,000
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	8,500	10,000
CENTRAL WEST VIRGINIA, WV	---	1,000
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	10,400	45,000
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB)	11,934	11,934
LOWER MUD RIVER, WV	---	750
MARMET LOCK, KANAWHA RIVER, WV	10,978	50,000
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	1,500	1,500
SOUTHERN WEST VIRGINIA, WV	---	1,000
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	200	200
WISCONSIN		
LAFARGE LAKE, WI	4,361	4,361
NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE, WI	---	2,500
WYOMING		
JACKSON HOLE, WY	---	500
MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	10,000	20,000
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)	1,500	1,500
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	5,000	7,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	9,000	7,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14)	7,000	10,000
EMPLOYEES' COMPENSATION	20,000	20,000
ESTUARY RESTORATION PROGRAM (PL106-457)	---	1,000
FLOOD CONTROL PROJECTS (SECTION 205)	30,000	45,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	2,000
NAVIGATION PROJECTS (SECTION 107)	7,000	11,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	16,000	23,000
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATIO	8,000	8,300
SHORELINE PROTECTION PROJECTS (SECTION 103)	5,000	5,000
SNAGGING AND CLEARING PROJECT (SECTION 208)	1,000	1,000
TRIBAL PARTNERSHIP PROGRAM	---	2,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-103,454	-270,000
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	-2,388	---
TOTAL, CONSTRUCTION GENERAL	1,415,612	1,756,012

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
ALEXANDRIA TO THE GULF, LA	420	420
BAYOU METO BASIN, AR	---	1,400
SOUTHEAST ARKANSAS, AR	---	650
DONALDSONVILLE TO THE GULF, LA	780	780
SPRING BAYOU, LA	505	505
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	180	180
GERMANTOWN, TN	345	345
MEMPHIS HARBOR, TN	---	300
MEMPHIS METRO AREA, TN & MS	25	---
MILLINGTON AND VICINITY, TN	150	150
MORGANZA TO THE GULF, LA	2,880	3,500
WOLF RIVER, MEMPHIS, TN	123	---
COLLECTION AND STUDY OF BASIC DATA	600	600
SUBTOTAL, GENERAL INVESTIGATIONS	6,008	8,830
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	36,690	37,790
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	750	750
HELENA AND VICINITY, AR	660	660
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	42,360	47,885
ST FRANCIS BASIN, AR & MO	1,970	3,100
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,010	7,010
ATCHAFALAYA BASIN, LA	18,873	19,873
LOUISIANA STATE PENITENTIARY LEVEE, LA	2,449	2,449
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	25	25
MISSISSIPPI DELTA REGION, LA	3,500	3,500
HORN LAKE CREEK & TRIBUTARIES (INCL COW PEN CREEK), MS	300	300
YAZOO BASIN:	(10,550)	(45,650)
BACKWATER PUMP, MS	250	10,000
BIG SUNFLOWER RIVER, MS	200	1,400
DELTA HEADWATERS PROJECT, MS	---	20,000
MAIN STEM, MS	25	25
REFORMULATION UNIT, MS	25	25
TRIBUTARIES, MS	200	200
UPPER YAZOO PROJECTS, MS	9,850	14,000
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	100	5,100
NONCONNAH CREEK, TN & MS	605	1,605
WEST TENNESSEE TRIBUTARIES, TN	100	100
WOLF RIVER, MEMPHIS, TN	---	400
SUBTOTAL, CONSTRUCTION	125,942	176,197
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	66,465	66,465
HELENA HARBOR, PHILLIPS COUNTY, AR	490	490
INSPECTION OF COMPLETED WORKS, AR	441	441
LOWER ARKANSAS RIVER, NORTH BANK, AR	105	105
LOWER ARKANSAS RIVER, SOUTH BANK, AR	135	135
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,185	9,000
ST FRANCIS BASIN, AR & MO	10,580	11,180
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,463	3,400
WHITE RIVER BACKWATER, AR	1,250	1,250
INSPECTION OF COMPLETED WORKS, IL	50	50
INSPECTION OF COMPLETED WORKS, KY	35	35
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,095	2,095
ATCHAFALAYA BASIN, LA	12,512	13,512
BATON ROUGE HARBOR, DEVIL SWAMP, LA	210	210
BAYOU COCODRIE AND TRIBUTARIES, LA	75	75
BONNET CARRE, LA	3,105	3,105

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, LA	510	510
LOWER RED RIVER, SOUTH BANK LEVEES, LA	125	1,800
MISSISSIPPI DELTA REGION, LA	860	860
OLD RIVER, LA	11,520	11,520
TENSAS BASIN, RED RIVER BACKWATER, LA	3,145	3,145
GREENVILLE HARBOR, MS	340	340
INSPECTION OF COMPLETED WORKS, MS	286	286
VICKSBURG HARBOR, MS	330	330
YAZOO BASIN:	(26,910)	(40,525)
ARKABUTLA LAKE, MS	5,380	9,380
BIG SUNFLOWER RIVER, MS	115	2,500
ENID LAKE, MS	4,920	6,500
GREENWOOD, MS	825	825
GRENADA LAKE, MS	5,700	7,150
MAIN STEM, MS	1,265	1,265
SARDIS LAKE, MS	5,905	9,905
TRIBUTARIES, MS	1,265	1,265
WILL M WHITTINGTON AUX CHAN, MS	450	450
YAZOO BACKWATER AREA, MS	280	480
YAZOO CITY, MS	805	805
INSPECTION OF COMPLETED WORKS, MO	167	167
WAPPAPELLO LAKE, MO	6,730	8,500
INSPECTION OF COMPLETED WORKS, TN	96	96
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,750	1,750
FACILITY PROTECTION	1,000	1,000
MAPPING	1,170	1,170
SUBTOTAL, MAINTENANCE	162,135	183,547
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-13,085	-24,000
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	-329	---
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	280,671	344,574

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL.........	500	500
ALABAMA - COOSA RIVER, AL............................	2,974	3,174
BAYOU LA BATRE, AL...................................	2,000	2,000
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL...............	24,201	26,000
DAUPHIN ISLAND BAY, AL...............................	---	500
DOG AND FOWL RIVERS, AL..............................	---	500
GULF INTRACOASTAL WATERWAY, AL.......................	4,963	4,963
INSPECTION OF COMPLETED WORKS, AL....................	100	100
MILLERS FERRY LOCK AND DAM, WILLIAM 'BILL' DANNELLY LA	7,094	7,094
MOBILE HARBOR, AL....................................	18,610	22,500
PERIDO PASS CHANNEL, AL..............................	---	1,200
PROJECT CONDITION SURVEYS, AL........................	350	350
ROBERT F HENRY LOCK AND DAM, AL......................	5,558	5,858
SCHEDULING RESERVOIR OPERATIONS, AL..................	100	100
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS..............	23,083	24,000
TENNESSEE - TOMBIGBEE WILDLIFE MITIGATION, AL & MS....	---	2,000
WALTER F GEORGE LOCK AND DAM, AL & GA................	6,912	6,912
ALASKA		
ANCHORAGE HARBOR, AK.................................	3,616	4,200
CHENA RIVER LAKES, AK................................	2,889	2,889
COOK INLET NAVIGATION CHANNEL, AK....................	---	750
DILLINGHAM HARBOR, AK................................	459	684
HOMER HARBOR, AK.....................................	363	488
INSPECTION OF COMPLETED WORKS, AK....................	40	40
KETCHIKAN HARBOR, BAR POINT, AK......................	500	500
KODIAK HARBOR, AK....................................	---	750
NAKNEK RIVER, AK.....................................	215	215
NINILCHIK HARBOR, AK.................................	232	232
NOME HARBOR, AK......................................	410	410
PROJECT CONDITION SURVEYS, AK........................	543	543
ST PAUL HARBOR, AK...................................	75	75
ARIZONA		
ALAMO LAKE, AZ.......................................	1,282	1,282
INSPECTION OF COMPLETED WORKS, AZ....................	79	79
PAINTED ROCK DAM, AZ.................................	1,269	1,269
SCHEDULING RESERVOIR OPERATIONS, AZ..................	32	32
WHITLOW RANCH DAM, AZ................................	168	168
ARKANSAS		
BEAVER LAKE, AR......................................	5,064	5,064
BLAKELY MT DAM, LAKE OUACHITA, AR....................	9,444	9,444
BLUE MOUNTAIN LAKE, AR...............................	1,162	1,162
BULL SHOALS LAKE, AR.................................	5,675	5,675
DARDANELLE LOCK AND DAM, AR..........................	5,699	5,699
DEGRAY LAKE, AR......................................	4,620	4,620
DEQUEEN LAKE, AR.....................................	931	931
DIERKS LAKE, AR......................................	959	959
GILLHAM LAKE, AR.....................................	861	861
GREERS FERRY LAKE, AR................................	5,445	5,445
HELENA HARBOR, PHILLIPS COUNTY, AR...................	23	340
INSPECTION OF COMPLETED WORKS, AR....................	147	147
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	23,925	24,925
MILLWOOD LAKE, AR....................................	1,257	1,257
NARROWS DAM, LAKE GREESON, AR........................	7,440	7,440
NIMROD LAKE, AR......................................	1,409	1,409
NORFORK LAKE, AR.....................................	4,368	4,368
OSCEOLA HARBOR, AR...................................	21	610
OUACHITA AND BLACK RIVERS, AR & LA...................	6,491	7,500
OZARK - JETA TAYLOR LOCK AND DAM, AR.................	4,152	4,152

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, AR	6	6
WHITE RIVER, AR	195	2,200
YELLOW BEND PORT, AR	10	147
CALIFORNIA		
BLACK BUTTE LAKE, CA	2,034	2,034
BODEGA BAY, CA	1,750	1,900
BUCHANAN DAM, H V EASTMAN LAKE, CA	1,796	1,796
CHANNEL ISLANDS HARBOR, CA	3,622	4,222
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,334	3,584
CRESCENT CITY HARBOR, CA	---	600
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,338	4,838
FARMINGTON DAM, CA	308	308
HIDDEN DAM, HENSLEY LAKE, CA	1,751	1,751
HUMBOLDT HARBOR AND BAY, CA	3,426	4,500
INSPECTION OF COMPLETED WORKS, CA	1,130	1,130
ISABELLA LAKE, CA	1,227	1,227
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	170	170
LOS ANGELES - LONG BEACH HARBORS, CA	320	320
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,424	8,084
MARINA DEL REY, CA	60	60
MERCED COUNTY STREAMS, CA	313	313
MOJAVE RIVER DAM, CA	259	259
MORRO BAY HARBOR, CA	1,280	1,280
MOSS LANDING HARBOR, CA	---	1,500
NEW HOGAN LAKE, CA	2,006	2,006
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,651	1,651
NEWPORT BAY HARBOR, CA	120	1,000
OAKLAND HARBOR, CA	11,204	11,204
OCEANSIDE HARBOR, CA	1,240	1,240
PETALUMA RIVER, CA	---	1,250
PILLAR POINT HARBOR, CA	---	200
PINE FLAT LAKE, CA	2,500	2,500
PORT HUENEME, CA	60	500
PROJECT CONDITION SURVEYS, CA	1,148	1,148
RICHMOND HARBOR, CA	4,381	4,381
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,189	2,189
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,271	1,271
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	145	145
SAN DIEGO HARBOR, CA	150	150
SAN DIEGO RIVER AND MISSION BAY, CA	60	60
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,181	1,181
SAN FRANCISCO BAY, LONG TERM MGMT STRATEGY, CA	---	1,000
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,072	2,072
SAN FRANCISCO HARBOR, CA	1,920	1,920
SAN JOAQUIN RIVER, CA	2,122	2,500
SAN PABLO BAY AND MARE ISLAND STRAIT, CA	---	1,500
SANTA ANA RIVER BASIN, CA	3,395	3,395
SANTA BARBARA HARBOR, CA	1,800	1,800
SCHEDULING RESERVOIR OPERATIONS, CA	1,415	1,415
SUCCESS LAKE, CA	1,992	1,992
SUISUN BAY CHANNEL, CA	2,815	3,815
TERMINUS DAM, LAKE KAWEAH, CA	1,770	1,770
VENTURA HARBOR, CA	2,590	3,890
YUBA RIVER, CA	63	63
COLORADO		
BEAR CREEK LAKE, CO	315	315
CHATFIELD LAKE, CO	1,225	1,475
CHERRY CREEK LAKE, CO	894	1,144
INSPECTION OF COMPLETED WORKS, CO	136	136
JOHN MARTIN RESERVOIR, CO	2,148	2,148
SCHEDULING RESERVOIR OPERATIONS, CO	242	242
TRINIDAD LAKE, CO	1,309	1,559

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CONNECTICUT		
BLACK ROCK LAKE, CT	364	364
COLEBROOK RIVER LAKE, CT	506	506
HANCOCK BROOK LAKE, CT	284	284
HOP BROOK LAKE, CT	906	906
INSPECTION OF COMPLETED WORKS, CT	35	35
MANSFIELD HOLLOW LAKE, CT	447	447
NEW HAVEN HARBOR, CT	4,546	4,546
NORTHFIELD BROOK LAKE, CT	337	337
NORWALK HARBOR, CT	---	200
PROJECT CONDITION SURVEYS, CT	1,185	1,185
STAMFORD HURRICANE BARRIER, CT	349	349
THOMASTON DAM, CT	565	565
TREATMENT OF MATERIAL FROM LONG ISLAND SOUND	---	750
WEST THOMPSON LAKE, CT	506	506
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	12,853	12,853
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	45	45
MISPILLION RIVER, DE	275	275
MURDERKILL RIVER, DE	310	310
PROJECT CONDITION SURVEYS, DE	50	50
WILMINGTON HARBOR, DE	4,966	4,966
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	7	7
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	1,110	1,110
PROJECT CONDITION SURVEYS, DC	33	33
WASHINGTON HARBOR, DC	50	50
FLORIDA		
APALACHICOLA BAY, FL	---	1,500
CANAVERAL HARBOR, FL	3,960	3,960
CENTRAL AND SOUTHERN FLORIDA, FL	9,347	9,347
ESCAMBIA AND CONECUH RIVERS, FL	---	1,100
FERNANDINA HARBOR, FL	3,030	3,030
INSPECTION OF COMPLETED WORKS, FL	200	200
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	322	4,000
JACKSONVILLE HARBOR, FL	4,040	4,040
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	6,050	6,050
MANATEE HARBOR, FL	2,780	2,780
MIAMI HARBOR, FL	1,508	1,508
MIAMI RIVER, FL	5,550	6,800
OKEECHOBEE WATERWAY, FL	2,695	2,695
PALM BEACH HARBOR, FL	2,018	3,018
PANAMA CITY HARBOR, FL	1,000	1,000
PENSACOLA HARBOR (BAYOU TEXAR), FL	---	500
PORT EVERGLADES HARBOR, FL	2,350	2,350
PORT ST JOE HARBOR, FL	1,000	1,000
PROJECT CONDITION SURVEYS, FL	780	780
REMOVAL OF AQUATIC GROWTH, FL	3,911	3,911
TAMPA HARBOR, FL	8,559	8,559
GEORGIA		
ALLATOONA LAKE, GA	6,456	6,456
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	1,444	4,709
ATLANTIC INTRACOASTAL WATERWAY, GA	178	178
BRUNSWICK HARBOR, GA	3,993	3,993
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,060	8,060
CARTERS DAM AND LAKE, GA	9,958	9,958
HARTWELL LAKE, GA & SC	12,896	12,896

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	13,553	13,553
RICHARD B RUSSELL DAM AND LAKE, GA & SC	7,548	7,548
SAVANNAH HARBOR, GA	12,540	12,540
SAVANNAH RIVER BELOW AUGUSTA, GA	134	134
WEST POINT DAM AND LAKE, GA & AL	5,587	5,587
HAWAII		
BARBERS POINT HARBOR, HI	354	354
INSPECTION OF COMPLETED WORKS, HI	275	275
PROJECT CONDITION SURVEYS, HI	544	544
IDAHO		
ALBENI FALLS DAM, ID	1,677	1,677
DWORSHAK DAM AND RESERVOIR, ID	3,951	3,951
INSPECTION OF COMPLETED WORKS, ID	81	81
LUCKY PEAK LAKE, ID	1,488	1,488
SCHEDULING RESERVOIR OPERATIONS, ID	371	371
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	3,190	4,200
CARLYLE LAKE, IL	4,856	5,400
CHICAGO HARBOR, IL	2,616	2,616
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	204	204
ILLINOIS WATERWAY (MVR PORTION), IL & IN	25,154	25,154
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,683	1,683
INSPECTION OF COMPLETED WORKS, IL	428	428
KASKASKIA RIVER NAVIGATION, IL	1,386	2,500
LAKE MICHIGAN DIVERSION, IL	1,037	1,037
LAKE SHELBYVILLE, IL	5,073	5,073
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	41,820	41,820
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	15,443	15,443
PROJECT CONDITION SURVEYS, IL	30	30
REND LAKE, IL	4,520	4,520
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	111	111
WAUKEGAN HARBOR, IL	1,270	1,270
INDIANA		
BROOKVILLE LAKE, IN	732	732
BURNS WATERWAY HARBOR, IN	3,427	3,727
BURNS WATERWAY SMALL BOAT HARBOR, IN	1,606	1,606
CAGLES MILL LAKE, IN	634	634
CECIL M HARDEN LAKE, IN	704	704
INDIANA HARBOR, IN	64	64
INSPECTION OF COMPLETED WORKS, IN	168	168
J EDWARD ROUSH LAKE, IN	1,108	1,108
MICHIGAN CITY HARBOR, IN	1,132	1,132
MISSISSINEWA LAKE, IN	853	853
MONROE LAKE, IN	759	759
PATOKA LAKE, IN	727	727
PROJECT CONDITION SURVEYS, IN	55	55
SALAMONIE LAKE, IN	649	649
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	130	130
IOWA		
CORALVILLE LAKE, IA	3,097	3,097
INSPECTION OF COMPLETED WORKS, IA	78	78
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	147	147
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	5,613	6,113
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	3,075	3,075

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RATHBUN LAKE, IA	2,189	2,189
RED ROCK DAM AND LAKE RED ROCK, IA	3,609	4,109
SAYLORVILLE LAKE, IA	4,088	4,088
KANSAS		
CLINTON LAKE, KS	1,934	2,100
COUNCIL GROVE LAKE, KS	1,491	1,991
EL DORADO LAKE, KS	460	610
ELK CITY LAKE, KS	552	552
FALL RIVER LAKE, KS	1,204	1,204
HILLSDALE LAKE, KS	752	752
INSPECTION OF COMPLETED WORKS, KS	48	48
JOHN REDMOND DAM AND RESERVOIR, KS	1,144	1,144
KANOPOLIS LAKE, KS	1,521	1,521
MARION LAKE, KS	1,621	1,621
MELVERN LAKE, KS	2,034	2,034
MILFORD LAKE, KS	1,997	1,997
PEARSON - SKUBITZ BIG HILL LAKE, KS	1,052	1,052
PERRY LAKE, KS	2,111	2,111
POMONA LAKE, KS	1,897	1,897
SCHEDULING RESERVOIR OPERATIONS, KS	194	194
TORONTO LAKE, KS	424	424
TUTTLE CREEK LAKE, KS	2,106	2,106
WILSON LAKE, KS	1,846	1,846
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	8,171	8,171
BARREN RIVER LAKE, KY	2,074	2,074
BIG SANDY HARBOR, KY	35	1,000
BUCKHORN LAKE, KY	1,703	1,703
CARR CREEK LAKE, KY	1,343	1,843
CAVE RUN LAKE, KY	833	833
DEWEY LAKE, KY	1,555	1,555
ELVIS STAHR (HICKMAN) HARBOR, KY	19	460
FISHTRAP LAKE, KY	1,927	1,927
GRAYSON LAKE, KY	1,259	1,259
GREEN AND BARREN RIVERS, KY	1,081	1,081
GREEN RIVER LAKE, KY	1,769	1,769
INSPECTION OF COMPLETED WORKS, KY	181	181
KENTUCKY RIVER, KY	400	400
LAUREL RIVER LAKE, KY	1,542	1,542
LICKING RIVER OPEN CHANNEL WORK, KY	28	28
MARTINS FORK LAKE, KY	623	623
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	52	52
NOLIN LAKE, KY	1,992	1,992
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	30,969	30,969
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	5,577	5,577
PAINTSVILLE LAKE, KY	982	982
PROJECT CONDITION SURVEYS, KY	6	6
ROUGH RIVER LAKE, KY	2,120	2,320
TAYLORSVILLE LAKE, KY	913	913
WOLF CREEK DAM, LAKE CUMBERLAND, KY	7,162	8,862
YATESVILLE LAKE, KY	1,156	1,156
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	14,681	15,000
BARATARIA BAY WATERWAY, LA	---	2,000
BAYOU BODCAU RESERVOIR, LA	794	794
BAYOU LACOMBE, LA	---	315
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	1,085	1,085
BAYOU PIERRE, LA	40	40
BAYOU SEGNETTE, LA	---	740
BAYOU TECHE, LA	---	2,000

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
BAYOU TECHE AND VERMILION RIVER, LA..................	---	50
CADDO LAKE, LA......................................	166	166
CALCASIEU RIVER AND PASS, LA.........................	15,852	15,852
FRESHWATER BAYOU, LA................................	1,443	1,443
GULF INTRACOASTAL WATERWAY, LA.......................	19,129	19,129
HOUMA NAVIGATION CANAL, LA...........................	3,223	3,223
INSPECTION OF COMPLETED WORKS, LA....................	772	772
J BENNETT JOHNSTON WATERWAY, LA......................	7,297	11,000
LAKE PROVIDENCE HARBOR, LA...........................	20	441
MADISON PARISH PORT, LA..............................	5	105
MERMENTAU RIVER, LA..................................	1,280	1,280
MISSISSIPPI RIVER OUTLETS AT VENICE, LA..............	80	80
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,.	57,482	57,482
MISSISSIPPI RIVER, GULF OUTLET, LA...................	13,061	13,061
PROJECT CONDITION SURVEYS, LA........................	80	80
REMOVAL OF AQUATIC GROWTH, LA........................	2,000	2,000
WALLACE LAKE, LA.....................................	180	180
WATERWAY FROM EMPIRE TO THE GULF, LA.................	---	280
WATERWAY FROM INTRACOASTAL WW TO BAYOU DULAC, LA......	---	575
MAINE		
BELFAST HARBOR, ME...................................	1,305	1,505
CAMDEN HARBOR MAINTENANCE DREDGING....................	---	470
INSPECTION OF COMPLETED WORKS, ME....................	16	16
NARRAGUAGUS RIVER, ME................................	---	50
PROJECT CONDITION SURVEYS, ME........................	1,720	1,720
PENOBSCOT RIVER, ME..................................	---	100
ROCKLAND HARBOR, ME..................................	1,110	1,110
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME..........	17	17
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD.................	500	500
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	663	663
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD..........	18,444	19,500
CUMBERLAND, MD AND RIDGELEY, WV......................	168	168
FISHING CREEK, MD....................................	---	492
HONGA RIVER AND TAR BAY, MD..........................	930	1,330
INSPECTION OF COMPLETED WORKS, MD....................	34	34
JENNINGS RANDOLPH LAKE, MD & WV......................	1,653	1,653
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD....	1,627	1,627
POCOMOKE RIVER, MD...................................	619	619
PROJECT CONDITION SURVEYS, MD........................	323	323
SCHEDULING RESERVOIR OPERATIONS, MD..................	91	91
TOLCHESTER CHANNEL, MD...............................	180	180
TWICH COVE AND BIG THOROFARE RIVER, MD...............	---	950
WICOMICO RIVER, MD...................................	604	1,500
MASSACHUSETTS		
AUNT LYDIA'S COVE, CHATHAM, MA.......................	418	418
BARRE FALLS DAM, MA..................................	533	533
BIRCH HILL DAM, MA...................................	498	498
BUFFUMVILLE LAKE, MA.................................	431	431
CAPE COD CANAL, MA...................................	7,659	7,659
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA.........	260	260
CONANT BROOK LAKE, MA................................	174	174
CUTTYHUNK HARBOR, MA.................................	174	174
EAST BRIMFIELD LAKE, MA..............................	313	313
GREEN HARBOR, MA.....................................	418	418
HODGES VILLAGE DAM, MA...............................	416	416
INSPECTION OF COMPLETED WORKS, MA....................	112	112
KNIGHTVILLE DAM, MA..................................	483	483
LITTLEVILLE LAKE, MA.................................	441	441
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,.	322	322

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PLYMOUTH HARBOR, MA	1,000	1,000
PROJECT CONDITION SURVEYS, MA	1,197	1,197
SCITUATE HARBOR, MA	2,950	2,950
TULLY LAKE, MA	486	486
WEST HILL DAM, MA	657	657
WESTVILLE LAKE, MA	406	406
MICHIGAN		
ALPENA HARBOR, MI	222	222
ARCADIA HARBOR, MI	107	107
BAY PORT HARBOR, MI	299	299
BLACK RIVER HARBOR, MI	12	12
BLACK RIVER, PORT HURON, MI	14	500
CHANNELS IN LAKE ST CLAIR, MI	128	128
CHARLEVOIX HARBOR, MI	124	124
CHEBOYGAN HARBOR, MI	12	12
CLINTON RIVER, MI	10	10
DETROIT RIVER, MI	3,192	4,000
FRANKFORT HARBOR, MI	177	177
GRAND HAVEN HARBOR, MI	1,250	1,250
GRAND MARAIS HARBOR, MI	---	175
GRAND TRAVERSE BAY HARBOR, MI	227	227
HOLLAND HARBOR, MI	505	505
INLAND ROUTE, MI	33	33
INSPECTION OF COMPLETED WORKS, MI	154	154
KEWEENAW WATERWAY, MI	450	450
LAC LA BELLE, MI	102	102
LELAND HARBOR, MI	174	174
LEXINGTON HARBOR, MI	704	704
LITTLE LAKE HARBOR, MI	462	462
LUDINGTON HARBOR, MI	95	95
MANISTEE HARBOR, MI	247	247
MANISTIQUE HARBOR, MI	50	50
MARQUETTE HARBOR, MI	193	193
MENOMINEE HARBOR, MI & WI	281	281
MONROE HARBOR, MI	792	792
MUSKEGON HARBOR, MI	387	387
NEW BUFFALO HARBOR, MI	156	156
ONTONAGON HARBOR, MI	1,745	1,745
PENTWATER HARBOR, MI	25	25
PORT SANILAC HARBOR, MI	501	501
PORTAGE LAKE HARBOR, MI	21	21
PROJECT CONDITION SURVEYS, MI	234	234
ROUGE RIVER, MI	933	933
SAGINAW RIVER, MI	2,351	2,351
SAUGATUCK HARBOR, MI	2,803	2,803
SEBEWAING RIVER (ICE JAM REMOVAL), MI	12	12
SOUTH HAVEN HARBOR, MI	54	54
ST CLAIR RIVER, MI	694	694
ST JOSEPH HARBOR, MI	996	996
ST MARYS RIVER, MI	18,181	18,181
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,507	2,507
WHITE LAKE HARBOR, MI	67	67
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	274	274
DULUTH - SUPERIOR HARBOR, MN & WI	4,506	4,506
INSPECTION OF COMPLETED WORKS, MN	207	207
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	1,031	1,031
MINNESOTA RIVER, MN	130	130
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	45,405	45,405
ORWELL LAKE, MN	481	481
PROJECT CONDITION SURVEYS, MN	72	72
RED LAKE RESERVOIR, MN	126	126

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	4,513	4,513
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	306	306
TWO HARBORS, MN	167	167
MISSISSIPPI		
BILOXI HARBOR	---	750
CLAIBORNE COUNTY PORT, MS	8	113
EAST FORK, TOMBIGBEE RIVER, MS	170	170
GULFPORT HARBOR, MS	2,002	3,402
INSPECTION OF COMPLETED WORKS, MS	7	7
MOUTH OF YAZOO RIVER, MS	25	106
OKATIBBEE LAKE, MS	1,618	1,618
PASCAGOULA HARBOR, MS	3,401	4,000
PEARL RIVER, MS & LA	288	288
PROJECT CONDITION SURVEYS, MS	5	5
ROSEDALE HARBOR, MS	15	613
WOLF AND JORDAN RIVERS	---	1,000
YAZOO RIVER, MS	15	15
MISSOURI		
CARUTHERSVILLE HARBOR, MO	21	240
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,959	5,959
CLEARWATER LAKE, MO	1,860	3,360
HARRY S TRUMAN DAM AND RESERVOIR, MO	10,253	10,253
INSPECTION OF COMPLETED WORKS, MO	1,043	1,043
LITTLE BLUE RIVER LAKES, MO	935	935
LONG BRANCH LAKE, MO	980	980
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,878	17,000
NEW MADRID HARBOR, MO	16	290
POMME DE TERRE LAKE, MO	2,168	2,168
PROJECT CONDITION SURVEYS, MO	6	6
SCHEDULING RESERVOIR OPERATIONS, MO	296	296
SOUTHEAST MISSOURI PORT, MO	---	400
SMITHVILLE LAKE, MO	1,070	1,070
STOCKTON LAKE, MO	4,268	4,268
TABLE ROCK LAKE, MO	6,261	7,261
UNION LAKE, MO	10	10
MONTANA		
FT PECK DAM AND LAKE, MT	7,354	7,354
INSPECTION OF COMPLETED WORKS, MT	40	40
LIBBY DAM, LAKE KOOCANUSA, MT	1,505	1,505
SCHEDULING RESERVOIR OPERATIONS, MT	100	100
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	7,199	7,199
HARLAN COUNTY LAKE, NE	2,025	2,025
INSPECTION OF COMPLETED WORKS, NE	78	78
MISSOURI NATIONAL RECREATIONAL RIVER, NE	---	240
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	500	500
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWO	45	45
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	669	669
SALT CREEK AND TRIBUTARIES, NE	925	925
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	39	39
MARTIS CREEK LAKE, NV & CA	556	556
PINE AND MATHEWS CANYONS LAKES, NV	194	194
NEW HAMPSHIRE		

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
BLACKWATER DAM, NH	454	454
COCHECO RIVER, NH	50	50
EDWARD MACDOWELL LAKE, NH	490	490
FRANKLIN FALLS DAM, NH	496	496
HOPKINTON - EVERETT LAKES, NH	1,074	1,074
INSPECTION OF COMPLETED WORKS, NH	11	11
LITTLE HARBOR, NH	200	200
OTTER BROOK LAKE, NH	577	577
PROJECT CONDITION SURVEYS, NH	273	273
SURRY MOUNTAIN LAKE, NH	575	575
NEW JERSEY		
BARNEGAT INLET, NJ	1,750	1,750
COLD SPRING INLET, NJ	425	425
DELAWARE RIVER AT CAMDEN, NJ	20	20
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	19,245	19,745
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,470	3,470
INSPECTION OF COMPLETED WORKS, NJ	65	65
NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,586	2,586
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	75	75
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
PROJECT CONDITION SURVEYS, NJ	782	782
RARITAN RIVER, NJ	80	80
SHARK RIVER, NJ	590	590
NEW MEXICO		
ABIQUIU DAM, NM	1,949	3,000
COCHITI LAKE, NM	2,124	2,124
CONCHAS LAKE, NM	2,032	2,290
GALISTEO DAM, NM	510	510
INSPECTION OF COMPLETED WORKS, NM	175	175
JEMEZ CANYON DAM, NM	497	750
SANTA ROSA DAM AND LAKE, NM	1,400	1,400
SCHEDULING RESERVOIR OPERATIONS, NM	112	112
TWO RIVERS DAM, NM	369	369
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	55	2,050
NEW YORK		
ALMOND LAKE, NY	457	457
ARKPORT DAM, NY	246	246
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,041	1,041
BUFFALO HARBOR, NY	643	643
BUFFALO RIVER, NY	---	850
BUTTERMILK CHANNEL, NY	300	300
CAPE VINCENT HARBOR, NY	11	11
CATTARAUGUS CREEK HARBOR, NY	50	50
DUNKIRK HARBOR, NY	480	480
EAST RIVER, NY	80	80
EAST ROCKAWAY INLET, NY	2,100	2,100
EAST SIDNEY LAKE, NY	501	501
FIRE ISLAND INLET TO JONES INLET, NY	175	175
FLUSHING BAY AND CREEK, NY	80	1,200
GLEN COVE CREEK, NY	80	80
GREAT SOUTH BAY, NY	80	80
HUDSON RIVER CHANNEL, NY	80	80
HUDSON RIVER, NY (MAINT)	2,245	2,245
HUDSON RIVER, NY (O&C)	3,170	3,170
INSPECTION OF COMPLETED WORKS, NY	639	639
IRONDEQUOIT BAY HARBOR, NY	10	10
JAMAICA BAY, NY	1,420	1,420
JONES INLET, NY	100	100
LAKE MONTAUK HARBOR, NY	80	80
LONG ISLAND INTRACOASTAL WATERWAY, NY	1,284	1,284

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MATTITUCK HARBOR, NY	80	80
MORICHES INLET, NY	600	600
MT MORRIS LAKE, NY	2,040	2,040
NEW YORK AND NEW JERSEY CHANNELS, NY	3,835	6,500
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	5,300	5,300
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	750	750
NEW YORK HARBOR, NY	3,720	3,720
OAK ORCHARD HARBOR, NY	15	15
OLCOTT HARBOR, NY	10	10
PLATTSBURGH HARBOR, NY	590	800
PROJECT CONDITION SURVEYS, NY	2,595	2,595
ROCHESTER HARBOR, NY	35	35
SAG HARBOR, NY	2,500	2,500
SHINNECOCK INLET, NY	1,346	1,346
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	760	760
STURGEON POINT HARBOR, NY	20	20
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	595	595
WHITNEY POINT LAKE, NY	705	705
WILSON HARBOR, NY	20	20
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	806	4,000
B EVERETT JORDAN DAM AND LAKE, NC	1,829	1,829
BEAUFORT HARBOR, NC	400	400
BOGUE INLET AND CHANNEL, NC	867	867
CAPE FEAR RIVER ABOVE WILMINGTON, NC	587	587
CAROLINA BEACH INLET, NC	1,060	1,060
FALLS LAKE, NC	2,281	2,281
INSPECTION OF COMPLETED WORKS, NC	32	32
LOCKWOODS FOLLY RIVER, NC	455	700
MANTEO (SHALLOWBAG) BAY, NC	4,732	4,732
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	5,100	5,100
NEW RIVER INLET, NC	815	815
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	640	940
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	73	73
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	3,480	3,480
WILMINGTON HARBOR, NC	8,213	8,213
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	177	177
GARRISON DAM, LAKE SAKAKAWEA, ND	11,939	12,039
HOMME LAKE, ND	281	281
INSPECTION OF COMPLETED WORKS, ND	15	15
LAKE ASHTABULA AND BALDHILL DAM, ND	1,354	1,354
PIPESTEM LAKE, ND	395	395
SCHEDULING RESERVOIR OPERATIONS, ND	68	68
SOURIS RIVER, ND	370	370
OHIO		
ALUM CREEK LAKE, OH	775	775
ASHTABULA HARBOR, OH	1,915	1,915
BERLIN LAKE, OH	1,857	1,857
CAESAR CREEK LAKE, OH	1,234	1,234
CLARENCE J BROWN DAM, OH	773	1,173
CLEVELAND HARBOR, OH	3,520	3,520
CONNEAUT HARBOR, OH	585	585
DEER CREEK LAKE, OH	711	1,061
DELAWARE LAKE, OH	932	932
DILLON LAKE, OH	576	576
FAIRPORT HARBOR, OH	1,090	1,290

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
HURON HARBOR, OH	860	860
INSPECTION OF COMPLETED WORKS, OH	233	233
LORAIN HARBOR, OH	3,400	3,400
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	789	789
MOSQUITO CREEK LAKE, OH	1,036	1,036
MUSKINGUM RIVER LAKES, OH	6,133	7,000
NORTH BRANCH KOKOSING RIVER LAKE, OH	319	319
PAINT CREEK LAKE, OH	778	778
PORT CLINTON HARBOR, OH	1,275	1,275
PORTSMOUTH HARBOR, OH	150	150
PROJECT CONDITION SURVEYS, OH	90	90
ROCKY RIVER, OH	30	30
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	1,010	1,200
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	175	175
TOLEDO HARBOR, OH	3,525	4,000
TOM JENKINS DAM, OH	240	240
TOUSSAINT RIVER, OH	520	520
VERMILION HARBOR, OH	205	205
WEST FORK OF MILL CREEK LAKE, OH	461	461
WEST HARBOR, OH	30	30
WILLIAM H HARSHA LAKE, OH	992	992
OKLAHOMA		
ARCADIA LAKE, OK	451	451
BIRCH LAKE, OK	602	602
BROKEN BOW LAKE, OK	1,627	1,627
CANDY LAKE, OK	19	399
CANTON LAKE, OK	1,620	1,620
COPAN LAKE, OK	821	1,100
EUFAULA LAKE, OK	5,546	6,200
FORT GIBSON LAKE, OK	4,352	4,352
FORT SUPPLY LAKE, OK	924	924
GREAT SALT PLAINS LAKE, OK	209	209
HEYBURN LAKE, OK	600	600
HUGO LAKE, OK	1,732	1,732
HULAH LAKE, OK	426	750
INSPECTION OF COMPLETED WORKS, OK	94	94
KAW LAKE, OK	1,931	1,931
KEYSTONE LAKE, OK	4,647	4,647
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK.	3,923	3,923
OOLOGAH LAKE, OK	2,360	2,360
OPTIMA LAKE, OK	59	59
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	34	34
PINE CREEK LAKE, OK	1,187	1,187
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,648	4,648
SARDIS LAKE, OK	912	912
SCHEDULING RESERVOIR OPERATIONS, OK	389	389
SKIATOOK LAKE, OK	1,488	1,488
TENKILLER FERRY LAKE, OK	3,690	3,690
WAURIKA LAKE, OK	1,498	1,498
WEBBERS FALLS LOCK AND DAM, OK	4,178	4,178
WISTER LAKE, OK	580	580
OREGON		
APPLEGATE LAKE, OR	729	729
BLUE RIVER LAKE, OR	220	220
BONNEVILLE LOCK AND DAM, OR & WA	5,043	5,200
CHETCO RIVER, OR	---	390
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	14,770	16,300
COLUMBIA RIVER AT THE MOUTH, OR & WA	6,632	9,200
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	526	526
COOS BAY, OR	5,494	5,494

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
COQUILLE RIVER, OR	---	330
COTTAGE GROVE LAKE, OR	842	842
COUGAR LAKE, OR	732	732
DEPOE BAY, OR	---	2,000
DETROIT LAKE, OR	588	588
DORENA LAKE, OR	635	635
FALL CREEK LAKE, OR	419	419
FERN RIDGE LAKE, OR	989	989
GREEN PETER - FOSTER LAKES, OR	1,122	1,122
HILLS CREEK LAKE, OR	401	401
INSPECTION OF COMPLETED WORKS, OR	172	172
JOHN DAY LOCK AND DAM, OR & WA	3,416	4,416
LOOKOUT POINT LAKE, OR	1,613	1,613
LOST CREEK LAKE, OR	3,028	3,028
MCNARY LOCK AND DAM, OR & WA	4,626	4,626
PORT ORFORD, OR	606	606
PROJECT CONDITION SURVEYS, OR	200	200
ROGUE RIVER AT GOLD BEACH, OR	---	450
SCHEDULING RESERVOIR OPERATIONS, OR	71	71
SIUSLAW RIVER, OR	466	566
SKIPANON CHANNEL, OR	5	325
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	15	315
UMPQUA RIVER, OR	963	963
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	344	344
WILLAMETTE RIVER BANK PROTECTION, OR	67	67
WILLOW CREEK LAKE, OR	714	714
YAQUINA BAY AND HARBOR, OR	1,450	1,450
YAQUINA RIVER, DEPOT SLOUGH, OR	---	100
PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,070	4,070
ALVIN R BUSH DAM, PA	630	630
AYLESWORTH CREEK LAKE, PA	270	270
BELTZVILLE LAKE, PA	1,171	1,171
BLUE MARSH LAKE, PA	2,513	2,513
CONEMAUGH RIVER LAKE, PA	898	948
COWANESQUE LAKE, PA	1,915	1,915
CROOKED CREEK LAKE, PA	1,746	1,746
CURWENSVILLE LAKE, PA	722	722
EAST BRANCH CLARION RIVER LAKE, PA	1,318	1,418
ERIE HARBOR, PA	60	60
FOSTER JOSEPH SAYERS DAM, PA	775	775
FRANCIS E WALTER DAM, PA	782	2,782
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	341	341
INSPECTION OF COMPLETED WORKS, PA	170	170
JOHNSTOWN, PA	1,243	1,500
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,231	1,731
LOYALHANNA LAKE, PA	957	1,007
MAHONING CREEK LAKE, PA	848	848
MONONGAHELA RIVER, PA	14,357	14,357
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	18,589	18,589
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	488	488
PROJECT CONDITION SURVEYS, PA	18	18
PROMPTON LAKE, PA	506	506
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,941	4,241
SCHEDULING RESERVOIR OPERATIONS, PA	60	60
SCHUYLKILL RIVER, PA	50	50
SHENANGO RIVER LAKE, PA	2,734	2,734
STILLWATER LAKE, PA	392	392
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	72	72
TIOGA - HAMMOND LAKES, PA	2,542	2,642
TIONESTA LAKE, PA	2,032	2,500
UNION CITY LAKE, PA	245	245

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WOODCOCK CREEK LAKE, PA	761	761
YORK INDIAN ROCK DAM, PA	543	543
YOUGHIOGHENY RIVER LAKE, PA & MD	1,895	1,895
RHODE ISLAND		
BLOCK ISLAND HARBOR OF REFUGE, RI	502	502
POINT JUDITH POND AND HARBOR OF REFUGE	---	120
INSPECTION OF COMPLETED WORKS, RI	6	6
PROJECT CONDITION SURVEYS, RI	2,330	2,330
PROVIDENCE RIVER AND HARBOR, RI	8,220	17,000
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	264	3,000
CHARLESTON HARBOR, SC	10,516	10,516
COOPER RIVER, CHARLESTON HARBOR, SC	3,140	6,890
FOLLY RIVER	---	257
GEORGETOWN HARBOR, SC	3,073	3,700
INSPECTION OF COMPLETED WORKS, SC	26	26
PORT ROYAL HARBOR, SC	---	1,000
PROJECT CONDITION SURVEYS, SC	69	69
SHIPYARD RIVER, SC	816	816
TOWN CREEK, SC	---	396
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	9,137	9,137
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	---	5,000
COLD BROOK LAKE, SD	211	211
COTTONWOOD SPRINGS LAKE, SD	184	184
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	9,016	9,016
INSPECTION OF COMPLETED WORKS, SD	24	24
LAKE TRAVERSE, SD & MN	504	504
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	500	500
OAHE DAM, LAKE OAHE, SD & ND	12,885	12,885
SCHEDULING RESERVOIR OPERATIONS, SD	69	69
TENNESSEE		
CENTER HILL LAKE, TN	6,031	6,031
CHEATHAM LOCK AND DAM, TN	6,257	6,257
CHICKAMAUGA LOCK, TN	1,025	1,025
CORDELL HULL DAM AND RESERVOIR, TN	6,407	6,407
DALE HOLLOW LAKE TN	5,720	5,720
INSPECTION OF COMPLETED WORKS, TN	129	129
J PERCY PRIEST DAM AND RESERVOIR, TN	2,954	2,954
OLD HICKORY LOCK AND DAM, TN	6,598	6,598
PROJECT CONDITION SURVEYS, TN	6	6
TENNESSEE RIVER, TN	15,794	15,794
WOLF RIVER HARBOR, TN	19	440
TEXAS		
AQUILLA LAKE, TX	743	743
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,373	1,373
BARBOUR TERMINAL CHANNEL, TX	606	606
BARDWELL LAKE, TX	1,574	1,574
BAYPORT SHIP CHANNEL, TX	2,389	2,389
BELTON LAKE, TX	2,707	3,100
BENBROOK LAKE, TX	2,011	2,011
BRAZOS ISLAND HARBOR, TX	2,143	2,143
BUFFALO BAYOU AND TRIBUTARIES, TX	3,126	3,126
CANYON LAKE, TX	2,498	2,498
CORPUS CHRISTI SHIP CHANNEL, TX	5,669	5,669
DENISON DAM, LAKE TEXOMA, TX	6,132	6,732

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX...........	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX...........	2,682	2,682
FREEPORT HARBOR, TX..................................	7,298	7,298
GALVESTON HARBOR AND CHANNEL, TX.....................	4,887	4,887
GRANGER DAM AND LAKE, TX.............................	1,612	1,612
GRAPEVINE LAKE, TX...................................	2,602	2,602
GULF INTRACOASTAL WATERWAY, TX.......................	20,829	22,300
HORDS CREEK LAKE, TX.................................	1,250	1,250
HOUSTON SHIP CHANNEL, TX.............................	8,254	12,000
INSPECTION OF COMPLETED WORKS, TX....................	498	498
JIM CHAPMAN LAKE, TX.................................	1,248	1,248
JOE POOL LAKE, TX....................................	823	823
LAKE KEMP, TX..	150	150
LAVON LAKE, TX.......................................	2,609	2,609
LEWISVILLE DAM, TX...................................	3,134	3,134
MATAGORDA SHIP CHANNEL, TX...........................	1,748	1,748
MOUTH OF THE COLORADO RIVER, TX......................	2,604	2,604
NAVARRO MILLS LAKE, TX...............................	1,676	1,676
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX.........	1,835	2,835
O C FISHER DAM AND LAKE, TX..........................	872	872
PAT MAYSE LAKE, TX...................................	1,116	1,116
PROCTOR LAKE, TX.....................................	1,623	2,200
PROJECT CONDITION SURVEYS, TX........................	50	50
RAY ROBERTS LAKE, TX.................................	862	862
SABINE - NECHES WATERWAY, TX.........................	14,986	14,986
SAM RAYBURN DAM AND RESERVOIR, TX....................	4,559	4,559
SCHEDULING RESERVOIR OPERATIONS, TX..................	255	255
SOMERVILLE LAKE, TX..................................	2,683	2,683
STILLHOUSE HOLLOW DAM, TX............................	1,805	1,805
TEXAS WATER ALLOCATION ASSESSMENT, TX................	300	400
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX..............	2,135	2,135
TRINITY RIVER AND TRIBUTARIES, TX....................	---	300
WACO LAKE, TX..	2,270	3,158
WALLISVILLE LAKE, TX.................................	999	999
WHITNEY LAKE, TX.....................................	5,205	5,205
WRIGHT PATMAN DAM AND LAKE, TX.......................	2,742	2,742
UTAH		
INSPECTION OF COMPLETED WORKS, UT....................	81	81
SCHEDULING RESERVOIR OPERATIONS, UT..................	364	364
VERMONT		
BALL MOUNTAIN LAKE, VT...............................	705	705
BURLINGTON HARBOR BREAKWATER, VT.....................	2,150	800
INSPECTION OF COMPLETED WORKS, VT....................	26	26
NARROWS OF LAKE CHAMPLAIN, VT & NY...................	95	95
NORTH HARTLAND LAKE, VT..............................	576	576
NORTH SPRINGFIELD LAKE, VT...........................	647	647
TOWNSHEND LAKE, VT...................................	687	687
UNION VILLAGE DAM, VT................................	538	538
VIRGINIA		
APPOMATTOX RIVER, VA.................................	---	1,000
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA.............	2,035	2,035
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA.............	1,159	1,159
CHINCOTEAGUE HARBOR OF REFUGE, VA....................	155	155
CHINCOTEAGUE INLET, VA...............................	1,124	1,124
DAVIS CREEK, VA......................................	350	350
DEEP CREEK, NEWPORT NEW, VA..........................	---	800
GATHRIGHT DAM AND LAKE MOOMAW, VA....................	1,612	1,612
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR (DRIFT REMOVAL	1,200	1,200
HORN HARBOR, VA......................................	270	270
INSPECTION OF COMPLETED WORKS, VA....................	111	111

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
JAMES RIVER CHANNEL, VA	3,801	4,300
JOHN H KERR LAKE, VA & NC	9,890	9,890
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,334	1,334
LYNNHAVEN INLET, VA	225	425
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	200	200
NORFOLK HARBOR, VA	8,679	8,679
NORTH FORK OF POUND RIVER LAKE, VA	297	297
OCCOQUAN RIVER, VA	---	2,000
PHILPOTT LAKE, VA	4,377	4,377
PROJECT CONDITION SURVEYS, VA	749	749
QUINBY CREEK, VA	400	400
RUDEE INLET, VA	1,030	1,030
WATERWAY ON THE COAST OF VIRGINIA, VA	1,150	1,150
WHITINGS CREEK, MIDDLESEX CO, VA	350	350
YORK RIVER, VA	---	750
WASHINGTON		
CHIEF JOSEPH DAM, WA	853	853
COLUMBIA RIVER AT BAKER BAY, WA	---	630
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,355	1,355
GRAYS HARBOR AND CHEHALIS RIVER, WA	8,781	11,500
HOWARD HANSON DAM, WA	1,777	1,777
ICE HARBOR LOCK AND DAM, WA	5,065	5,065
INSPECTION OF COMPLETED WORKS, WA	257	257
LAKE WASHINGTON SHIP CANAL, WA	7,479	7,479
LITTLE GOOSE LOCK AND DAM, WA	1,268	1,268
LOWER GRANITE LOCK AND DAM, WA	5,244	5,244
LOWER MONUMENTAL LOCK AND DAM, WA	3,291	3,291
MILL CREEK LAKE, WA	947	947
MT ST HELENS SEDIMENT CONTROL, WA	321	321
MUD MOUNTAIN DAM, WA	2,075	2,075
NEAH BAY, WA	---	1,200
PROJECT CONDITION SURVEYS, WA	253	253
PUGET SOUND AND TRIBUTARY WATERS, WA	999	999
QUILLAYUTE RIVER, WA	975	975
SCHEDULING RESERVOIR OPERATIONS, WA	439	439
SEATTLE HARBOR, WA	640	640
STILLAGUAMISH RIVER, WA	247	247
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	60	60
TACOMA, PUYALLUP RIVER, WA	127	127
THE DALLES LOCK AND DAM, WA & OR	2,264	2,264
WILLAPA RIVER AND HARBOR, WA	492	492
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,167	1,167
BLUESTONE LAKE, WV	1,149	5,149
BURNSVILLE LAKE, WV	1,555	1,555
EAST LYNN LAKE, WV	1,832	1,832
ELK RIVER HARBOR, WV	440	440
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	131	131
KANAWHA RIVER LOCKS AND DAMS, WV	7,544	7,544
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	18,991	18,991
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	3,260	3,260
R D BAILEY LAKE, WV	1,431	1,431
STONEWALL JACKSON LAKE, WV	905	905
SUMMERSVILLE LAKE, WV	1,603	1,603
SUTTON LAKE, WV	1,777	1,777
TYGART LAKE, WV	5,546	5,546

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WISCONSIN		
ASHLAND HARBOR, WI	180	180
EAU GALLE RIVER LAKE, WI	820	820
FOX RIVER, WI	1,372	6,372
GREEN BAY HARBOR, WI	1,924	1,924
INSPECTION OF COMPLETED WORKS, WI	31	31
KENOSHA HARBOR, WI	1,315	1,315
KEWAUNEE HARBOR, WI	75	75
MANITOWOC HARBOR, WI	278	278
MILWAUKEE HARBOR, WI	789	789
OCONTO HARBOR, WI	13	13
PORT WASHINGTON HARBOR, WI	261	261
PORT WING HARBOR, WI	6	6
PROJECT CONDITION SURVEYS, WI	56	56
SAXON HARBOR, WI	45	45
SHEBOYGAN HARBOR, WI	1,603	1,603
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	1,578	1,578
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	498	498
TWO RIVERS HARBOR, WI	471	471
WYOMING		
JACKSON HOLE LEVEES, WY	1,233	1,233
SCHEDULING RESERVOIR OPERATIONS, WY	101	101
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	725	725
AUTOMATED BUDGET SYSTEM (WINABS)	285	285
COASTAL INLET RESEARCH PROGRAM	2,750	2,750
CULTURAL RESOURCES (NAGPRA/CURATION)	1,545	1,545
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,180	1,180
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,755	6,755
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	1,545	1,545
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	300	300
FACILITY PROTECTION	64,000	35,000
GREAT LAKES SEDIMENT TRANSPORT MODELS	1,000	1,000
HARBOR MAINTENANCE FEE DATA COLLECTION	675	675
INLAND WATERWAY NAVIGATION PROJECTS	4,120	4,120
MONITORING OF COASTAL NAVIGATION PROJECTS	1,750	1,750
NATIONAL DAM SAFETY PROGRAM	45	45
NATIONAL DAM SECURITY PROGRAM	30	30
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	4,120	4,120
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR	310	310
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	815	815
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,545	1,545
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	1,545	1,545
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	675
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	725	725
WATERBORNE COMMERCE STATISTICS	4,745	4,745
HYDROPOWER MAINTENANCE	---	-49,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-19,091	-80,000
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	-240	---
TOTAL, OPERATION AND MAINTENANCE	1,913,760	1,940,167

TITLE II

Department of the Interior

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $36,228,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $813,491,000 for Water and Related Resources instead of $807,518,000 as proposed by the House and $816,147,000 as proposed by the Senate.

The conference agreement provides $1,097,000 for the South/Central Arizona Investigations program, including $300,000 for the West Salt River Valley Water Management study.

The amount provided for the American River Division of the Central Valley Project includes $500,000 for work associated with the construction of a parallel pipeline to serve the City of Roseville and the San Juan Water District; and $750,000 for the Bureau of Reclamation to initiate construction of a temperature control device on the El Dorado Irrigation District water intake.

The amount provided for the Delta Division of the Central Valley Project includes $900,000 for the Bureau of Reclamation to continue design of an intertie between the Delta-Mendota Canal and the California Aqueduct.

The amount provided for the East Side Division of the Central Valley Project includes an additional $1,000,000 for the Bureau of Reclamation to continue work to upgrade the water and sewer systems at New Melones Lake and perform a visitor capacity study at New Melones Lake.

The amount provided for Miscellaneous Project Programs of the Central Valley Project includes $300,000 for post-construction activities at the Banta-Carbona Irrigation District fish screen project; $300,000 for an investigation of resource problems and needs in the Mokelumne River watershed; and $400,000 for phase II of the Kaweah River Delta Corridor Enhancement study.

The amount provided for the Sacramento River Division of the Central Valley Project includes $2,000,000 for the continuing evaluation of water diversion and fishery protection options at the Red Bluff Diversion Dam; $400,000 for implementation of the Colusa Basin Integrated Resources Management Plan for critical flood control, conjunctive use, and waterfowl habitat activities; $1,500,000 for the Bureau of Reclamation to accelerate investigations associated with determining the feasibility of construction at the Sites Reservoir and other activities described in the House Report; and $500,000 for the Bureau of Reclamation to participate with Butte County, California, in development of an integrated resource management plan.

The conference agreement includes $1,342,000 for the Southern California Investigations Program, including $200,000 for the Bureau of Reclamation to work with the Antelope Valley-East Kern Water Agency as described in the House Report, and $300,000 for the Bureau of Reclamation to participate with the Santa Ana Watershed Project Authority in the Chino Basin Conjunctive Use Program.

The report requested in the House Report related to the City of Needles, California, should be provided 30 days after enactment of this Act.

The conference agreement includes $3,000,000 for the Lake Tahoe Regional Wetlands Development Program in California and Nevada as proposed by the House and the Senate. The conferees have also agreed to include language in the bill which authorizes the Bureau of Reclamation to negotiate and enter into financial assistance agreements with public and private organizations for activities under the Program and which provides that costs associated with such activities are non-reimbursable.

The conferees direct the Bureau of Reclamation, under the Santa Margarita feasibility authorization, to perform the studies needed to address current and future municipal, domestic, military, environmental, and other water uses from the Santa Margarita River, California.

The conference agreement includes $15,000,000 for the Columbia and Snake Rivers Salmon Recovery project in Idaho, Oregon, and Washington. Within the funds provided, $500,000 is for continued fishery habitat improvements in the John Day River Subbasin project in Oregon.

The conferees are aware of the pending biological opinion in effect on the Rio Grande. In New Mexico, municipalities, farmers, and the silvery minnow all compete for water, a scarce resource. Add the current drought conditions, and a delicate balance must be maintained. Accordingly, the conference agreement for the Middle Rio Grande project includes funding for the following activities: $3,834,000 for habitat restoration; $1,615,000 for silvery minnow population management; $480,000 for fish passage activities; $200,000 for non-native species management; $3,415,000 for water management activities; and $507,000 for activities to improve water quality. The conferees direct the Bureau of Reclamation to consult with the Fish and Wildlife Service on silvery minnow monitoring and habitat efforts.

The conferees have provided $707,000 for the Oklahoma Investigations Program, including $500,000 for a hydrology and water resources management study of the Arbuckle-Simpson Aquifer.

The conference agreement includes $4,599,000 for the Drought Emergency Assistance Program. Of the total, $400,000 is for drought emergency planning in Nebraska; $500,000 is to rehabilitate and replace existing wells and construct new wells in the City and County of Santa Fe, New Mexico; $800,000 is for assistance to the State of Montana; and $2,000,000 is for a regional weather modification program in the states of Kansas, Nevada, New Mexico, Oklahoma, and Texas. The conferees also urge the Bureau of Reclamation to provide full and fair consideration of the request for drought assistance from the State of Hawaii.

The conferees are in agreement that funds made available in Public Law 107–117 and in this Act for increased site security and other counter-terrorism activities shall be non-reimbursable.

Within the funds provided for the Water Management and Conservation Program, $500,000 is for water conservation programs within the service area of the Metropolitan Water District of Southern California.

The conference agreement includes $3,500,000 for the Title XVI Water Reclamation and Reuse Program, including $2,000,000 to support the WateReuse Foundation's research program, and $125,000 for an appraisal level investigation of water recycling opportunities in the Desert Hot Springs area of California. In addition, the Bureau of Reclamation is directed to undertake feasibility studies of the potential for water reclamation and reuse in North Las Vegas, Nevada, in cooperation with the Southern Nevada Water Authority.

The conference agreement includes $4,000,000 for the Desalination Research and Development Program. Within the amount provided, $3,000,000 is for construction of a national desalination research facility to be located in the Tularosa Basin, New Mexico. With the funds provided, the Bureau of Reclamation shall develop and implement a coordinated research investment strategy based on the Tularosa Basin National Desalination Research Center feasibility study developed during fiscal year 2002.

The conference agreement includes bill language which provides that $10,000,000 of the funds appropriated for Water and Related Resources shall be deposited in the San Gabriel Basin Restoration Fund, instead of $12,000,000 as proposed by the House.

The conference agreement does not include language proposed by the Senate related to drought assistance.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $48,904,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

The conferees are in agreement with the language in the House Report regarding the Glenn-Colusa Irrigation District Fish Screen Improvement Project and the Anadromous Fish Screen Program.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

The conference agreement includes no funds in the California Bay-Delta Ecosystem Restoration account as proposed by the House and the Senate.

The conferees have provided an additional $23,000,000 within the various units of the Central Valley Project under the Water and Related Resources account for activities that support the goals of the California Bay-Delta Ecosystem Restoration Program, instead of $30,000,000 as proposed by the Senate. The conferees are aware that legislation to authorize this multi-year, multi-billion dollar program is under consideration by the Congress, but has yet to be enacted. Absent such an authorization, it will be difficult for the Congress to continue its support for this program. Therefore, the conferees strongly urge the parties involved to work to enact an authorization for the program so additional funding can be considered in the fiscal year 2004 appropriations cycle. The additional funds provided in support of the program are to be used as follows:

Delta Division: $2,500,000 for planning and management activities; $250,000 to continue evaluations of the Delta Wetlands project and other in-delta storage proposals; $2,000,000 for planning activities associated with enlarging the Los Vaqueros reservoir; and $3,500,000 to construct the Tracy Fish Test Facility.

Friant Division: $1,750,000 for storage investigations in the Upper San Joaquin Watershed.

Miscellaneous Project Programs: $9,000,000 for the Environmental Water Account.

Sacramento River Division: $1,500,000 to continue planning activities related to Sites Reservoir.

Shasta Division: $2,500,000 to continue evaluating the potential impacts of the proposed Shasta Dam raise.

ADMINISTRATIVE PROVISION

The conference agreement provides that funds available for the Bureau of Reclamation shall be available for the purchase of not to exceed 16 passenger motor vehicles, of which 12 are for replacement only, as proposed by the House, instead of the purchase of four passenger motor vehicles for replacement only as proposed by the Senate.

POLICY AND ADMINISTRATION

The conference agreement appropriates $54,870,000 for Policy and Administration as proposed by the House and the Senate.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Section 201.—The conference agreement includes language proposed by the House authorizing the Bureau of Reclamation to continue its program of providing grants to institutions of higher learning to support the training of Native Americans to manage natural resources. The conferees have agreed to make the language permanent as proposed in the Administration's fiscal year 2004 budget request.

Section 202.—The conference agreement includes language proposed by the House and the Senate regarding the San Luis Unit and the Kesterson Reservoir in California.

Section 203.—The conference agreement includes language proposed by the House which amends section 212 of the Energy and Water Development Appropriations Act, 2001, related to Sly Park Unit in California.

Section 204.—The conference agreement includes language proposed by the House which clarifies that the San Gabriel Basin Restoration Fund may be used to reimburse the Central Basin Municipal Water District for certain expenditures.

Section 205.—The conference agreement includes language proposed by the Senate establishing requirements for the purchase or lease of water from the Middle Rio Grande or Carlsbad projects in New Mexico.

Section 206.—The conference agreement includes language proposed by the Senate concerning drought emergency assistance.

Section 207.—The conference agreement includes language proposed by the Senate regarding the restoration of fish, wildlife, and associated habitats in watersheds of certain lakes.

Section 208.—The conference agreement includes language proposed by the Senate regarding contracting percentages for the Bureau of Reclamation.

Section 209.—The conference agreement includes language proposed by the Senate directing the Bureau of Reclamation to undertake studies for the North Central Montana Rural Water Supply project.

Section 210.—The conference agreement includes language proposed by the Senate extending the authorization for the Water Desalination Act of 1996.

Section 211.—The conference agreement includes language proposed by the Senate authorizing the North Las Vegas Water Reuse project.

Section 212.—The conference agreement includes language which provides that none of the funds appropriated or otherwise made available in this Act or any prior any Energy and Water Development Appropriations Division may be used for the settlement agreement of Sumner Peck Ranch, Inc. v. Bureau of Reclamation (Civ. No F-91-048 OWW (E.D. Cal)).

Section 213.—The conference agreement includes language which amends the Salton Sea Reclamation Act of 1998. The conferees have also agreed to provide $2,000,000 for the Bureau of Reclamation to continue the program to perform research and construct water reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California.

Section 214.—The conference agreement includes language authorizing the Bureau of Reclamation to conduct a feasibility study of options for additional water storage in the Yakima River Basin with emphasis on the feasibility of storage of Columbia River water in the potential Black Rock Reservoir. The conferees have provided $1,000,000 for this work.

Section 215.—The conference agreement includes language proposed by the Senate related to certain CALFED related activities undertaken by the Secretary of the Interior. The language has been amended to remove the reference to the CALFED Bay-Delta Authority. The conferees agree that this language does not authorize the CALFED Record of Decision.

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT	---	6,200	---	6,200
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN	34,709	74	34,709	74
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	731	10,240	731	10,240
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,450	---	5,450	---
FORT MCDOWELL SETTLEMENT ACT	500	---	500	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	422	---	422	---
PHOENIX METROPOLITAN WATER REUSE PROJECT	250	---	250	---
SALT RIVER PROJECT	39	---	39	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	4,825	---	4,825	---
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	797	---	1,097	---
TRES RIOS WETLANDS DEMONSTRATION	200	---	500	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY	100	---	100	---
YUMA AREA PROJECTS	1,658	19,107	1,658	19,107
CALIFORNIA				
CACHUMA AREA PROJECTS	778	557	778	557
CALIFORNIA INVESTIGATIONS PROGRAM	417	---	417	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT	1,000	---	1,400	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION	2,043	9,658	3,293	9,658
AUBURN-FOLSOM SOUTH UNIT	7,707	44	7,707	44
DELTA DIVISION	11,095	5,323	18,245	5,323
EAST SIDE DIVISION	1,230	3,855	1,230	4,855
FRIANT DIVISION	2,276	3,024	4,026	3,024

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
MISCELLANEOUS PROJECT PROGRAMS	12,726	1,027	22,726	1,027
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT.	---	16,000	---	11,000
SACRAMENTO RIVER DIVISION	4,921	1,780	7,821	1,780
SAN FELIPE DIVISION	519	---	519	---
SAN JOAQUIN DIVISION	249	---	249	---
SHASTA DIVISION	1,543	8,042	4,043	8,042
TRINITY RIVER DIVISION	7,727	5,572	7,727	5,572
WATER AND POWER OPERATIONS	1,791	7,614	1,791	7,614
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	5,989	6,018	5,989	6,018
YIELD FEASIBILITY INVESTIGATION	1,000	---	1,000	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	200	---	3,000	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT	1,500	---	1,800	---
LONG BEACH DESALINATION PROJECT	---	---	1,000	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO	---	---	300	---
NAPA- SOMOMA - MARIN AGRICULTURAL REUSE PROJECT	---	---	500	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT	1,800	---	2,000	---
ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT, PHAS	1,800	---	2,000	---
ORLAND PROJECT	39	430	39	430
PASADENA RECLAIMED WATER PROJECT	---	---	500	---
SALTON SEA RESEARCH PROJECT	1,000	---	3,000	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	6,000	---	6,500	---
SAN DIEGO RIVER RESTORATION	---	---	500	---
SAN GABRIEL BASIN PROJECT	1,800	---	1,800	---
SAN GABRIEL BASIN RESTORTATION PROJECT	---	---	10,000	---
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	2,000	---	3,000	---
SOLANO PROJECT	1,248	1,513	1,248	1,513
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	842	---	1,342	---
WATSONVILLE AREA WATER RECYCLING PROJECT	---	---	500	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTION 5 & 8	33,000	---	35,000	---
COLLBRAN PROJECT......................................	122	1,212	122	1,212
COLORADO INVESTIGATIONS PROGRAM	75	---	75	---
COLORADO-BIG THOMPSON PROJECT	12	10,265	12	10,265
COLORADO-BIG THOMPSON PROJECT - HORSETOOTH DAM	---	31,100	---	31,100
FRUITGROWERS DAM PROJECT..............................	41	118	41	118
FRYINGPAN-ARKANSAS PROJECT............................	---	6,785	---	6,985
GRAND VALLEY UNIT, CRBSCP, TITLE II	224	612	224	612
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	582	1,552	582	1,552
MANCOS PROJECT..	28	50	28	50
PARADOX VALLEY UNIT, CRBSCP, TITLE II	50	1,968	50	1,968
PINE RIVER PROJECT....................................	58	65	58	65
SAN LUIS VALLEY PROJECT	399	4,066	399	4,066
UNCOMPAHGRE PROJECT...................................	143	113	143	113
IDAHO				
BOISE AREA PROJECTS	2,714	3,192	2,714	3,192
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	15,000	---	15,000	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	100	---	100	---
IDAHO INVESTIGATIONS PROGRAM	578	---	578	---
MINIDOKA AREA PROJECTS................................	3,282	2,194	3,282	2,194
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROGRAM.....	200	---	200	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM.........................	235	---	235	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WICHITA PROJECT	---	285	---	285
MONTANA				
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM	---	---	7,500	---
HUNGRY HORSE PROJECT	---	300	---	300
MILK RIVER PROJECT	320	826	320	826
MONTANA INVESTIGATIONS	475	---	475	---
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT	4,600	---	4,600	---
NEBRASKA				
MIRAGE FLATS PROJECT	---	78	---	78
NEBRASKA INVESTIGATIONS PROGRAM	71	---	71	---
NEVADA				
HALFWAY WASH PROJECT STUDY	---	---	390	---
LAHONTAN BASIN PROJECT	6,215	2,339	6,215	2,339
LAKE MEAD/LAS VEGAS WASH PROGRAM	1,000	---	1,500	---
SOUTHERN NEVADA WATER RECYCLING PROJECT	---	---	3,000	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	400	---
CARLSBAD PROJECT	1,644	1,126	1,644	1,126
CONCHAS PROJECT STUDY	---	---	100	---
EASTERN NEW MEXICO WATER SUPPLY	---	---	250	---
MIDDLE RIO GRANDE PROJECT	7,200	8,263	17,200	18,263

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE ALLOWANCE RESOURCES MANAGEMENT	CONFERENCE ALLOWANCE FACILITIES OM&R
NAVAJO GALLUP WATER SUPPLY PROJECT	300	---	300	---
NAVAJO NATION INVESTIGATIONS PROGRAM	300	---	300	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	27	---	500
RIO GRANDE PROJECT	1,054	2,953	1,054	2,953
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	243	---	243	---
SANTA FE - WATER RECLAMATION AND REUSE PROJECT	---	---	500	---
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	196	---	196	---
TUCUMCARI PROJECT	19	---	19	---
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	165	---	165	---
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM	239	---	239	---
DAKOTAS TRIBES INVESTIGATIONS PROGRAM	400	---	400	---
GARRISON DIVERSION UNIT	20,662	4,577	24,000	4,577
OKLAHOMA				
ARBUCKLE PROJECT	---	193	---	193
MCGEE CREEK PROJECT	---	452	---	452
MOUNTAIN PARK PROJECT	---	306	---	306
NORMAN PROJECT	225	208	475	208
OKLAHOMA INVESTIGATIONS PROGRAM	207	---	707	---
WASHITA BASIN PROJECT	---	742	---	742
W.C. AUSTIN PROJECT	---	293	---	293
OREGON				
CROOKED RIVER PROJECT	301	546	301	546

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500	---	875	---
DESCHUTES PROJECT	382	152	382	152
DESCHUTES PROJECT-WICKUP DAM	---	12,300	---	12,300
DESCHUTES PROJECT, TUMALO, BEND FEED CANAL	---	---	1,300	---
EASTERN OREGON PROJECTS	308	275	308	275
GRANDE RONDE WATER OPTIMIZATION STUDY	150	---	150	---
KLAMATH PROJECT	13,644	623	16,500	623
OREGON INVESTIGATIONS PROGRAM	333	---	333	---
ROUGE RIVER BASIN PROJECT, SAVAGE RAPIDS PUMPING PLANT	---	---	250	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	454	169	454	169
TUALATIN PROJECT	238	125	238	125
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	25	---	25	---
UMATILLA BASIN PROJECT, PHASE III STUDY	50	---	300	---
UMATILLA PROJECT	408	2,363	408	2,363
WILLOW LAKE NATURAL TREATMENT SYSTEM	---	---	600	---
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	2,000	---	7,000	---
MID-DAKOTA RURAL WATER PROJECT	10,000	40	17,860	40
MNI WICONI PROJECT	23,292	8,228	30,772	8,228
PERKINS COUNTY RURAL WATER SALVAGE PROJECT	---	---	4,300	---
RAPID VALLEY PROJECT, DEERFIELD DAM	---	27	---	27
TEXAS				
AUSTIN WATER RECLAMATION PROJECT	---	---	275	---
BALMORHEA PROJECT	---	71	---	71
CANADIAN RIVER PROJECT	---	109	---	109

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE ALLOWANCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
EL PASO WATER RECLAMATION AND REUSE	---	---	800	---
LEON CREEK QUARRY/MITCHELL LAKE WATER REUSE PROJECTA	---	---	500	---
LOWER RIO GRANDE VALLEY WATER RESOURCE CONSERVATION	---	---	1,500	---
NUECES RIVER	---	392	---	392
SAN ANGELO PROJECT	---	307	---	307
TEXAS INVESTIGATIONS PROGRAM	217	---	217	---
UTAH				
HYRUM PROJECT	120	24	120	24
MOON LAKE PROJECT	43	53	43	53
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	100	---	100	---
NEWTON PROJECT	52	21	52	21
NORTHERN UTAH INVESTIGATIONS PROGRAM	301	---	301	---
OGDEN RIVER PROJECT	350	44	350	44
PROVO RIVER PROJECT	677	493	677	493
SCOFIELD PROJECT	97	27	97	27
SOUTHERN UTAH INVESTIGATIONS PROGRAM	279	---	279	---
STRAWBERRY VALLEY PROJECT	107	7	107	7
WEBER BASIN PROJECT	1,455	399	1,455	399
WEBER RIVER PROJECT	52	71	52	71
WASHINGTON				
COLUMBIA BASIN PROJECT	4,485	6,346	4,885	6,346
SALMON CREEK WATERSHED RESTORATION, WA	---	---	250	---
WASHINGTON INVESTIGATIONS PROGRAM	518	---	518	---
YAKIMA PROJECT	598	6,156	598	6,156
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	11,900	---	13,800	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE ALLOWANCE RESOURCES MANAGEMENT	CONFERENCE ALLOWANCE FACILITIES OM&R
YAKIMA RIVER BASIN WATER STORAGE	---	---	1,000	---
WYOMING				
KENDRICK PROJECT	4	2,568	4	2,568
NORTH PLATTE PROJECT	10	1,324	10	1,324
SHOSHONE PROJECT	10	1,232	10	1,232
WYOMING INVESTIGATIONS PROGRAM	37	---	37	---
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II: PROGRAM & COLORADO RIVER WATER QUALITY IMPROVEMENT	10,087	---	10,087	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	7,178	2,302	7,278	2,302
COLORADO RIVER STORAGE PROJECT, SECTION 8, R&F&WL	3,970	22	3,970	22
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	150	---	150	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,275	---	1,275
INITIATE SOD CORRECTIVE ACTION	---	21,910	---	21,910
SAFETY EVALUATION OF EXISTING DAMS	---	14,315	---	14,315
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	50	---	50
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	2,600	---	3,350	---
DROUGHT EMERGENCY ASSISTANCE	899	---	4,599	---
EFFICIENCY INCENTIVES PROGRAM	3,087	---	3,087	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	334	---	334
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	12,747	---	12,747	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	1,706	---	1,706	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	1,890	---	1,890	---
EXAMINATION OF EXISTING STRUCTURES	---	5,597	---	5,597

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE ALLOWANCE RESOURCES MANAGEMENT	CONFERENCE ALLOWANCE FACILITIES OM&R
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,390	---	1,390
GENERAL PLANNING STUDIES..............................	2,195	---	1,900	---
LAND RESOURCES MANAGEMENT PROGRAM.....................	9,689	---	8,000	---
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM...........	275	---	275	---
LOWER COLORADO RIVER OPERATIONS PROGRAM...............	12,421	---	12,421	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS................	---	594	---	594
NATIONAL FISH & WILDLIFE FOUNDATION	850	---	850	---
NATIVE AMERICAN AFFAIRS PROGRAM	8,500	---	8,500	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING.......	1,185	---	1,185	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT............	420	921	420	921
PICK-SLOAN MISSOURI BASIN - OTHER PROJECTS............	2,828	30,759	2,828	30,759
POWER PROGRAM SERVICES	969	244	969	244
PUBLIC ACCESS AND SAFETY PROGRAM......................	420	---	420	---
RECLAMATION LAW ADMINISTRATION........................	4,469	---	4,000	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII......	2,800	---	2,800	---
RECREATION & FISH & WILDLIFE PROGRAM ADMINISTRATION..	2,292	---	2,292	---
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT DESALINATION PROGRAM.....	1,310	---	1,310	---
APPLIED SCIENCE /TECHNOLOGY AND DEVELOPMENT.......	3,490	---	3,490	---
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM.....	100	---	4,000	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCEMEN	900	---	900	---
TECHNOLOGY ADVANCEMENT	350	---	350	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM........	1,000	---	1,000	---
SITE SECURITY	---	28,440	---	28,440
SOIL AND MOISTURE CONSERVATION	326	---	326	---
TECHNICAL ASSISTANCE TO STATES........................	1,942	---	1,900	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM........	1,500	---	3,500	---
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	67	---	67	---
WATER MANAGEMENT & CONSERVATION PROGRAM	6,581	---	6,581	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE ALLOWANCE RESOURCES MANAGEMENT	CONFERENCE ALLOWANCE FACILITIES OM&R
WETLANDS DEVELOPMENT	3,117	---	3,617	---
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-37,942	---	-80,700	---
TOTAL, WATER AND RELATED RESOURCES	381,164	344,983	461,835	351,656

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

BUDGET JUSTIFICATION REQUIREMENTS

The conferees agree with the House language regarding prior approval of proposed budget structure changes. The conferees also agree that budget justifications submitted by the Department must include a section identifying the last year that authorizing legislation was provided by Congress for each program, funding within each construction project data sheet for elimination of excess facilities at least equal to the square footage of new replacement facilities being requested, and funding to eliminate excess facilities at least equal to the square footage of new replacement facilities being constructed as general plant projects.

SAFEGUARDS AND SECURITY FUNDING

The conferees direct the Department to continue to identify safeguards and security funding as a separate line item in the budget justifications. The conferees also direct the Department to review contractor cost allocation practices to ensure that contractor practices are in compliance with the Cost Accounting Standards and that safeguards and security costs are not being allocated a disproportionate share of indirect costs. The Committees on Appropriations should be informed of the results of this review upon completion.

MANAGEMENT OF NON-NNSA WORK AT NNSA FACILITIES

The conferees direct the Secretary to report promptly to the House and Senate Committees on Appropriations regarding the procedures established pursuant to Sections 3264 and 3213 of Public Law 106–65, as amended by Section 3157 of Public Law 106–398. The report should include written copies of the tasking agreements, delegations of authority, or other arrangements that demonstrate compliance with these statutory provisions.

PROJECT MANAGEMENT

The conferees support language included in the House report regarding the efforts of the Office of Engineering and Construction Management (OECM) to improve the Department's construction and project management.

FACILITIES AND INFRASTRUCTURE

The conferees agree with House language regarding efforts to strengthen and standardize management of the Department's facilities and infrastructure (F&I) program and to address management of all F&I assets. The conferees do not agree with the House proposal to provide direct funding of all maintenance in the fiscal year 2004 budget. However, the Department is directed to ensure that adequate funds are budgeted for facility maintenance and disposition, and that the amounts reported in the Integrated Facilities and Infrastructure crosscut budget will be expended solely for these purposes. Use of these funds for any other purpose will require advance approval by the Director, Office of Management, Budget and Evaluation. The Department is also directed to provide an annual year-end report on maintenance expenditures to the Committees on Appropriations.

EXCESS FACILITIES

The conferees agree with House language pertaining to excess facilities and the requirement to procure decontamination and decommissioning services and disposal of excess facilities through an open competitive process.

AUGMENTING FEDERAL STAFF

The conferees agree that the number of management and operating contractor employees assigned to the Washington metropolitan area shall not exceed 220 in fiscal year 2003, the same as the fiscal year 2002 ceiling. The reporting requirements remain as proposed by the House.

REPROGRAMMING GUIDELINES

The conferees agree with the House language on reprogramming guidelines. The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2003 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by March 30, 2003, on the actual application of any general reductions of funding or applications of prior year balances contained in the conference agreement. Such reductions are to be applied proportionately against each program, project, or activity. If necessary, the Department must submit a reprogramming to reallocate funds if the proportional reduction unduly impacts a specific program, project, or activity.

ENERGY SUPPLY

The conference agreement provides $701,477,000 for Energy Supply instead of $633,909,000 as proposed by the House and $815,306,000 as proposed by the Senate.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $422,300,000 instead of $396,000,000 as proposed by the House and $448,062,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement.

Biomass/biofuels.—The conference agreement includes $90,000,000 for biomass/biofuels. The conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation. The Department is directed to fund not less than the budget request for Integrated Biorefinery Process Development and for Cellulose to Ethanol Production Facilities. The conferees direct the Department to continue the Iowa switchgrass project at agreed-upon levels.

The conference agreement includes $3,000,000 for the Regional Biomass Energy Program; $3,000,000 for corn bioproduct research in cooperation with the National Corn Growers Association; $2,000,000 for the Consortium for Plant Biotechnology Research; $3,000,000 for the Iroquois Bioenergy Cooperative in Indiana; $2,000,000 for the Green Institute in Minnesota for combined heat and power from biomass; $500,000 to continue hybrid poplar research in Wisconsin; $2,000,000 for the Biomass Gasification Research Facility in Birmingham, Alabama; $3,000,000 for the Winona Biomass Project in Mississippi; $500,000 for the Fibrowatt Mississippi biomass project; $2,500,000 for a cost-shared agricultural mixed waste biorefinery in Colorado using thermo-polymerization; $1,000,000 for the oxydiesel demonstration program in California and Nevada; $2,000,000 for the Michigan Biotechnology Initiative; $500,000 for the Biomass Energy Resource Center in Burlington, Vermont; $500,000 for the gasification of switchgrass in Iowa; $1,000,000 for the National Agricultural-Based Industrial Lubricants Center; and $400,000 for the Center for Biomass Utilization at the University of North Dakota.

Geothermal.—The conference agreement includes $30,000,000 for geothermal activities. The conference agreement provides an additional $1,400,000 for university research on geothermal energy and an additional $1,800,000 for Geopowering the West. The conference agreement also includes $1,000,000 for the Lake County Basin geothermal project in California and $1,000,000 for geothermal research at the University of Nevada-Reno.

Hydrogen.—The conference agreement includes $40,000,000 for hydrogen activities. From within available funds, the Department is directed to spend not less than $3,000,000 for the continued development and validation of advanced proton exchange membrane fuel cells and metal membrane fuel purification technologies. The conference agreement also includes $4,000,000 for the Ohio University fuel cell pilot project; $1,000,000 for fuel cell research and development at the University of South Alabama Energy Center; $2,000,000 for the Next Energy fuel cell demonstration project in Michigan; $2,000,000 for an engineering study and evaluation of solar-powered thermo-chemical production of hydrogen from water; $1,000,000 for the fuel cell project at Gallatin County, Montana; and $1,000,000 for the University of Nevada, Las Vegas, hydrogen filling station.

Hydropower.—The conference agreement includes $5,300,000 for hydropower.

Solar Energy.—The conference agreement includes $95,000,000 for solar energy programs. As in fiscal year 2002, the conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy, with the control level at the solar energy program account level.

The conference agreement includes funding for continuation of the Million Solar Roofs program at the prior year level; $2,500,000 for the Southeast and Southwest photovoltaic experiment stations; $2,500,000 for the Navajo electrification project; $1,500,000 to continue development of advanced integrated power modules for photovoltaic applications; $1,500,000 for the Palo Alto photovoltaic demonstration project in California; and $115,000 for a renewable energy demonstration at the Hard Bargain Farm Environmental Center in Maryland. The conference agreement also provides $4,000,000 for the National Center for Energy Management and Building Technology. Within available funds, the conferees direct the Department to spend not less than $5,500,000 for the continuation of work on concentrating solar power.

Wind.—The conference agreement includes $44,000,000 for wind programs. The Wind Powering America initiative is to be continued at the fiscal year 2002 funding level. In addition, the conference agreement includes $500,000 for wind generating facilities for the Vermont Department of Public Service; and $1,000,000 for a wind generation facility to serve St. Paul and Unalaska, Alaska.

The conferees continue to recognize the need for a set-aside for small wind programs.

Electric energy systems and storage.—The conference agreement includes $85,000,000 for electric energy systems and storage. The conference agreement includes the budget request of $9,000,000 for the joint Oak Ridge and Los Alamos effort to develop high-performance, low-cost, second-generation, high-temperature superconducting wire. The control level is at the electric energy systems and storage program account level.

The conference agreement includes $3,000,000 to continue field testing of advanced aluminum matrix composite conductors; $2,000,000 for the PowerGrid project in New Jersey and Pennsylvania; $3,000,000 for the automated energy distribution and reliability system in Indiana; $750,000 to Co-Op Plus of Western Massachusetts for installing and servicing fuel cells and distributing green electricity; $2,000,000 for the distributed energy systems integration, demonstration and technology transition program at the Fuel Cell Test and Evaluation Center in Pennsylvania; $350,000 for the Microgrid distributed generation prototype in Vermont; $400,000 for the Diné Power Authority in New Mexico to continue development of the Navajo Transmission Project; $5,000,000 for the Upper Lynn Canal power supply project in Alaska; $5,000,000 for the Swan Lake-Lake Tyee segment of the Southeastern Alaska Intertie System; $2,000,000 for the Tok-to-Chistochina transmission project in Alaska; $1,000,000 to continue development of the bipolar nickel metal hydride battery storage system; $2,500,000 for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology; and $500,000 for the Natural Energy Laboratory in Hawaii to continue development and deployment of distributed energy systems.

Renewable Support and Implementation.—The conference agreement includes $21,500,000 for renewable support and implementation.

The conference agreement provides $1,500,000 for departmental energy management; $4,000,000 for the international renewable energy program, including $1,250,000 for International Utility Efficiency Partnerships; $5,000,000 for the renewable energy production incentive program; $6,000,000 for renewable Indian energy resources, including $1,000,000 for the Council of Renewable Energy Resource Tribes (CERT) within available funds to provide technical expertise and training of Native Americans in renewable energy resource development and electrical generation facilities management; and $5,000,000 for renewable program support, of which $1,000,000 is to support the National Alliance for Clean Energy Incubators and $4,000,000 is to continue the efforts of the National Renewable Energy Laboratory, through a virtual site office in Nevada, to develop renewable energy resources in the Southwestern United States.

National Renewable Energy Laboratory.—The conference agreement provides $5,500,000 for the National Renewable Energy Laboratory (NREL), including $800,000 for construction and $500,000 to reduce the maintenance backlog.

Program direction.—The conference agreement includes $16,000,000 for program direction.

Use of prior year balances.—The conference agreement includes the use of $10,000,000 of prior year funds to be carried over from fiscal year 2002 to offset fiscal year 2003 requirements.

NUCLEAR ENERGY

The conference agreement provides $261,688,000 for nuclear energy activities instead of $213,698,000 as proposed by the House and $324,108,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement. The conferees revised the fiscal year 2003 budget structure for Radiological Facilities Management and Idaho Facilities Management to conform to the structure proposed in the fiscal year 2004 budget request.

Radiological Facilities Management.—The Office of Nuclear Energy, Science and Technology operates a variety of facilities and equipment to support the needs of space, defense, and medical customers who obtain radiological materials from the Department of Energy on a reimbursable basis.

Space and defense power systems infrastructure.—The conference agreement includes $28,950,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions. The Department is directed to provide $2,500,000 for Neptunium-237 storage and Plutonium-238 production facilities at Oak Ridge National Laboratory.

Medical isotopes infrastructure.—The conference agreement includes a total program level of $27,218,000 for the isotope program. This amount is reduced by offsetting collections of $6,400,000 to be received in fiscal year 2003, resulting in a net appropriation of $20,818,000. The conference agreement includes the request of $1,721,000 for the Isotope Production Facility at the Los Alamos National Laboratory. Within available funds, the Department is directed to provide $600,000 in additional funding for the Cyclotron Isotope Research Center at Brookhaven National Laboratory. The conference agreement provides an additional $7,000,000 for upgrades of the hot cells at the Bethel Valley Hot Cell Complex.

The conferees recognize the potential medical value of alpha-emitting isotopes and direct the Department to proceed expeditiously with the project to extract thorium-229 from excess uranium-233 stored at Oak Ridge. The Department shall keep the Appropriations Committees fully informed at the key decision points in the project development process to ensure the Department is making sound business decisions on this project.

University reactor fuel assistance and support.—The conference agreement includes $18,500,000, an increase of $1,000,000 over the budget request. The additional funds are provided for the Department to fund additional regional university reactor consortia, and the conferees strongly encourage the Department to request sufficient funding in future years to fund all meritorious proposals.

Research and development.—The conference agreement provides $75,000,000 for nuclear energy research and development activities. The conference agreement includes $5,000,000 for nuclear energy plant optimization (NEPO), $25,000,000 for the nuclear energy research initiative (NERI), and $45,000,000 for nuclear energy technologies.

Within the funds provided for nuclear energy technologies, the conferees recommend that $1,000,000 be allocated from within the funds provided for nuclear energy technologies for the joint DOE and NRC development of a licensing process that would be risk-informed and technology-neutral to support the future certification and licensing of advanced reactor designs. The conference agreement also provides $2,000,000 within nuclear energy technologies for the purpose of accelerating the engineering evaluation of an integrated sulfur/iodine thermo-chemical water-splitting cycle for coupling with a high temperature nuclear reactor power source. Of this $2,000,000, the conferees direct that $750,000 be provided to the Research Foundation of the University of Nevada, Las Vegas, for the purpose of establishing a public-private partnership to develop and evaluate innovative high temperature heat exchangers. The conference agreement also includes $2,000,000 within nuclear energy technologies to begin design work for a plant to demonstrate the viability of small modular reactors.

Domestic Enrichment Capability.—The conferees note that two private firms, the United States Enrichment Corporation and Louisiana Energy Services, are moving forward with plans to deploy advanced uranium enrichment technologies in the United States. The Department is encouraged to make its expertise available on a reimbursable basis to support these private sector efforts. However, the interest and capability of the private sector to address future U.S. enrichment requirements obviates the need for the Department to pursue its own efforts on advanced enrichment technologies. The Department should reserve its limited research resources for those areas that are not adequately addressed by the private sector.

Fast Flux Test Facility.—The conference agreement transfers the Fast Flux Test Facility (FFTF) and its associated funding to the Non-Defense Environmental Management account.

Idaho Facilities Management.—The Department recently reassigned the lead responsibility for the Idaho National Engineering and Environmental Laboratory (INEEL) from the Office of Environmental Management to the Office of Nuclear Energy, Science and Technology. The conference agreement provides funding for a number of infrastructure activities under a new Idaho Facilities Management program account to reflect the new responsibilities of the Office of Nuclear Energy, Science and Technology for this site. The conference agreement provides $42,770,000 for Idaho Facilities Management, including $31,615,000 for ANL-West operations and $8,815,000 for Test Reactor Area Landlord costs. In future fiscal years, all Idaho Landlord activities should be included within this account.

Advanced Fuel Cycle Initiative.—The conference agreement includes $58,221,000 for spent fuel processing and advanced fuel cycles. This amount includes $15,450,000 for EBR–II spent fuel treatment and $2,771,000 for research and development on pyroprocessing of sodium-bonded spent fuel, the same as the budget request. The Department has recently proposed an Advanced Fuel Cycle Initiative (AFCI) that defines the future research program for technologies to treat spent nuclear fuel (AFCI Series One) and for advanced fuel cycles (AFCI Series Two). The conference agreement provides $40,000,000 to support AFCI applied research. The conferees encourage the Department to seek active university participation in this research.

In order to ensure that the Department's AFCI can lead to useful and practical technologies, the Office of Nuclear Energy, Science and Technology is directed to provide Congress with an annual AFCI Comparison Report. The report will provide qualitative and quantitative information to enable Congress to compare the various technology approaches to managing commercial spent fuel. The first such report is due by May 30, 2003, and should be updated by May 30 each year thereafter so long as the Department continues its AFCI research activity. This report should include comparison matrices that contrast the advantages and disadvantages of possible fuel treatment and advanced fuel cycle technologies. The technologies should be evaluated with respect to energy and chemical inputs, product and waste stream outputs, proliferation considerations, estimated R&D and facility life cycle costs (i.e., capital, operating, and D&D, plus disposal of wastes), and the estimated number and type of facilities required. If the Department cannot provide specific, quantitative information (such as for yet-to-be developed technologies), it should identify in the matrices the estimated dates by which ongoing R&D will provide the answers. Today's commercial light water reactor fuel cycle and spent nuclear fuel disposition should be used as the basis for comparison and to bound and define performance objectives for the new technologies.

One matrix should compare spent fuel treatment technologies, comparing advanced fast reactor systems, accelerator systems, and other existing and proposed reprocessing and transmutation technologies (e.g., PUREX, UREX, UREX+) against the current once-through approach with spent fuel from light water reactors. The second matrix should include a similar contrast of the advantages and disadvantages and facility requirements for advanced fuel cycles, and should specifically address the six innovative reactor concepts that the member countries of the Generation IV International Forum have agreed to pursue. The second fuel cycle matrix should also include consideration of thorium-uranium and thorium-plutonium fuel cycles and the gas turbine modular helium reactor.

Within the funds made available for AFCI, the conference agreement provides funding for the Department to pursue the recommendations of the joint U.S.-Russia task force on advanced reactor and fuel cycle technologies. The conference agreement also includes $1,500,000 for the Idaho Accelerator Center and $4,500,000 for AFCI-related research by the University of Nevada at Las Vegas.

Program direction.—The conference agreement includes $23,439,000 for program direction.

Use of prior year balances.—The conference agreement includes the use of $6,000,000 of prior year funds to be carried over from fiscal year 2002 to offset fiscal year 2003 requirements.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement provides $22,700,000 for non-defense environment, safety and health activities, which includes $15,860,000 for program direction.

Under the Science portion of this report, the Office of Science is directed to submit to the House and Senate Energy and Water Development Appropriations Subcommittees a report providing a detailed estimate of the cost of bringing the ten DOE Office of Science laboratories (named in House Report 107–112) into compliance with Nuclear Regulatory Commission (NRC) and Occupational Safety and Health Administration (OSHA) standards for nuclear safety and worker safety, respectively. To support this task, the Department is directed to transfer $2,500,000 to the NRC and $1,300,000 to OSHA. In addition, the Department is directed to transfer $1,000,000 to OSHA to cover the costs of OSHA regulation of worker health and safety at those sites transferred to non-Federal entities and the Department's non-nuclear facilities not covered under the Atomic Energy Act.

TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement moves the Technical Information Management program from the Energy Supply account to the Science account.

ENERGY SUPPLY INFRASTRUCTURE

The conference agreement does not include this new program as proposed by the Senate.

FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of $5,211,000.

Non-Defense Environmental Management

The conference agreement provides $215,100,000 for Non-Defense Environmental Management instead of $213,259,000 as proposed by the House and $176,000,000 as proposed by the Senate.

Site closure.—The conference agreement includes $95,000,000 for the West Valley site as proposed by the Senate. Funding for the program was moved from the Post 2006 program to the site closure program as proposed by the House.

Site/project completion.—The conference agreement provides $57,425,000. This includes an additional $15,000,000 for the Brookhaven National Laboratory and the transfer of $8,847,000 for long-term stewardship activities to a separate program.

Post 2006 completion.—The conference agreement includes $20,554,000 for Post 2006 completion activities. This includes the budget request of $1,848,000 for Los Alamos and $16,740,000 to continue the cleanup activities at the Energy Technology Engineering Center in California.

Funding of $4,100,000, an increase of $3,134,000, is provided for the Atlas uranium mill tailings site at Moab, Utah, to prepare a scientifically sound remediation plan. The conferees expect the Department to undertake an objective evaluation of costs, benefits, and risks associated with remediation alternatives for the site, including removal and stabilization in place or variations on these two options.

Fast Flux Test Facility.—The conference agreement includes the budget request of $36,100,000 for the Fast Flux Test Facility at Richland, Washington, as proposed by the Senate and transfers the funding from the Energy Supply appropriation account as proposed by the House.

Long-term Stewardship.—The conference agreement includes $14,180,000 for long-term stewardship activities as proposed by the House. The conferees are aware that the Department will be consolidating long-term stewardship and legacy management activities in the fiscal year 2004 budget, and these activities will no longer be managed by the Office of Environmental Management. Thus, the requirement for a review of the long-term stewardship program will be addressed as part of the fiscal year 2004 appropriation.

Excess facilities.—The conference agreement provides the budget request of $1,841,000 for excess facilities to begin decontamination and decommissioning of excess facilities in the environmental management program.

Funding adjustment.—The conference agreement includes an adjustment of $12,134,000 for the use of prior year balances.

Uranium Facilities Maintenance and Remediation

The conference agreement provides $456,539,000 for uranium activities instead of $382,154,000 as proposed by the House and $471,154,000 as proposed by the Senate.

Uranium Enrichment Decontamination and Decommissioning Fund.—The conference agreement provides $340,329,000 for activities funded from the uranium enrichment decontamination and decommissioning (D&D) fund. This amount includes $324,329,000 for decontamination and decommissioning activities and $16,000,000 for uranium and thorium reimbursements.

The conference agreement provides an additional $34,000,000 for cleanup at the Paducah Gaseous Diffusion Plant, an additional $65,000,000 for the East Tennessee Technology Park (ETTP), and an additional $15,000,000 for thorium cleanup reimbursement. The amount provided for decontamination and decommissioning has been reduced by $9,194,000 to pay for increased safeguards and security costs that are funded under the Defense Environmental Restoration and Waste Management account.

The General Accounting Office (GAO) is directed to conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the House and Senate Committees on Appropriations, the Senate Energy and Natural Resources Committee, and the House Energy and Commerce Committee on the results of this study. The conferees direct the GAO not to displace any other requests by the House and Senate Committees on Appropriations.

Other Uranium Activities.—The conference agreement provides $141,210,000 for other uranium activities. The conference agreement provides the requested amounts for the East Tennessee Technology Park, the Paducah Gaseous Diffusion Plant, and the Portsmouth Gaseous Diffusion Plant. The amount provided has been reduced by $5,421,000 to pay for increased safeguards and security costs that are funded under the Defense Environmental Restoration and Waste Management account.

Funding adjustment.—The conference agreement includes the use of $25,000,000 of prior year balances.

Science

The conference agreement provides $3,305,894,000 instead of $3,271,233,000 as proposed by the House and $3,329,456,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement.

High energy physics.—The conference agreement provides $726,990,000 for high energy physics. The conferees have provided an additional $2,000,000 for operations and activities of the program.

Nuclear physics.—The conference agreement provides $384,370,000 for nuclear physics. The conferees encourage the Department to use these additional funds to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at the Brookhaven National Laboratory and the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Accelerator Facility, and to continue research and development and preconceptual design in support of the Rare Isotope Accelerator.

Biological and environmental research.—The conference agreement includes $530,000,000 for biological and environmental research. The conference agreement provides $7,000,000 for the Savannah River Ecology Laboratory, $20,000,000 in total funding for the low dose effects program, continues the free air carbon dioxide experiments at the current year level, and provides $2,000,000 in additional funding for the EMSL computer. The conference agreement also includes $4,000,000 for research on arsenic removal.

The conference agreement includes $3,800,000 for infrastructure and equipment for the Wittenberg University Science Center; $3,000,000 for the University of South Alabama Cancer Center; $2,000,000 for the Institute for Biomedical Science and Biotechnology at the University of Arizona; $1,200,000 for the University of Southern Florida Center for Biological Defense; $1,000,000 for the Barry University Minority Science Center in Florida; $1,000,000 for the Riverside Hospital Regional Cancer Center in Illinois; $500,000 for the Stanley Scott Cancer Center in Louisiana; $500,000 for the Western Michigan University Nanoscience Research and Computational Institute; $1,000,000 for the North Mississippi Health Services Positron Emission Tomography Cancer Center; $500,000 to upgrade the Drew University Hall of Science in New Jersey; and $500,000 for the Environmental Systems Center at Syracuse University in New York.

The conference agreement includes $4,600,000 for a Purdue University technology incubator in northwest Indiana; $1,000,000 for the University of Notre Dame College of Engineering Multidisciplinary Research Facility; $500,000 for vocational education programs at the Los Angeles Trade Technical College; $500,000 for the fuel cell advanced materials and demonstration project at Humboldt State University in California; $650,000 for the National Center for Neurogenetic Research and Computational Genomics at the University of Southern California; $500,000 for the bioengineering research program at the University of Illinois at Chicago; $500,000 for the Pioneer Valley Life Sciences Initiative between the University of Massachusetts and the Baystate Medical Center; $250,000 for the Hampshire College National Center for Science Education in Massachusetts; $500,000 for the Audubon Biomedical Science and Technology Park at Columbia University in New York; $500,000 for the Center for Sustainable Energy at the Bronx Community College in New York; and $500,000 for the Green Chemistry Project at Carnegie Mellon University in Pennsylvania.

The conference agreement includes $10,000,000 for operations and capital investments at the Mental Illness and Neuroscience Discovery Institute; $2,000,000 for the University of Missouri-Columbia nuclear medicine and cancer research program; $1,000,000 for the University of Southern Maine School of Applied Sciences, Engineering, and Technology; $1,000,000 for the Center for Environmental Radiation Studies at Texas Tech University; $500,000 for the Legume Genome Initiative at the University of Oklahoma; and $500,000 for the University of Northern Iowa Existing Business Enhancement Program.

The conference agreement includes $1,000,000 for the University of Louisiana-LaFayette National Wetlands Research Center; $1,000,000 for the Medical University of South Carolina; $500,000 for a Magnetic Resonance Microscope at the Children's Hospital of Los Angeles: $500,000 for a PET/CT scanner at Christiana Care Health System in Delaware; $500,000 for the Natural Energy Laboratory in Hawaii; $500,000 for a CT scanner at Edward Hospital in Illinois; $500,000 for the University of Massachusetts at Boston Multidisciplinary Research Facility and Library; $1,000,000 for the Nevada Cancer Institute; $500,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University; $500,000 for the Morgan State University Center for Environmental Toxicology; $450,000 for nanotechnology applications at Western Michigan University in partnership with Altair; $250,000 for the International Water Institute; $450,000 for the New York University Genomics Project; $1,000,000 for the linear accelerator at the University Medical Center of Southern Nevada; $500,000 for the Indiana Genomics Initiative at Indiana University; $250,000 for the Boston University Photonics Center; $100,000 for the Nevada Space Grant Consortium at the Desert Research Institute; and $500,000 for the Public Health Research Institute Rapid Detection for Bioterrorism program in New Jersey.

Basic energy sciences.—The conference agreement includes $1,030,000,000 for basic energy sciences. The conference agreement includes $551,378,000 for materials sciences and engineering research, and $221,551,000 for chemical sciences, geosciences, and energy biosciences. For purposes of reprogramming in fiscal year 2003, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

The conference agreement provides the requested amounts of $210,571,000 for construction of the Spallation Neutron Source, $6,000,000 for project engineering and design (PED) for the Linac Coherent Light Source at the Stanford Linear Accelerator Center, and $24,000,000 for the design and construction of the Oak Ridge Center for Nanophase Materials Sciences. The conference agreement provides $4,500,000 in additional funding to complete PED and initiate construction of the Center for Integrated Nanotechnologies, and an additional $1,000,000 to initiate PED in fiscal year 2003 for the Brookhaven Center for Functional Nanomaterials.

The conference agreement also provides $11,985,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

Advanced scientific computing research.—The conference agreement includes $172,625,000 for advanced scientific computing research (ASCR), an increase of $3,000,000 over the budget request. The conferees provide these additional funds for the Department to pursue alternative approaches to advance the United States capability in advanced scientific computing. The recent developments by the Japanese on scientific supercomputing are cause for concern. The conferees strongly support DOE's role in Advanced Scientific Computing development missions, and will consider a request for reprogramming of fiscal year 2003 funds in order for U.S. manufacturers and laboratories to address the recent developments by Japan relating to the Earth Simulator.

Energy research analyses.—This activity is transferred as a subprogram under Science Program Direction.

Science laboratories infrastructure.—The conference agreement provides $45,680,000 for science laboratories infrastructure, including a total of $8,000,000 for excess facilities disposition.

Fusion energy sciences.—The conference agreement includes $250,000,000 for fusion energy sciences, an increase of $1,505,000 over fiscal year 2002. The conferees note that the fiscal year 2002 funding level included $19,604,000 for the completion of decontamination and decommissioning of the Tokamak Fusion Test Reactor (TFTR), leaving $228,891,000 available for fusion research and facility operations in fiscal year 2002. By comparison, the conference agreement for fiscal year 2003 makes this $19,604,000, plus an additional $1,505,000, available for fusion research and facility operations, an increase of 9.2 percent over the comparable amount available in fiscal year 2002.

Within the funding available for fusion energy sciences, the Department should make additional funding of $1,500,000 available to the Princeton Plasma Physics Laboratory to support the National Spherical Torus Experiment (NSTX) research, NSTX operations, and preliminary design for the National Compact Stellarator Experiment (NCSX). Within available funding, the Department should report back to the Appropriations Committees no later than August 1, 2003, with an evaluation of the "fast ignition" concept and with any recommendations regarding the schedule and milestones of the High Energy Density Physics Program.

Safeguards and security.—The conference agreement includes $48,765,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science. The additional $638,000 over the budget request represents a transfer from Weapons Activities for the costs of safeguards and security at Building 3019 at Oak Ridge National Laboratory.

Science workforce development.—The conference agreement provides $5,460,000 for science workforce development. This activity had previously been funded as the Science Education subprogram within Program Direction.

Science program direction.—The conference agreement includes $136,387,000 for science program direction. This amount includes $72,403,000 for field offices, $55,984,000 for headquarters, $7,000,000 for the Technical Information Management program (transferred from the Energy Supply account), and $1,000,000 for Energy Research Analyses. The control level for fiscal year 2003 is at the program account level of Science Program Direction.

External regulation.—Funds are provided in the Environment, Safety and Health (non-defense) account within the Energy Supply appropriation for the Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA) to conduct compliance audits of the ten DOE Science laboratories. The Office of Science should use this information to develop estimates of the costs needed to bring these ten laboratories into compliance with NRC and OSHA safety standards. The Office of Science, in cooperation with NRC and OSHA, should complete the compliance audits and cost estimates for an initial set of four representative Science laboratories not later than September 30, 2003, and for all remaining Science laboratories by March 31, 2004. The Office of Science is directed to submit a report to the House and Senate Energy and Water Development Appropriations Subcommittees summarizing the audit results and cost estimates for all ten laboratories not later than April 30, 2004.

Funding adjustments.—A general reduction of $20,000,000 has been applied to this account.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $145,00,000 for Nuclear Waste Disposal, instead of $209,702,000 as proposed by the House and $56,000,000 as proposed by the Senate. When combined with the $315,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of $460,000,000 will be available for program activities in fiscal year 2003. The conference agreement includes not to exceed $2,500,000 for the State of Nevada and $7,000,000 for affected units of local government. The conferees direct the Department to provide $2,000,000 to Clark County, Nevada, to study and demonstrate the integration of emergency response planning systems and advanced transportation technologies. The conferees further direct that $2,500,000 be provided to the Research Foundation of the University of Nevada, Las Vegas, for continuing and expanding its efforts in ground water characterization and research into the transport and fate of radionuclides in the vicinity of the Yucca Mountain repository.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $309,872,000 for Departmental Administration expenses instead of $249,259,000 as proposed by the House and $295,587,000 as proposed by the Senate. Funding adjustments include the transfer of $87,468,000 from Other Defense Activities and the use of $15,000,000 of prior year balances. Revenues of $120,000,000, a reduction of $17,524,000 from the budget request, are estimated to be received in fiscal year 2003, resulting in a net appropriation of $87,404,000.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Engineering and construction management reviews.—The conference agreement provides $5,000,000 for the Office of Engineering and Construction Management for external independent reviews of proposed projects and programs.

Cybersecurity and secure communications.—The conferees have provided $30,000,000 for cybersecurity and secure communications.

Corporate management information program.—The conferees have provided $15,000,000 for the Department's Corporate Management Information Program.

Cost of work for others.—Since initiating direct budgeting and funding of safeguards and security activities, the Department has used the cost of work for others program to fund reimbursable safeguards and security costs incurred for work performed for other Federal agencies. This was originally planned to be a one-year transitional fix; however, the Department has continued to use this procedure beyond that time. The conferees expect the Department to submit to the Committees on Appropriations a proposal that would allow the direct funding of these costs within each program account in fiscal year 2004.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of $1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without prior submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $1,000,000 or 10 percent to an individual program account require prior notification and approval.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $37,671,000 for the Inspector General as proposed by the House and the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

Availability of funds.—The conference agreement makes funds appropriated to the NNSA available until expended as proposed by the Senate.

Other provisions.—The conference agreement includes language authorizing $12,000,000 to be appropriated for Project 03–D–102, LANL administration building, at Los Alamos National Laboratory, and $113,000,000 to be appropriated for Project 01–D–108, Microsystems and engineering science applications (MESA), at Sandia National Laboratories, in New Mexico.

The conference agreement does not include bill language proposed by the House limiting the obligation of funds until the Nuclear Weapons Council certifies the Selected Acquisition Reports, limiting the obligation of funds until the NNSA budgets by weapons system, or providing $10,000,000 to upgrade financial systems to track costs by weapons system. Each of these issues is addressed further in the statement of the managers.

Future Years Nuclear Security Program.—The conferees agree with the House language pertaining to the inadequate multi-year programming and budgeting information and direct the NNSA to contract for an independent assessment of the NNSA's planning, programming, and budgeting system, including its comparability to that of the Department of Defense.

Strategic weapons modernization.—The conferees direct the Secretary of Energy in conjunction with the Secretary of Defense to provide a report to the Appropriations and Armed Services Committees of Congress providing a specific inventory objective for each nuclear weapon system by year and in total through 2012; an indication of the likely number of warheads that must be modernized and why; and an estimate of the cost in then-year dollars to perform such modernization. This report is due to the Congressional defense committees not later than March 15, 2003.

Selected Acquisition Reports.—The conferees direct NNSA to submit Selected Acquisition Reports to Congress in fiscal year 2004 and subsequent fiscal years in an identical manner to those submitted by the Department of Defense. NNSA shall use the title "Selected Acquisition Report", use the Department of Defense standard format and classification methodology, and include identical types of information on program cost, schedule, and contractor performance.

Budget and accounting for nuclear weapons systems.—The conferees understand that the Department is implementing a pilot project to budget and account for costs by weapons system and expect to be kept informed by the Administrator of the NNSA and the Department's Chief Financial Officer on the status of this project.

Cerro Grande Fire Funds.—The conferees direct that the Secretary not defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, reprogram or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande fire activities unless a reprogramming is submitted in advance and approval received from the House and Senate Committees on Appropriations.

WEAPONS ACTIVITIES

The conference agreement provides $5,954,204,000 for Weapons Activities instead of $5,772,068,000 as proposed by the House and $6,108,959,000 as proposed by the Senate.

Reprogramming.—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follow: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than $5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 15 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of $5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations. Failure to notify the Committees within the 15-day period will result in denial of the reprogramming.

Directed stockpile work.—The conference agreement includes the budget request of $1,234,467,000 for directed stockpile work as proposed by the House and the Senate.

Campaigns.—Funding for individual campaigns is shown on the accompanying table. The conferees agree with the House language requesting detailed project baseline data for each campaign showing the total, annual, and five-year costs, schedule, scope, and deliverables for individual project activities as part of the annual budget request.

From within funds provided for the various campaigns, $2,175,000 is provided for the University Research Program in Robotics. An additional $2,175,000 is provided for the robotics program in the environmental management program.

For science campaigns, the conference agreement provides $255,468,000, an increase of $20,000,000 over the budget request. The conference agreement provides $47,159,000 for primary certification as proposed by the Administration. In the dynamic materials properties program, the conferees have provided $5,000,000 for materials properties studies using the capabilities of the Nevada Test Site and the budget request of $13,110,000 for university partnerships. In the advanced radiography program, funding of $20,000,000 is provided to continue research, development and conceptual design activities for an advanced hydrodynamics test facility and an additional $5,000,000 to fund other experiments that might be conducted in the Contained Firing Facility.

For engineering campaigns, the conference agreement provides $233,697,000, a reduction of $5,713,000 from the budget request. Enhanced surety is funded at $32,000,000, as proposed by the Senate.

For inertial confinement fusion, the conference agreement provides $504,293,000, an increase of $52,500,000 over the budget request, and includes several program funding adjustments. The conference agreement includes $10,000,000 for the Naval Research Laboratory, the same as the budget request. Funding of $22,000,000 has been provided to further development of high average power lasers.

The conference agreement includes $36,400,000, the same as the budget request, for the on-going program at the Laboratory for Laser Energetics at the University of Rochester. An increase of $13,000,000 over the budget request is provided for the University of Rochester for the Omega Extended Performance Facility to enhance the capabilities of the Omega facility in support of the nation's stockpile stewardship program by providing additional high-energy, high-intensity beams to be used with the existing Omega facility.

The conference agreement provides an additional $8,000,000 for enhanced National Ignition Facility (NIF) diagnostics and/or cryogenic target activities, and $214,045,000, the same as the budget request, for continued construction of the NIF.

For petawatt laser capabilities, funding of $5,000,000 is provided to modify the beamlet laser at the Sandia National Laboratories and $1,000,000 is provided for technical community activities in developing critical short-pulse, high power laser technology.

The conferees have provided an additional $3,500,000 for university grants/other ICF support. This includes $2,500,000 for installation, operation, and continued research and development on a petawatt laser at the University of Nevada-Reno, and $1,000,000 for short pulse, high power laser development at the University of Texas.

For advanced simulation and computing, the conference agreement provides $704,335,000, as proposed by the Senate. The NNSA is directed to commission two independent studies as proposed by the Senate. These reports are due to the Committees on Appropriations by August 1, 2003.

For pit manufacturing and certification, the conference agreement provides $222,000,000, an increase of $27,516,000 over the budget request of $194,484,000. The increase will ensure that the NNSA maintains its commitment to produce a certifiable W88 pit by 2003 and a certified W88 pit by 2007. The NNSA has refused to request funds consistent with its own project plan submitted in September 2001. As directed by the Senate explanatory statement, the NNSA is to provide a revised pit production and certification plan to the relevant Congressional committees by March 31, 2003, and annually thereafter. To ensure that all sites under study for the modern pit facility receive full and equal consideration, the conferees recognize that future land withdrawal action by Congress may be required to proceed with construction of the facility.

For readiness campaigns, the conference agreement provides $213,752,000, a reduction of $8,065,000 from the budget request. Funding for the tritium readiness campaign includes $42,734,000 for operating expenses as proposed by the Senate and an additional $5,335,000 to complete dismantlement of the Accelerator Production of Tritium program.

Readiness in technical base and facilities.—For readiness in technical base and facilities, the conference agreement provides $1,832,222,000, an increase of $143,993,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional $25,000,000 be provided for the Pantex Plant in Texas and an additional $20,000,000 be provided for the Y–12 Plant in Oak Ridge, Tennessee, as proposed by the House. The conference agreement includes an additional $6,000,000 for the Z machine operations at Sandia and $3,000,000 for technology transfer activities as proposed by the Senate. The conferees encourage the Department to utilize the UNLV Research Foundation and other academic institutions to facilitate such technology transfer activities at the Nevada Test Site.

The conference agreement provides $56,725,000 for activities at the Nevada Test Site and an additional $23,500,000 for the National Center for Combating Terrorism for facility upgrades, refurbishments, equipment, and operation and maintenance.

Funding of $638,000 has been transferred to the Office of Science safeguards and security program to support weapons-related activities at the Oak Ridge National Laboratory.

Within funds provided for program readiness, the conference agreement includes $60,000,000 to maintain Nevada Test Site readiness and $6,164,000 for activities related to the TA–18 relocation to Nevada. The conference agreement provides the budget request of $15,000,000 for enhanced test readiness. The Department is directed to notify the House and Senate Committees on Appropriations before any of these funds are obligated in fiscal year 2003.

Within funds provided for special projects, the conference agreement includes $600,000 for the Oral History of the Nevada Test Site; $6,900,000 for the New Mexico Education Enrichment Foundation; $2,500,000 for the National Museum of Nuclear Science and History relocation project; $500,000 for the Atomic Testing History Institute; $1,000,000 for the UNLV Research Foundation; $3,000,000 to update aircraft navigational and other related avionics; and the budget request for the Los Alamos County Schools. Within available funds, the conferees urge NNSA to conduct a field installation of the truck stopping device developed by Lawrence Livermore National Laboratory and to continue research on bridges and new techniques for scanning shipping containers.

The conference agreement includes $103,816,000 for materials recycling, an increase of $5,000,000 over the budget request for activities at the Y–12 Plant in Tennessee as proposed by the House.

The conference agreement includes the budget request of $17,721,000 for containers, $14,593,000 for storage, and $91,000,000 for nuclear weapons incident response.

Construction projects.—For construction projects, the conference agreement includes adjustments proposed by the Department to the budget request for several projects to reflect the latest program planning assumptions. In addition, the conference agreement provides $12,000,000 for Project 03–D–102, LANL administration building replacement project, and $113,000,000 for Project 01–D–108, Microsystems and Engineering Sciences Applications Complex at Sandia, in New Mexico.

Facilities and infrastructure recapitalization.—The conference agreement includes the budget request of $242,512,000 for the facilities and infrastructure (F&I) recapitalization program. The conferees agree with the House language to procure decontamination, decommissioning and demolition services through an open competitive process. At least $50,000,000 is to be used to dispose of excess facilities.

Secure Transportation Asset.—The conference agreement provides the budget request of $152,989,000 for secure transportation asset.

Safeguards and security.—The conference agreement includes $526,254,000, an increase of $16,300,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration.

Funding adjustments.—The conference agreement includes an adjustment of $28,985,000 for a security charge for reimbursable work, as proposed in the budget, and a general reduction of $138,800,000.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $1,113,630,000 for Defense Nuclear Nonproliferation instead of $1,167,630,000 as proposed by the House and $1,115,630,000 as proposed by the Senate.

Availability of funds.—The conference agreement makes the funds available for obligation until expended as proposed by the Senate.

Nonproliferation and verification research and development.—The conference agreement provides the budget request of $283,407,000 for nonproliferation and verification research and development. This includes $20,160,000, the same as the budget request, for ground-based systems for treaty monitoring.

From within available funds for research and development activities, $10,000,000 is provided to support ongoing activities at the Remote Sensing Test and Evaluation Center at the Nevada Test Site. The conferees encourage the Department to use a portion of the additional funds provided to the Remote Sensing Test and Evaluation Center to support applied research activities related to national security at UNLV and other universities that are participating in cooperative ventures at the Nevada Test Site.

The conference agreement provides $3,000,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The conferees expect the NNSA to conduct a site-wide survey of the Iowa Army Ammunition Plant in Middletown, Iowa, for radiological contamination as proposed by the Senate. Within available funds, the NNSA is directed to provide $10,000,000 for the sustained development of advanced technologies needed to counter nuclear terrorism threats and focus on improving capability through research and development.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to continue a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2003 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

The conferees direct the Department to identify ways to increase competition to ensure that the best possible researchers in the private sector and academia are provided the opportunity to compete for nonproliferation research and development funds and to contribute to these critical national security programs. In this time of increased threats to the nation, the Department should make every effort to seek out new and innovative ideas and concepts beyond those developed by the Department's own contractors.

The conferees request an annual report on the nonproliferation and verification research and development program that includes each major research project with the total baseline cost, cost by year, scope, schedule, deliverables, entity performing the research, and proposed user. This report in an unclassified form with a classified appendix as necessary is due to the Committees on Appropriations on March 15, 2003, and annually thereafter. The Department should work with the Committees to ensure the appropriate level of detail.

Nonproliferation and international security.—The conference agreement provides the budget request of $92,668,000 for nonproliferation and international security.

Nonproliferation programs with Russia.—The conferees continue to be concerned that too much of the money for Russian programs is being spent in the United States at the Department of Energy's own facilities rather than going to the facilities in Russia. The Department is directed to submit a plan to the Committees on Appropriations that shows how the ratio of the funding within each program that is spent in Russia versus the funding that remains the United States for the Department's contractors will be increased significantly in each subsequent fiscal year.

International materials protection, control and cooperation (MPC&A).—The conference agreement includes $233,077,000, the same as the budget request, for the MPC&A program. From within available funds, the conference agreement provides at least $15,000,000 for expanded activities within the Second Line of Defense program that is responsible for improving border and transportation security. The conferees support expanded program work in major transit/transportation hubs and ports in countries other than Russia and the Newly Independent States. The conference agreement also provides $5,000,000 for the radiological dispersion devices (RDD) program to protect, control and account for RDD materials in countries other than Russia and the Newly Independent States.

Accelerated Highly Enriched Uranium (HEU) Disposition.—The conference agreement provides $14,000,000 to develop and implement efforts with the Russian Federation for blending or otherwise securing highly enriched uranium. These efforts may include the purchase of highly enriched uranium from the Russian Federation and transporting it to the United States. This program is in addition to the U.S./Russian HEU Agreement to blend down 500 metric tons of highly enriched uranium over twenty years.

Russian Transition Initiatives.—The conference agreement provides $39,334,000, the same as the budget request, for the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative.

HEU transparency implementation.—The conference agreement provides $17,229,000, the same as the budget request.

International nuclear safety.—The conference agreement provides $11,576,000, a reduction of $3,000,000 from the budget request, for the international nuclear safety program, as proposed by the House.

Elimination of weapons-grade plutonium production.—The conference agreement includes the budget request of $49,339,000 for the elimination of weapons-grade plutonium production program. The conferees strongly support the Department's efforts to provide an open procurement competition to find the best-qualified contractor to implement this program and have not included language to limit repayment of program expenditures.

Fissile materials disposition.—The conference agreement provides $48,000,000 for fissile materials disposition, the same as the budget request. At the request of the Department, funding of $2,000,000 was transferred from operating expenses to Project 99–D–141, Pit disassembly and conversion facility, and $6,372,000 was transferred from Project 01–D–407, highly enriched uranium blend down, to operating expenses.

Program direction.—The conference agreement does not provide any program direction funds in this account as proposed by the Senate. Program direction funding for the Defense Nuclear Nonproliferation office will be identified separately within the Office of the Administrator account.

Funding adjustments.—The conference agreement includes funding adjustments of $75,000,000. This includes the use of $68,000,000 of prior year balances and the additional $7,000,00 remaining from completion of Project 00–D–192, Nonproliferation and international security center.

NAVAL REACTORS

The conference agreement provides $706,790,000 for Naval Reactors, the same as the budget request. These funds are to remain available until expended as proposed by the Senate.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $330,929,000 for the Office of the Administrator instead of $261,929,000 as proposed by the House and $335,929,000 as proposed by the Senate. These funds are available for obligation through September 30, 2003, as proposed by the House. Statutory language providing $12,000 for official reception and representation expenses has also been included.

The conferees urge the Administrator of NNSA to provide at least $5,000,000 for the NNSA Office of Project Management and Engineering Support to continue its project oversight work and to provide training and mentoring programs to improve the skills of NNSA program and project managers.

Defense Nuclear Nonproliferation.—The conference agreement provides $57,000,000 for the Federal employees in the Office of Defense Nuclear Nonproliferation. None of these funds may be taxed by the NNSA for any purpose without prior notification and approval by the House and Senate Committees on Appropriations.

ENVIRONMENTAL AND OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides $5,470,180,000 for Defense Environmental Restoration and Waste Management instead of $4,543,661,000 as proposed by the House and $5,370,532,000 as proposed by the Senate. Additional funding of $1,138,314,000 is contained in the Defense Facilities Closure Projects account and $158,399,000 in the Defense Environmental Management Privatization account for a total of $6,766,893,000 provided for all defense environmental management activities.

Accelerated cleanup funding.—The conference agreement has merged funds proposed for the Environmental Management Cleanup Reform account into the appropriate existing appropriation accounts rather than providing a lump sum in a separate appropriation account as proposed by the Administration.

Reprogramming authority.—The conferees support the need for flexibility to meet changing funding requirements and have provided internal reprogramming authority as proposed by the House.

Site/project completion.—Total funding of $990,950,000 is provided for site/project completion. The conference agreement provides additional funding to accelerate cleanup at the following sites: $40,000,000 for the Savannah River Site in South Carolina; $5,000,000 for the Idaho site; $141,000,000 for the Hanford site in Richland, Washington; $8,000,000 for Sandia National Laboratories in New Mexico; $5,000,000 for the Pantex plant in Texas; and $4,000,000 to expedite the remediation and conveyance of up to 2,000 acres of land for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos consistent with the direction of section 632 of Public Law 105–119.

Funding of $7,000,000 for the Savannah River Ecology Laboratory is included in the Office of Science in fiscal year 2003.

Funding of $8,800,000 is transferred from operating expenses at the Savannah River Site to a new construction project, Project 03–D–414, Preliminary Project Engineering and Design, to initiate design activities for the salt waste processing facility and an additional glass waste storage building.

Post 2006 completion.—The conference agreement provides total funding of $3,322,367,000 for post 2006 completion. The conference agreement provides additional funding to accelerate cleanup at the following sites: $176,000,000 for the Savannah River Site in South Carolina; $54,000,000 to accelerate remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Laboratory; $40,000,000 to accelerate cleanup at the Oak Ridge Reservation in Tennessee; $33,000,000 to accelerate cleanup at the Nevada Test Site; $22,000,000 to accelerate cleanup activities at the Lawrence Livermore National Laboratory; and $2,000,000 to accelerate cleanup activities in Alaska.

Additional funding of $105,000,000 is provided for the Idaho site. From within these funds, $2,000,000 is for the national spent nuclear fuel program; $4,000,000 is for the Subsurface Science Research Institute operated by the Inland Northwest Research Alliance and the INEEL; and the Department is directed to pay its Title V air permitting fees at the INEEL consistent with prior year levels.

The conferees are aware that the district court has ordered the parties to enter into mediation to resolve the Pit 9 issue at Idaho. The conferees commend that initiative and encourage the pursuit of action to avert continued costly and protracted litigation. The conferees expect the Department to participate directly in that mediation, not through the contractor. If mediation is not successful, the conferees expect the Department to initiate and participate in arbitration to resolve this dispute.

Additional funding of $63,000,000 is provided for the Hanford site in Richland, Washington, to accelerate cleanup of the River Corridor and tank waste management activities. From within available funds, $600,000 is provided for State of Oregon oversight activities, and funding at the fiscal year 2002 level is provided for the Hazardous Materials Management and Emergency Response (HAMMER) training and education center. The conferees understand that the HAMMER facility will seek another source of funding and be moved from the environmental management program after fiscal year 2003. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Additional funding of $20,000,000 is provided to the Carlsbad field office. This includes $14,000,000 to accelerate shipping and disposing of transuranic waste throughout the complex; $3,500,000 to be made available to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations; and $2,500,000 to continue the U.S.-Mexico Border Health Commission/Materials Corridor Partnership Initiative.

From within available funds, $36,732,000 has been transferred to the safeguards and security program to offset increased security costs in fiscal year 2003.

Office of River Protection.—The conference agreement provides $1,126,988,000, an increase of $229,000,000 over the budget request, for the Office of River Protection at the Hanford site in Washington. Funding of $619,000,000 has been provided for Project 01–D–416, the Hanford Waste Treatment Plant, to vitrify the high-level waste in underground tanks.

Uranium enrichment decontamination and decommissioning (UED&D) fund.—The conference agreement includes the budget request of $442,000,000 for the Federal government's contribution to the UED&D fund.

Science and technology development.—The conference agreement provides $118,175,000 for the science and technology development program. The conference agreement includes $4,000,000 to continue the international agreement with AEA Technology; $7,000,000 for the Department's current five-year cooperative agreement with the Florida International University's Hemispheric Center for Environmental Technology; $750,000 for the Mid-Atlantic Recycling Center for End-of-Life Electronics project; $5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; $2,000,000 to continue micro-sensing technology development and prototype deployment of remote monitoring systems for the underground test area; $2,175,000 for the university robotics research program; $12,000,000 for research and development at Idaho on environmental technologies; and $1,000,000 for basic science experiments at the Waste Isolation Pilot Plant. The Department is directed to continue its ongoing cooperative agreements with the University of Nevada-Las Vegas and the University of Nevada-Reno on terms consistent with recent years. The conferees urge the Department to consider continued evaluation, development and demonstration of the Advanced Vitrification System.

The Office of Environmental Management is directed to report to the House and Senate Committees on Appropriations as soon as information is available on the projects and activities which are to be performed with funding provided in fiscal year 2003 to the Florida International University, AEA Technology, the Mid-Atlantic Recycling Center for End-of-Life Electronics project, the Diagnostic Instrumentation and Analysis Laboratory, the micro-sensing technology development and prototype deployment of remote monitoring systems for the underground test area, the university robotics research program, the Western Environmental Technology Office, and the National Energy Technology Laboratory. The Department should work with the Committees on the detail and format for this report.

Excess facilities.—The conference agreement includes $5,000,000, an increase of $3,700,000 over the budget request, for excess facilities. These funds are to be used to initiate decontamination and decommissioning of excess facilities owned by the environmental management program.

Multi-site activities.—The conference agreement includes $64,352,000, a decrease of $415,519,000 from the budget request, for multi-site activities. Funding of $442,000,000 for the uranium enrichment decontamination and decommissioning fund is transferred to a separate program; $1,000,000 is provided for packaging and certification activities; and $8,481,000 is provided for the hazardous waste worker training program. The conferees expect the Department to continue its support for a variety of small programs identified in the Senate explanatory statement.

Funding of $17,000,000 is provided for the National Energy Technology Laboratory (NETL) in West Virginia, including $5,000,000 for the Western Environmental Technology Office. The Department is establishing an Office of Legacy Management that will gain responsibility for the long-term stewardship program now managed by the Office of Environmental Management. The conferees expect the Department to use the NETL to begin preparatory actions to ensure a smooth and effective transition of people, records, and programs including the responsibility for long-term stewardship of records dealing with physical and human issues at current sites as well as from the closure of the Ohio and Rocky Flats cleanup sites. The enormous records management requirements at closure sites will require solicitation and management of contracts to assess both the current status of environmental management records as well as performing an evaluation of best practices. A critical examination of the numerous complex issues of annuitant benefit continuity for retirees/annuitants at closure sites will also be required. Preparatory work in fiscal year 2003 will ensure a smooth transition of these responsibilities to the Office of Legacy Management and provide the Department with an assessment of its needs to provide potential bidders with sufficient data to successfully compete on the forthcoming contracts to institute long-term stewardship of environmental management records and contractor continuity of benefits.

Safeguards and security.—The conference agreement includes $268,607,000, an increase of $40,347,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the Office of Environmental Management. Safeguards and security costs at several cleanup facilities have increased significantly since the fiscal year 2003 budget request was submitted.

Program direction.—The conferees have provided $344,000,000, the same as the budget request, for the program direction account.

Funding adjustments.—The conference agreement includes reduction of $80,924,000 due to funding constraints. A security charge for reimbursable work of $4,347,000, the same as the budget request, is included.

ENVIRONMENTAL MANAGEMENT CLEANUP REFORM

The conference agreement does not provide funding for accelerated cleanup activities in this separate appropriation account as proposed by the Administration. Funds for accelerated cleanup have been allocated among the existing appropriation accounts.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides $1,138,314,000 instead of $1,091,314,000 as proposed by the House and $1,125,314,000 as proposed by the Senate. The budget request of $664,000,000 is provided for the Rocky Flats site in Colorado. Additional funding to accelerate cleanup is provided for the following projects: $25,000,000 for Fernald, Ohio; $4,000,000 for the Mound site in Ohio; and $5,000,000 for the Columbus environmental management project in Ohio. The conferees expect the Department to request adequate funds to keep each of these projects on schedule for closure by 2006 or earlier.

From within available funds, $5,500,000 has been transferred to the safeguards and security program to offset increased security costs in fiscal year 2003.

Funding of $55,651,000, an increase of $18,500,000 over the budget request, is provided for safeguards and security. Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $158,399,000, the same as the budget request, for the defense environmental management privatization program.

OTHER DEFENSE ACTIVITIES

The conference agreement provides $546,554,000 for Other Defense Activities instead of $485,076,000 as proposed by the House and $537,664,000 as proposed by the Senate. Details of the conference agreement are provided below.

ENERGY SECURITY AND ASSURANCE

The conference agreement provides $56,686,000 for the energy security and assurance program. Funding of $27,500,000 is provided for the National Infrastructure Simulation and Analysis Center (NISAC) in New Mexico, and $16,000,000 to the National Energy Technology Laboratory in West Virginia to assist the energy assurance office, as proposed by the Senate. The conference agreement includes $2,000,000 for a pilot project in Washington, DC, to be carried out in conjunction with the local power provider and administered by the Washington Metropolitan Council of Governments to protect and harden electricity infrastructure in the Nation's Capital, an area uniquely susceptible to terrorist attack. The conference agreement also includes $3,000,000 to establish the Idaho Critical Infrastructure Testbed at the Idaho National Environmental and Engineering Laboratory.

OFFICE OF SECURITY

The conference agreement provides $185,515,000, the same as the budget request, for the office of security.

The conference agreement provides total safeguards and security funding of $1,267,791,000 for safeguards and security activities at the Department of Energy. In addition to the funding provided for the office of security, the conference agreement provides $30,000,000 for security and safeguards activities performed by the Department's chief information officer and $1,052,276,000 for safeguards and security activities at the Department's field offices and facilities.

INTELLIGENCE

The conference agreement includes $41,246,000, the same as the budget request, for the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $45,955,000, the same as the budget request, for the Department's counterintelligence program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $22,430,000, the same as the budget request, for the independent oversight and performance assurance program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $103,850,000 for defense-related environment, safety and health activities including $48,160,000 for health effects studies and $13,500,000 for the Radiation Effects Research Foundation, the same as the budget request.

The conferees have provided $3,550,000 for medical monitoring at the gaseous diffusion plants and $5,000,000 to continue a program at the University of Nevada-Las Vegas for Department-wide management of electronic records. From within available funds, the Department is directed to complete the health studies at the Iowa Army Ammunition Plant and initiate a beryllium screening and outreach program for workers employed at vendors in the Worchester, Massachusetts, area who supplied beryllium to the Atomic Energy Commission.

The General Accounting Office (GAO) is directed to conduct a study on the effectiveness of the benefit program under Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 in assisting the Department of Energy contractor employees in obtaining compensation for occupational illness. Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the House and Senate Committees on Appropriations, the Senate Energy and Natural Resources Committee, and the House Energy and Commerce Committee on the results of this study. The conferees direct the GAO not to displace any other requests by the House and Senate Committees on Appropriations.

The conference agreement includes $17,149,000 for program direction, the same as the budget request.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $21,183,000 for the worker and community transition program instead of $19,683,000 as proposed by the House and $25,683,000 as proposed by the Senate. The conference agreement includes a total of $3,500,000, an increase of $1,500,000 over the budget request, for workforce restructuring at the Paducah, Kentucky, gaseous diffusion plant. Funding of $2,000,000 has been provided for infrastructure improvements at the former Pinellas weapons plant as proposed by the House.

The conference agreement does not provide any guidance on the proposed final rule implementing Part D of the Energy Employees Occupational Illness Compensation Program.

No funds may be used to augment the $21,183,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $87,468,000 for national security programs administrative support instead of $30,587,000 as proposed by the House and $50,587,000 as proposed by the Senate. Included within this amount is $21,800,000 for the national security portion of the cybersecurity and communications initiative and the corporate management improvement program that are fully funded in the Departmental Administration account.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $2,933,000 for the Office of Hearings and Appeals, the same as the budget request.

FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of $712,000 and a reduction of $20,000,000 to be applied to those programs that have balances carried over from prior fiscal years and lower priority program activities.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $315,000,000 for the defense contribution to the nuclear waste repository program as proposed by the House instead of $280,000,000 as proposed by the Senate.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION

The conference agreement provides $700,000,000 of new borrowing authority to the Bonneville Power Administration as proposed by the Senate. The bill language is included in Division N of the conference report. The conferees direct the Bonneville Power Administration to submit a detailed budget justification, by project, for its total capital improvement program to the House and Senate Committees on Appropriations not later than March 30, 2003, and to be submitted thereafter as part of the annual budget request, for approval by the House and Senate Committees on Appropriations.

No new direct loan obligations may be made during fiscal year 2003.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $4,534,000, the same as the budget request, for the Southeastern Power Administration. The conference agreement provides for the same level of purchase power and wheeling as in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $27,378,000, the same as the budget request, for the Southwestern Power Administration. The conference agreement provides for the same level of purchase power and wheeling as in fiscal year 2002. The conference agreement also provides Southwestern with the authority to accept an additional $8,043,000 of non-Federal reimbursable funding to fulfill its obligations under the Southwest Power Pool Open Access Transmission Tariff.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $168,858,000 as proposed by the Senate instead of $162,758,000 as proposed by the House. The conference agreement includes $6,100,000 for the Utah Mitigation and Conservation Account. The conference agreement also includes language as proposed by the Senate regarding the Belfield-Hettinger transmission line in North Dakota and includes $4,000,000 to fund high priority portions of the South of Phoenix portion of the Parker-Davis Project transmission system as proposed by the House.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,734,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $192,000,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of $0.

The conferees are aware that the California Public Utilities Commission (CPUC) has requested several FERC actions in regard to investigating electricity market manipulations. The conferees expect FERC to act diligently upon the CPUC's requests.

The Conferees are very concerned about the possible impact on regional electricity prices of FERC's proposed rule for Standard Market Design (SMD). The Secretary of Energy is directed to submit to the House and Senate Committees on Appropriations, the House Energy and Commerce Committee, and the Senate Energy and Natural Resources Committee an independent analysis of the impact of the SMD rule that FERC proposes to finalize. This independent analysis must compare wholesale and retail electricity prices and the impact on the safety and reliability of generation and transmission facilities in the major regions of the country both under existing conditions and under the proposed SMD rule. This analysis must also address the proposed SMD rule's:

(a) costs and benefits, including its impacts on energy infrastructure development and investor confidence;

(b) impacts on state utility regulation;

(c) financial impact on retail customers;

(d) impact on the reasonableness of electricity prices; and

(e) impact on the safe, reliable, and secure operation of the Nation's generation and transmission facilities.

The Secretary shall work in consultation with the FERC so that the Secretary's analysis will most accurately address the contents and conclusions of the most current version of the proposed rule. The Secretary shall submit the independent analysis no later than April 30, 2003.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301.—The conference agreement modifies a provision proposed by the House that none of the funds may be used to award a management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation.

Within 30 days of formally notifying the incumbent contractor that the Secretary intends to grant such a waiver, the Secretary must submit a report setting forth, in specificity, the substantive reasons why the requirement for competition should be waived.

This language modifies a provision carried in previous Energy and Water Development Appropriations Acts.

Sec. 302.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102–484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the $21,183,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if that program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

TRANSFERS OF UNEXPENDED BALANCES

Sec. 305.—The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306.—The conference agreement includes a provision proposed by the House prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307.—The conference agreement includes a provision proposed by the House establishing certain notice and competition requirements for Department of Energy user facilities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 308.—The conference agreement includes a provision proposed by the House and Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309.—The conference agreement includes a provision proposed by the House and Senate allowing the Administrator of the National Nuclear Security Administration to authorize the manager of the Nevada Operations Office to use not more than 2 percent of available funds for research, development and demonstration activities necessary for operations and readiness of the Nevada Test Site.

Sec. 310.—The conference agreement includes a provision proposed by the House that would repeal section 310 of Public Law 106–60, the Energy and Water Development Appropriations Act, 2000, which required submission of funding plans from Department of Energy laboratories.

Sec. 311.—The conference agreement includes a provision proposed by the House which would authorize intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947 until enactment of the Intelligence Authorization Act for fiscal year 2003.

Sec. 312.—The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site". This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 313.—The conference agreement includes a provision proposed by the Senate providing that funds appropriated in Public Law 107–66 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the Federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

Sec. 314.—The conference agreement includes a provision proposed by the Senate requiring that upon the request of the licensee for FERC License No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

Sec. 315.—The conference agreement modifies a provision proposed by the Senate providing that none of the funds for Department of Energy environmental management activities may be obligated at a Department of Energy site or laboratory in excess of the current-year level of funding or the fiscal year 2003 budget request, whichever is greater, unless the site or laboratory has entered into a site performance management plan consistent with the intent of the Department's environmental management acceleration and reform initiative.

Sec. 316.—The conference agreement modifies a provision proposed by the Senate prohibiting the National Nuclear Security Administration (NNSA) from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days. The conference agreement includes a provision allowing the Administrator of the NNSA to seek a waiver from this requirement. Similar to a reprogramming action, written approval must be received from the Chairmen and Ranking Members of the House and Senate Energy and Water Development Appropriations Subcommittees.

Sec. 317.—The conference agreement includes a provision providing that notwithstanding any other provision of law, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science.

Provisions not adopted by the conference.—The conference agreement deletes language proposed by the Senate that: requires the General Accounting Office to conduct a study of the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000; requires the General Accounting Office to conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky; and prohibits the use of funds in this or any other Act to withdraw from availability or otherwise adversely affect the planned expenditure of funds previously made available for Cerro Grande Fire activities.—These requirements are addressed in the statement of the managers.

Language proposed by the Senate allowing the Secretary of Interior to participate in the CALFED Bay-Delta Authority has been modified and moved to Title II.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems	86,005	90,000
Geothermal technology development	26,500	30,000
Hydrogen research	39,881	40,000
Hydropower	7,489	5,300
Solar energy	87,625	95,000
Wind energy systems	44,000	44,000
Total, Renewable energy technologies	291,500	304,300
Electric energy systems and storage	70,447	85,000
Renewable support and implementation		
Departmental energy management	3,000	1,500
International renewable energy program	6,500	4,000
Renewable energy production incentive program	4,000	5,000
Renewable Indian energy resources	8,307	6,000
Renewable program support	2,059	5,000
Total, Renewable support and implementation	23,866	21,500
National renewable energy laboratory	4,200	4,700
Construction		
02-E-001 Project engineering and design, NREL Golden, CO	800	800
Total, National renewable energy laboratory	5,000	5,500
Program direction	16,187	16,000
Subtotal, Renewable Energy Resources	407,000	432,300
Use of prior year balances	---	-10,000
TOTAL, RENEWABLE ENERGY RESOURCES	407,000	422,300
NUCLEAR ENERGY		
Radiological facilities management		
Space and defense infrastructure	---	28,950
Medical isotopes infrastructure		
Isotope support and production	---	25,497
Construction		
99-E-201 Isotope production facility (LANL)	---	1,721
Subtotal, Isotope support and production	---	27,218
Offsetting collections	---	-6,400
Subtotal, Medical isotopes infrastructure	---	20,818
Total, Radiological facilities management	---	49,768
University reactor fuel assistance and support	17,500	18,500

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
Research and development		
Nuclear energy plant optimization	---	5,000
Nuclear energy research initiative	25,000	25,000
Nuclear energy technologies	46,500	45,000
Total, Research and development	71,500	75,000
Fast flux test facility (FFTF)	36,100	---
Idaho facilities management		
Radiological facilities	78,977	---
ANL-West operations	---	31,615
Test reactor area landlord	---	8,815
Subtotal	78,977	40,430
Construction		
99-E-2-1 Isotope production facility (LANL)	1,721	---
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Lab, ID	1,840	1,840
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Lab, ID	500	500
Subtotal, Construction	4,061	2,340
Total, Idaho facilities management	83,038	42,770
Advanced fuel cycle initiative	18,221	58,211
Program direction	23,439	23,439
Subtotal, Nuclear Energy	249,798	267,688
Use of prior year balances	---	-6,000
TOTAL, NUCLEAR ENERGY	249,798	261,688
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	10,340	6,840
Program direction	18,871	15,860
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	29,211	22,700
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,400	---
Program direction	6,525	---
TOTAL, ENERGY SUPPORT ACTIVITIES	7,925	---
Subtotal, Energy supply	693,934	706,688
General reduction	---	-5,211
TOTAL, ENERGY SUPPLY	693,934	701,477

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	---	95,000
Site/project completion	51,272	57,425
Post 2006 completion	112,887	22,688
Fast flux test facility (FFTF)	---	36,100
Long-term stewardship	---	14,180
Excess facilities	1,841	1,841
Subtotal, Non-Defense Environmental Management	166,000	227,234
Use of prior year balances	---	-12,134
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	166,000	215,100
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning	234,523	324,329
Uranium/thorium reimbursement	1,000	16,000
Total, Uranium enrichment D&D fund	235,523	340,329
Other Uranium Activities		
Maintenance and pre-existing liabilities	146,631	141,210
Use of prior year balances	---	-25,000
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION	382,154	456,539
SCIENCE		
High energy physics	704,897	706,897
Construction		
98-G-304 Neutrinos at the main injector, Fermilab	20,093	20,093
Total, High energy physics	724,990	726,990
Nuclear physics	382,370	384,370
Biological and environmental research	504,215	530,000
Basic energy sciences		
Research		
Materials sciences and engineering research	547,883	551,378
Chemical sciences, geosciences and energy biosciences	220,146	221,551
Subtotal, Research	768,029	772,929
Construction		
03-SC-002 Project engineering & design (PED) SLAC	6,000	6,000
03-R-312 Center for nanophase materials sciences, ORNL	24,000	24,000
03-R-313 Center for Integrated Nenotechnology	---	4,500
02-SC-002 Project engineering and design (VL)	11,000	12,000

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
99-E-334 Spallation neutron source (ORNL)	210,571	210,571
Subtotal, Construction	251,571	257,071
Total, Basic energy sciences	1,019,600	1,030,000
Advanced scientific computing research	169,625	172,625
Energy research analyses	1,020	---
Science laboratories infrastructure		
Infrastructure support	1,020	1,020
Oak Ridge landlord	5,079	5,079
Excess facilities disposal	5,055	8,000
Construction		
03-SC-001 Science laboratories infrastructure project engineering and design (PED), various loc.	3,355	3,355
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	28,226	28,226
Subtotal, Construction	31,581	31,581
Total, Science laboratories infrastructure	42,735	45,680
Fusion energy sciences program	257,310	250,000
Safeguards and security	48,127	48,765
Science workforce development	---	5,460
Science program direction		
Field offices	70,163	72,403
Headquarters	58,224	55,984
Science education	5,460	---
Technical information management program	---	7,000
Energy research analyses	---	1,000
Total, Science program direction	133,847	136,387
Subtotal, Science	3,283,839	3,330,277
General reduction/use of prior year balances	---	-20,000
Less security charge for reimbursable work	-4,383	-4,383
TOTAL, SCIENCE	3,279,456	3,305,894
NUCLEAR WASTE DISPOSAL		
Repository program	212,813	85,000
Program direction	62,989	60,000
TOTAL, NUCLEAR WASTE DISPOSAL	275,802	145,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	4,645	4,300
Board of contract appeals	743	743
Chief information officer	30,862	29,000
Congressional and intergovernmental affairs	4,953	4,500
Economic impact and diversity	5,121	5,000

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
General counsel	22,813	21,813
Office of Management, Budget and Evaluation	106,536	103,000
Policy and international affairs	16,840	14,000
Public affairs	4,531	3,900
Subtotal, Salaries and expenses	197,044	186,256
Program support		
Minority economic impact	1,400	1,200
Policy analysis and system studies	800	400
Energy security and assurance	2,000	1,500
Environmental policy studies	1,200	600
Engineering and construction management reviews	---	5,000
Cybersecurity and secure communications	32,027	30,000
Corporate management information program	20,420	15,000
Subtotal, Program support	57,847	53,700
Total, Administrative operations	254,891	239,956
Cost of work for others	69,916	69,916
Subtotal, Departmental Administration	324,807	309,872
Use of prior year balances and other adjustments	---	-15,000
Funding from other defense activities	-25,587	-87,468
Total, Departmental administration (gross)	299,220	207,404
Miscellaneous revenues	-137,524	-120,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	161,696	87,404
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	37,671	37,671
TOTAL, OFFICE OF INSPECTOR GENERAL	37,671	37,671
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development	467,149	467,149
Stockpile maintenance	401,157	401,157
Stockpile evaluation	197,184	197,184
Dismantlement/disposal	24,378	24,378
Production support	137,706	137,706
Field engineering, training and manuals	6,893	6,893
Total, Directed stockpile work	1,234,467	1,234,467

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
Campaigns		
Science campaigns		
Primary certification	47,159	47,159
Dynamic materials properties	87,594	87,594
Advanced radiography	52,925	72,925
Secondary certification and nuclear systems margins	47,790	47,790
Subtotal, Science campaigns	235,468	255,468
Engineering campaigns		
Enhanced surety	37,713	32,000
Weapons system engineering certification	27,007	27,007
Nuclear survivability	23,394	23,394
Enhanced surveillance	77,155	77,155
Advanced design and production technologies	74,141	74,141
Subtotal, Engineering campaigns	239,410	233,697
Inertial confinement fusion ignition and high yield	237,748	290,248
Construction		
96-D-111 National ignition facility, LLNL	214,045	214,045
Subtotal, Inertial confinement fusion	451,793	504,293
Advanced simulation and computing	669,527	649,000
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	13,305	13,305
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	35,030	35,030
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	7,000	7,000
Subtotal, Construction	55,335	55,335
Subtotal, Advanced simulation and computing	724,862	704,335
Pit manufacturing and certification	194,484	222,000
Readiness campaigns		
Stockpile readiness	61,027	61,027
High explosives manufacturing and weapons assembly/disassembly readiness	12,093	12,093
Non-nuclear readiness	22,398	22,398
Tritium readiness	56,134	48,069
Construction		
98-D-125 Tritium extraction facility, SR	70,165	70,165
Subtotal, Tritium readiness	126,299	118,234
Subtotal, Readiness campaigns	221,817	213,752
Total, Campaigns	2,067,834	2,133,545
Readiness in technical base and facilities		
Operations of facilities	949,920	1,026,782
Program readiness	208,089	219,963
Special projects	37,744	49,500

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
Material recycle and recovery	98,816	103,816
Containers	17,721	17,721
Storage	14,593	14,593
Nuclear weapons incident response	91,000	91,000
Subtotal, Readiness in technical base and fac	1,417,883	1,523,375
Construction		
03-D-101 Sandia underground reactor facility SURF, SNL, Albuquerque, NM	2,000	---
03-D-102 LANL Administration Building (LANL)	---	12,000
03-D-103 Project engineering and design various locations	15,539	11,139
03-D-121 Gas transfer capacity expansion, Kansas City Plant, Kansas City, MO	4,000	4,000
03-D-122 Purification facility, Y-12 plant, Oak Ridge, TN	20,800	28,184
03-D-123 Special nuclear materials requalification, Pantex plant, Amarillo, TX	3,000	6,620
02-D-103 Project engineering and design, various locations	27,245	17,306
02-D-105 Engineering technology complex upgrade, LLNL	10,000	10,000
02-D-107 Electrical power systems safety communications and bus upgrades, NV	7,500	7,500
01-D-103 Project engineering and design (PE&D), various locations	6,164	---
01-D-107 Atlas relocation, Nevada test site	4,123	4,123
01-D-108 Microsystems and engineering sciences applications complex (MESA), SNL	75,000	113,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	25,000	25,000
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	8,650	8,650
01-D-800 Sensitive compartmented information facility, LLNL	9,611	9,611
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	4,011	4,011
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	5,915	5,915
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	29,900	29,900
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	407	407
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC	10,481	10,481

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations	1,000	1,000
Subtotal, Construction	270,346	308,847
Total, Readiness in technical base and facilities.	1,688,229	1,832,222
Facilities and infrastructure recapitalization program	242,512	242,512
Secure transportation asset		
Operations and equipment	100,863	100,863
Program direction	52,126	52,126
Total, Secure transportation asset	152,989	152,989
Safeguards and security	501,054	517,354
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	8,900	8,900
Total, Safeguards and security	509,954	526,254
Subtotal, Weapons activities	5,895,985	6,121,989
Use of prior year balances	---	-138,800
Less security charge for reimbursable work	-28,985	-28,985
TOTAL, WEAPONS ACTIVITIES	5,867,000	5,954,204
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	283,407	283,407
Nonproliferation and international security	92,668	92,668
Nonproliferation programs with Russia		
International materials protection, control, and cooperation	233,077	233,077
Accelerated highly enriched uranium (HEU) disposition	---	14,000
Russian transition initiative	39,334	39,334
HEU transparency implementation	17,229	17,229
International nuclear safety	14,576	11,576
Elimination of weapons-grade plutonium production program	49,339	49,339
Fissile materials disposition		
U.S. surplus materials disposition	194,000	198,372
Russian surplus materials disposition	98,000	98,000
Construction		
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	30,000	23,628
99-D-141 Pit disassembly and conversion facility Savannah River, SC	33,000	35,000

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	93,000	93,000
Subtotal, Construction	156,000	151,628
Subtotal, Fissile materials disposition	448,000	448,000
Total, Nonproliferation programs with Russia	801,555	812,555
Subtotal, Defense nuclear nonproliferation	1,177,630	1,188,630
Use of prior year balances	-64,000	-75,000
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	1,113,630	1,113,630
NAVAL REACTORS		
Naval reactors development	671,290	671,290
Construction		
03-D-201 Cleanroom technology facility, Bettis atomic power lab, West Mifflin, PA	7,200	7,200
01-D-200 Major office replacement building, Schenectady, NY	2,100	2,100
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	2,000	2,000
Subtotal, Construction	11,300	11,300
Total, Naval reactors development	682,590	682,590
Program direction	24,200	24,200
TOTAL, NAVAL REACTORS	706,790	706,790
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	335,929	273,929
Defense nuclear nonproliferation	---	57,000
TOTAL, OFFICE OF THE ADMINISTRATOR	335,929	330,929
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	8,023,349	8,105,553
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	779,706	973,906
Construction		
03-D-414, Preliminary project engineering and design (PE&D), Aiken, SC	---	8,800
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID	1,119	1,119
02-D-420 Plutonium packaging and stabilization, Savannah River	2,000	2,000

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
01-D-414 Preliminary project, engineering and design (PE&D), various locations	5,125	5,125
Subtotal, Construction	8,244	17,044
Total, Site/project completion	787,950	990,950
Post 2006 completion		
Operation and maintenance	1,702,241	2,180,509
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	14,870	14,870
Office of River Protection		
Operation and maintenance	226,256	455,256
Construction		
03-D-403 Immobilized high-level waste interim storage facility, Richland, WA	6,363	6,363
01-D-416 Hanford waste treatment plant, Richland, WA	619,000	619,000
97-D-402 Tank farm restoration and safe operations, Richland, WA	25,424	25,424
94-D-407 Initial tank retrieval systems, Richland, WA	20,945	20,945
Subtotal, Construction	671,732	671,732
Subtotal, Office of River Protection	897,988	1,126,988
Total, Post 2006 completion	2,615,099	3,322,367
Uranium enrichment D&D fund contribution	---	442,000
Science and technology	92,000	118,175
Excess facilities	1,300	5,000
Multi-site activities	479,871	64,352
Safeguards and security	228,260	268,607
Program direction	344,000	344,000
Subtotal, Defense environmental management	4,548,480	5,555,451
Use of prior year balances	---	-80,924
Less security charge for reimbursable work	-4,347	-4,347
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,544,133	5,470,180
ENVIRONMENTAL MANAGEMENT CLEANUP REFORM		
Environmental management cleanup reform	1,100,000	---
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure	1,054,153	1,082,653
Safeguards and security	37,161	55,661
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS	1,091,314	1,138,314

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations..........	158,399	158,399
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION..	158,399	158,399
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT..........	6,893,846	6,766,893
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Energy security and assurance		
Energy security..................................	23,411	52,411
Program direction................................	4,275	4,275
Subtotal, Energy security and assurance.........	27,686	56,686
Office of Security		
Nuclear safeguards and security..................	91,102	91,102
Security investigations..........................	45,870	45,870
Program direction................................	48,543	48,543
Subtotal, Office of Security................	185,515	185,515
Intelligence.....................................	41,246	41,246
Counterintelligence..............................	45,955	45,955
Independent oversight and performance assurance.....	22,430	22,430
Environment, safety and health (Defense)...........	81,892	86,701
Program direction - EH...........................	17,149	17,149
Subtotal, Environment, safety & health (Defense)	99,041	103,850
Worker and community transition....................	22,965	19,183
Program direction - WT...........................	2,718	2,000
Subtotal, Worker and community transition.......	25,683	21,183
National Security programs administrative support...	25,587	87,468
Office of hearings and appeals.....................	2,933	2,933
Subtotal, Other defense activities...............	476,076	567,266
Use of prior year balances...........................	-6,700	-20,000
Less security charge for reimbursable work...........	-712	-712
TOTAL, OTHER DEFENSE ACTIVITIES..................	468,664	546,554
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal.......................	315,000	315,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES..........	15,700,859	15,734,000

DEPARTMENT OF ENERGY
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	20,000	34,463
Program direction	4,606	4,606
Subtotal, Operation and maintenance	24,606	39,069
Offsetting collections	---	-14,463
Offsetting collections (P.L. 106-377)	-20,000	-20,000
Use of prior year balances	-72	-72
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	4,534	4,534
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,814	3,814
Purchase power and wheeling	288	1,800
Program direction	17,933	17,933
Construction	6,031	6,031
Subtotal, Operation and maintenance	28,066	29,578
Offsetting collections	---	-1,512
Offsetting collections (P.L. 106-377)	-288	-288
Use of prior year balances	-400	-400
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	27,378	27,378
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	17,784	17,784
System operation and maintenance	37,796	37,796
Purchase power and wheeling	30,000	186,124
Program direction	108,378	108,378
Utah mitigation and conservation	---	6,100
Subtotal, Operation and maintenance	193,958	356,182
Offsetting collections	---	-156,124
Offsetting collections (P.L. 106-377)	-30,000	-30,000
Use of prior year balances	-1,200	-1,200
TOTAL, WESTERN AREA POWER ADMINISTRATION	162,758	168,858
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,734	2,734
TOTAL, POWER MARKETING ADMINISTRATIONS	197,404	203,504
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	192,000	192,000
FERC revenues	-192,000	-192,000
GRAND TOTAL, DEPARTMENT OF ENERGY	20,894,976	20,886,589

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $71,290,000 for the Appalachian Regional Commission (ARC) as proposed by the House instead of $74,400,000 as proposed by the Senate. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities. From within available funds, $5,000,000 has been provided for a child development research center at the University of Alabama and $8,000,000 for the newly authorized telecommunications program within the ARC. The conferees are aware of the Intermodal Industrial Park project in Wellsville, Ohio, and urge the ARC to help the Columbiana County Port Authority complete the project.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement includes $19,000,000 for the Defense Nuclear Facilities Safety Board as proposed by the House and Senate.

DELTA REGIONAL AUTHORITY

The conference agreement includes $8,000,000 for the Delta Regional Authority instead of $15,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Authority to submit to the House and Senate Committees on Appropriations quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2003 and thereafter. The conferees also expect to receive from the Authority a detailed budget justification in fiscal year 2004. The Authority failed to comply with this requirement in fiscal year 2003.

DENALI COMMISSION

The conference agreement includes $48,000,000 for the Denali Commission instead of $50,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Denali Commission to submit to the House and Senate Committees on Appropriations quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2003 and thereafter. The conferees also expect to receive from the Commission a detailed budget justification in fiscal year 2004.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $578,184,000 as proposed by the House and the Senate, to be offset by revenues of $520,087,000, for a net appropriation of $58,097,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 94 percent in fiscal year 2003. The conference amount provides the same total amount as the budget request, including the $29,300,000 requested for security expenses, but applies the fee recovery requirement to this increment of funding.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $6,800,000 as proposed by the House and Senate, to be offset by revenues of $6,392,000, for a net appropriation of $408,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 94 percent in fiscal year 2003.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

The conference agreement provides $3,200,000, the same as the budget request.

TITLE V

GENERAL PROVISIONS

Sec. 501.—The conference agreement includes language directing that none of the funds in this Act or any prior appropriations Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 502.—The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 503.—The conference agreement includes language proposed by the House providing that none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Sec. 504.—The conference agreement includes language proposed by the Senate that extends the existing authority for the Denali Commission until 2008.

Sec. 505.—The conference agreement includes language proposed by the Senate that amends section 503 of the Energy and Water Development Appropriations Act, 2002, by extending the prohibition of oil and gas drilling in the Great Lakes until 2005.

Sec. 506.—The conference agreement includes a provision clarifying that the Department of Energy's discretionary indemnification authority will protect communities, lenders, and subsequent owners of former Department of Energy property to the same extent that communities impacted by base closures are protected.

Sec. 507.—The conference agreement includes a provision directing the Director of the Office of Management and Budget to transmit to Congress by April 1, 2003, a crosscut budget displaying, by fiscal year, all CALFED Bay-Delta Program related expenditures by the Federal government for fiscal years 1996 through 2004.

Provisions not adopted.—The conference agreement deletes language proposed by the House prohibiting obligation of funds by the Federal Energy Regulatory Commission to grant any public utility the authority to use market-based rates until the Commission has issued a final order in all market-based rate cases that have been pending before the Commission for more than 18 months.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[in thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$25,795,359
Budget estimates for new (obligational) authority, fiscal year 2003	26,163,457
House bill, fiscal year 2003	26,541,000
Senate bill, fiscal year 2003	26,649,991
Conference agreement, fiscal year 2003	26,678,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+882,641
Budget estimates of new (obligational) authority, fiscal year 2003	+514,543
House bill, fiscal year 2003	+137,000
Senate bill, fiscal year 2003	+28,000

DIVISION E

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

In determining Congressional intent for the obligation and programming of funds for fiscal year 2003, the appropriate departments and agencies funded under this Act shall rely on House Report 107–663, the Senate report as printed in the Congressional Record of January 15, 2003, and the statement of the managers. Any ambiguity shall be resolved by consulting with the Committees on Appropriations.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The conference agreement appropriates $512,900,000 for the subsidy appropriation for the Export-Import Bank.

The managers are aware of an inter-agency agreement among the Departments of State and Defense, the Export-Import Bank, and USAID that establishes reporting procedures regarding compliance with section 512 of the Act, the so-called Brooke amendment, and section 620(q) of the Foreign Assistance Act. The procedures provide a mechanism to share information among those agencies regarding countries that are either in arrears on loan repayments owed the United States or which may soon become in arrears. Since the provision of foreign assistance to countries in arrears is restricted by those sections, information required by these procedures is of great importance to the administration of foreign assistance funds. The managers are therefore concerned about reports that the Export-Import Bank has, in at least two instances this year, failed to provide information on arrearages in a timely fashion in accordance with its obligations under the inter-agency agreement. The managers direct the Export-Import Bank to follow the inter-agency agreement and not allow a similar lapse to occur again.

The managers endorse House report language regarding the Export-Import Bank with respect to the domestic steel market, reducing global excess steel making capacity, and subsequent reporting to the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The managers direct the President of OPIC to continue current policy and consult with the Committees on Appropriations before any future financing for non-governmental organizations or private and voluntary organizations is approved.

The managers are concerned with a number of OPIC projects involving the shrimp industry in Southeast Asia. The managers expect OPIC to consult with the appropriate Congressional committees on this issue.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $47,012,000 for the Trade and Development Agency (TDA) instead of $49,512,000 as proposed by the House and $44,696,000 as proposed by the Senate. The level of funding includes an additional $2,500,000 for trade capacity building assistance instead of

$5,000,000 as proposed by the House. The Senate did not address the issue of trade capacity building assistance.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FREQUENCY OF EXECUTIVE BRANCH REPORTS ON COUNTRY ALLOCATIONS

The managers insist that the Department of State and the United States Agency for International Development comply with the provisions of section 653 of the Foreign Assistance Act of 1961, as amended, regarding the frequency of notifications regarding the allocation of foreign assistance. Enactment of any supplemental appropriations act for foreign assistance requires an additional notification under section 653. When feasible, the Department of State is expected to include amounts from the Migration and Refugee Assistance and Emergency Refugee and Migration Assistance accounts. USAID is expected to include International Disaster Assistance and Transition Initiatives amounts for each country.

In addition, the Department of State and USAID are requested to provide comparable information on regional and centrally-administered programs, and to consult in advance with the relevant committees of Congress regarding reductions in excess of $20,000,000 or ten percent of previously reported amounts for a foreign country, international organization, or regional program.

COMPLIANCE WITH REPORT LANGUAGE

The managers note that at times in the past, the Department of State and USAID have failed to respond to recommendations in the House and Senate Appropriations Committee reports, choosing instead to recognize only language in the statement of the managers accompanying the conference report. The managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers. In the event that the House and Senate Appropriations Committee reports contain conflicting recommendations on the same subject, the managers expect the Department of State, USAID, and other appropriate agencies to consult with the House and Senate Appropriations Committees regarding those recommendations.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement appropriates $1,836,500,000 for the Child Survival and Health Programs Fund instead of $1,710,000,000 as proposed by the House and $1,970,000,000 as proposed by the Senate.

The conference agreement includes language allocating $1,836,500,000 among seven program categories in the Child Survival and Health Programs Fund: $324,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; $27,000,000 for vulnerable children; $591,500,000 for HIV/AIDS; $155,500,000 for other infectious diseases; $368,500,000 for reproductive health/family planning; $120,000,000 for UNICEF; and $250,000,000 for the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global ATM Fund). The Committee expects that any change proposed subsequent to the allocation as directed in bill language will be subject to the requirements of section 515 of the Act. A definition of program categories and their components can be found on pages 9 through 11 of House Report 107–142 and under the heading "Family Planning/ Reproductive Health" on page 12 of Senate Report 107–58.

The conference agreement provides not less than $800,000,000 for assistance to prevent and treat HIV/AIDS. Of this amount, $591,500,000 is funded through the Child Survival and Health Programs Fund. Another $38,500,000 is provided through other USAID-managed or co-managed accounts, such as the Economic Support Fund, International Disaster Assistance, and regional accounts for Eastern Europe and the former Soviet Union. The remaining $170,000,000 is a conservative estimate of the amount from the Foreign Operations division of this Act that will be allocated for HIV/AIDS by the Global ATM Fund and UN agencies. The estimate of $800,000,000 for AIDS does not include the United States share of HIV/AIDS assistance through the World Bank Group.

The managers are concerned about the growing prevalence of HIV/AIDS in countries of Eastern Europe and the Independent States of the Former Soviet Union. The managers therefore direct that funds from the Child Survival and Health Programs Fund be available for HIV/AIDS programs in Eastern Europe and the Independent States of the Former Soviet Union. The managers also encourage USAID to make available funds from this account for HIV/AIDS programs in "ESF countries" other than those for whom funds are specifically mandated in this Act.

The conference agreement also provides a total of $155,500,000 from the Child Survival and Health Programs Fund to combat infectious diseases other than HIV/AIDS, such as malaria and tuberculosis.

In addition, the conference agreement includes $250,000,000 as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, bringing the total United States contribution to the fund to date to $725,000,000. The managers note that the President's request for the Global ATM Fund from Division E of this Act is $100,000,000. The timing of disbursement of the full $725,000,000 is limited by language requiring that the United States contribution may not exceed the total resources provided by other donors and available for use by the Global Fund. The managers note also that, of the awards pledged thus far by the Global ATM Fund to recipient countries, approximately 65 percent are for AIDS interventions, 17 percent are for malaria interventions, and 16 percent are for tuberculosis or combined tuberculosis/AIDS interventions.

When funding through bilateral programs administered by USAID is considered together with the United States contribution to the Global ATM Fund, the conference agreement provides a total of $120,000,000 for tuberculosis assistance. Of this amount, $65,000,000 is funded through the Child Survival and Health Programs account, $15,000,000 from other bilateral accounts, and $40,000,000 through the contribution to the Global Fund. For malaria, the conference agreement provides a total of $115,000,000. Of this amount, it is expected that $42,500,000 of the contribution to the Global Fund will fund malaria programs, $65,000,000 is funded through this account, and $7,500,000 is provided from other bilateral accounts.

The conference agreement includes bill language, proposed by the Senate, regarding the development of microbicides as a means of combating HIV/AIDS.

In addition, the conference agreement includes up to $100,000,000 for mother and child HIV prevention and up to $10,500,000 for a United States contribution to the International AIDS Vaccine Initiative.

The managers are concerned that little progress has been made toward the implementation of the micronutrient programs mandated by Section 3013 of P.L. 107–171 and direct USAID to implement this provision as soon as possible this fiscal year.

The managers support $27,500,000 for the multilateral effort to eradicae polio in fiscal year 2003, instead of $30,000,000 as recommended in the Senate report and $25,000,000 as recommended in the House report.

The managers endorse Senate report language regarding malaria, and recommend that USAID provide direct support to the Medicines for Malaria Venture and the Malaria Vaccine Initiative.

The conference agreement allocates $368,500,000 for family planning/reproductive health within the Child Survival and Health Programs Fund, as proposed by the House, instead of $385,000,000 as proposed by the Senate. Section 522 of the conference agreement mandates that an overall total of $446,500,000 be made available for bilateral family planning/reproductive health from this account, the Economic Support Fund, and the regional accounts for Eastern Europe and the former Soviet Union, as in current law.

The managers endorse the language of the House report with respect to the Dikembe Mutombo Foundation Congolese Hospital, Lott Carey International, and the Caribbean Epidemiology Center.

The managers endorse Senate report language regarding programs for people with disabilities, including recommendations to provide funding for Special Olympics' overseas programs and for Olympic Aid.

The managers also direct USAID to continue to provide the Committees with a detailed annual report not later than March 31, 2003, on the programs, projects, and activities undertaken by the Child Survival and Health Programs Fund during fiscal year 2002.

Funds appropriated for the Child Survival and Health Programs Fund are appropriated for programs, projects and activities. Funds for administrative expenses to manage Fund activities are provided in a separate account, with two exceptions included in the conference agreement: authority for USAID's central and regional bureaus to use up to $150,000 from program funds for Operating Expense-funded personnel to better monitor and provide oversight of the Fund; and, in section 522, authority to use up to $13,500,000 to reimburse other government agencies and private institutions for professional services.

The managers are aware that significant USAID resources are directed toward support for the Global ATM Fund, both at its Geneva headquarters and in developing countries seeking or in receipt of Fund rewards. The managers have no objection to such support, but request a brief written report not later than March 15, 2003 on the extent and cost of such support, including the cost of non-USAID direct hire staff involved in such efforts. In addition, any proposed transfer of appropriations from the Child Survival and Health Programs Fund to the Department of Health and Human Services is limited to $25,000,000 in fiscal year 2003, and such transfer, as well as any transfer to USAID Operating Expenses, under any authority other than this Act shall be subject to section 515 of this Act.

Any proposed obligations for Global Development Alliance programs, projects or activities shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT ASSISTANCE

The conference agreement appropriates $1,389,000,000 for "Development Assistance" instead of $1,398,000,000 as proposed by the House and $1,365,500,000 as proposed by the Senate.

The managers have agreed to provide $218,000,000 for basic education, including adult literacy programs, under the development assistance account, as proposed by the House bill, instead of $200,000,000 as proposed by the Senate amendment. In addition, $32,000,000 should be derived from other accounts. The managers endorse the language of the House report with regard to Alfalit International.

The conference agreement includes a provision, similar to a Senate amendment, which provides that $100,000,000 shall be made available for drinking water supply projects and related activities. The managers request that USAID report within 90 days of enactment of this Act on plans for the disbursement of these funds.

The conference agreement provides that, of the funds for agriculture and rural development programs, $25,000,000 should be provided for plant biotechnology research and development.

The managers support programs that conserve energy and promote efficient energy production and distribution in developing countries. The conference agreement provides in section 555 that $175,000,000 should be made available for these programs. The conference agreement does not include a Senate earmark of $13,000,000 for USAID's Office of Energy and Information Technology. However, the managers are concerned that USAID is not devoting sufficient resources to promoting renewable, clean and efficient energy technologies, of which the United States is the leading manufacturer. The managers are also concerned that funding for USAID's Office of Energy and Information Technology has declined, and that it does not have the staff to adequately address the energy challenges and opportunities in developing countries with rapidly growing populations. The managers recommend additional funding and enhanced staffing for this office in fiscal year 2003.

The managers endorse both the House report and Senate report language on the Institute for Liberty and Democracy (ILD), and strongly recommend that not less than $6,000,000 be made available for the ILD in fiscal year 2003. The managers also endorse the language of the House report with respect to the Education for Development and Democracy Initiative (EEDI), and women's inheritance rights in Africa.

The managers direct that not less than $500,000 be made available for the United States Telecommunications Training Institute, a long-standing and successful program that provides communications and broadcasting training to professionals around the world. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement provides that $18,000,000 should be made available for the American Schools and Hospitals Abroad program. The Senate amendment included bill language stating that $19,000,000 should be made available for this purpose.

The conference agreement in section 554 includes language directing that USAID should make available $145,000,000 for programs and activities that directly protect biodiversity. The managers strongly support these efforts and expect these funds to be used to protect tropical forests, including support of projects to deter illegal logging in Indonesia, Central Africa and elsewhere, and other threatened biologically diverse areas, both terrestrial and marine. Of this amount, up to $40,000,000 may be available for the subsidy cost of modifying loans and loan guarantees, pursuant to the provisions of the Tropical Forest Conservation Act of 1998. The managers commend the Administration for its Congo Basin Forest Initiative and expect full funding to be made available for the Central African Regional Program for the Environment.

The managers note the Committees' history of commitment to USAID's Office of Women in Development. The managers conclude that the office is currently an underutilized resource at the Agency, and are disappointed with the lack of commitment the Agency has shown to it. The managers are also disappointed that USAID over many years has consistently failed to fully comply with Congressional direction to provide the WID office with adequate financial resources and skilled personnel.

The managers are aware of the ways in which development challenges affect men and women differently. For instance, in recent years, there has been widespread recognition of the importance of investments in educating girls and the unique obstacles to educating girls in developing societies. The managers expect that much of the work on these issues, as well as the funding for these types of interventions, should be derived from bureau and mission program funds. An example of bureau and mission funded activities would be women's leadership training programs, on behalf of which the managers endorse the language and report requirement included in the House report.

The managers urge USAID to increase the capacity of the Bureau for Policy and Program Coordination, in collaboration with the WID office, to provide agency-wide leadership to integrate concerns of women in development strategies, an especially important function as USAID devises new agriculture and trade strategies. The WID office should have the budget, appropriately skilled personnel, and flexibility to consult with overseas missions on country programs, determine the need for better women's integration strategies in each of the functional and regional bureaus and country and regional missions, provide technical assistance in strategic planning as necessary, and offer incentive funds to missions to undertake new gender integration initiatives. The managers remain concerned about the ability of the WID office to have agency-wide impact from its current location within the Bureau for Economic Growth, Agriculture and Trade, and urge the Agency to take all possible steps to alleviate these concerns. The managers direct the Administrator to report to the Committees on Appropriations no later than 120 days after the enactment of this Act on steps taken to address these concerns and recommendations.

The managers strongly support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and urge USAID to make at least $4,000,000 available to IFDC, including not less than $2,300,000 for its core grant, as provided under the Senate amendment and in the House report.

The conference agreement does not include Senate language that USAID should fund programs to provide alternative livelihoods for Vietnamese coffee growers. The managers are deeply concerned with the situation that confronts impoverished Vietnamese coffee farmers, and have been informed that USAID is already engaged in these types of activities. The managers urge USAID to expand these activities and other job-creation efforts in Vietnam. Additionally, the managers endorse the Senate report language on the coffee crisis. The managers also endorse Senate report language regarding Laos.

The managers endorse House report language directing the Secretary of State to initiate discussions with Mexico regarding the Revillagigedo Islands.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $290,000,000 for "International Disaster Assistance" as proposed by the Senate, instead of $315,500,000 as proposed by the House. Of this amount, not less than $60,000,000 above the request is appropriated only for Afghanistan, and an additional $25,000,000 is expected to be made available for Afghanistan. The director of the Office of Foreign Disaster Assistance is to consult with the Committees not less than every three months, on the current status of commitments, obligations, and expenditures by the Office and on any proposals to augment "International Disaster Assistance" by transfers from other accounts.

TRANSITION INITIATIVES

The conference agreement appropriates $50,000,000 for "Transition Initiatives" to support USAID's Office of Transition Initiatives (OTI). The House bill proposed $40,000,000 and the Senate amendment $55,000,000 for this account.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include a Senate earmark of $4,000,000 to support urban programs. However, the managers note the rapid population growth and increasing poverty in cities in developing countries and urge USAID to expand its use of the Development Credit Authority to address these growing urban needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement provides $572,000,000 for Operating Expenses of the U.S. Agency for International Development, instead of $572,200,000 as proposed by the House and $571,087,000 as proposed by the Senate.

The managers note that events since September 11, 2001 have imposed increasing administrative costs on the programs of the U.S. Agency for International Development. In particular, these costs have been felt in the Middle East and Asia. The managers are concerned that USAID have sufficient operating expenses resources to assure the safety of its employees and their families in an increasingly dangerous environment. The managers, therefore, request that USAID submit within 90 days of enactment of this Act a report detailing these increased costs agencywide, with particular emphasis on the Asia/Near East region. This report should include, but not be limited to, an analysis of how the Agency is using operating expenses and how operating expense costs have increased since fiscal year 2001.

The managers endorse the language of the House report with respect to the USAIDLINK program.

CAPITAL INVESTMENT FUND

The conference agreement appropriates $43,000,000 as proposed by the House instead of $65,000,000 as proposed by the Senate.

The conference agreement includes House language that authorizes the Administrator of USAID to assess fair and reasonable rental payments for the use of space by employees of other government agencies; provides that the rental payments shall be deposited into this account as offsetting collections; requires notification for the use of such offsetting collections, as well as for funds appropriated under this heading; and provides that the assignment of United States Government employees and contractors to space in buildings shall be subject to the concurrence of the Administrator of USAID.

The conference agreement assumes $30,000,000 for a new USAID building in Nairobi, as requested by the President.

The conference agreement includes language similar to that of the Senate amendment that authorizes up to $10,000,000 for the costs of temporary, secure facilities in Afghanistan. The managers endorse the Senate report language regarding this matter. The conference report does not contain Senate language that provided not less than $13,000,000 for information technology and related capital investments. The House bill did not address these matters.

Operating Expenses of the United States Agency for International Development

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $33,300,000 for Operating Expenses of the United States Agency for International Development, Office of Inspector General, instead of $33,046,000 as proposed by the Senate and $33,700,000 as proposed by the House. The managers encourage the Inspector General to continue the policy of constructive and ongoing reviews of USAID's attempts to resolve its serious financial and human resource management and procurement challenges. The managers also request the Inspector General to inform the Committee promptly of any emerging deficiencies.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,270,000,000 for the Economic Support Fund instead of $2,445,000,000 as proposed by the House and $2,260,000,000 as proposed by the Senate.

The conference agreement includes Senate language providing for the early disbursement of funds for Israel within 30 days of enactment. The House bill included this language, along with language that provided for disbursement by October 31, 2002, whichever was later.

The conference agreement does not include House language providing for $200,000,000 in anti-terrorism assistance for Israel. The Senate amendment did not address this matter.

The conference agreement includes language that provides not less than $200,000,000 for the Commodity Import Program in Egypt as proposed by the Senate. The House bill did not address this matter.

The managers recognize that Egypt is a vital and strategic ally of the United States and plays an important role in the Middle East peace process. However, they remain concerned about the human rights situation in Egypt, especially restrictions on freedom of expression and the promotion of inflammatory speech by government-controlled media, as well as impediments to the development of democracy and the rule of law.

The conference agreement does not include language from the House bill that provided that not less than $45,000,000 should be made available for Afghanistan for a variety of purposes. The Senate amendment did not address this matter under this heading. This matter is addressed under section 523 of the conference report.

The conference agreement does not include Senate language providing that $5,000,000, in addition to funds previously allocated, should be made available for programs that bring together Arabs and Israelis, including three specified organizations. The House bill did not address this matter. However, the managers reiterate strong support for important conflict resolution programs in the Middle East as described in the House report and the Senate bill and report, including Seeds of Peace, the Arava Institute, Jerusalem International YMCA, Interns for Peace, and the CONTACT program, and expect the allocation of up to $5,000,000 for these and similar programs.

The managers endorse the House report language regarding support for the International Arid Lands Consortium. In addition, the managers endorse the House report language regarding the Blaustein Institute for Desert Research. The managers also endorse the House and Senate report language on the International Crisis Group and the Foundation for Environmental Security and Sustainability.

The conference agreement also includes language that provides that not less than $250,000,000 should be made available for assistance for Jordan. The Senate language would have mandated this level of support. The House bill did not address this matter.

The conference agreement does not contain Senate language providing that not less than $75,000,000 should be provided for the West Bank and Gaza. However, it includes language similar to that in the Senate amendment authorizing up to $1,000,000 for further legal reforms, including judicial training on commercial disputes and ethics. The managers request that USAID consult with the Committees on Appropriations on plans for the disbursement of funds.

The managers also endorse the House report language in support of a joint proposal of Al Quds University and the Kuvin Center for Infectious and Tropical Diseases of the Hebrew University in Jerusalem to establish a cooperative project in health and infectious diseases for the West Bank and Gaza.

The conference agreement includes language similar to that in the Senate that provides that not less $15,000,000 shall be available for assistance for Cyprus. The House bill had similar language, but it provided that $15,000,000 should be made available rather than making this level mandatory.

The conference report includes language similar to that in the Senate amendment that provides not less than $35,000,000 for assistance for Lebanon. The House bill included language that recommended this level of assistance for Lebanon, but did not include Senate language regarding child custody and international pickup orders. In addition, funding provided in this account for the Central Government of Lebanon is subject to Congressional notification. The Senate amendment would have prohibited assistance for the central government. The managers direct that funding for American educational institutions in Lebanon from the bilateral assistance program be provided in fiscal year 2003 at no less than the fiscal year 2002 level of $3,500,000.

The managers remain concerned with the failure of the Government of Lebanon, despite repeated requests at the highest levels, to enforce the orders of Lebanese courts requiring the return of abducted American children in Lebanon. The conference agreement provides that the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

The conference agreement provides not less than $60,000,000 under this heading for USAID programs in Indonesia. The Senate amendment had included $150,000,000 for Indonesia from all accounts in the Act, including $10,000,000 for programs in Aceh and not less than $5,000,000 for reconstruction and recovery efforts in Bali. The House did not address this matter. The managers recommend $10,000,000 for reconciliation and development programs in Aceh, and $5,000,000 for reconstruction and recovery efforts in Bali.

The managers are outraged by continued reports of the complicity of local Indonesian military units in the murders of Americans Ted Burgon and Rick Spier in Papua last year, and call upon President Megawati Sukarnoputri to use the full authority of her office to bring to justice the perpetrators of this crime.

The managers expect USAID to adequately fund programs and activities relating to parliamentary and presidential elections scheduled in 2004. In addition, the managers recommend continued funding for activities targeted toward the professional development of provincial leaders and institutions. The conference agreement does not include Senate language prohibiting the use of funds made available for Aceh to construct roads or other infrastructure that threatens the habitat of orangutans or other endangered species. However, the managers are concerned that plans to construct a network of roads and other infrastructure in the remaining forest habitat of orangutans and other endangered species in Aceh could rapidly doom these animals to extinction. No U.S. assistance is to be used for such activities.

The conference agreement also includes Senate language that provides that not less than $25,000,000 shall be made available for Timor-Leste, including up to $1,000,000, which may be transferred to and merged with Operating Expenses of the United States Agency for International Development. The House bill did not address this matter.

The conference agreement includes language similar to that in the Senate amendment that recommends that $2,000,000 should be made available for assistance for countries to implement and enforce the Kimberley Process Implementation Scheme (KPIS). The Senate amendment would have provided $3,500,000 for this purpose. The House bill did not address this matter. The managers support the KPIS, an international regime aimed at stopping the trade in "conflict diamonds", and urge the diamond industry and non-governmental organizations to provide financial assistance and expertise to help implement KPIS. The managers endorse the Senate report language on this issue.

The conference agreement does not include Senate language regarding human rights programs in North Korea. This matter is addressed under section 526.

The conference agreement contains language similar to that in the Senate amendment that provides $3,000,000 for international youth exchanges for secondary school students from countries with significant Muslim populations. The House bill did not address this matter. The managers note that the allocation of these funds will fulfill a one-year, one-time commitment to fund this program within the foreign operations budget, absent a formal budget request in the future.

The conference agreement does not contain Senate language regarding support for the provision of wheelchairs for needy persons in developing countries. This matter is addressed under "Child Survival and Health Programs Fund".

The conference agreement contains language similar to that of the Senate amendment that provides that not less than $10,000,000 should be made available in fiscal year 2003 for a contribution to the Special Court for Sierra Leone. The Senate amendment would have mandated this level of assistance. The House bill did not address this matter. The managers strongly support the efforts of the Court and the Truth and Reconciliation Commission to hold accountable those involved in the atrocities committed during the conflict. The managers continue to be disappointed that the State Department, during fiscal year 2002, ignored the managers' recommendation to accelerate the disbursement of United States funding for the Court to meet pressing transportation, security, and other needs. The managers expect $10,000,000 to be disbursed in fiscal year 2003, and understand that these funds would fulfill a three-year U.S. pledge of assistance for the court.

The conference agreement includes Senate language authorizing the use of not to exceed $200,000,000 for debt restructuring for Pakistan, and not to exceed $15,000,000 of funds appropriated under this heading in Public Law 107–296 for debt restructuring for Jordan. The House bill did not address these matters.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $25,000,000 as proposed by the House. The Senate amendment contained no provision on this matter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $525,000,000, instead of $520,000,000 as proposed by the House and $530,000,000 as proposed by the Senate.

The conference agreement includes language similar to that from the House bill that provides that $5,000,000 shall be made available for assistance for the Baltic States. The House bill did not mandate this level of assistance. The Senate amendment did not address this matter.

The conference agreement contains language that provides that up to $1,000,000 should be made available for training programs for Kosovar women. The Senate amendment would have mandated $2,000,000 for such programs. The House bill did not address this matter. The managers expect sufficient funding will be provided for reconstruction, reform, and reconciliation efforts in Kosovo. They also endorse the funding level for Serbia as recommended in the Senate report.

The conference agreement contains language that provides that $2,000,000 should be made available to enhance safety at nuclear power plants. It is intended that this nuclear safety program will entail the provision of full scope simulators. The Senate amendment would have mandated $5,000,000 for this purpose. The House bill did not address this matter.

The conference agreement does not include Senate language providing $750,000 to support regional programs and activities to promote reconciliation among ethnic groups within the former Yugoslavia. However, the managers recommend that USAID consider funding for such programs that are conducted by local nongovernmental organizations.

The conference agreement includes Senate language regarding the authority of the President to withhold certain assistance for Bosnia if it has not complied with certain requirements of the Dayton Accord on the withdrawal of foreign forces, and has not terminated intelligence cooperation with state sponsors of terrorism and terrorist organizations. The House bill had similar language, but included a reference to cooperation with Iranian officials rather than state sponsors of terrorism and terrorist organizations.

The managers strongly support the funding level for Montenegro as recommended in the House report.

The managers recommend up to a total of $5,000,000 for the Russian, Eurasian, and East European Research and Training Program (Title VIII). The managers also endorse House report language in support of the East Central European Scholarship Program (ECESP).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $760,000,000, instead of $755,000,000 as proposed by the House and $765,000,000 as proposed by the Senate.

The conference agreement includes not less than $60,000,000 for child survival, environmental and other health activities, and programs to reduce the incidence of HIV/AIDS, tuberculosis, and other infectious diseases, including $15,000,000 for reproductive health/family planning. The managers direct the Coordinator and USAID to utilize the higher level of health funding to expand primary and advanced health programs in Central Asia, with an emphasis on reducing the incidence of tuberculosis in the region, including consideration of proposals to establish telemedicine partnerships between United States medical institutions and counterparts in Central Asia. The manager also endorse House and Senate report language regarding the Primary Healthcare Initiative and strongly recommend that not less than $2,500,000 be made available for this program to help it to become self-sustaining.

The managers strongly support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a provision that funds available for the Southern Caucasus may be used for confidence-building measures and other activities related to the resolution of regional conflicts, notwithstanding any other provision of law, as proposed by the Senate.

The conference agreement includes not less than $90,000,000 as proposed by the Senate instead of $83,433,000 as proposed by the House, for assistance for Armenia under the heading "Assistance for the Independent States of the Former Soviet Union".

The managers strongly encourage the State Department to continue discussions with the sponsors of the proposed CANDEL project and relevant Armenian authorities on the economic viability and sustainability of the project. The managers recommend that continued funding for the project's study be made available form assistance provided for Armenia in this Act.

The managers have not included a specific amount for Georgia in the conference agreement, as proposed by both the Senate and the House, but continue to support the sovereignty and territorial integrity of Georgia, and expect that the request for Georgia will be made available by the Administration. The managers encourage the Government of Georgia to take more effective measures to defend human rights and the rule of law by protecting religious minorities against mob violence. The incidence of such attacks without intervention by police or other security forces is of great concern to the Committees on Appropriations.

The managers commend USAID for its thorough review and consideration of the establishment of an Absorptive Capacity Fund (ACF) for Georgia. Given shifting priorities in that country, the managers rescind their directives in the Conference Report accompanying H.R. 4811 relating to the ACF.

The managers continue to be concerned with the murder of John Alvis, a democracy worker with the International Republican Institute, in Azerbaijan. The managers request that within 30 days of enactment of this Act, the State Department provide an update on the status of the investigation. The managers expect the State Department and relevant Azeri authorities to continue to make this investigation a top priority.

The managers endorse both Senate and House language relating to Ukraine, and reiterate concerns about violence against members of the Rada and with the reports concerning Ukraine's covert transfer of the Kulchuga radar system to Iraq. The conference agreement provides that not less than $20,000,000 should be made available for nuclear reactor safety initiatives in Ukraine, of which $12,000,000 should be for simulator-related projects, and not less than $1,500,000 for coal mine safety programs. This is similar to a Senate amendment. The House did not address this matter.

The managers endorse Senate report language regarding the study of the environmental causes of birth defects in Rivine and Volyn oblasts, and unexploded ordnance and excess weapons stockpiles in Ukraine.

The conference agreement includes conditions on assistance to the Government of the Russian Federation, with exceptions for specified humanitarian and security programs, with respect to its adherence in the Northern Caucasus to certain conventional arms and human rights conventions and agreements, as proposed by both the House and the Senate. The managers reiterate language in the Statement of the Managers from prior years with regard to other limitations on assistance, "that assistance to combat infectious diseases, . . . support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this section."

The conference agreement continues current restrictions on United States assistance to the Government of the Russian Federation, unless it provides full access to Chechnya for humanitarian relief organizations. The managers deplore the violations of human rights by both rebels and Russian security forces in Chechnya, as well as the forced resettlement to Chechnya of refugees who are living in appalling conditions. The managers urge the Administration to be more vigorous in pressing the Russian Government to seriously address these concerns.

The conference agreement includes language providing $17,500,000 for the Russian Far East, as proposed by the Senate.

The conference agreement again directs the Coordinator of Assistance to the Independent States to obligate not less than $1,500,000, primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children.

The managers note that request levels for several countries in the former Soviet Union are declining rapidly, and request that the Coordinator consult with the Committees as he works with USAID to develop new country strategies leading toward eventual graduation of these countries from the United States foreign assistance programs.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

The conference agreement appropriates $16,200,000 instead of $16,000,000 as proposed by the House and $16,385,000 as proposed by the Senate.

AFRICAN DEVELOPMENT FOUNDATION

The conference agreement appropriates $18,689,000 instead of $19,689,000 as proposed by the House and $17,689,000 as proposed by the Senate.

The conference agreement includes Senate language pertaining to earned interest.

PEACE CORPS

The conference agreement provides $297,000,000 instead of $317,000,000 as proposed by the House and $285,000,000 as proposed by the Senate.

The managers have included House language waiving the so-called "five-year rule" of employment in the case of employees whose appointment involves the safety of Peace Corps volunteers, such as regional safety security officers and employees within the Office of Inspector General.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $197,000,00 for International Narcotics Control and Law Enforcement as proposed by the House instead of $196,713,000 as proposed by the Senate.

The conference agreement provides that $10,000,000 should be made available for anti-trafficking in persons programs. The Senate amendment provided $20,000,000 for this purpose, and the House did not address this matter.

The conference agreement also provides that $10,000,000 should be made available for the demand reduction program, as proposed by the House. The Senate did not address this matter.

Additionally, the conference agreement includes language directing that from funds provided under this heading not less than $5,000,000 shall be apportioned directly to the Department of the Treasury, International Affairs Technical Assistance, to be used for financial crimes and law enforcement technical assistance programs. The apportionment of these funds will allow the Department of Treasury to respond to host governments in a more expeditious manner than presently is occurring.

The managers endorse Senate and House report language regarding ILEA, and expect the administration to provide sufficient funding to complete construction on the Roswell Center.

The conference agreement makes available $24,180,000 for administrative expenses instead of $24,062,000 as proposed by the House and $24,300,000 as proposed by the Senate.

ANDEAN COUNTERDRUG INITIATIVE

The conference agreement appropriates $700,000,000 for the Andean Counterdrug Initiative instead of $731,000,000 as proposed by the House and $650,000,000 as proposed by the Senate.

Additionally, the conference agreement allows for the authority to provide up to $31,000,000 through a permissive transfer from the International Narcotics Control and Law Enforcement funds. Such a transfer is subject to the regular notification procedures of the House and Senate Committees on Appropriations. The managers emphasize that there are other funds for Andean nations in this Act that may be made available for the Andean Regional Initiative (ARI).

The conference agreement provides that not less than $250,000,000 shall be directly apportioned to U.S. Agency for International Development, instead of $225,000,000 as provided in the Senate amendment. This provision was not included in the House bill.

The managers have extended the availability of funds provided for assistance for Colombia to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations, and to take actions to protect health and human welfare. This provision is identical to that in the House bill and similar to the provision included in the Senate amendment in section 563. The managers are supportive of the Colombian Government in its attempts to provide security for the Colombian people and have provided the expansion of authorities in recognition that the narcotics industry is linked to the terrorist groups, including the paramilitary organizations, in Colombia. However, the managers still conclude that coca provides the revenue and a motive for the violence committed by both the guerrilla and paramilitary groups. Therefore, the managers expect counternarcotics, alternative development, and judicial reform to remain the principal focus of United States policy in Colombia. The expanded authority is not a signal from the managers for the United States to become more deeply involved in assisting the Colombian Armed Forces in fighting the terrorist groups, especially not at the expense of the counternarcotics programs, but to provide the means for more effective intelligence gathering and fusion, and to provide the flexibility to the Department of State when the distinction between counternarcotics and counterterrorism is not clear cut. The managers direct the Secretary of State to report to the Committees on Appropriations not later than 90 days after enactment of the changes in United States policy, including new procedures and operations, as a result of implementing the expanded authorities.

The conference agreement includes House language that provides that the expanded authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and human rights in areas under the effective control of paramilitary and guerrilla organizations. This provision is not included in the Senate amendment.

The managers note the requirement in the Act that the Secretary of State, in consultation with the Administrator of U.S. Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity. This report is similar to the report required in the fiscal year 2000 emergency supplemental appropriations act and is required again in fiscal year 2003 given the managers' disappointment in the level of pertinent information included in the Department of State's Congressional Budget Justification and congressional notifications.

Additionally, the conference agreement does not include Senate language making all funds under this heading subject to notification. The House bill did not include this language. The managers note that in section 520, all funds provided for Colombia are subject to notification.

The conference agreement continues current caps on the number of United States military personnel and United States civilian contractors in Colombia, as well as the current prohibition on participation by such persons in combat operations in connection with assistance made available by this Act.

The conference agreement again includes conditions on the aerial spraying of herbicide, similar to the Senate amendment, to ensure that any use of such chemicals is consistent with the Colombian Environmental Management Plan, with Environmental Protection Agency regulations, and to ensure that chemicals used in the aerial fumigation of coca do not pose unreasonable health or safety risks to humans or the environment. The managers intend and expect that every reasonable precaution will be taken in the aerial fumigation program to ensure that the exposure to humans and the environment in Colombia meets Environmental Protection Agency standards for comparable use in the United States.

Additionally, the managers direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, describing (1) the steps the Department of State is taking to enhance environmental safeguards of the fumigation program, including implementing the recommendations of the Environmental Protection Agency in the fiscal year 2002 fumigation report; (2) the Department's plan to conduct an independent, long-term program to monitor the health and environmental effects of the fumigation program, including conducting soil and water tests in areas sprayed, toxicity tests on the spray formulation, and ground verification missions to evaluate over-spray; and (3) steps taken to implement environmental training programs for fumigation pilots.

The conference agreement includes the House language prohibiting funds for the resumption of flights in support of a Peruvian air interdiction program until a system of enhanced safeguards are in place. The Senate did not address this matter.

The conference agreement provides that not less than $5,000,000 from funds under this heading or under the heading "Foreign Military Financing" should be made available to support a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations. The Senate amendment included similar language but made the provision of funds mandatory. The House did not address this matter. The managers believe that the capture of these individuals, for which there are numerous outstanding arrest warrants, could contribute significantly to reducing atrocities against civilians by these terrorist organizations as well as enhancing public confidence in the Colombian Government's ability to protect public safety.

The conference agreement provides that not less than $1,500,000 should be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General, instead of language proposed by the Senate that provides that not less than $2,000,000 shall be made available for such assistance. The House did not address this matter.

Additionally, the conference agreement provides that not less than $3,000,000 should be made available for software and training for the Colombian National Police. The Senate amendment included similar language but made the provision of funds mandatory. The House did not address this matter.

The conference agreement provides that not less than $3,500,000 shall be made available for the Colombian National Park Service. This language is identical to the provision in the Senate amendment. The House did not address this matter. The managers endorse Senate report language regarding this issue.

The managers endorse the language in the House report directing that the Department of State immediately terminate its interagency agreement with the Department of Justice and transfer remaining funds to the U.S. Agency for International Development for development, rule of law, and humanitarian assistance programs.

The conference agreement makes available $15,680,000 for administrative expenses of the Department of State as proposed by the House instead of $14,800,000 as proposed by the Senate.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $787,000,000 for Migration and Refugee Assistance as proposed by the Senate, instead of $800,000,000 as proposed by the House. The conference agreement makes available $16,565,000, for administrative expenses as proposed by the Senate instead of $16,000,000 as proposed in the House.

The conference agreement also includes language from the Senate amendment that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel. The House addressed this matter in the House report.

The conference agreement does not include Senate language providing that funds should be made available to international organizations for assistance for refugees from North Korea. However, the managers remain concerned with the plight of these refugees and expect that funding will be provided to safeguard the human rights and dignity of North Korean refugees and asylum seekers. The managers also expect that funds will be made available for assistance for those Burmese exiles who have fled to Thailand. The managers strongly encourage the State Department to consult on an ongoing basis with the appropriate Thai authorities, including through the establishment of a working group, to determine how best to assist these exiles.

UNITED STATES EMERGENCY MIGRATION AND REFUGEE ASSISTANCE FUND

The conference agreement appropriates $26,000,000 for the U.S. Emergency Migration and Refugee Assistance Fund (ERMA), instead of $20,000,000 as proposed by the House and $32,000,000 as proposed by the Senate.

The conference agreement does not include language included in the Senate amendment that provides the funds notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962. Section 2(c)(2) would limit appropriated funds to this Fund if, when added, would cause the balance of the fund to exceed $100,000,000.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $306,400,000 as proposed by the Senate instead of $347,400,000 as proposed by the House.

The managers intend that funds in this account be allocated as follows:

	($ in thousands)
Nonproliferation and Disarmament Fund	$15,000
Export control and border security assistance	36,000
Science Centers/BW redirection	52,000
International Atomic Energy Agency	52,900
CTBT Monitoring System	17,300
Korean Peninsula Economic Development .... Organization (KEDO) administrative expenses	5,000
Anti-terrorism assistance	64,200
Terrorist Interdiction Program	5,000
Demining	46,000
International Trust Fund for Demining	10,000
Small arms destruction	3,000
Total	306,400

The conference agreement includes a reduction of $900,000 from the budget request for the Comprehensive Nuclear Test Ban Treaty (CTBT) Preparatory Commission monitoring system based on revised information from the Department of State. The managers have been informed that the amount of $17,300,000 will fully fund the United States contribution to the CTBT Preparatory Commission for fiscal year 2003. The conference agreement does not contain House language requiring a report to the Committees on Appropriations 15 days prior to the obligation of funds for the Commission. Also, it does not contain Senate language mandating a specified level of funding for the Commission.

The conference agreement includes Senate language restricting the use of assistance for the Korean Peninsula Energy Development Organization (KEDO). The President is authorized to waive this restriction in section 562 to provide up to $5,000,000 for assistance for administrative expenses only. To the extent these funds are not programmed for KEDO, they should be reprogrammed for support for the International Atomic Energy Agency.

The conference agreement includes Senate language authorizing not to exceed $675,000 for administrative expenses associated with the demining program. The House bill did not address this matter. The conference agreement does not contain Senate language stating that $57,000,000 should be used for demining and related activities; however, the managers support $56,000,000 for these purposes, as identified above.

The conference agreement contains language similar to that of the Senate amendment that authorizes not to exceed $250,000 for the support of public-private partnerships for mine action by grant, cooperative agreement, or contract. The managers direct that the State Department provide a financial plan for the use of these funds to the Committees on Appropriations prior to the use of this authority. The House bill did not address this matter.

The conference agreement does not contain Senate language providing that $4,000,000 should be available to support the Small Arms Destruction Initiative; however, the managers support $3,000,000 for this purpose, as identified above.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides $10,800,000 for the International Affairs Technical Assistance program of the Department of the Treasury, instead of $11,000,000 as proposed by the House, and $10,500,000 as proposed by the Senate.

The managers support the efforts of the Department of the Treasury, International Affairs Technical Assistance, to assist nations in their efforts to reduce financial crimes and corruption by strengthening those governmental systems. The Department of the Treasury has been providing technical assistance for over a decade to nations facing economic disruption due to systemic weaknesses, post conflict crises, terrorist influences, or criminal practices. The managers urge the Department of the Treasury to continue its current technical assistance program and to strengthen its law enforcement program with additional resident and intermittent advisors. The Committee further directs the Department of the Treasury to manage its technical assistance program in accordance with its own policies and to report to the Committees on Appropriations in the House and Senate on the status of its efforts.

The managers endorse the language of the House report with respect to the International Affairs Technical Assistance program.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement does not include language proposed by the Senate that would have prohibited funds for travel or other purposes that do not directly expose the individual participants to government officials or institutions or to other individuals or organizations engaged in activities involving public policy. The House bill did not address this matter. The managers are aware that the Department of Defense is in the process of issuing revised guidance on the Information Program to address issues related to this provision. The managers request that the Department maintain its consultations with the Committees on this guidance.

The conference agreement provides that funding for Guatemala, Algeria and Nigeria shall be subject to the regular notification procedures of the Committees on Appropriations.

The managers expect that, consistent with the letter sent to the Congress by the Assistant Secretary of State for Legislative Affairs, the Committees on Appropriations will be consulted prior to the obligation of funds for an Indonesian IMET program.

The conference agreement does not include a Senate provision directing the Department of Defense to maintain a record of students that complete the IMET program for at least six years after graduation. The House bill did not address this matter. The managers note that the Office of Management and Budget has identified shortcomings in procedures to evaluate the performance of the IMET program. The managers have addressed this matter by including a general provision (section 581) requiring the Secretary of State to submit a report to the Committees on Appropriations which describes the progress being made in improving performance evaluation procedures for the IMET program and implementing section 548 of the Foreign Assistance Act.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $4,072,000,000 as proposed by the Senate instead of $4,080,200,000 as proposed by the House.

The conference agreement includes Senate language providing for the early disbursement of funds for Israel (as well as certain funds for Egypt) within 30 days of enactment. The House bill included this language, along with language that provided for disbursement of funds for both countries by October 31, 2002, whichever was later.

The conference agreement does not include Senate language that would have provided not less than $198,000,000 for assistance for Jordan. The House bill did not address this matter. The managers note that these funds have already been obligated for assistance for Jordan.

The conference agreement does not contain language from the Senate amendment that would have mandated not less than $3,000,000 for Armenia. The managers expect the full IMET and FMF funding requests for Armenia will be provided in fiscal year 2003, and that a portion of the FMF funds should be used to enhance communications capabilities. The House bill did not address this matter.

The conference agreement provides that up to $93,000,000 of the funds appropriated under this heading may be transferred to "Andean Counterdrug Initiative" for helicopters, training and other assistance for the Columbian Armed Forces, rather than up to $88,000,000 as proposed by the Senate. The House bill would have authorized the transfer of up to $98,000,000 for this purpose to "International Narcotics Control and Law Enforcement".

The managers endorse Senate report language regarding the contents of the Foreign Military Training Report, including information on training activities by civilian contractors.

The managers endorse Senate report language regarding projects in the southern Philippines and increased Foreign Military Financing assistance to the Philippines.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $115,000,000 instead of $120,250,000 as proposed by the Senate and $125,000,000 as proposed by the House.

The conference agreement does not include Senate language providing that $7,000,000 should be made available for Afghanistan. The House bill did not address this matter.

The conference agreement does not include Senate language providing that not less than $50,000,000 should be made available for Africa Regional Peacekeeping Operations and the Africa Crisis Response Initiative. The House bill did not address this matter. However, the managers are concerned that adequate funding be maintained for peacekeeping operations in Africa, and endorse the House and Senate report language on this issue. The managers recommend up to $45,000,000 for such activities.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY (GEF)

The conference agreement appropriates $147,812,533 for the Global Environment Facility as proposed by the House instead of $177,812,533 as proposed by the Senate. The managers intend for $107,500,000 of this amount is for the scheduled United States contribution to the third replenishment of the GEF, and $40,312,533 for past payments due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $850,000,000 for the International Development Association (IDA), the concessional lending facility of the World Bank, instead of $874,338,333 as proposed by the House and $837,338,333 as proposed by the Senate. The managers intend that the appropriation be made available to fully provide for the first scheduled payment under the Untied States commitment to the thirteenth replenishment of IDA.

The managers have not included Senate language requiring the Secretary of the Treasury to accord a high priority in the next replenishment of IDA to provide new grant assistance to HIPC-eligible countries given that a grants agreement was included in the IDA-13 replenishment.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $1,631,000 for paid-in capital for the Multilateral Investment Guarantee Agency (MIGA), the amount provided in the Senate amendment, instead of $1,630,696 as proposed by the House bill. The managers intend for the appropriation to be provided for past payments due by the United States to MIGA. Approval for a subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

The conference agreement appropriates $18,351,667 for a United States contribution to the Inter-American Investment Corporation as proposed by the Senate, instead of $30,351,667 as proposed by the House.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $24,590,667 for past due payments by the United States to the Multilateral Investment Fund as proposed by the House, instead of $29,590,667 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement provides $97,886,133 for the United States contribution to the Asian Development Fund as proposed by the House, instead of $100,386,133 as proposed by the Senate.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $108,073,333 for the African Development Fund as proposed by the Senate, instead of $113,073,333 as proposed by the House.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

The managers endorse Senate report language regarding the European Bank for Reconstruction and Development.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $195,150,000 for voluntary contributions to International Organizations and Programs instead of $190,400,000 as proposed by the House and $215,000,000 as proposed by Senate.

The managers have provided $11,000,000 for the United Nations Environment Program (UNEP), an increase of $250,000 over the fiscal year 2002 level. The managers recognize UNEP's role in addressing global environmental problems, and believe United States support for UNEP is necessary to achieve important U.S. environmental objectives. However, the managers are very concerned that UNEP's inefficient governing process impedes its effectiveness and must be reformed, if UNEP is to continue to receive significant U.S. support in meeting the world's increasingly complex environmental challenges.

The conference agreement retains Senate language which provides $500,000 for a contribution to the International Coffee Organization (ICO) if the United States rejoins the ICO by June 1, 2003. The House bill did not address this matter. The conference agreement also provides that these funds should be made available for a contribution to the United Nations Center for Human Settlements (UNHABITAT), if the United States does not rejoin the ICO by this date. These funds are to be in addition to other funds made available for UNHABITAT under this heading. The Senate bill provided $1,000,000 for UNHABITAT. The House did not address this matter.

The managers do not have a position on rejoining the ICO but urge the administration to consult with the Committees on Appropriations in the House and Senate concerning a decision on ICO membership.

The managers support the efforts of UNHABITAT to improve the lives of destitute slum dwellers in developing countries. The managers note that UNHABITAT has recently been revitalized through a successful restructuring that has met United States Government criteria for reform.

The managers intend that funds in this account be allocated as follows:

($ in thousands)

UN Fund for Tech. Cooperation in Human Rights	$ 1,500
UN Voluntary Fund for Victims of Torture	5,250
OAS Fund for Strengthening Democracy	3,500
UNDP	100,000
UNIFEM	1,000
OAS Development Assistance	5,500
WTO	2,000
ICAO Aviation Programs	300
UNEP	11,000
Montreal Protocol	23,000
International Conservation Programs (CITES/ITTO/IUCN/Ramsar/CCD)	6,500
IPCC/UNFCCC	6,000
International Contributions for Scientific Educational & Cultural Activities	1,850
World Meteorological Organization	2,000
International Coffee Organization	500
UN Center for Human Settlements	250
Reserve to be allocated	25,000
Total	195,150

TITLE V—GENERAL PROVISIONS

(NOTE: If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 503. Limitation on Residence Expenses

The conference agreement sets a limitation of $100,500 for USAID official residence expenses as proposed by the Senate, instead of $126,500 as proposed by the House.

Sec. 505. Limitation on Representational Allowances

The conference agreement sets a limitation of $125,000 on representation allowances from funds appropriated for USAID as proposed by the Senate, instead of $95,000 as proposed by the House.

Sec. 507. Prohibition Against Direct Funding for Certain Countries

The conference agreement includes language similar to that included in the Senate amendment regarding assistance for Iraq. The House bill did not include such a provision.

The conference agreement provides that assistance or other financing under this Act or under prior foreign operations, export financing, and related programs appropriations Acts may be provided for humanitarian and relief assistance for Iraq notwithstanding the provisions of this section or any other provision of law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States. Such assistance or financing would be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of obligations of funds. In addition, the conference report requires the President to report to the Committees on Appropriations on the status of the allocation, obligation and expenditure of made available for Iraq funds not later than every 60 days during fiscal year 2003, beginning on March 1, 2003. Each report shall include information on programs, projects, and activities that are being funded or will be funded with such assistance or financing, and the departments and agencies responsible for managing each such program, project, and activity. The authority to provide assistance for Iraq will expire on the date of enactment of the first subsequent supplemental appropriations Act for fiscal year 2003 that contains supplemental funding for appropriations accounts contained in this Act.

It is the intention of the managers that this authority not be used inside Iraq, except for assessments of humanitarian and relief needs by private or nongovernmental organizations, prior to any military action against Iraq or, in the absence of such action, prior to a change of regime in Iraq. The limitation of the waiver to humanitarian and relief assistance is not intended to preclude assistance for the promotion of democracy or governance if the goal of such assistance is the maintenance of social services and public order. The managers expect that funds drawn from accounts in this Act under this waiver will be promptly reimbursed through supplemental funding.

Sec. 509. Transfers Between Accounts

The conference report includes House language on this matter. The new provisions of this section would prohibit transfers to any department, agency, or instrumentality of the United States unless specifically authorized in this Act, except for certain transfers authorized by provisions of the Foreign Assistance Act. The managers note that a limit on transfers from the Child Survival and Health Programs Fund is included under that heading. In addition, transfers under section 632(a) of the Foreign Assistance Act shall expressly provide that the Inspector General for the agency receiving the transfer shall perform periodic program and financial audits, and allows for the cost of such audits to be covered by the transfer.

Sec. 512. Countries in Default

The conference agreement includes House language that prohibits assistance to the government of any country in default on U.S. bilateral loans. The Senate amendment included less restrictive provisions. This matter is addressed in the Statement of the Managers under the heading "Export-Import Bank".

Sec. 515. Notification Requirements

The conference agreement reflects a technical change proposed by the House to include "Capital Investment Fund" in the list of accounts that are subject to notification pursuant to this section. The Senate did not address this matter.

Sec. 520. Special Notification Requirements

The conference agreement adds "Serbia" as proposed in the Senate amendment to the list of countries subject to the special notification procedures of this section, but does not include "Haiti" and "Nigeria" as recommended by the Senate. The managers note that IMET assistance for Nigeria is subject to notification under a provision in title III of this Act.

Sec. 521. Definition of Program, Project and Activity

The conference agreement restates current law regarding the definition of program, project and activity, instead of Senate language limiting the definition.

Sec. 522. Child Survival and Health Activities

The conference agreement authorizes USAID to use up to $13,500,000 from the "Child Survival and Health Programs Fund" and up to $3,500,000 from "Development Assistance" for technical experts from other government agencies, universities, and other institutions. The managers have decreased this authority in order to accelerate the shift to USAID direct hire personnel of responsibility for implementation and oversight of USAID's expanded infectious disease and basic education activities.

The conference agreement provides that not less than $446,500,000, as in current law, shall be made available for reproductive health/family planning activities from funds appropriated by this Act, including $368,500,000 from the Child Survival and Health Programs Fund, $15,000,000 from Assistance to the Independent States of the Former Soviet Union, and $63,000,000 from other accounts such as the Economic Support Fund, International Disaster Assistance, Assistance to Eastern Europe and the Baltic States, and Migration and Refugee Assistance.

Sec. 523. Afghanistan

The conference agreement provides that not less than $295,500,000 of the funds appropriated by title II shall be made available for humanitarian and reconstruction assistance for Afghanistan, as proposed by the House. The Senate amendment proposed not less than $213,000,000 for Afghanistan from titles II and III. Of this amount, not less than $5,000,000 is for activities supported by the Afghan Ministry of Women's Affairs including multi-service women's resource centers in Afghanistan.

The managers intend that funds provided under this section be allocated as follows:

($ in thousands)

Child Survival and Health Programs Fund	50,000
Development Assistance	40,500
International Disaster Assistance	85,000
Transition Initiatives	10,000
Economic Support Fund	50,000
Nonproliferation, Anti-terrorism, etc (NADR)	5,000
USAID Operating Expenses	[9,350]
USAID IG Operating Expenses	[500]
Migration and Refugee Assistance	55,000
Total	295,500

The conference agreement does not include a Senate provision that not less than $1,500,000 should be made available for the National Human Rights Commission of Afghanistan. However, the managers recognize the critical need for timely and credible investigations of the full range of human rights violations in Afghanistan and expect USAID to continue to support the Commission.

The conference agreement does not include Senate language requiring a report by the Secretary of State that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan. However, the managers request the Secretary to submit such a report, not later than 90 days after enactment of this Act, including proposed United States assistance programs and activities to overcome such barriers.

Sec. 525. Authorization Requiremen

The conference agreement includes language that provides that funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as provided in the House bill and the Senate amendment. It includes House language exempting the account "Peace Corps" and Senate language exempting the accounts "Trade and Development Agency," "Migration and Refugee Assistance", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", "International Military Education and Training" and "Foreign Military Financing Program" from these waivers.

Sec. 526. Democracy Programs

The conference agreement contains language in subsection (a) that provides not less than $15,000,000 shall be made available for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong, and Tibet. Of these funds, not less than $9,000,000 shall be provided through the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State and not less than $3,000,000 shall be provided through the National Endowment for Democracy. In addition, subsection (a) authorizes funding of not to exceed $3,000,000 for nongovernmental organizations to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in Tibetan communities in China. In addition, funds should be made available for Taiwan for the purposes of furthering political and legal reforms to the extent that they are matched from sources other than the United States Government. In addition, the conference report provides not less than $15,000,000 for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism. Not less than $3,000,000 of these funds should be made available for programs and activities that provide professional training for journalists. Of the funds for Muslim countries, not less than $7,000,000 shall be provided through the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State and not less than $5,000,000 shall be provided through the National Endowment for Democracy. In addition, funds are authorized for the advancement of democracy and human rights in Iran.

Funds provided in this section for the Human Rights and Democracy Fund are in addition to the $12,000,000 budget request for said Fund in fiscal year 2003. In addition, the conference agreement includes language requiring a report from the Secretary of State with 120 days of enactment on the allocation, obligation, and expenditure of funds made available for the National Endowment for Democracy. The Senate amendment would have required the obligation and disbursement of such funds within 90 days of enactment of this Act.

Of the $12,000,000 in base funds for the Human Rights and Democracy Fund, the managers direct that $1,000,000 be provided (within 120 days of enactment) for the Reagan/Fascell Program, and $250,000 be provided for the North Korean human rights and democracy program as identified in the Senate amendment under "Economic Support Fund".

All funds provided under this section are subject to the regular notification procedures of the Committees on Appropriations.

Sec. 527. Prohibition on Bilateral Assistance to Terrorist Countries

The conference agreement includes House language on this matter, which prohibits funds to any country that the President determines is supporting terrorism. The Senate amendment would have prohibited funds to the government of any such country.

Sec. 528. Debt for Development

The conference agreement includes House language on this matter. The Senate amendment would have authorized the use of appropriated funds for endowments.

Sec. 533. Impact on Jobs in the United States

The conference agreement modifies the scope of this section with respect to internationally recognized worker rights as described in section 507 of the Trade Act of 1974, as contained in the Senate amendment. The House bill did not address this matter.

Sec. 534. Special Authorities

The conference agreement includes House language providing certain authority for assistance for Lebanon and Montenegro, and Senate language on authority for assistance for Afghanistan, assistance to victims of trafficking, and assistance to combat trafficking. The conference agreement does not include House language, not in the Senate amendment, that would have authorized assistance for Cambodia under section 541 of the Foreign Assistance Act notwithstanding certain other restrictions contained in this Act. In addition, it does not contain language from the Senate amendment, not in the House bill, that would subject assistance for Cambodia to the provisions of section 531(e) of the FAA and section 906 of the International Security and Development Cooperation Act of 1985. Those provisions have the effect of permanent law, and the Senate language is therefore unnecessary.

The managers have reduced current authority for certain bureaus and offices in USAID to hire personal service contractors, continued existing authority for USAID to provide support for administrative costs of a program to provide information regarding available donated space on commercial ships to organizations shipping humanitarian assistance, and provides for expanded authorities under section 660(b)(6) of the Foreign Assistance Act of 1961.

The conference agreement includes Senate language deleting a requirement that the Secretary of the Treasury provide certain annual reports. The House did not address this matter.

Sec. 535. Arab League Boycott of Israel

The conference report includes Senate language on this matter, except that the "Sense of the Congress" rather than the "Sense of the Senate" is invoked. Among other things, the language calls upon the Arab League states to normalize relations (including the reinstatement of ambassadors by the three Arab League nations with relations with Israel) with Israel. The House bill contained current law on this matter.

Sec. 537. Eligibility for Assistance

The conference agreement consolidates current language regarding assistance to non-governmental organizations in certain countries as proposed by the Senate. The House bill did not change current law.

Sec. 543. Prohibition on Assistance to Foreign Governments that Export Lethal Military Equipment to Countries Supporting International Terrorism

The conference agreement reflects the House language that includes a technical correction not included in the Senate amendment.

Sec. 544. Withholding of Assistance for Parking Fines Owed by Foreign Countries

The conference agreement allows 110 percent of the total amount of unpaid parking fines determined to be owed by foreign countries to the District of Columbia and New York City, New York, to be withheld from obligation for assistance to such country, as proposed by the Senate. The language is similar to that proposed by the House.

Sec. 546. War Crimes Tribunals Drawdown

The conference agreement includes House and Senate language authorizing up to $30,000,000 in drawdowns of commodities or services for war crimes tribunals. The conference agreement includes House language that specifies that any drawdown made under this section shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court. The Senate amendment did not address this matter.

Sec. 549. Prohibition of Payment of Certain Expenses

The conference agreement includes Senate language, not in the House bill, that adds theatrical and musical productions to the list of activities prohibited under this section.

Sec. 550. Restrictions on Voluntary Contributions to United Nations Agencies

The conference agreement is similar to the House bill but deletes the certification requirement. The Senate did not address this matter.

Sec. 551. Caribbean Basin

The conference agreement makes certain purchases of defense articles and services available to the Haitian Coast Guard but does not include House language, not in the Senate amendment, requiring that such transfers be subject to notification.

The conference agreement provides that not less than $52,500,000 should be allocated for assistance to Haiti from funds in title II of this Act and food assistance fund managed by USAID. This provision is identical to language in the House bill and was not included in the Senate amendment.

Additionally, the conference agreement includes identical language as included in the House bill that provides that out of funds in title II of this Act, $37,680,000 should be allocated for Nicaragua and $40,130,000 should be allocated for Honduras. The Senate did not address this matter.

Sec. 554. Protection of Biodiversity Tropical and Forests

The conference agreement includes language directing that USAID should make available $145,000,000 for programs and activities that directly protect biodiversity. The managers strongly support these efforts and expect these funds to be used to protect tropical forests, including support of projects to deter illegal logging in Indonesia, Central Africa and elsewhere, and other threatened biologically diverse areas, both terrestrial and marine. Of this amount, up to $40,000,000 may be available for the subsidy cost of modifying loans and loan guarantees, pursuant to the provisions of the Tropical Forest Conservation Act of 1998. The managers commend the Administration for its Congo Basin Forest Initiative and expect full funding to be made available for the Central African Regional Program for the Environment.

Sec. 555. Energy Conservation, Energy Efficiency and Clean Energy Programs

The managers support programs that conserve energy and promote clean and efficient energy production and distribution in developing countries. The conference agreement provides that $175,000,000 should be made available for these programs.

This section also requires the Executive Office of the President to submit an updated and revised annual government-wide report on federal activities and costs relating to climate change and greenhouse gas emissions. The House bill did not address this matter.

Sec. 556. Zimbabwe.

The conference agreement is the same as current law and is identical to the Senate amendment. The House did not address this matter.

Sec. 557. Nigeria.

The conference agreement includes language similar to that of the Senate amendment that restricts the use of IMET and FMF for Nigeria until the President certifies to the Committee on Appropriations that certain specified Nigerian officials are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice. The President may waive such prohibition if he determines that doing so is in the national security interest of the United States. Prior to exercising such waiver authority, the President is required to submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance. The managers expect the Department of State will consult with the Committees on Appropriations on the form the report will take.

Sec. 558. Burma.

The conference agreement includes a modified version of the Senate's provision on the use of the Economic Support Fund in Burma and along the Burma-Thailand border, and, in addition, a House provision, similar to language in prior year Acts, regarding independent media activities promoting democracy inside Burma.

The managers deplore the failure of Burma's State Peace and Development Council (SPDC) to resume dialogue with Daw Aung San Suu Kyi and the National League for Democracy, and urge the immediate release of all prisoners of conscience in Burma. The managers continue to expect that United States Government programs and activities conducted inside Burma, including HIV/AIDS programs, will be carried out in consultation with the leadership of the National League for Democracy.

The managers note the systematic abuse of human rights by the SPDC, especially in campaigns of violence against Burmese minorities, including rape of girls and women and forced evacuations of villages. These campaigns have displaced an estimated one million persons inside of Burma and an equal number in neighboring countries.

In order to expand the provision of health services to displaced Burmese, including those who live in appalling conditions outside of refugee camps in Thailand, the managers expect that $1,000,000 will be provided to continue to support efforts to combat HIV/AIDS inside of Burma, and that not less than $1,000,000 will be provided to support efforts to limit malaria and infectious diseases among Burmese along the Burma-Thailand border. These funds are to be made available under the heading "Child Survival and Health Programs Fund" in this Act, and are in addition to the amounts provided under this section.

The managers request that within 120 days of enactment of the Act, the Administrator of USAID, in consultation with the Department of State, provide a report to the Committees on Appropriations that describes the estimated number and condition of displaced persons inside Burma and Burmese refugees, exiles, or migrant workers in Thailand and proposes steps that the United States Government could take, working with other donors and not providing direct support to the SPDC, to address the root causes of this crisis and to better provide for the humanitarian needs of displaced Burmese.

The managers recommend that up to $500,000 be made available to support a new initiative inside Burma that utilizes the expertise of the leadership of the National League for Democracy (NLD) in determining and addressing the urgent needs of the people of Burma. The managers recommend that the State Department consult with the NLD on the development of this initiative, and request to be regularly updated on its progress.

Sec. 560. Cambodia.

The conference agreement includes House language providing that the Secretary of the Treasury should instruct U.S. executive directors of international financial institutions to oppose loans to the Central Government of Cambodia, except loans to support basic human needs. The Senate amendment would have mandated such instructions. In subsection (b), the conference agreement contains language similar to that of the Senate amendment that prohibits assistance for the Central Government of Cambodia, except that this provision does not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, and for the Ministry of Women and Veterans Affairs to combat human trafficking, and for certain assistance provided through nongovernmental organizations. The House bill restricted assistance except for basic education and assistance provided under "Child Survival and Health Programs Fund".

In subsection (c), the conference agreement provides that up to $5,000,000 may be made available, notwithstanding the above restriction, for activities to support democracy, including democratic political parties in Cambodia. In subsection (d), the conference agreement provides that $3,750,000 of the funds made available in this Act shall be made available, notwithstanding the above restriction, as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by USAID. Such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government. The managers endorse the Senate report language regarding this issue. The House bill did not address these matters.

The managers condemn the recent riots in Cambodia, and are concerned with the Cambodian Government's failure to protect foreign embassies and foreign-owned businesses in Phnom Penh. The managers note that in a statement issued on February 6, 2003, the State Department stated that the United States was "particularly concerned by indications that the government is using the situation to target the political opposition and independent media". The managers request that within 60 days of enactment of this Act, the Secretary of State report to the Committees on Appropriations on the complicity of the Cambodian Government in the riots (including an explanation of the failure of Cambodian authorities to respond to the riots in a timely and effective manner), and steps taken by the governments of Thailand and Cambodia to credibly investigate the riots. The managers encourage the administration to continue to forcefully and publicly condemn election-related violence and intimidation in the run up to the July parliamentary elections.

Sec. 562. Korean Peninsula Energy Development Organization

The conference agreement includes language similar to that of the Senate amendment that prohibits funding for the Korean Peninsula Energy Development Organization (KEDO), except for up to $5,000,000 for administrative expenses if the President determines that it is vital to the national security interests of the United States. Such funding is subject to notification. The House bill would have limited funding for KEDO to $50,000,000 only for administrative expenses and heavy fuel oil costs associated with the Agreed Framework. In addition, the House bill required several certifications by the President prior to the obligation of funding for KEDO.

Section 563. Palestinian Statehood

The conference agreement includes House language that prohibits funding to support a Palestinian state unless the Secretary of State makes certain determinations, including: a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections; the elected governing entity has demonstrated a firm commitment to peaceful coexistence with Israel; is taking appropriate measures to counter terrorism; and is establishing a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and the Palestinian Authority or its successor is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East, including normal relations between Israel and an independent Palestinian state in a number of areas. It also expresses the sense of the Congress that the newly elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, respect for human rights, and other laws and regulations assuring transparent and accountable governance. This section also includes a waiver of the restrictions herein based on national security interests of the United States, and exempts assistance to the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of this section, consistent with the provisions of section 552 of this Act. The Senate amendment contained language similar to the House bill on this matter.

Section 564. Colombia

The conference agreement includes a modified version of the House and Senate provisions on conditioning funds for Colombian Armed Forces.

Sec. 567. Iraq

The conference agreement includes language similar to that in the House bill, which provides that funds from the Economic Support Fund may be made available for programs benefiting the Iraqi people and to support efforts to bring about political transition in Iraq. The conference agreement also includes language that provides that none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years. Funds would be subject to the regular notification procedures of the Committees on Appropriations.

Sec. 568. West Bank and Gaza Program

The conference report includes House language on this matter. It contains prior year language (also in the Senate amendment) requiring the Comptroller General of the United States to certify that procedures have been established to assure access to appropriate financial information in order to review the uses of funds provided for the West Bank and Gaza Program of the Economic Support Fund. In addition, the language requires the Secretary of State to take all appropriate steps to ensure that assistance is not provided to entities or individuals that advocate, plan, sponsor, engage in, or have engaged in, terrorist activity. Finally, the language requires annual audits of all contractors and grantees, and significant subcontractors and subgrantees. Up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of this provision.

Sec. 569. Indonesia

The conference agreement includes language similar to that of the Senate amendment on this matter. It would allow assistance for Indonesia appropriated under "Foreign Military Financing Program" and licenses for export of lethal defense articles for the Indonesian military only if the President certifies that the Government of Indonesia and the Indonesian Armed Forces are taking certain measures, including suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or aided or abetted militia groups, as well as prosecuting those members and punishing them, if they have been found to have committed such acts. In addition, the language requires the President to certify that the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases, including providing access to witnesses, relevant military documents, and other requested information. Finally, the language requires the President to certify that the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces. The House bill included similar language, but did not address the issue of export licenses for lethal defense articles.

Sec. 570. Restrictions on Assistance to Governments Destabilizing Sierra Leone

The conference agreement includes a provision identical to the House bill that prohibits assistance to any government for which the Secretary of State has credible evidence that such government has aided or abetted, within the previous six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone. The language is similar to the Senate amendment.

Sec. 572. Contributions to the United Nations Population Fund

The managers note that $34,000,000 appropriated for the United Nations Population Fund (UNFPA) in P.L. 107–115 has not been obligated due to a determination by the Secretary of State in July 2002 that UNFPA's program in the People's Republic of China was in violation of the Kemp-Kasten amendment. The conference agreement provides that these prior year funds, and an equivalent amount from this Act, shall be made available to UNFPA if the President determines that UNFPA is no longer in violation of the Kemp-Kasten amendment. The conference agreement also contains a prohibition on the use of United States funds in China as well as all other restrictions in current law.

Sec. 573. Procurement and Financial Management Reform

The conference agreement includes House language withholding 10 percent of the funds made available for international financial institutions until the Secretary of the Treasury certifies that a number of procurement and financial management reforms are being implemented. The Senate did not address this matter.

Sec. 574. Central Asia

The conference agreement includes the identical provision included in the Senate amendment that conditions the assistance to the Government of Uzbekistan unless the Secretary of State determines and reports that the Government of Uzbekistan is making progress and meeting commitments of the Declaration of Strategic Partnership. The House addressed this matter in title II.

The conference agreement includes a provision similar to the Senate provision related to human rights and democracy in Central Asia, but adds a national security interest waiver for the Secretary of State with regard to assistance for Kazakhstan. The managers urge the Secretary to pursue an agreement with the Government of Kazakhstan similar to the Declaration on the Strategic Partnership and Cooperation Framework signed by the United States and the Government of Uzbekistan addressing democracy, human rights and other matters of mutual interest.

The conference agreement contains a provision similar to the Senate amendment requiring the Secretary of State to submit periodic reports on the provision of defense articles and financial assistance to the countries of Central Asia. The House did not address this matter.

Sec. 576. War Criminals

The conference agreement contains language similar to that in both the House bill and Senate amendment regarding war criminals in the Balkans.

Sec. 577. User Fees

The conference agreement includes the Senate language that expands the current law restriction requiring the Secretary of Treasury to instruct the U.S. Executive Directors to oppose any loan, grant strategy or policy that would require user fees on poor people for primary education or healthcare in connection with the institutions' financing programs. The House provision reflected current law.

Sec. 578. Funding for Serbia

The conference agreement contains current law on this matter, except that the provisions of this section affect assistance for Serbia after June 15 of this year, rather than after March 30 as in the fiscal year 2002 appropriations Act. In addition, technical modifications have been inserted to refer to a successor state to the Federal Republic of Yugoslavia (FRY).

The House bill would have applied the provisions of this section to assistance for the governments of Serbia and the FRY. The Senate bill would have imposed certain additional requirements on the FRY beyond those in current law.

Sec. 579. Prohibition on Taxation of United States Assistance

The conference agreement contains language similar to that of the House bill that provides that none of the funds appropriated in this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that commodities purchased with assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement. The language also requires that, of the funds appropriated by this Act that are allocated for assistance for a foreign country and for the West Bank and Gaza Program, an amount equivalent to 200 percent of the total taxes assessed during fiscal year 2003 against United States assistance programs by a foreign government or entity, either directly or through grantees, contractors and subcontractors, shall be withheld from assistance for such country or entity in fiscal year 2004 to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States. Foreign taxes of a de minimis nature are not subject to these reimbursement provisions. Of the funds withheld from obligation for each country or entity pursuant to this section, one-half may become available for reprogramming for other purposes (pursuant to section 515 of this Act and consistent with the purposes for which such funds were originally appropriated) and one-half shall be deposited in the General Fund of the Treasury on, or within 5 days after, September 1, 2004. The language also requires the Secretary of State to issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section. The Senate amendment did not address this matter.

Sec. 580. GAO Report

The conference report contains language similar to that of the House bill that requires a report from the Comptroller General to the Committees on Appropriations no later than November 1, 2003, on the extent to which the Department of State is complying with section 301(c) of the Foreign Assistance Act and on the implementation of procedures that have been established to meet the standards of the Department of State regarding compliance with the requirements of said section. This audit shall review the implementation of procedures by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) regarding this provision of law. The conference agreement does not include language from the House requiring a report from the Secretary of State on this matter, but the managers are agreed that the Secretary shall comply with the requirements of the House bill in this regard.

Sec. 582. Community-Based Police Assistance

The conference agreement includes language similar to the Senate language authorizing use of certain USAID-administered funds in title II of this Act for support for civilian police in Jamaica and El Salvador, but not Indonesia as included in the Senate amendment, notwithstanding section 660 of the Foreign Assistance Act. The House did not address this matter.

Sec. 583. Overseas Private Investment Corporation and Export-Import Bank Restrictions

The conference agreement includes a provision identical to the Senate amendment and current law and prohibits the use of funds by OPIC and Export-Import Bank from financing investments in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to implement the recommendations, obligations and requirements developed by the Kimberley Process or taking measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

Sec. 584. Trade Capacity Building

The conference agreement includes a provision identical to the House bill that provides that not less than $452,000,000 should be made available for trade capacity building assistance from the Trade and Development Agency, Development Assistance, Transition Initiatives, ESF, International Affairs Technical Assistance, and International Organizations and Programs accounts. The Senate did not address this matter.

Sec. 585. Transparency and Accountability

The conference agreement includes Senate language requiring the Secretary of State to submit a report concerning the public disclosure of revenues from extractive industries and other sources by governments of countries that receive United States assistance. The House did not address this matter. The managers endorse the Senate report language regarding this issue.

Sec. 586. American Churchwomen and Other Citizens in El Salvador and Guatemala

The conference agreement contains Senate language on this matter. The House bill contained similar language.

PROVISIONS NOT ADOPTED BY THE CONFEREES:

The conference agreement does not include section 549 of the Senate amendment regarding "Tibet" urging U.S. Executive Directors to International Financial Institutions to support certain types of projects in Tibet. The House bill did not address a similar provision. The managers are aware of concerns raised by the Department of the Treasury about this provision, however, the managers strongly support the intent of this provision and expect to be consulted prior to votes in the International Financial Institutions on projects in Tibet.

The conference report does not include section 554 of the House bill regarding "Discrimination Against Minority Religious Faiths in the Russian Federation." The Senate did not include this provision.

The conference report does not include section 555 of the House bill regarding "Assistance for the Middle East." The Senate amendment did not address this matter.

The conference report does not include section 565 of the House bill regarding "Briefings on Potential Purchases of Defense Articles or Defense Services by Taiwan." The Senate did not address this matter. This matter is addressed in permanent law.

The conference report does not include section 578 of the Senate bill regarding "Excess Defense Articles for Central and Southern European Countries and Certain Other Countries." The House did not address this matter. These authorities already exist for fiscal year 2003.

The conference report does not include section 579 of the House bill "Tropical Forest Conservation." The text of this provision is included in section 554 "Protection of Biodiversity and Tropical Forests."

The conference report does not include section 580 of the House bill regarding "Authorizations". The Senate amendment did not address this matter.

The conference report does not include section 581 of the House bill and section 580 of the Senate amendment regarding Cuba.

The conference agreement does not include section 583 of the Senate amendment regarding "Regional Democracy Programs for East Asia and the Pacific." The House did not address this matter.

The conference agreement does not include section 585 of the Senate amendment extending the prohibition of oil and gas drilling in the Great Lakes of the United States. The House bill did not address this matter.

The conference agreement does not include section 586 of the Senate amendment regarding the "Sense of the Senate with Respect to North Korea". The House did not address this matter.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

New budget (obligational) authority, fiscal year 2002	$16,586,780
Budget estimates of new (obligational) authority, fiscal year 2003	16,492,896
House bill, fiscal year 2003	16,594,574
Senate bill, fiscal year 2003	16,474,739
Conference agreement, fiscal year 2003	16,345,186
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	−241,594
Budget estimates of new (obligational) authority, fiscal year 2003	−147,710
House bill, fiscal year 2003	−249,388
Senate bill, fiscal year 2003	−129,553

DIVISION F

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

The conference agreement on the Interior and Related Agencies Appropriations Act, 2003, incorporates some of the provisions of H.R. 5093 as passed by the House of Representatives on July 18, 2002, and the Senate version of H.J. Res. 2 (Division F and Division N) as passed by the Senate on January 23, 2003. Report language and allocations set forth in either House Report 107–564 or the Senate report language published in the Congressional Record of January 15, 2003, that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein. .

No funds in this Act are derived from the Conservation Spending Category established in the Department of the Interior and Related Agencies Appropriations Act, 2001. However, the programs previously funded under this category are, for the most part, continued in fiscal year 2003.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $825,712,000 for management of lands and resources instead of $826,932,000 as proposed by the House and $816,062,000 as proposed by the Senate.

Increases above the House for land resources include $1,000,000 for noxious weeds for the Montana State University weed program, $500,000 for Idaho weed control, and a decrease of $500,000 for range monitoring.

There is a decrease below the House for wildlife and fisheries of $500,000 for fisheries management.

There is a decrease below the House for threatened and endangered species of $87,000 for travel.

Increases above the House for recreation management include $1,000,000 for Missouri River undaunted stewardship, $400,000 for Colorado Canyons, and decreases of $250,000 for recreation access, and $302,000 for conversion of certain lands to fee sites.

The managers do not concur with the House proposal concerning funding for the energy and minerals program. Funding for this program shall be at the level proposed for activities in the request but with the following modifications. An increase of $750,000 for permitting of geothermal energy applications and wind energy rights-of-way in Nevada, $1,000,000 for applications for permits to drill, principally in the Powder River Basin, and $272,000 for the Alaska minerals program.

Increases above the House for realty and ownership management include $2,000,000 for Alaska conveyance, $1,100,000 for the cadastral survey program, of which $750,000 is for continuation of the public lands database in AK, $350,000 is for the State of Utah Automated Geographic Reference Center, and $750,000 is for additional Nevada personnel.

The managers have modified the Senate language concerning the Alaska conveyance program. The managers expect the Bureau to develop a plan to complete work on all allotment applications and all land selections under the Alaska Native Claims Settlement Act of 1971 and the Alaska Statehood Act of 1959 by 2009, 50 years after its enactment and nearly 40 years after the deadline for applying for Native allotments.

Increases above the House for resources protection and maintenance include $500,000 for the Alaska resources library and decreases of $200,000 for desert rangers, and $300,000 for the restoration of lands in Arizona.

Increases above the House for transportation and facilities maintenance include $250,000 for the Iditarod National Historic Trail, $1,000,000 for capping oil wells in National Petroleum Reserve Alaska and decreases of $200,000 for California Desert communications, and $2,000,000 for fish passage improvements.

There is a decrease below the House for land and resources information of $403,000.

There is a decrease below the House for challenge cost share of $5,000,000. The conference agreement includes an increase of $5,000,000 in the challenge cost share program for the Cooperative Conservation Initiative.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $654,406,000 for wildland fire management instead of $855,332,000 as proposed by the House and $654,254,000 as proposed by the Senate.

Decreases below the House for preparedness include $826,000 for travel and $600,000 for fire employment duration.

There is an increase above the House for other operations of $500,000 for the University of Montana fire program.

There is a decrease below the House of $200,000,000, which had been proposed as a fiscal year 2002 emergency supplemental appropriation. The managers note that in lieu of these funds the Department has been provided $189,000,000 for fire reimbursement elsewhere in the bill.

The managers note that the Department of the Interior and the Department of Agriculture have begun full implementation of the 10–Year Comprehensive Strategy to reduce wildland fire risks. This strategy involves extensive collaboration with communities in the selection of hazardous fuels projects. In support of the strategy, the Departments have developed detailed criteria for the execution of such hazardous fuels reduction efforts. The managers feel that collaboration with communities and the use of criteria for project selection provide a suitable basis for planning the expenditure of funds, and accordingly do not concur with Senate report language requiring that seventy percent of hazardous fuels funds be used in the wildland urban interface.

Because of the managers continuing concern about fire suppression costs during major incidents, the Forest Service and the Department of the Interior are directed to contract with the National Academy of Public Administration for appropriate follow-up work to their study of 2002. The Departments should equally share the cost of the review and the review should be conducted forthwith.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $11,976,000 for construction instead of $10,976,000 as proposed by the House and $12,976,000 as proposed by the Senate.

There is an increase above the House for construction of $1,000,000 for the California Trail Interpretive Center, NV.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $220,000,000 for payments in lieu of taxes instead of $230,000,000 as proposed by the House and $210,000,000 as proposed by the Senate.

LAND ACQUISITION

The conference agreement provides $33,450,000 for land acquisition instead of $47,486,000 as proposed by the House and $30,150,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Cosumnes River Watershed (easements only)(CA)	$2,500,000
El Dorado Preserve (CA)	2,000,000
Golden Bair Ranch (CO)	1,500,000
Kasha-Katuwe Tent Rocks (NM)	1,500,000
King Range National Conservation Area (CA)	2,000,000
Lewis and Clark NHT (ID)	1,000,000
Lewis and Clark NHT (MT)	1,000,000
Moses Coulee (WA)	1,000,000
Otay Mountains (Kuchamaa) (CA)	
Patterson Bend/Squaw Leap Management Area (CA)	900,000
Potrero Creek (CA)	2,000,000
Rio Grande National Wild and Scenic River (NM)	3,500,000
Sandy River (OR)	2,500,000
Santa Rosa and San Jacinto Mountains NM (CA)	1,000,000
Sears Point Area Critical Env'tal Concern/Juan Bautista De Anza NHT (AZ)	800,000
Snake River Birds of Prey Nat'l Conservation Area (ID)	1,000,000
Upper Snake/South Fork Snake River (ID)	2,000,000
Washington State Land Exchange (WA)	1,000,000
Use of carryover balances	−1,000,000
Subtotal	*27,450,000*
Land Equalization Payment	500,000
Acquisition Management	4,000,000
Emergency/Inholdings/Relocation	1,500,000
Total	*$33,450,000*

The Committee has consistently supported the West Eugene Wetlands acquisition program over the years, and is aware that the Federal portion of the acquisition program is nearing completion. In order to conclude the project properly, certain issues regarding the status of lands in the project area must be resolved. Should these issues be resolved in a manner that warrants additional Federal acquisition support, the managers will consider providing funding to complete the project in future budgets.

Funds for the Golden Bair Ranch are conditioned on BLM providing public access to this property. The money for Cosumnes River Watershed is restricted to conservation easements only. The managers have reprogrammed Spring Gulch funds to the Continental Divide NST and Devils Canyon Ranch as proposed by the Senate.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $105,633,000 for Oregon and California grant lands as proposed by the House and Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $7,900,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $917,429,000 for resource management instead of $918,359,000 as proposed by the House and $902,697,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs, there are increases in candidate conservation of $150,000 for the burbot population in the Kootenai River in Idaho, $300,000 for the Idaho sage grouse management plan through the Idaho Office of Species Conservation, $750,000 for sea otter research in Alaska, and $50,000 for the Idaho Department of Agriculture to study the influence of herbivory on slickspot peppergrass. In ESA recovery, there are increases of $1,000,000 for the Atlantic salmon program administered by the National Fish and Wildlife Foundation, $100,000 for salmon recovery in Maine, $1,000,000 for eider recovery at the Alaska SeaLife Center, $50,000 for freshwater mussel recovery at the White Sulphur Springs NFH in West Virginia, $500,000 for Lahonton cutthroat trout, $150,000 for wolf monitoring by the Nez Perce Tribe in Idaho, $75,000 for the Service's Snake River Basin office's wolf monitoring efforts, and $250,000 for wolf monitoring efforts at the Idaho Office of Species Conservation. There are also decreases in ESA recovery of $1,000,000 for the Washington State salmon program administered by the National Fish and Wildlife Foundation and a $1,000,000 general decrease.

In habitat conservation, increases in the partners for fish and wildlife program include $1,400,000 for the Washington State regional salmon enhancement program, $700,000 for invasive species control in Hawaii, $100,000 for bald eagle restoration in cooperation with the Vermont Natural Heritage Partners program, $400,000 for the Big Hole Watershed Committee in Montana, $750,000 for the Hawaii ESA Community Conservation Plan, $1,250,000 for the Nevada biodiversity research and conservation project, $175,000 for the Thunder Basin grasslands initiative in Wyoming, and $500,000 for the Montana Water Center wild fish habitat initiative. Decreases in the partners for fish and wildlife program include $500,000 for nutria eradication at the Blackwater NWR, MD, $550,000 for bull trout conservation in Washington State, $1,400,000 for the Washington State ecosystems program, $1,000,000 for invasive species control, and $300,000 for spartina control at Willapa Bay, WA.

In project planning, there are increases of $150,000 for the Middle Rio Grande/Bosque research program and $474,000 for wildlife assessments at Yukon Flats, AK.

In coastal programs, there is an increase of $750,000 for the Cook Inlet Aquaculture Association king salmon program in Alaska and a decrease of $1,000,000 for cost shared projects, including invasive species control.

There is a decrease of $500,000 for the environmental contaminants program.

In refuge operations and maintenance, there is an increase of $300,000 for invasive species control at the Willapa NWR, WA and decreases of $1,000,000 for invasive species control with friends groups and volunteers and $5,000,000 for refuge maintenance.

In migratory bird management, there is an increase of $575,000 to reduce seabird bycatch in Alaska, and decreases of $1,000,000 for the Canada goose depredation program and $1,000,000 for the joint ventures program. The funding level for each joint venture is identical to that shown in the Senate report.

In fisheries, there is a decrease of $500,000 for the Washington State hatchery improvement project in hatchery operations and maintenance. In fish and wildlife management, increases include $300,000 for fish passage along railroads in Alaska, $118,000 for fish surveys at the White Sulphur Springs NFH, WV, $850,000 for wildlife enhancement in Starkville, Mississippi, $400,000 for the Wildlife Health Center in Montana, $2,403,000 for Yukon River treaty implementation in Alaska, and $1,200,000 for marine mammal protection in Alaska. Decreases in fish and wildlife management include $100,000 for salmon reproductive biology research at Washington State University, $1,000,000 for cooperative projects for fish passage, and $1,000,000 for aquatic nuisance control.

In general administration, there are increases of $200,000 for the Caddo Lake Ramsar Center in Texas and $550,000 for maintenance at the National Conservation Training Center and a decrease of $1,000,000 for a National Academy of Sciences review of the State Wildlife Grants program.

Within the increased funds above the fiscal year 2002 level provided for resource management, $5,000,000 is in support of the Cooperative Conservation Initiative proposal. These funds are targeted for existing programs that have a proven record in leveraging funds and delivering valuable resource restoration results. The $5,000,000 increase consists of $3,000,000 for the refuge challenge cost share program, $1,000,000 for invasive species control projects with refuge friends groups and volunteers, and $1,000,000 for cooperative fish passage projects.

The managers are very concerned by the proposed increase in administrative costs charged to programs under the Service's cost allocation methodology (CAM) without any justification for these increases in the budget request. The managers expect that the Service will charge no increase in CAM to programs in fiscal year 2003 unless such increases are thoroughly justified through the reprogramming process. The managers suggest that any increase for CAM requested through the reprogramming process be extremely modest.

The Service needs to do a better job of explaining CAM and making it more transparent and readily understandable to a wide audience. Costs that are directly attributable to headquarters operations and regional office operations should be budgeted under general administration for those operations unless there is a clear and well-justified rationale for inclusion in CAM. No unbudgeted special projects, headquarters or regional initiatives, or departmental initiatives should be included in CAM. If there is uncontrollable cost growth associated with CAM it should be identified in the budget as a fixed, uncontrollable cost increase and not funded at the expense of programs.

The managers agree to the following:

1. The funds made available for Georgia stream bank restoration are for the Georgia Soil and Water Conservation Commission except that $25,000 is for technical assistance by the Service.

2. The funds added for fish surveys at the White Sulphur Springs NFH in West Virginia should remain in the base for future budgets.

3. Funds have not been included for a National Academy of Sciences review of State wildlife grants as proposed by the House. This issue will be revisited in the fiscal year 2004 budget process.

4. The Service should continue to assist the Corps of Engineers in its comprehensive review of alternative approaches to preserving the Meadowlands wetlands area in northern New Jersey. The conference agreement provides an increase of $180,000 as proposed by the House for this purpose.

5. The Service should continue to support the Carhart Wilderness Training Institute at the $200,000 level, which is the same as in fiscal year 2002.

6. Within available funds, the Service should address the needs of the Pittsford NFH, VT and Ouray NFH, UT.

7. The funds provided to combat whirling disease and related fish health issues include $700,000 for the National Partnership on the Management of Wild and Native Cold Water Fisheries, $250,000 for resistant trout research coordinated through the Whirling Disease Foundation, and $1,296,000 to continue the National Wild Fish Health Survey, to expand whirling disease investigations, and to recruit and train health professionals.

8. The issue of continued operation of the airfield at Midway Atoll NWR needs to be addressed immediately. There are no funds in the Service's budget to continue to operate the airfield for commercial aircraft purposes. If the parties who benefit from the current airport certification are unwilling to pay the additional expense associated with maintaining that certification, the Service should scale back its operations to include only those requirements necessary for refuge operations, including maintaining a reasonable level of visitor access.

9. The containment and cleanup of the recent spill of jet fuel at Midway Atoll NWR should be addressed as quickly as possible. The Service should keep the House and Senate Committees on Appropriations apprised of its efforts to address this problem. The Department should consider submitting a supplemental appropriations request to address this emergency situation.

10. The Secretary recently re-chartered the Hanford Reach National Monument Federal Planning Advisory Committee and increased the number of committee members from 13 to 19. In the interest of continuity and assuring timely completion of the committee's work, the managers expect the Secretary to retain the current members when appointing members to the committee. The managers are concerned that replacement of the current 13 members would severely undermine the valuable work completed thus far.

Bill Language.—While the total funding for the endangered species-listing program is unchanged, the conference agreement earmarks $6,000,000 for critical habitat designation activities within the listing program instead of $5,000,000 as proposed by both the House and the Senate. The managers understand that the Department believes additional funding, beyond that requested in the budget, will be needed for the listing program in fiscal year 2003 and the managers will consider a supplemental request for additional funds if one is submitted later this year.

CONSTRUCTION

The conference agreement provides $54,427,000 for construction instead of $53,108,000 as proposed by the House and $42,882,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
Bear River NWR, UT	Headquarters and Education Center [cc]	$1,800,000
Bitter Lake NWR, NM	Visitor center/standard design—Phase I [d/ic]	1,100,000
Black-Footed Ferret Wildlife Research Ctr, CO	Endangered species facility—Phase IV [cc]	3,240,000
Bosque del Apache NWR, NM	Equipment for salt cedar control	400,000
Bozeman Fish Technology Center, MT	Seismic safety/3 building rehab—Phase I[p/d]	150,000
Bozeman Fish Technology Center, MT	Laboratory/administration building —Phase IV [c]	500,000
Bridge Safety Inspections (Servicewide)		560,000
Canaan Valley NWR, WV	Road Maintenance	650,000
Cape Romain NWR, SC	Restoration of Dominick House	150,000
Clark R. Bavin Forensics Laboratory, OR	Forensics laboratory expansion—Phase III [c]	6,235,000
Craig Brook NFH, ME	Wastewater treatment compliance—Phase I [p]	200,000
Dam Safety Program (Servicewide)		705,000
Garrison Dam NFH, ND	Heat pump water system maintenance [c]	200,000
Harris Neck NWR, GA	Office renovation	350,000
Iron River NFH, WI	Replace domes at Schacte Creek [cc]	2,000,000
Jackson NFH, WY	Seismic safety rehabilitation—Phase II [d]	80,000
Jordan River NFH, MI	M/V Togue/Great Lakes stocking vessel—Phase II [d]	800,000
Kealia Pond NWR, HI	Mitigation and restoration [c]	800,000
Klamath Basin NWR Complex, CA	Water supply and management—Phase IV	1,000,000
Kodiak NWR, AK	Visitor center construction	3,000,000
Mammoth Springs NFH, AR	Renovation of education center [d]	250,000
Missisquoi NWR, VT	Visitor center completion [c]	1,500,000
Northwest Power Planning Area	Fish screens, etc.	2,000,000
Ohio River Islands NWR, WV	Visitor center/standard design—Phase I [d/ic]	1,100,000
Orangeburg NFH, SC	Orangeburg substation dam Phase II [cc]	4,144,000
Ottawa NWR, OH	Visitor center/standard design [d/cc]	1,950,000
Quilcene NFH, WA	Seismic safety rehab of hatchery building—Phase I [d]	45,000
Savannah NWR, GA	Visitor center/standard design [d/cc]	1,950,000
Security upgrades (Servicewide)		1,000,000
Sevilleta NWR, NM	Laboratory design	600,000
Sonny Bono Salton Sea NWR, CA	Seismic safety rehab of shop building—Phase II [cc]	200,000
Tetlin NWR, AK	Multi-Agency Center	425,000
Visitor Facilities/Kiosks on NWRs	Several locations/standard design	1,000,000
Waccamaw NWR, SC	Visitor center construction	2,000,000
White Sulphur Springs NFH, WV	Maintenance	625,000
Wolf Creek NFH, KY	Visitor center	500,000
World Birding Center, TX		500,000
Subtotal, Line Item Construction		43,709,000
Nationwide Engineering Services:		
Cost Allocation Methodology		3,000,000
Environmental Compliance Management		1,400,000
Seismic Safety Program		200,000
Waste Prevention and Recycling		150,000
Other Engineering Services		5,968,000
Subtotal, Nationwide Engineering Services		10,718,000
Total		$54,427,000

The managers continue to believe that the Service should focus on providing on-the-ground refuge experiences for visitors and modest visitor/education centers and visitor contact stations. The maximum cost for any visitor center should not exceed $3 million unless there are extreme, extenuating circumstances, such as the high cost of materials transport and construction in Alaska. The managers expect the Service to treat the maximum amount as a true ceiling and not the amount that every visitor center will cost. Also, visitor contact stations should have a much lower maximum funding level.

The managers agree to the following:

1. The balance of funding needed to complete the Bitter Lake NWR visitor center in New Mexico and the Ohio River Islands visitor center in West Virginia should be included in the fiscal year 2004 budget.

2. This is the final year of funding for Kealia Pond mitigation and restoration work in Hawaii.

3. The funds provided for kiosks on refuges should provide for at least 20 of these structures, given that the Service reports that the cost of each structure generally is less than

$50,000. The managers encourage the Service to use standard designs and pursue cost sharing with friends groups and others to leverage these funds to the extent possible.

LAND ACQUISITION

The conference agreement provides $73,370,000 for land acquisition instead of $82,250,000 as proposed by the House and $81,555,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Alaska Peninsula NWR—TDX (AK)	$1,500,000
Baca Ranch (CO)	5,000,000
Back Bay NWR (VA)	1,500,000
Balcones Canyonlands NWR (TX)	1,500,000
Bandon Marsh NWR (OR)	140,000
Big Muddy NWR (MO)	1,000,000
Buenos Aires NWR (AZ)	500,000
Cache River NWR (AR)	1,500,000
Cahaba River NWR (AL)	3,000,000
Cape May NWR (NJ)	500,000
Cat Island NWR (LA)	2,500,000
Centennial Valley NWR (MT)	500,000
Chickasaw NWR (TN)	500,000
Clarks River NWR (KY)	1,500,000
Cypress Creek NWR (IL)	250,000
Dakota Tallgrass Prairie WMA (ND/SD)	500,000
Detroit River IWR (MI)	3,500,000
Fairfield Marsh WPA (WI)	1,000,000
Great Bay NWR (NH)	300,000
Great Meadows NWR (MA)	1,600,000
Great River NWR (MO)	1,000,000
Great Swamp NWR (NJ)	750,000
James Campbell NWR (HI)	1,000,000
Laguna Atascosa NWR (TX)	750,000
Lower Hatchie NWR (TN)	300,000
National Key Deer NWR (FL)	750,000
Neal Smith NWR (IA)	250;000
Northern Tallgrass Prairie NWR (MN/IA)	500,000
Ottawa NWR (OH)	600,000
Parker NWR (MA)	500,000
Patoka River NWR (IN)	250,000
Pelican Island NWR (FL)	1,750,000
Prime Hook NWR (DE)	1,350,000
Quinault Indian Reservation (WA)	5,000,000
Rachel Carson NWR (ME)	1,500,000
Rappahannock River Valley NWR (VA)	180,000
Red River NWR (LA)	3,900,000
Rhode Island Refuge Complex (RI)	2,000,000
San Diego NWR (CA)	2,000,000
Savannah NWR—Mulberry Grove (GA)	2,000,000
Silvio O. Conte NFWR (VT/NH/MA/CT)	1,000,000
St. Marks NWR (FL)	2,000,000
Togiak NWR (AK)	1,000,000
Upper Mississippi River NFWR (MN/WI/IA/IL)	250,000
Waccamaw NWR (SC)	2,500,000
Western Montana Project (MT)	750,000
Willapa NWR (WA)	750,000
Use of carryover balances	−7,000,000
Subtotal	55,870,000
Acquisition Management	10,000,000
Emergencies and Hardship	2,000,000
Exchanges	1,000,000
Inholdings	2,000,000
Cost Allocation Methodology (CAM)	2,500,000
Total	$73,370,000

LANDOWNER INCENTIVE PROGRAM

(INCLUDING RESCISSION)

The conference agreement provides $40,000,000 for the landowner incentive program as proposed by the House instead of $600,000 as proposed by the Senate. The conference agreement also rescinds $40,000,000 in funds appropriated in fiscal year 2002 for this program because there has been a delay in implementing this new program. The managers expect the Service to make grant awards using the existing program applications.

STEWARDSHIP GRANTS

(INCLUDING RESCISSION)

The conference agreement provides $10,000,000 for stewardship grants as proposed by the House instead of $200,000 as proposed by the Senate. The conference agreement also rescinds $10,000,000 in funds appropriated in fiscal year 2002 for this program because there has been a delay in implementing this new program. The managers expect the Service to make grant awards using the existing program applications.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $81,000,000 for the cooperative endangered species conservation fund as proposed by the Senate instead of $121,400,000 as proposed by the House. The funds for habitat conservation plan land acquisition are derived from the Land and Water Conservation Fund as proposed by the House.

The managers encourage the Service to consider the Potrero Creek project in California and the Black Capped Vireo project in Texas if the project proposals are submitted and rank within the range of high priority project proposals.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by the Senate instead of $19,414,000 as proposed by the House.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $38,560,000 for the North American wetlands conservation fund as proposed by the Senate instead of $43,560,000 as proposed by the House.

Since the program is funded below the 2001 level, the managers have not agreed to bill language, proposed by the House, limiting increased grant funding above the fiscal year 2001 level to projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $3,000,000 for the neotropical migratory bird conservation program instead of $5,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $4,800,000 for the multinational species conservation fund as proposed by the House instead of $4,200,000 as proposed by the Senate.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides $65,000,000 for State and tribal wildlife grants instead of $100,000,000 as proposed by the House and $45,000,000 as proposed by the Senate. Within this amount, $5,000,000 is for a competitive grant program for Indian tribes as proposed by the House instead of $3,000,000 as proposed by the Senate.

The conference agreement changes the title of this account from "State Wildlife Grants" to "State and Tribal Wildlife Grants" as proposed by the Senate and includes statutory language permitting the merger of funds in the old account with funds in the new account.

The Committee has not included $1,000,000 in the resource management account as proposed by the House for a National Academy of Sciences review of the State wildlife plans funded under this account. This issue will be revisited in the 2004 budget process.

ADMINISTRATIVE PROVISIONS

The conference agreement authorizes the use of $500,000 in previously appropriated funds for land acquisition of the Great Salt Pond burial tract for the Narragansett Tribe as proposed by the Senate. The House had no similar provision.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,565,565,000 for the operation of the national park system instead of $1,605,593,000 as proposed by the House and $1,571,065,000 as proposed by the Senate.

The conference agreement provides $344,227,000 for resource stewardship. The change to the House level is a reduction of $2,093,000 for uncontrollable costs. Within these totals, an increase of $600,000 is provided for Vanishing Treasures.

The conference agreement provides $319,128,000 for visitor services. The change to the House level is a reduction of $3,536,000 for uncontrollable costs.

The conference agreement provides $522,823,000 for maintenance. Changes to the House level include decreases of $3,837,000 for uncontrollable costs, $5,000,000 for cyclic maintenance, $2,000,000 for condition assessments, $3,000,000 for repair and rehabilitation, and $1,000,000 for a strategic business advisor.

The conference agreement provides $277,151,000 for park support. Changes to the House level include decreases of $2,562,000 for uncontrollable costs and $2,000,000 for the challenge cost share program. The conference agreement retains $5,000,000 for the challenge cost share program in support of the Secretary's Cooperative Conservation Initiative. The managers intend that one-third of the monies provided in the base funding (before the increase for 2003) for the challenge cost share program continue to be earmarked for trails.

Although the conference agreement includes a $6,000,000 undistributed reduction to park base operations, the managers have also provided a $14,000,000 increase specifically for park-based programs above the amount provided in the President's budget.

Within the maintenance account, the managers earmark the following projects: $233,000 for Bachlott House, $45,000 for St. Mary's Museum at Cumberland Island NS, $400,000 for historic structures at Great Smokey Mountains NP, $200,000 for repairs at the Belle Haven marina, $500,000 for the Wright Brothers National Memorial in North Carolina, $170,000 for Fort Piute at Mojave National Preserve and $300,000 for Gettysburg NMP landscape restoration.

The managers concur with the concerns expressed by the Senate with regard to both the rehabilitation and the annual opening of the Going-to-the-Sun Road at Glacier National Park. The managers have retained a general provision allowing for the use of certain carryover funds for road rehabilitation, and strongly encourage the Administration to include in its TEA–21 reauthorization proposal the resources necessary for complete rehabilitation of the Road. The managers have also provided additional resources to enhance spring opening operations. While the managers understand that these additional resources may not be entirely in place prior to the 2003 opening, the Park should make every effort to implement the operational changes promptly, or put in place appropriate interim measures where necessary to expedite the opening of the road. In lieu of the report required by the Senate, the Park should incorporate into its annual road opening plan the operational changes supported by the additional funds provided in this Act. The plans for both 2003 and 2004 should be submitted to the House and Senate Committees on Appropriations upon completion. The managers further urge the Park to continue efforts to involve the local community in the development of the annual opening plan and the road opening process in general. The managers appreciate the heightened attention given to these issues by Park leadership.

The managers have not agreed to provide $750,000 for an independent management, operational, performance and financial review of Yellowstone National Park, as proposed by the Senate. The Park is nearing completion of its business plan pursuant to the Service's business plan initiative. The managers intend to review carefully the information presented in that document, and subsequently reconsider the need for an additional, more comprehensive review. The managers are fully aware that there are unmet needs within the Park, but remain concerned that public comments by park staff do not reflect the substantial additional resources provided to the Park in recent years. The managers look forward to working with the Service to ensure that these resources are being properly managed for the benefit of the Park.

The managers direct that the superintendent of Yosemite National Park renew, in such form as he deems appropriate, permits or authorizations for stock use by recreational service providers who were previously authorized by an appropriate agreement or permit to provide such recreational activities and services within the Park during 2002. These permits or authorizations may be renewed for one year only and under the same or similar terms and conditions as the activities and services authorized for that entity in 2002. The Superintendent shall not issue any such permit or authorization to any entity, which he determines is not qualified to receive such authorization based on past performance or present ability.

Within the funds provided, the managers encourage the National Park Service to maximize and enhance the marketing of historic sites of the French and Indian War with those of the War for Independence campaign currently underway. The 250th anniversary of the French and Indian War, spanning 2004–2010, presents a significant opportunity to tell the story of America's early history leading up to the Revolutionary War. The character and capacity of leadership exhibited by men such as George Washington, Benjamin Franklin, Daniel Morgan, Daniel Boone, Adam Stephen, Charles Lee and Horatio Gates, was profoundly influenced, and in some cases directly shaped, by their experiences in the French and Indian War. By linking the narratives of the French and Indian War and the Revolutionary War, a unique opportunity is created to attract and engage citizens and international visitors in developing a fresh and meaningful understanding of how the values of liberty and equality came to shape our nation.

The managers note that the District of Columbia has developed plans for the design and construction of a Regional Sports Complex at Kenilworth Park in northeast Washington, a portion of which is owned by the National Park Service. The site, an area of approximately 50 acres, was a District landfill until the late 1960s when the landfill was capped.

The Service has conducted a preliminary assessment/site investigation and a remedial investigation/feasibility study at the site. The latter study is in draft and has been coordinated with the District and EPA Region III. As a result of regulatory review, the managers understand that the District has requested a Human Health Risk Assessment from the Centers for Disease Control and Prevention, and Region III of the Environmental Protection Agency has made extensive comments that will result in further investigations and require at least a year or more to complete.

The managers direct the Service to work with the Government of the District of Columbia, specifically the D.C. Department of Recreation and the D.C. Sports and Entertainment Commission, to develop a land use plan for the development of Kenilworth Park that could be implemented in conjunction with remediation, and to report the results of that effort to the House and Senate Committees on Appropriations no later than six months after enactment of this Act. The managers recognize that, before any plan can be implemented for this site, environmental investigations and subsequent remediation must be completed.

The Service is directed to provide level funding to the Carhart Wilderness Training Institute.

The managers are concerned about a recent GAO report on travel expenses, both domestic and international. The report states that while $37–$50 million has been expended for travel in each of the last four years, the Service could not give specific information on the actual costs of domestic travel, international travel or travel to conferences because it does not routinely record these data. The Federal Travel Regulations require that agency travel accounting systems capture certain data, including travel type and purpose. The Service is not in compliance with these regulations.

Over the last three years, travel has increased 29 percent, including a 60 percent increase in the Washington office and a 32 percent increase in foreign travel—from 355 annual trips to 470 trips in fiscal year 2002. While the managers understand that travel is a mission essential element, the GAO study demonstrates that the Service does not have sufficient controls in this area. With declining budgets, major efficiencies should be achieved in this area, which would free up needed resources for individual park units.

The managers expect the Service to comply with all the GAO recommendations no later than September 30, 2003, and to submit annually, by October 1 of each year, a report to the House and Senate Committees on Appropriations with detailed data on domestic travel, international travel, and travel to conferences. The data should be provided for the Washington office and for each region.

UNITED STATES PARK POLICE

The conference agreement provides $78,431,000 for the United States Park Police, the same as the House and the Senate.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $61,667,000 for national recreation and preservation, instead of $56,330,000 as proposed by the House and $62,978,000 as proposed by the Senate.

The conference agreement provides $552,000 for recreation programs. Within the amount provided for natural programs, the managers earmark $250,000 for the Northern Forest Canoe Trail.

The conference agreement provides $20,048,000 for cultural programs. Changes to the House level include decreases of $1,000,000 for National Register programs and $250,000 for the Heritage Education Model in Louisiana. The Service is directed to provide $250,000 for the Heritage Education Model in Louisiana from within available funds. The agreement retains $300,000 for Heritage Preservation, Inc.

The conference agreement provides $14,374,000 for nationally designated Heritage Areas. Funds (excluding $119,000 in administrative costs) are to be distributed as follows:

Project	*Amount*
America's Agricultural Heritage Partnership (Silos & Smokestacks)	$750,000
Augusta Canal National Heritage Area	600,000
Automobile National Heritage Area	500,000
Blue Ridge Parkway National Heritage Area	250,000
Cache La Poudre River Corridor	50,000
Cane River National Heritage Area	995,000
Delaware and Lehigh National Heritage Corridor	850,000
Erie Canalway National Corridor	400,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	600,000
Illinois and Michigan Canal National Heritage Corridor	750,000
John H. Chafee Blackstone River Valley National Heritage Center	800,000
Lackawanna Valley National Heritage Area	650,000
National Coal Heritage Area	210,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley National Heritage Center	850,000
Rivers of Steel National Heritage Area	1,000,000
Schuykill River Valley National Heritage Area	500,000
Shenandoah Valley Battlefields National Historic District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	210,000
Wheeling National Heritage Area	580,000
Yuma Crossing National Heritage Area	210,000
Project total	$14,255,000

The conference agreement provides $12,041,000 for statutory or contractual aid. The funds are to be distributed as follows:

Project	*Amount*
Aleutian World War II Historic Area	$400,000
Brown Foundation	201,000
Chesapeake Bay Gateways	2,000,000
Dayton Aviation Heritage Commission	449,000

Project	*Amount*
Flight 93 Memorial	300,000
Ice Age National Scientific Reserve	806,000
Jamestown 2007	200,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	600,000
Louisiana Purchase Comm of Arkansas	200,000
Martin Luther King, Jr. Center	528,000
National Constitution Center	500,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Office of Arctic Studies	1,500,000
Penn Center National Landmark	500,000
Roosevelt Campobello International Park Commission	802,000
Sewall-Belmont House	400,000
Sleeping Rainbow Ranch, Capitol Reef NP	500,000
St. Charles Interpretive Center	500,000
Vancouver National Historic Reserve	250,000
Virginia Key Trust Miami	500,000
Total	$12,041,000

The amount provided for the Dayton Aviation Heritage Commission includes $150,000 for interpretive exhibits. Funding for Ft. Piute in Mojave National Preserve is addressed in the operation of the national park system account.

URBAN PARK AND RECREATION FUND

The conference agreement provides $300,000 for the urban park and recreation fund instead of $30,000,000 provided by the House and $10,000,000 as provided by the Senate. The managers have provided $300,000 for administrative expenses.

HISTORIC PRESERVATION FUND

The conference agreement provides $69,000,000 for the historic preservation fund instead of $76,500,000 as provided by the House and $67,000,000 as provided by the Senate. The changes to the House level include a reduction of $6,000,000 for grants in aid to States and Territories, $1,000,000 for grants in aid to Indian Tribes and a reduction of $500,000 for the National Trust for Historic Preservation.

Included in the total is $30,000,000 for Save America's Treasures. Half of the funds for the Save America's Treasures program are to be distributed as follows:

Project/State	*Amount*
AME Church, Madison, IN	$100,000
Antigo Courthouse Langlade, County, WI	175,000
Battlefield Park Heritage Center, GA	300,000
Bealle Home, OH	200,000
Biltmore Hotel & Complex, FL	800,000
Brinton House, Perryville, KY	250,000
Bronx Zoo, Rockefeller Fountain, NY	300,000
Cass Historic District, WV	350,000
Charles I.D. Looff Carousel, East Providence, RI	250,000
Charles W. Morgan, CT	345,000
Colony Theatre, Washington County, OH	300,000
Daly Mansion, MT	300,000
Deerfield Historic Acropolis, MA	300,000
Des Moines Library, IA	300,000
Dirigible Hangar B, Tillamook, OR	250,000
Duquesne Incline, PA	200,000
Ethan Allen Firehouse, VT	500,000
Eureka Springs Historic Auditorium, AR	250,000
Farnsley—Kauffman House, KY	200,000
Fort Mifflin, PA	250,000
Fox Theatre, CA	200,000
Gillioz Theatre, MO	250,000
Gordo Old Town Hall-Jail, AL	15,000
Grand Opera House, Dubuque, IA	250,000
Great Brick Chapel, St Mary's City, MD	300,000
Green County Courthouse Square, AL	300,000
Gretna Post Office, LA	200,000
Harden Gilmore House, WV	100,000
Historic Grafton Railroad Station, WV	300,000
Jefferson Barracks, MO	200,000
John Jackson Center for Piedmont Blues, Fall Church, VA	65,000
Judge Wickersham House, AK	300,000
Kingman Courthouse, KS	200,000
Livingston Depot, MT	300,000
Ma Rainey Museum of the Blues, GA	150,000
Majestic Theatre, OH	200,000
Martin Luther King Jr. Central Union Terminal, Toledo, OH	250,000
Metropolitan Museum of Art, NY	650,000
Minneapolis Park & Rec Board, Mill Ruins Park, MN	250,000
Montrose City Hall, CO	250,000
National Army Museum of the Southwest, Fort Sill, OK	500,000
Ogden Union Station, UT	200,000
Port Angeles Carnegie Library Renovation, WA	300,000
Roswell Museum, NM	340,000
Sappa Park House, KS	8,000
Silver Lake Bank Building, PA	50,000
Smyrna Opera House/Town Hall, DE	300,000
Spokane Masonic Temple, WA	300,000
Stone County Courthouse, MS	250,000
Strong Museum, NY	225,000
Teeple Barn, IL	150,000
Thomas Cole House, NY	200,000
Henderson Courthouse, NC	200,000
Touro University School of Nursing, Vallejo, CA	250,000
Vista del Rio, AZ	50,000
West Main Street, KY	242,000
Westerly Armory, RI	300,000
White Island Lighthouse, Portsmouth, NH	250,000
Woodlawn Estate, Mt Vernon, VA	235,000
Total	$15,000,000

CONSTRUCTION

The conference agreement provides $327,843,000 for construction instead of $325,186,000 as proposed by the House and $322,826,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Planning/ Construction*
Acadia NP, ME (rehab bridges)	$3,351,000
Acadia NP, ME (upgrade utilities/camp)	5,171,000
Adams NP, MA (p/d visitor center)	541,000
Alice Ferguson Foundation, MD (rehabilitation)	400,000
Apostle Islands NL, WI (lighthouse)	1,600,000
Apostle Islands NL, WI (upgrade utility system)	1,030,000
Arches NP, UT (replace visitor center)	5,600,000
Bent's Old Fort NHS, CO (new space/restrooms)	1,325,000
Big Bend NP, TX (Chisos Basin Campground)	464,000
Big Bend NP, TX (rehabilitation)	246,000
Big Bend NP, TX (sprinkler system)	673,000
Big Cypress NP, FL (rehab off-road trails)	1,000,000
Big South Fork National River & Rec Area, KY/TN (upgrade exhibits)	400,000
Blue Ridge Parkway, NC	1,624,000
Canaveral NS, FL	1,400,000
Cave & Karst, NM	2,000,000
Channel Islands NP, CA (animal protection devices)	2,116,000
Chickasaw NRA, OK (construct visitor center)	2,665,000
Colonial NP, VA (Jamestown collections)	4,221,000
Congaree Swamp NM, SC (new maint facility)	650,000
Cumberland Gap NHP, KY (rehab wilderness road)	5,583,000
Cumberland Island NS, GA (Plum Orchard)	442,000
Cumberland Island NS, GA (St. Mary's)	2,720,000
Cuyahoga NP, OH	2,500,000
Death Valley NP, CA (replace maint facility)	2,007,000
Denali NP&P, AK (complete visitor center)	3,171,000
Eleanor Roosevelt NHS, NY (restoration)	400,000
Everglades NP, FL (Pine Island waste water treatment)	4,594,000
Everglades NP, FL (water system)	10,000,000
Fort Larned NHS, KS (rehab quarters)	30,000
Fort McHenry, MD (p/d visitor center)	200,000
Fort Osage NHL, MO (education center)	500,000
Fort Stanwix NM, NY	3,239,000
Fredericksburg & Spotsylvania NMP, VA (stabilize ruins)	750,000
Gateway NRA, NY (Jamaica Bay)	3,299,000
General Grant NM, NY (rehab tomb)	175,000
George Washington Carver NM, MO (improvements)	300,000
George Washington Memorial Parkway, VA (Arlington Boathouse, EA)	600,000
George Washington Memorial Parkway, VA (Arlington House)	616,000
Gettysburg NMP, PA (conservation work)	2,500,000
Gettysburg NMP, PA (Wills house)	938,000
Glacier NP, MT (Many Glacier Hotel)	1,500,000
Golden Gate NRA, CA (Alcatraz barracks)	1,210,000
Golden Gate NRA, CA (Cliff House)	1,914,000
Grand Portage NM, MN (heritage center)	400,000

Project	*Planning/ Construction*
Great Basin NP, NV (complete visitor center)	2,700,000
Great Sand Dunes NM & Pres, CO (renovate visitor center)	4,424,000
Harpers Ferry NP, WV (renovate bldgs)	1,413,000
Hispanic Cultural Center, NM (complete)	1,000,000
Homestead NHS, NE	300,000
Independence NHP, PA (site rehab)	4,923,000
Indiana Dunes NHP, IN	2,389,000
Japanese American History (building 640)	600,000
Jean Lafitte NHP, LA (Chalmette failing drainage & Barataria exhibits)	500,000
John H. Chafee Blackstone River Valley NHC, RI (restoration)	1,000,000
Joshua Tree NP, CA (repair campgrounds)	70,000
Keweenaw NHP, MI (rehab bldg)	395,000
Lincoln Library & Museum, IL (construction)	7,500,000
Mammoth Cave NP, KY (mitigate water pollution)	555,000
Manassas NB, VA (stabilize structures)	1,493,000
Mississippi Nat'l River & Rec. Area, MN (Mill City Museum exhibits)	1,000,000
Mississippi National River & Recreation Area, MN (Twin Cities)	750,000
Morris Thompson Visitor & Native Cultural Center, AK	3,000,000
Morristown NHS, NJ	3,200,000
Mt. Rainier NP, WA (seasonal dorms)	4,400,000
Mt. Rainier NP, WA (Guide House)	244,000
Natchez Trace Parkway, TN (access road)	350,000
National Capital Parks-Central, DC (Lincoln Memorial preservation)	5,192,000
National Capital Parks-Central, DC (Lincoln Memorial security)	6,183,000
National Museum of the American Revolution, PA	500,000
National Underground Railroad Freedom Center, OH	6,088,000
New Bedford Whaling NHP, MA (rehab Corson bldg)	500,000
New River Gorge NSR, WV (infrastructure improvements)	868,000
Olympic NP, WA (Elwha)	21,781,000
Oregon Caves NP, OR	1,044,000
Organ Pipe NM, AZ (fencing)	7,000,000
Pea Ridge NMP, AR (rehab exhibits)	109,000
Pea Ridge NMP, AR (replace cannon carriages)	230,000
Rocky Mountain NP, CO	2,335,000
Saratoga NHP, NY (exhibits)	300,000
SF Maritime NHP, CA (C.A. Thayer)	1,000,000
Stones River NB, TN (trails)	250,000
SW Pennsylvania Heritage Commission, PA	2,500,000
Tallgrass Prairie National Preserve, KS	2,891,000
Thomas Stone NHS, MD (staff offices)	395,000
Tuskegee Airmen NHS, AL (oral histories)	500,000
Ulysses S. Grant NHS, MO	1,994,000
USS Arizona Memorial, HI	1,157,000
Vicksburg NMP, MS (security upgrades)	300,000
Virginia City NHL, MT (restoration)	1,800,000
Washita NB, OK (completes)	3,500,000
White House, DC	9,582,000
Wind Cave NP, SD	2,172,000
Yellowstone NP, WY (rehabilitation)	6,396,000
Yellowstone NP, WY (upgrade fire protection)	757,000
Subtotal	215,595,000
Emergency/Unscheduled Projects	3,500,000
Housing replacement	10,000,000
Dam safety	2,700,000
Equipment replacement	31,960,000
Construction planning	25,400,000
Construction program management	24,792,000
General management planning	13,896,000
Total Construction	$327,843,000

The managers recommend $1,600,000 for the Apostle Islands National Lakeshore for erosion control at the Outer Island lighthouse. These funds, combined with remaining balances in the planning account for this project, will complete the erosion control work.

The managers did not retain funding for the following projects, because the Service indicated that, for various reasons, the funds could not be obligated in fiscal year 2003: Badlands National Park, Cape Cod National Seashore, Craters of the Moon National Monument, Mount Rainier National Park (electrical system), Petrified Forest National Park and Yellowstone National Park's Old Faithful Inn project. The managers will consider funding when these projects are ready to move forward.

The monies provided for Arches National Park, Colonial National Historical Park, Great Basin National Park, the Hispanic Cultural Center, Japanese American History (building 640), Morristown National Historic Site, Cumberland Island National Seashore (St. Mary's) and the National Underground Railroad Freedom Center complete these projects.

The managers have included funding this year to construct a new collections storage facility at Jamestown for Colonial National Historical Park. The managers understand that the current estimate for the next phase of the project, the replacement visitor center, is approximately $7,600,000, and strongly encourage the Service to include this component of the Jamestown 400th anniversary celebration in the fiscal year 2004 budget request. The Service should manage the planning and design for the visitor center project to remain within the current cost estimate.

The managers have deferred funding for repair and rehabilitation of Fort Washington, MD. The Service should develop a comprehensive solution to address the issues at Fort Washington, including identification of the priorities for stabilization work. The Service is encouraged to include funding for this project in the fiscal year 2004 budget, and include a summary of the aforementioned plan in the budget justification.

The managers have agreed to $200,000 for Fort McHenry, MD for a development concept plan, not for construction design. It is estimated that the DCP process will take about a year to complete. The DCP will look at site alternatives, as well as concepts. The project will be submitted by the park for consideration within the NPS five-year planning process. There have not been any private partnership commitments yet, although a fundraising agreement is in place. Private fundraising efforts are not anticipated to begin until the DCP is completed. The managers strongly urge the park to downscale its expectation for a $14 million visitor center. The park should work closely with the House and Senate Committees on Appropriations on the size and cost of the facility, as well as private funding commitments, before additional funds are provided for this project.

The managers have included funding to initiate planning on three proposed visitor center projects. Because of concerns about the projected scope of these projects, and the need to address increased funding to reduce the deferred maintenance backlog, the managers are providing specific direction to limit the size and gross cost of these facilities, as follows; $3,500,000 for a new visitor facility at Washita National Battlefield, $4,000,000 for Grand Portage National Monument, and $4,500,000 for Homestead National Historic Site. Planning costs should be limited to 10% of the amounts listed above, consistent with the NAPA guidelines. The Service should provide an update to the House and Senate Committees on Appropriations on its revised approach and its progress on these projects by May 1, 2003.

The managers have provided $395,000 for Thomas Stone NHS—$300,000 to stabilize the East Wing and $95,000 to make a gravel parking lot ADA compliant. The managers have provided $500,000 under the operation of the national park system account for upgrades at the Wright Brothers National Memorial in North Carolina. The $400,000 for Eleanor Roosevelt NHS is for park restorations only as specified in the House report.

The managers have provided planning funds for a proposed educational center to be constructed at Fort Osage in Missouri. The managers want to ensure that the scope and cost of the project are appropriate, given the visitation at the site, and that the project includes a significant private cost share. The managers urge the project sponsors and the Service to provide the House and Senate Committees on Appropriations with a final plan for construction, which scales the project appropriately and which provides a significant non-Federal cost share before additional funds will be provided.

The Administration has requested funding for the construction of security structures at the Washington Monument, and Lincoln and Jefferson Memorials in Washington, D.C. The Congress has previously provided language that would expedite the contracting process for these facilities so that construction could begin in the late summer of 2002 in accordance with the schedule provided by the Service. The managers now understand that the planning, review and clearance processes have delayed the start of construction for the Washington Monument and Jefferson Memorial projects (by a full year). As a result of these delays, funds requested for these projects are no longer needed in fiscal year 2003. The managers direct the Administration to include funding for these projects in the fiscal year 2004 construction request.

The managers are aware of the partnership project between the National Park Service and the Valley Forge Historical Society to contract and operate a National Center for the American Revolution at Valley Forge National Historical Park. Congress authorized the Secretary of the Interior to enter into an agreement for this partnership in Public Law 106-86, but made no financial commitment to the construction of the project.

While the partnership may provide opportunities to improve the care of important Revolutionary War era collections and enhance the educational opportunities afforded to visitors at the park, the planning for this facility must proceed cautiously. The project sponsors need to recognize the budgetary constraints facing all levels of government, as well as recent decreases in philanthropic giving. With these concerns in mind, the managers expect the National Park Service to report to the House and Senate Committees on Appropriations on a reasonably scaled vision for the Center, with commitments for non-Federal cost share, no later than June 1, 2003. Future funding for this project is unlikely if the Service does not prioritize it as part of its five-year line-item construction program.

Within the funds provided for General Management Planning, the Service is directed to complete the EA for the Mt. Vernon Trail and a new area study for Great Falls National Park and to support the Harpers Ferry National Historic Park general management plan consistent with Senate guidance.

The managers have provided $7,500,000 to enhance the capacity of the Service to execute the infrastructure program. The managers expect that not more than 50 percent of these funds be used to hire staff in the regional offices. The balance should be used for contractor support. A report on the use of these funds should be provided to the House and Senate Committees on Appropriations.

The managers are concerned with the number of partnership projects pursued by the National Park Service, but not prioritized by the agency nor considered in the establishment of the five-year line-item construction program. While partnerships are important in enhancing the public appreciation and understanding of the mission of all of the agencies funded in the Interior appropriations bill, the Federal commitment associated with such partnerships cannot be considered separate and apart from other demands for funding.

The managers are troubled by the growing number of partnership projects for which the non-Federal partner pursues funding through the appropriations process. Increasingly, if these partnership projects receive funding, it will be as a trade-off against priorities identified in the agency budget request. Thus, it is important that agencies evaluate the priority these partnerships receive vis-à-vis the program requirements prioritized in the budget request, as well as the vast needs that don't make it into the budget each year.

The President and the Congress have made a significant commitment to addressing the deferred maintenance backlog of the National Park Service, and every public dollar pursued for partnership projects involving new facilities means one less dollar dedicated to reducing the backlog. In addition, funding for the operational requirements of the National Park Service continues to be a significant concern, and pressure to provide increased funding for large construction investments will result in reduced capacity to address operational needs. If partnership projects are a priority for the Administration, then consideration should be given to adjusting the priority-setting process for line-item construction to allow for their competition along with deferred maintenance and other projects.

The funds provided for equipment replacement include funds to implement PMIS package #90252 regarding snow removal and related activities for Going-to-the-Sun Road at Glacier National Park. The managers expect that $500,000 will be used for replacement boats at Isle Royale National Park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2003 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $172,468,000 for land acquisition and State assistance instead of $253,099,000 as proposed by the House and $204,005,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Big Thicket National Preserve (TX)	$3,000,000
Black Canyon NP (CO)	300,000
Chickamauga/Chattanooga NMP (TN)	1,030,000
Chickamauga/Chattanooga NMP (Moccasin Bend/Sarodino) (TN)	1,300,000
Delaware Water Gap Nat'l Recreation Area (NJ/PA)	4,000,000
Gauley River NRA (WV)	1,750,000
Great Sand Dunes Nat'l Mon and Preserve (CO)	7,000,000
Gulf Islands National Seashore (MS)	6,000,000
Hawaii Volcanoes National Park (HI)	8,500,000
Ice Age NST (WI)	2,000,000
Indiana Dunes National Lakeshore (IN)	250,000
Keweenaw Nat'l Historic Park (MI)	600,000
Little Rock Central HS Nat'l Historic Site (AR)	130,000
Missouri National Recreational River (SD)	1,000,000
Mojave National Preserve (CA)	1,000,000
Point Reyes National Seashore (CA)	1,500,000
Richmond National Battlefield Park (VA)	2,000,000
Saguaro National Park (AZ)	2,320,000
Santa Monica Mountains NRA (CA)	1,000,000
Shenandoah Valley Battlefields Nat'l Historic District (VA)	2,000,000
Sleeping Bear Dunes National Lakeshore (MI)	1,000,000
South Florida Restoration (grant to state of FL)	15,000,000
Timucuan Ecological and Historic Preserve (FL)	2,000,000
Valley Forge National Historic Park (PA)	2,500,000
Western Arctic National Parklands (AK)	1,200,000
Wrangell-St. Elias Nat'l Park and Preserve (AK)	500,000
Use of carryover balances	−15,000,000
Subtotal	53,880,000
Acquisition Management	12,588,000
Emergencies/Hardships	4,000,000
Inholdings/Exchanges	4,000,000
Stateside Grants	95,000,000
Stateside Administration	3,000,000
Total	$172,468,000

The managers have not provided funding for Ebey's Landing NHR and Piscataway Park because there are presently no options to purchase land. The managers will be pleased to consider future funding requests.

The Secretary should acquire the Bayliss property at Cedar Creek and Belle Grove NHP that is now owned by the Cedar Creek Battlefield Foundation for an amount equal to the balance due on the current deed of trust on the property but no more than $368,000. The Secretary shall use funds from the National Park Service's hardship account to acquire the property.

Upon completion of a new appraisal of Cat Island, MS, the Service should complete the first phase of the purchase using funds provided for Gulf Islands National Seashore, together with other available funds if necessary.

The managers are aware of the concerns of the residents of the 8.5 Square Mile Area regarding the plan to implement section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), called "Alternative 6D." This plan requires the acquisition of additional homes. To minimize disruption in the lives of these residents and to make them whole again, if the United States must take their property to proceed with implementation of Alternative 6D, the conference agreement allows the Corps to acquire additional residential property only if these residents are offered the opportunity to relocate to comparable land within the 8.5 Square Mile Area. This means that the residents of the 8.5 Square Mile Area who choose to relocate within that area must be offered land of equal or greater size, suitable under all applicable land use regulations for use that is the same as the actual use of the land on which they currently reside and eligible for all necessary permits required for such use. The managers also expect the financial assistance provided to such residents will allow them to build a replacement home of equal size, including costs of moving and temporary living arrangements during a reasonable period of time for design and construction. The managers understand that Federal funding in the amount of $6,000,000 has previously been appropriated and provided to the South Florida Water Management District for the purpose of acquiring replacement residential property. The language in the conference agreement also clarifies that this directive is not intended to stop the Alternative 6D project from moving forward.

The language, specifically the text of subsection (b)(1), does not require the Corps of Engineers or the non-Federal sponsor to complete a relocation before completing a land acquisition, once the offer required by subsection (b)(1) is made. Such offers and land acquisitions may be made and completed in accordance with a schedule determined by the Corps of Engineers and the non-Federal sponsor and need not proceed sequentially.

ADMINISTRATIVE PROVISIONS

The managers have retained the House language regarding the United Nations Biodiversity Convention.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $925,287,000 for surveys, investigations, and research instead of $928,405,000 as proposed by the House and $914,617,000 as proposed by the Senate.

There is a decrease below the House for the national mapping programs of $1,000,000 for Internet access.

The managers recognize the need to implement The National Map for the Nation's urban areas. These urban areas are the home to more than 160 million citizens, located in areas subject to many natural hazards, such as coastal storms and wildland fires. The managers believe it is important to have up-to-date information available to Federal, State, and local governments, the private sector, and the public for emergency response. The managers recommend that the

Survey continue its efforts to develop and implement The National Map, keeping the House and Senate Committees on Appropriations apprised of its progress and future plans through its budget submissions.

Changes to the House for geology programs include increases of $1,000,000 for volcanic hazard equipment in Shemya, Alaska, $1,500,000 for the minerals at risk program which completes this project, $500,000 for the coastal erosion program, North Carolina, and decreases of $500,000 for the coastal program, $299,000 for Lake Mead/Hoover Dam, $500,000 for the cooperative geological mapping program, $1,200,000 for EPCA studies, and $500,000 for the geothermal program.

Changes to the House for water resources include increases of $200,000 for the Berkeley Pit study in Montana, $299,000 for the Lake Champlain toxic materials studies, $500,000 for Hawaiian water monitoring, $220,000 for an algae bloom study in Hawaii, and $195,000 for the Noyes Slough study in Alaska, and decreases of $1,000,000 for the Mexico border initiative, $580,000 for the Long-Term Estuary Group, $400,000 for the Water Resources Research Institutes, $500,000 for toxic substances, and $105,000 for the Southern Maryland aquifer study.

Within the funds provided for water resources, $1,000,000 is earmarked for the Long-Term Estuary Assessment program.

Funds have not been included for the Rathdrum Prairie/Spokane Valley aquifer study as proposed by the Senate. The managers are supportive of the project generally, but understand that the required State or local matching funds have not yet been secured nor has an agreement been reached among all interested parties, including the Survey, detailing the scope and collaborative nature of the work. The managers would be willing to reconsider the project at a future date provided these issues are resolved.

Increases above the House for biological research include $750,000 for the continuation of the Mark Twain National Forest mining study, $180,000 for the Yukon Flats salmon study, $500,000 for the Pallid Sturgeon study, $100,000 for the terrapin study in Maryland, $1,000,000 for a DNA bear study in Montana, $300,000 for a water study at the Leetown Science Center, $500,000 for Lake Tahoe decision support and decreases of $800,000 for the fire science program, $500,000 for amphibian research, $1,000,000 for NBII nodes, $500,000 for the cooperative research units uncontrollable costs, and $18,000 for travel and transportation.

The managers have supported the establishment of the NBII to improve access by Federal agencies, States, universities, and others to biological data and to promote information sharing. The managers have provided significant funding increases to NBII in recent years but are concerned about an apparent lack of direction and budget accountability. These concerns need to be resolved before additional funding increases can be considered.

Therefore, the managers direct the Survey to prepare a strategic plan outlining the prioritized vision for the network including details and a time line on all new nodes, expansions of existing nodes, the costs associated with each node, and all other projects that are part of the NBII program. The plan should explicitly address national and international objectives.

The plan should address how the existing and planned network relates to the Survey's overall strategic and programmatic goals for enhanced data sharing. The Survey should provide information on the potential for cost sharing and how NBII relates to existing, non-Federal data networks such as Natureserve. As part of the strategic planning process, the managers would like to see peer-review comments from leading biologists and informatics specialists that are not associated with the current NBII partnership.

Finally, the report should show accomplishments to date for each node, listing national and international accomplishments, a list of partners involved, and how each accomplishment supports the biological goals for the Survey and the Department. The report should specifically address which NBII accomplishments support USGS science centers and Interior land management agencies. This information should be provided to the Committees by April 30, 2003.

There is a decrease below the House for science support of $1,635,000 for accessible data transfer.

Changes to the House for facilities include an increase of $375,000 for the Leetown Research Center expansion, and a decrease of $200,000 for the Tunison laboratory.

The managers support strongly Survey partnerships with coalitions of institutions that maintain a strong emphasis on collaborative research, Federal-State partnerships, and public-private partnerships. Wherever possible, the managers encourage the Survey to co-locate at these institutions when this furthers the goals of the Survey, the Department, and the Administration.

The managers encourage the Survey and the General Services Administration (GSA) to continue to work towards completion of a satisfactory plan for relocating the Survey's Western programs to more adequate space. They are aware that one of the most promising options is a 30-year build-to-suit lease for facilities located on land at the University of California Santa Cruz. The managers believe that GSA and the Survey should try to reach agreement on the lease if it is in the best interest of the Survey, the science programs, and is a cost effective option.

Administrative Provisions

The managers have made technical changes to the bill language proposed by the House to make it easier for the Survey to colocate its facilities.

MINERALS MANAGEMENT SERVICE

Royalty and Offshore Minerals Management

The conference agreement provides $165,321,000 for royalty and offshore minerals management instead of $164,721,000 as proposed by the House and $164,322,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine Resources, and $800,000 for the Marine Mineral Technology Center in Alaska, and a decrease of $1,000,000 for the information management program.

The managers have again provided $1,400,000 to the Offshore Technology Research Center to perform critical mission research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for royalty and offshore minerals management $150,000 is earmarked for the Alaska Whaling Commission.

Oil Spill Research

The conference agreement provides $6,105,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Regulation and Technology

The conference agreement provides $105,367,000 for regulation and technology as proposed by the House and the Senate. Funding for the activities and budget instructions should follow the House recommendation. The managers understand that the administration's proposal to give a special allotment of grants to West Virginia is no longer needed. Instead, the allocation of grants to States should follow the normal methodology.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $191,745,000 for the abandoned mine reclamation fund as proposed by the Senate instead of $184,745,000 as proposed by the House. Funding for the activities and budget instructions should follow the Senate recommendations. The managers have also included the Senate proposed bill language included in previous years concerning certain aspects of the State of Maryland program.

BUREAU OF INDIAN AFFAIRS

Operation of Indian Programs

The conference agreement provides $1,857,319,000 for the operation of Indian programs instead of $1,859,064,000 as proposed by the House and $1,855,635,000 as proposed by the Senate.

Decreases below the House for tribal priority allocations include $1,120,000 for new tribes and $2,000,000 for welfare assistance.

Increases above the House for other recurring programs include $2,000,000 for tribally controlled community colleges, $50,000 for Western Washington Bolt, $15,000 for Great Lakes resource management, $100,000 for the Alaska Sea Otter Commission, $800,000 for the Bering Sea Fisherman's Association, $146,000 for the bison program, $350,000 for the Chugach Regional Resources Commission, and $320,000 for the upper Columbia River tribes, and decreases of $2,000,000 for ISEP formula funds, $1,000,000 for student transportation, $1,900,000 for facilities operation and maintenance, $4,000,000 for administrative cost grants, and $441,000 for the timber, fish and wildlife program.

The funding increase included for the Chippewa/Ottawa Resource Authority is to be allocated equally between the Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians.

Increases above the House for non-recurring programs include $1,500,000 for the distance learning program in Montana, $750,000 for the Rural Alaska fire program, $50,000 for the North Dakota Department of Agriculture's fire assistance program in Sioux County, and $350,000 for attorney fees, and decreases of $200,000 for the Navajo/Hopi settlement program and $314,000 for the endangered species program.

Increases above the House for special programs and pooled overhead include $200,000 for the Law Institute for American Indians, $100,000 for the United Sioux Tribes Development Corporation, $500,000 for the Alaska native aviation training program, $1,000,000 for the Yuut Elitnavuviat learning center, $1,000,000 for the Western Heritage Center Distance-Learning and Training Program, and $2,000,000 for detention center staffing.

The managers do not understand the disparate treatment of Crownpoint Institute of Technology and the United Sioux Tribes Technical College related to contract support. Unless there is an objection by the Navajo Nation to Crownpoint being treated as a tribal organization, the managers expect the Bureau to provide this funding under a P.L. 93-638 contract and include contract support.

The managers direct the Bureau to develop a study dealing with child abuse and child welfare. This study should detail the adverse effects of child abuse on American Indians and Alaska natives. As part of the study the Bureau should provide recommendations for reducing incidents of child abuse including the potential for developing cost-shared pilot projects with tribal organizations, States, and non-profit organizations. The Bureau should provide this study to the Committees by April 30, 2003.

The managers do not concur with the Senate report language directing the Bureau to establish a service area for the Samish Indian Nation. Currently this issue is being litigated, and the Department of the Interior is in settlement discussions with the tribe. The managers believe that this process is the appropriate avenue for resolving these issues.

Bill language has been included under operation of Indian programs to allow the use of ISEP contingency funds to cover the expenses of negotiated rulemaking required by the No Child Left Behind Act.

CONSTRUCTION

The conference agreement provides $348,252,000 for construction as proposed by the Senate instead of $345,252,000 as proposed by the House.

The managers have provided a $3,000,000 increase above the House for the tribal school construction demonstration program.

Language has been included under Title I general provisions authorizing a tribal school construction demonstration program through fiscal year 2007.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $60,949,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $57,949,000 as proposed by the Senate.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,493,000 for the Indian guaranteed loan program as proposed by the House and Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,217,000 for assistance to territories instead of $73,217,000 as proposed by the House and $75,217,000 as proposed by the Senate. The managers have agreed to Compact impact assistance funding out of the technical assistance activity of $3,000,000 for Hawaii and $1,000,000 for Guam. The managers have also included the $1,000,000 recommended by the House for U.S. Virgin Islands court mandated infrastructure needs and $1,000,000 for the Prior Service Trust Fund. The managers agree with the House direction to the Interior Department concerning a new, long-term solution to the Prior Service Trust Fund financing problem and with Senate direction for a Federal-local financing plan for the U.S. Virgin Islands. This latter report should be submitted by April 30, 2003. The managers also direct that the CNMI local matching requirement for fiscal year 2003 capital improvement grants be waived due to the extensive damage caused by super-typhoon Pongsona.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,985,000 for the Compact of Free Association instead of $21,045,000 as proposed by the House and $20,925,000 as proposed by the Senate. This includes a total of $1,631,000 for Enewetak support. The increase above the request is for repairs to the shipping vessel which provides food to Enewetak.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $72,427,000 for departmental management as proposed by the Senate instead of $57,533,000 as proposed by the House. Changes to the House include increases of $15,000,000 to restore funds cut on the House floor, $400,000 for Departmental Direction and a decrease of $506,000 for Central Services.

The managers encourage the Federal partners responsible for the Great Lakes Visitor Center, WI, to increase funding for the center in fiscal year 2003, especially for important initiatives such as its environmental education program.

The conference agreement includes bill language under "Department of the Interior, General Provisions", permitting the use of Departmental Management funds to pay for shortfalls at the Midway Atoll National Wildlife Refuge.

The managers direct the Secretary to release a plan for assisting States, Federal agencies, and tribes managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $47,773,000 for the office of the solicitor as proposed by the Senate instead of $47,473,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $36,239,000 for office of inspector general, the same as the House and the Senate.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides no funds for salaries and expenses of the National Indian Gaming Commission as proposed by the Senate instead of $2,000,000 as proposed by the House.

Language has been included under Title I general provisions increasing the fees available to the National Indian Gaming Commission from $8,000,000 to $12,000,000 beginning in fiscal year 2004.

The Commission is directed to consult with tribal governments on both the development, pursuant to section 18 of the Indian Gaming Regulatory Act (25 U.S.C. 2717), of a new fee schedule resulting from increasing the fee cap from $8,000,000 to $12,000,000, and on the regulations published at 67 Federal Register 41166 (June 17, 2002). The managers concur that not more than $120,000 of the funds available to the Commission be used for this consultation process.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $141,277,000 for Federal trust programs as proposed by the House instead of $151,027,000 as proposed by the Senate.

The managers once again express their reservations about funding for the historical accounting project. The managers have provided an increased level of funds over the fiscal year 2002 enacted level for historical accounting. However, the managers remain very concerned about appropriating hundreds of millions of dollars for this project at the expense of other high priority programs in this bill, including other Indian programs. The managers believe that it is more important to fix prospectively the trust systems thereby allowing the Secretary to continue to meet her trust and fiduciary responsibilities to Indian country.

The managers have modified the bill language for the Office of Special Trustee for American Indians noting that of the funds provided $15,000,000 is for the historical accounting.

INDIAN LAND CONSOLIDATION

The conference agreement provides $7,980,000 for Indian land consolidation programs as proposed by the House instead of $10,980,000 as proposed by the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,538,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement retains language proposed by the Senate regarding the transfer of an aircraft to Kane County, UT.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 111, which were identical in both the House and the Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 115, 116, 117, 118, 119, 121, 122, 123, and 124.

The conference agreement retains language proposed in section 112 of the House bill, which prohibits the National Park Service from reducing recreation fees for non-local travel through a park unit.

The conference agreement retains language proposed in section 113 of the House bill permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians. The Senate had a similar provision.

The conference agreement modifies House section 114 regarding retention of proceeds from operations at Fort Baker.

The conference agreement retains language proposed in section 125 of the House bill authorizing funds for Shenandoah Valley Battlefield National Historical District and Ice Age National Scenic Trail to be transferred to a State, local, or other governmental land management entity for acquisition of lands.

The conference agreement retains language proposed in section 126 of the House bill prohibiting the closure of the lunchroom at Carlsbad Caverns National Park. The Senate addressed this issue in Title III.

The conference agreement retains language proposed in section 127 of the House bill preventing demolition of a bridge between Ellis Island and New Jersey.

The conference agreement retains language proposed in section 128 of the House bill prohibiting clothing optional usage at Canaveral National Seashore.

The conference agreement retains language proposed in section 129 of the House bill permitting the expenditure of funds for incidental expenses related to the National Wildlife Refuge System Centennial. The Senate had no similar provision.

The conference agreement retains language in section 130 of the House bill authorizing the Park Service to enter into a cooperative agreement with Capital Concerts.

The conference agreement retains language proposed in section 131 of the House bill requiring the Department of the Interior to provide a summary of the Ernst and Young report on the historical accounting of the named plaintiffs in Cobell v. Norton. The Senate had no similar provision.

The conference agreement modifies language proposed in section 132 of the House bill limiting compensation for the Special Master and Special Master-Monitor appointed by the court in Cobell v. Norton to not more than 200 percent of the highest Senior Executive Service rate of pay. The modification changes the name of Court Monitor to the Special Master-Monitor. The Senate had no similar provision.

The conference agreement retains language proposed in section 133 of the House bill requiring the Special Trustee for American Indians to appoint new Advisory Board members. The Senate had no similar provision.

The conference agreement retains language proposed in section 134 of the House bill allowing the Secretary of the Interior to pay private attorney fees for employees and former employees named in connection with Cobell v. Norton. The Senate had no similar provision.

The conference agreement retains language proposed in section 135 of the House bill allowing the Interior firefighting Bureaus to engage in firefighting activities on non-Federal lands. The Senate had no similar provision.

The conference agreement retains language in section 136 of the House bill extending the deadline for submission of the report and termination of the Commission to create a National Museum of African American History and Culture.

The conference agreement retains language proposed in section 137 of the House bill, which allows funds for the National Museum of African American History and Culture to remain available until expended.

The conference agreement modifies language proposed in section 138 of the House bill requiring the U.S. Fish and Wildlife Service to implement a system of mass marking of salmonid stocks released from Federally operated or Federally financed hatcheries. The modification requires that the fish have a visible mark that can be readily identified by commercial and recreational fishers. The Senate had no similar provision.

The conference agreement retains language proposed in section 139 of the House bill naming the visitor center at the Bitter Lake National Wildlife Refuge in New Mexico as the "Joseph R. Skeen Visitor Center". The Senate had no similar provision.

Section 122—The conference agreement retains language proposed in section 120 of the Senate bill continuing the tribal school construction demonstration program through fiscal year 2007. The House had no similar provision.

The conference agreement does not include the text of section 123 as proposed by the Senate, which prohibited the use of funds to approve the transfer of lands in South Fox Island, Michigan.

Section 140—The conference agreement retains language proposed in section 124 of the Senate bill making permanent the contract authority for transportation at Zion NP, UT and Rocky Mountain NP, CO. The House had a one-year extension for Zion NP, UT, in section 120.

Section 141—The conference agreement retains language proposed in section 125 of the Senate bill removing grant restrictions in a heritage education park in Fairbanks, Alaska.

The conference agreement does not retain language proposed in section 126 of the Senate bill relating to a right-of-way for a pipeline for the Cadiz groundwater project.

Section 142—The conference agreement retains language proposed in section 127 of the Senate bill authorizing the use of previously appropriated funds to plan the John Adams Presidential Memorial.

Section 143—The conference agreement retains language proposed in section 128 of the Senate bill providing that funds appropriated and remaining available in the Construction (Trust Fund) Account of the National Park Service at the completion of all authorized projects shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

The conference agreement does not include language proposed in section 129 of the Senate bill directing the Park Service to make interim payments as part of the Glacier Bay compensation program.

Section 144—The conference agreement retains language proposed in section 130 of the Senate bill dealing with grants under the Defense Conversion, Reinvestment, and Transition Act of 1992. The House had no similar provision.

Section 145—The conference agreement retains language proposed in section 131 of the Senate bill dealing with a modification to a previous Act with respect to taking certain lands into trust in Kansas.

Section 146—The conference agreement retains language proposed in section 132 of the Senate bill modifying a provision from a previous Act conveying land from the Bureau of Land Management to the city of Mesquite, Nevada.

Section 147—The conference agreement modifies language proposed in section 133 of the Senate bill permitting the transfer of previously appropriated construction funds for operations and maintenance at Midway Atoll National Wildlife Refuge. The modification permits the transfer of funds from Departmental Management, if necessary, to cover operational and maintenance shortfalls at the refuge. The House had no similar provision.

Section 148—The conference agreement retains language proposed in section 134 of the Senate bill changing the authority for a museum in Oklahoma from the Secretary of the Interior to the Director of the Institute of Museum and Library Services. The House had no similar provision.

Section 149—The conference agreement retains language proposed in section 135 of the Senate bill allowing advance payments to the Department's franchise fund. The House had no similar provision.

Section 150—The conference agreement retains language proposed in section 136 of the Senate bill authorizing $10,000,000 per year for six years, for restoration of historically black colleges and universities, and reducing cost share requirements.

Section 151—The conference agreement retains language proposed in section 137 of the Senate bill deeming the Record of Decision for the Trans-Alaska Pipeline right-of-way sufficient to meet NEPA requirements.

Section 152—The conference agreement retains language proposed in section 138 of the Senate bill expressing the Sense of the Congress with respect to flow rates in the Missouri River.

Section 153—The conference agreement modifies language proposed in section 139 of the Senate bill regarding treatment of monies in the abandoned mine reclamation fund. This provision allows the transfer of up to an additional $34,000,000 if the United Mine Workers Combined Benefit Fund has a deficit, but this section shall cease to have any force and effect after September 30, 2004.

Section 154—The conference agreement retains language in section 140 as proposed by the Senate, which raises the development ceiling for New Bedford Whaling National Historical Park.

The language proposed in section 141 of the Senate bill, extending the Quincy Library Group project, CA, authorization is addressed in Title III, section 338.

Section 155—The conference agreement retains language proposed in section 142 of the Senate bill modifying a Coastal Barrier Resources Act map for land in Virginia. The House had no similar provision.

Section 156—The conference agreement modifies language proposed in section 143 of the Senate bill regarding certain OCS leases in California. The modification changes the provision from a Sense of the Senate to a Sense of the Congress. The House had a similar provision in Title III general provisions.

The conference agreement does not retain language proposed in section 144 of the Senate bill requiring a study on communications towers and avian mortality.

The conference agreement modifies language proposed in section 145 of the Senate bill extending the authorization for the Strategic Petroleum Reserve; requiring the filling of SPR to capacity as soon as practicable; and amending legislation dealing with the Northeast Home Heating Oil Reserve. The language in the conference agreement is limited to a five-year extension of the SPR authorization. The House had no similar provision. The modified language is included in Title III, section 339 of this conference agreement.

Section 157—The conference agreement modifies language in section 146 of the Senate bill to provide authority to the Army Corps of Engineers to assist homeowners, that are being relocated because of the Modified Water Deliveries project, to relocate to comparable land within the 8.5 Square Mile Area. The language also clarifies that this provision is not intended in any way to stop the alternative 6D project from moving forward. This issue is addressed in greater detail under National Park Service land acquisition.

Section 158—The conference agreement includes language prohibiting the study or implementation of a plan to drain Lake Powell.

Section 159—The conference agreement includes language raising the ceiling for fees by the National Indian Gaming Commission from $8,000,000 to $12,000,000 in fiscal year 2004.

Section 160—The conference agreement includes language establishing, as a unit of Chickamauga and Chattanooga National Memorial Park, the Moccasin Bend National Archaeological District.

Section 161—The conference agreement includes language authorizing a transfer of 1.7 acres of excess lands to the Lower Elwha Klallam Tribe.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $251,685,000 for forest and rangeland research instead of $252,000,000 as proposed by the House and $247,804,000 as proposed by the Senate. Changes to project funding from the House bill include: an increase of $2,000,000 for Forest Inventory and Analysis (FIA), a decrease of $850,000 for the advanced housing research consortium, a reduction of $500,000 for adelgid and insect research in the east, an increase of $1,500,000 for sudden oak death research, an increase of $500,000 for the global climate change program, a decrease of $4,165,000 for fixed costs, an increase of $500,000 for invasive species research, $500,000 for the Joe Skeen Institute for Rangeland Restoration, and an increase of $200,000 for Baltimore, MD, urban watershed research.

The managers agree to the following more specific direction for the above items:

1. The managers provide $500,000 for the development of carbon sequestration rules and protocols as part of the Climate Change Initiative.

2. The managers direct $500,000 for expanded research in the control and management of pests and pathogens, including hemlock woolly adelgid, to the forest science laboratory at Morgantown, West Virginia. The managers expect these funds to address high priority work throughout the northeast.

3. The managers provide $200,000 to the Northeastern Research Station for high priority research associated with the Urban Watershed Forestry Research and Demonstration Cooperative in Baltimore, Maryland, as part of the program direction for Revitalizing Baltimore and the Baltimore Ecosystem Study.

4. The managers encourage the Forest Service to work with the Mississippi Institute for Forest Inventory in order to further the goals of the FIA program and the Institute.

5. The managers direct the Forest Service to prepare a strategic plan with a national focus that will demonstrate how the agency intends to address the spread of sudden oak death. This strategic plan should consider the proper balance between the allocation of research and eradication resources and how these resources can best be coordinated within the Forest Service as well as with other Federal, State, and local entities.

STATE AND PRIVATE FORESTRY

The conference agreement provides $286,574,000 for State and private forestry instead of $279,828,000 as proposed by the House and $297,472,000 as proposed by the Senate.

The conference agreement provides, as proposed by the House, $50,374,000 for Federal lands forest health management, $31,038,000 for cooperative lands forest health management, and no funding for the proposed emerging pest and pathogens fund. The managers agree with the concept of withholding some forest health funding from immediate distribution to address new problems that may emerge during the year, but the managers feel that far greater management efficiency and flexibility will exist if a new account is not created. The agreement includes bill language proposed by the House which clarifies that funding in this account should be used for the treatment of invasive or noxious plants. The managers have moved the $300,000 proposed by the Senate for leafy spurge control in the Dakota Prairie grasslands to the national forest system account. The cooperative lands forest health management activity includes the $300,000 proposed by the Senate for Vermont forest monitoring and a total of $1,700,000 for sudden oak death control. These funds should be allocated primarily to States with the most severe outbreaks of sudden oak death. Funding proposed by the Senate under this heading for sudden oak death research has been moved to the forest and rangeland research account.

The conference agreement includes $25,653,000 for State fire assistance instead of $25,353,000 as proposed by the House and $25,853,000 as proposed by the Senate, the change from the House proposal being an increase of $300,000 for Cook Inlet Tribal Council, AK, spruce bark beetle management. The agency shall follow Senate direction concerning distribution of these funds. The agreement also includes $5,040,000 for volunteer fire assistance as proposed by both the House and the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

The conference agreement includes $32,221,000 for forest stewardship as proposed by the Senate instead of $36,898,000 as proposed by the House. Changes from the House proposal are increases of $250,000 for the Chesapeake Bay program and $300,000 for Utah forestry education; there is a general decrease of $5,227,000. The managers note that an additional $20,000,000 is available for similar activities in the forest land enhancement program (FLEP) from mandatory farm bill funds. The managers direct the Forest Service to show clearly in all future budget justifications within the text for State and private forestry how mandatory funding for FLEP, provided in the farm bill, will be allocated and how this funding relates to forest stewardship activities.

The conference agreement includes $68,827,000 for the forest legacy program instead of $60,000,000 as proposed by the House and $74,000,000 as proposed by the Senate. The conference agreement retains bill language proposed by the House requiring notification to the Appropriations Committees when the Forest Service makes funds available for specific forest legacy projects. The conference agreement also includes bill language, modifying language proposed by the House, stipulating that forest legacy grants must be for specific projects or for specific tasks undertaken when a State joins the program. In addition, the conference agreement has modified the bill language proposed by the House concerning the need for a 25% cost share of the total value of each project. The managers concur that the Forest Service should require that a minimum 25% cost share must be secured over the life of each grant.

The conference agreement also includes bill language, which gives the State of Maine until the January 31, 2004 to complete the West Branch project. If this project is not completed by this date, the entire amount previously appropriated for this project, $20,013,145, shall be transferred to the Forest Service wildland fire management account and be made available for the highest national priority rehabilitation and restoration projects. The managers expect that the final West Branch project will include a substantial fee ownership for the State of about 47,000 acres and that there will also be completed a conservation easement to the Forest Society of Maine, or similar group, of about 282,000 acres.

The conference agreement directs the Forest Service to follow the House proposed direction for the forest legacy program, with the following exceptions:

1. The managers concur with the House language requiring the Forest Service to submit a five-year legacy program strategy but the strategy should articulate the forest legacy program's national goals, objectives, performance measures, and the issues and trends affecting forests in regions across the country. This strategy should also provide a national perspective for the forest legacy program and assist States in contributing to national and regional conservation needs. The managers further direct that the Forest Service revise and finalize its Forest Legacy Program Implementation Guidelines by June 30, 2003. The revised guidelines should include definitive guidance regarding project definition, cost shares, monitoring, appraisals, and other areas of concern noted in the Committee's report, dated June 14, 2002.

2. The managers are concerned with the manner in which the cost share is calculated for legacy projects. Rather than requiring a 25% cost share for each project before a grant may be awarded as proposed by the House, the managers concur that the Forest Service should require that a minimum of 25% of the total cost share of each project should come from non-Federal sources over the course of the grant period and that each project grant must document the total value of the project's non-federal cost share. The Forest Service shall strictly comply with existing Office of Management and Budget Circulars concerning matching requirements for federal grants.

3. The managers recognize that given the often complex and lengthy nature of negotiations for the purchase of conservation easements, the agency may submit a request for project funding in its budget justification, which only specifies a geographical area rather than a specific tract. However, the managers will not appropriate funds for such projects until the agency has identified the specific tracts to be purchased.

4. The managers concur that, to the greatest extent possible, legacy easements should provide for public access but the managers also recognize that there may be reasons why such access is impractical because of natural resource or public safety concerns. The managers expect the agency to indicate to the Committees in advance when an easement will not provide for public access and the reasons why such access is inappropriate.

5. The managers are concerned that forest legacy program managers may not be able to use the Forest Service's official financial accounting system, the Foundation Financial Information System (FFIS), to manage forest legacy funds due to the system's limitations. The managers direct the Forest Service to ensure that FFIS contains accurate and complete expenditure information for forest legacy grants and that it supports program management information requirements. The managers concur with the House proposal concerning the need to track the status of individual projects, to require separate grants for each project, and to use a single grant authorization and payment system for the forest legacy program. However, the managers understand that the FFIS system may not be able to manage information in this fashion. If so, the managers expect the agency to develop and have fully operational, an independent system which is capable of performing these functions by the close of the fiscal year.

6. The conference agreement includes new State start-up funds only for Alaska and Idaho, although the House and Senate Committees on Appropriations will carefully consider other States for inclusion in the program in future years.

The conference agreement includes the following distribution of funds for the forest legacy program:

State	Project	Conference
AK	New State start-up	$500,000
AL	Perdido River	2,000,000
CO	Spruce Mountain Ranch	1,875,000
CT	Stone House Brook Project	1,100,000
DE	Green Horizons, phase 2	1,000,000
GA	Pine Mountain	4,000,000
GA	Sheffield	100,000
HI	McCandless Ranch	1,300,000
ID	New State start-up	500,000
IA	Yellow River Forest Project	700,000
IL	Coon Creek Woods	95,000
IL	Kyte River	305,000
IN	Mt. Tea Ridge	1,600,000
MA	Karner Brook Ridge	305,000
MA	Camp Hi-rock	500,000
MA	Eagleville Pines	835,000
MD	Pintail	150,000
MD	Deer Creek	150,000
ME	Leavitt Plantation	600,000
ME	West Branch, phase 2	2,500,000
MN	North Duluth, phase 1&2	410,000
MT	Schiemann	600,000
MT	Thompson Fisher, phase 4	4,000,000
NC	RPM project	1,500,000
NH	Connecticut Lakes Headwaters	8,000,000
NJ	Lake Gerard, New Jersey Highlands	3,000,000
NM	Legunas Bonitas	1,500,000
NY	East Branch Fish Creek, phase 2	1,500,000
OR	South Eugene Hills	1,062,000
PR	Rio Abajo North area, phase 2	500,000
RI	Weetamoe Woods, phase 2	250,000
RI	DuVal Trail Corridor	200,000
SC	Coastal Forest Ecosystem Restoration Initiative, phase 3	5,000,000
TN	Anderson—Tully	3,500,000
TN	McGlothin tract	800,000
UT	Castle Rock, phase 2	2,000,000
UT	Chalk Creek (Blonquist)	1,600,000
VA	Sandy Point	575,000
VA	Romine project	600,000
VT	Bull & Sable	2,600,000
WA	Skykomish River Landscape, phase 2	920,000
WI	Bad River Headwaters	3,450,000
WI	Baraboo Hills	1,000,000
Project Subtotal	64,682,000.	
Forest Service program admin. & AON Planning.	4,145,000.	
Total, Forest Legacy	$68,827,000.	

The conference agreement includes $36,235,000 for the urban and community forestry program as proposed by the House instead of $37,750,000 proposed by the Senate. Changes from the House proposal for this activity include decreases of $100,000 from northeast PA community forestry and $500,000 from the Chicago greenstreets program, and increases of $350,000 for Cook County forest preserve, IL, $200,000 for Milwaukee, WI, and $250,000 for Baltimore, MD urban watershed activities and a $200,000 general decrease. Senate proposed funding for Baltimore urban watershed research has been moved to the forest and rangeland research account.

The conference agreement includes the following distribution of funds for the economic action programs:

Program/Project	*Conference*
Economic Recovery Base Program	$5,000,000
Rural Development Base Program	4,000,000
Forest Products Conservation & Recycling	1,300,000
Wood In Transportation	1,000,000
Special Projects:	
Allegheny NF Area Regional Tourism, PA	200,000
Arid Lands Research Consortium	300,000
Cradle Of Forestry Conservation Ed, NC	590,000
Cradle Of Forestry Sustainability Study, NC	150,000
Four Corners Sustainable Forestry	1,000,000
Gonzaga Un. Inland NW Natural Resources Research Center, WA	900,000
Hardwood Forestry Foundation	200,000
Institute Of Forest Biotechnology Risk Analysis, NC	150,000
KY Mine Waste Reforestation	1,000,000
Lake Tahoe Erosion Control Grants, CA NV	2,500,000
Little Sandy River, OR	1,000,000
NY City Watershed Enhancement	750,000
Univ. WA Landscape Management	200,000
Univ. WA & WA St. U. Extension Forestry	600,000
Kake Land Exchange, AK	1,000,000
Mountain Studies Institute, Co	500,000
Envir. Science And Public Policy Research Center, ID	500,000
Fuels In Schools Biomass, MT	500,000
Valdez Avalanche Control, AK	400,000
Wood Education & Resource Center, WV	2,700,000
Subtotal, Special Projects	15,140,000
Total, Economic Action	$26,440,000

The conference agreement includes $5,000,000 for the economic recovery program as proposed by the House and $4,000,000 for rural development through forestry, but does not establish specific regional allocations for the Pacific Northwest or the northeast-midwest as was proposed by the Senate. Rather, the Forest Service should carefully consider these regions when allocating grants in these activities. The conference agreement includes the bill language proposed by the Senate concerning a direct lump sum payment to the Kake Tribal Corporation, AK, but the funding total is $1,000,000. The funds provided to the City of Valdez for avalanche control work shall be in the form of an advance, direct lump sum payment. The funds for Little Sandy River shall be provided to Clackamas County, OR, to perform the work.

The conference agreement includes $4,996,000 for forest resource information and analysis as proposed by the Senate and $5,750,000 for the international forestry program.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,362,299,000 for the national forest system instead of $1,370,567,000 as proposed by the House and $1,352,999,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$72,195,000
Inventory and monitoring	175,356,000
Recreation, heritage & wilderness	254,194,000
Wildlife & fish habitat management	133,806,000
Grazing management	40,850,000
Forest products	265,353,000
Vegetation & watershed management	190,944,000
Minerals and geology management	52,635,000
Landownership management	93,016,000
Law enforcement operations	80,800,000
Valles Calderas National Preserve, NM	3,150,000
Total	$1,362,299,000

The following discussion describes funding changes from the House passed bill.

1. The land management planning activity does not include a special allocation for the Black Hills National Forest, SD.

2. The inventory and monitoring activity includes an increase of $50,000 for Lake Tahoe basin adaptive management. Inventory and monitoring funding includes

$6,200,000 for the Forest Inventory and Analysis program as directed by the House.

3. The recreation activity includes: $350,000 for environmental analysis of helicopter flights on the Tongass National Forest, Juneau district; an increase of $64,000 above the House proposal for the Carhart Wilderness Training Institute, bringing its total funding to $300,000; and a reduction of $664,000 for fixed costs. The managers direct the Forest Service to issue a contract for $350,000 with the City of Juneau, AK to prepare an environmental impact statement to identify ways to mitigate the impacts of helicopter charter flights in the Tongass National Forest on the community of Juneau, AK. The managers encourage the federal partners responsible for the Great Lakes Visitor Center, WI, to increase funding for the center in fiscal year 2003, especially for important initiatives such as its environmental education program.

4. The wildlife and fish habitat management activity includes the Senate proposed increase of $250,000 for the Batten Kill River, VT, and a reduction of $392,000 for fixed costs.

5. The grazing management activity is provided $40,850,000, an increase of $6,075,000 above the enacted level. This increase should be used to provide range monitoring and updated allotment management plan analysis.

6. The forest products activity includes the Senate proposed earmark of $4,000,000 for Tongass National Forest timber sales preparation out of base funds.

7. The vegetation and watershed management activity includes the general decrease proposed by the Senate of $3,790,000 and increases of: $1,450,000 for the Lake Tahoe basin; $305,000 for Mark Twain National Forest pine restoration, MO; $300,000 for Wasatch Canyon water quality initiative, UT; $135,000 for Monongahela National Forest hydrology study, WV; and $300,000 for leafy spurge control on the Dakota prairie, ND. The Forest Service is encouraged to work with the Canaan Valley Institute, WV, on watershed projects.

8. The minerals and geology activity is increased $1,000,000 above the House proposal and the landownership management activity is reduced $4,000,000 from the House proposal.

9. The law enforcement activity has a general decrease of $592,000. The managers encourage the Forest Service to evaluate carefully the funding for law enforcement activities on national forests in Georgia, especially areas impacted by high use.

10. The Valles Caldera National Preserve, NM, is funded at the Senate proposed level. The managers have provided all funding for the Valles Caldera in this account. The conference agreement has modified bill language proposed by the Senate concerning senior executive service salary for the chairman of the board of the preserve. The agreement now allows SES salary to continue only for the chairman of the board.

The $5,000,000 general reduction to this account passed on the House floor is not agreed to nor is the bill language (reducing and increasing funding) in order to make a change to grazing management. The agreement does include bill language allowing fund transfers to the BLM for cadastral surveys.

The conference agreement includes a total of $8,400,000 from all appropriation accounts for the Land Between the Lakes National Recreation Area, KY and TN.

The managers allow the Forest Service, upon notification to the House and Senate Committees on Appropriations, to reprogram national forest system funds within the Lake Tahoe basin.

The managers reiterate the House direction to the Forest Service to reestablish an active challenge cost share program. This program should be coordinated with the Department of the Interior's similar efforts.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,379,938,000 for wildland fire management instead of $2,013,449,000 as proposed by the House and $1,351,791,000 as proposed by the Senate. The managers note that the conference agreement also includes $636,000,000 under a separate division as proposed by the Senate to reimburse a portion of wildfire suppression costs incurred during emergencies in fiscal year 2002 rather than a contingent emergency appropriation of $500,000,000 as proposed by the House. The agreement also includes $420,699,000 for suppression operations as proposed by both the House and the Senate and $616,000,000 for preparedness, a reduction of $24,000,000 from the House recommendation.

The managers are concerned that the allocation of funds between preparedness and suppression operations mentioned above and in summary tables may not maintain the levels of readiness needed for public safety that were established in fiscal years 2001 and 2002. The managers also feel that decisive action is necessary to manage escalating fire suppression costs. An important component of reducing such costs is maintaining initial attack capability so that more fires can be contained before they escape and cause serious loss of life and property as well as natural resource damage. Accordingly, the managers direct the Forest Service to analyze current readiness levels to determine whether maintaining preparedness resources in the field at a level not less than that established in fiscal year 2002, will, based on the best information available, result in lower overall firefighting costs. If the agency makes such a determination, the managers direct the Forest Service to adjust the levels for preparedness and suppression funding accordingly and these adjustments shall have the advance approval from the House and Senate Committees on Appropriations. The Forest Service should advise the House and Senate Committees on Appropriations in writing of their decision.

Because of the managers' continuing concern regarding fire suppression costs during major incidents, the Forest Service and the Department of the Interior are directed to contract with the National Academy of Public Administration for appropriate follow-up work to their study of 2002. The Departments should equally share the cost of the review and the review should be conducted forthwith.

OTHER WILDFIRE OPERATIONS

The conference agreement includes $343,239,000 for other fire operation activities instead of $452,750,000 as proposed by the House and $330,389,000 as proposed by the Senate. The allocation of this funding is as follows:

	Total
Hazardous Fuels	$228,109,000
Fire Facilities	1,850,000
Rehabilitation	7,124,000
Research & Development	21,427,000
Joint Fire Science	8,000,000
Forest Health Management federal	6,955,000
Forest Health Management cooperative	9,979,000
Economic Action	5,000,000
State and community fire assistance	46,555,000
Volunteer fire assistance	8,240,000
Total other wildfire operations	$343,239,000

The conference agreement includes $228,109,000 for hazardous fuels treatments as proposed by both the House and the Senate. Changes from the House proposed funding in this activity are increases of $550,000 for the Lake Tahoe basin, $1,000,000 for the Santa Fe watershed, NM, and a general decrease of $1,550,000. The conference agreement does not include specific bill language in this account as proposed by the House allowing transfer of funds to the Interior and Commerce departments for endangered species consultations. Rather, the agreement includes the similar Senate proposal under administrative provisions as discussed below.

The managers note that the Department of the Interior and the Department of Agriculture have begun full implementation of the 10–Year comprehensive strategy to reduce wildland fire risks. This strategy involves extensive collaboration with communities in the selection of hazardous fuels projects. In support of the strategy, the Departments have developed detailed criteria for the execution of such hazardous fuels reduction efforts. The managers feel that collaboration with communities and the use of criteria for project selection provide a suitable basis for planning the expenditure of funds, and accordingly do not concur with Senate report language requiring that seventy percent of hazardous fuels funds be used in the wildland urban interface.

Although the conference agreement does not include the bill language proposed by the Senate concerning the county partnership restoration program in AZ, NM and CO, the managers agree that this is an important program and that the Forest Service should continue to provide funding for it from the hazardous fuels allocation.

The conference agreement includes $1,850,000 for wildfire management facilities instead of $20,376,000 as proposed by the House and no funding proposed by the Senate. This allocation includes $1,200,000 for the Medford, OR airtanker base and $650,000 for the Pinhook, FL wildfire station. Specific House instructions on these two projects should be followed.

The conference agreement includes $7,124,000 for rehabilitation and restoration activities instead of $63,000,000 as proposed by the House and $6,124,000 as proposed by the Senate. This funding includes $2,500,000 for rehabilitation activities on the Apache-Sitgreaves National Forest, AZ, as recommended by the Senate.

The conference agreement includes $21,427,000 for research and development activities as proposed by the Senate instead of $27,265,000 as proposed by the House. Changes from the House proposal include an increase of $1,000,000 for the University of Montana landscape analysis center and $200,000 for the related University of Idaho project and a $7,038,000 general program decrease.

The conference agreement includes $6,955,000 for federal forest health activities and $9,979,000 for cooperative forest health activities. The managers expect the Forest Service to increase its forest health capabilities at Asheville, NC as described in the House report. The managers have included $46,555,000 for State and community fire assistance as proposed by the Senate instead of the $58,000,000 House recommendation. Of the funds provided for State fire assistance, $4,200,000 shall be provided to the Municipality of Anchorage and $1,000,000 shall be provided to the Matanuska-Sustitna Borough to perform work in areas affected by the spruce bark beetle. The agency shall follow Senate direction with respect to the distribution of these two allocations.

The conference agreement includes $5,000,000 for economic action activities associated with the national fire plan instead of $12,500,000 as proposed by the House and no Senate funding. Volunteer fire assistance receives $8,240,000 as proposed by the Senate instead of $8,500,000 as proposed by the House.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $552,039,000 for capital improvement and maintenance instead of $572,731,000 as proposed by the House and $543,656,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Facilities Activity

Maintenance	$93,926,000
Capital improvement	86,000,000
Projects:	
Allegheny NF, Buckaloons, PA	436,000
Allegheny NF, Webbs Ferry, PA	100,000
Angeles NF, Rubio Canyon, CA	1,000,000
Backcountry Hut repairs, AK	350,000
Black Kettle NG, collocation with NPS, OK	750,000
Cheoah RD office reconstruction, NC	1,250,000
Cherokee NF, Prince Gap, TN	300,000
Chugach NF, Cordova Visitor Center, AK	1,000,000
Cradle of Forestry, exhibits, NC	150,000
Dan. Boone NF, Cave Run lake planning, KY	400,000
Dan. Boone NF, Gladie Creek center, KY	250,000
Forestry Science Bldg repairs, Princeton, WV	315,000
Franklin County Lake, MS	2,400,000
Green Mountain NF, supervisor's office, VT	750,000
Grey Towers NHS, PA	500,000
Hardwood Technology Ct., Purdue Univ., IN	1,700,000
Institute of Pacific Islands Forestry, HI	1,000,000
Lee Ranger District Center, VA	500,000
Lewis & Clark Ctr., MT	284,000
Midewin Prairie NTP, rehab., IL	1,000,000
Monongahela NF facilities improvements, WV	1,340,000
Mystic Ranger District Station, SD	1,500,000
Nantahala NF, Cheoah Point Campground, NC	855,000
Old Stoney feasibility study, WY	300,000
Ouachita NF, Camp Ouachita, AR	1,000,000
Pisgah NF, Lake Powhatan cmpgrd rehab., NC	250,000
San Bernardino NF, Big Bear center, CA	550,000
San Bernardino NF, dogwood cmpgrd rehab., CA	1,500,000
Stanislaus NF, Emigrant impound. rehab., CA	80,000
Tongass NF, Log transfer facilities, AK	1,000,000
Warren Lab Rebuild, PA	900,000
Subtotal, Projects	23,710,000
Total, Facilities	$203,636,000

Roads Activity/Project	*Conference*
Maintenance	$153,358,000
Capital improvement	71,000,000
Projects:	
Highland scenic highway, Williams river, WV	1,300,000
Lake Tahoe basin, NV CA	700,000
Tongass NF improvements, AK	4,000,000
Umatilla NF, Touchet road rehab, WA	2,500,000
Subtotal, Projects	8,500,000
Total, Roads	$232,858,000

Trails Activity or Project	*Conference*
Maintenance	$36,664,000
Capital improvement	30,165,000
Projects:	
Continental Divide trail	1,000,000
FL National scenic trail	500,000
Ocoee River-Thunder Rock trail, TN	200,000
Pinhoti trail, AL & GA	400,000
Pike S.I. NF, Corely Mtn tunnel #3, CO	250,000
San Sophia Station, CO	500,000
Subtotal, Projects	2,850,000
Total, Trails	$69,679,000
Total, Capital Improvement & Maintenance	$552,039,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The conference agreement includes bill language proposed by the House continuing the authority to use funds for road decommissioning and includes Senate proposed language concerning a previous appropriation for improvements at Purdue University, IN, for the hardwood science center. The agreement also allows further direct payments to Purdue University for that project and to Cordova, Alaska for a shared visitor center. Furthermore, the managers reiterate that funding for the Chugach visitor center in Cordova, AK, shall be the final amount provided by the Forest Service, and the Forest Service should be given a share of the space proportional to its funding of the construction cost. As proposed by the House, the conference agreement does not provide any funding for the Juneau-ANM, AK, building and associated roads. The managers have included $400,000 for the Pinhoti trail in AL and GA; this funding should be approximately evenly split between the two States. The conference agreement includes a total of $5,000,000 for the Forest Service to address fish passage barriers. The Forest Service should follow the House direction on this activity, but since the funding has been reduced, this funding should focus on activities in regions 6 and 5, which would benefit salmonid fish.

LAND ACQUISITION

The conference agreement provides $133,815,000 for land acquisition instead of $146,336,000 as proposed by the House and $145,763,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Arapaho NF: Beaver Brook Watershed (CO)	$2,500,000
Beaverhead & Deerlodge NF's: Watershed, RY Timber (MT)	5,700,000
Black Hills NF (SD/WY)	3,000,000
Bridger-Teton NF (WY)	2,800,000
Chattahoochee NF: Georgia Mountains (GA)	3,200,000
Chequamegon & Nicolet NF's: W&S Waterways (WI)	2,000,000
Cherokee NF: Tennessee Mountains (TN)	4,400,000
Chippewa & Superior NF's: WildWater/WL (MN)	1,650,000
Cibola NF: La Madera (NM)	3,800,000
Columbia River Gorge NSA (OR/WA)	5,000,000
Daniel Boone NF: Assorted Inholdings (KY)	2,500,000
Flathead NF: Swan Valley (MT)	6,500,000
Florida National Scenic Trail (FL)	3,000,000
Francis Marion NF (SC)	2,000,000
Green Mountain NF: Recreation & Water (VT)	1,750,000
Hoosier NF: Unique Areas (IN)	1,500,000
Huron & Ottawa NF's: Great Lakes/Great Lands (MI)	2,500,000
Lake Tahoe Basin: Critically Sensitive Lands (CA/NV)	4,000,000
Lolo NF: Mt Sentinel (MT)	800,000
Los Padres NF: Big Sur Ecosystem (CA)	3,000,000
Mark Twain NF: Streams and Lake Frontages (MO)	1,750,000
Midewin Tallgrass Prairie (IL)	500,000
Monongahela NF (WV)	4,000,000
Multiple NFs: Chattooga W&SR /Chattooga River (SC/GA)	2,000,000
Multiple NFs: Greater Yellowstone Area (MT)	6,800,000
Multiple NFs: I–90 Corridor/ Plum Creek & Cascade Conser. Partner. (WA)	4,000,000
Multiple NFs: Idaho Wilderness/ W&S Rivers (ID/MT)	1,700,000
Multiple NFs: Lewis & Clark Nat'l Historic Trail (ID/MT)	500,000
Multiple NFs: Northwest W&S Rivers (OR/WA) (Illinois WSR & Skagit Rvr)	2,500,000
Multiple NFs: Pacific Crest Trail (CA/OR/WA)	3,000,000
Multiple NFs: Pacific Northwest Streams (OR/WA) (Siuslaw & Arrowleaf)	3,400,000
Ozark-St. Francis NF's: Ark Rivers & Streams (AR) (Stumpy Pt. & Lake Winona)	3,000,000
San Bernardino NF (CA)	2,000,000
Santa Fe NF: Gascon Point—Sawyer (NM)	5,500,000
Sawtooth NF: NRA Easement Program (ID)	1,000,000
Sumter NF: Broad River Corridor (SC)	4,600,000
Tahoe NF: North Fork American River—SPI (CA)	2,000,000
Talladega NF (AL)	700,000
Uinta & Wasatch-Cache NF's: Bonneville Shoreline Trail (UT)	2,265,000
Uncompahgre & San Juan NF's: Red Mountain (CO)	4,000,000
Wasatch-Cache NF: High Uintas (UT)	3,500,000
White Mountain NF (NH)	500,000
Willamette NF: Marion County/ Detroit Lake (OR)	500,000
Use of carryover balances	−7,000,000
Subtotal	114,315,000
Acquisition Management	15,000,000
Critical Inholdings/Wilderness Protection	3,000,000
Land Exchange Equalization Payment	1,500,000
Total	$133,815,000

The conference agreement includes bill language directing the use of $350,000 in prior year funds for Tongass National Forest land acquisition for a direct payment to the City of Juneau, AK.

Acquisition of Lands for National Forests Special Acts

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

Acquisition of Lands to Complete Land Exchanges

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate. The conference agreement also includes a minor change in bill language to clarify that the Forest Service has authority to use donated funds.

Range Betterment Fund

The conference agreement provides an indefinite appropriation estimated to be $3,402,000 for the range betterment fund as proposed by both the House and the Senate.

Gifts, Donations and Bequests For Forest and Rangeland Research

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

Management of National Forest Lands for Subsistence Uses

The conference agreement provides $5,542,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate.

Administrative Provisions, Forest Service

The managers have retained bill language proposed by the Senate, which continues to prohibit the use of funds to abolish or move regional offices without Appropriations Committee approval. The conference agreement retains the House proposed bill language which allows funds to be transferred to the wildland fire management appropriation only after funds in that account are obligated. The agreement allows the Forest Service to advance up to $3,000,000 to the National Forest Foundation and the Foundation may use up to $400,000 for administrative costs. The agreement also includes the House proposal to make the language concerning the Pinchot Institute for Conservation valid through fiscal year 2007. The conference agreement includes language, which allows employees of the senior community service employment program to be considered federal employees while on the job at the Forest Service. The conference agreement also includes the Senate proposals on: the use of funds for law enforcement emergencies; the sale of facilities on the Green Mountain National Forest, VT; and the transfer of up to $15,000,000 to reimburse the Departments of the Interior and Commerce for endangered species act activities.

DEPARTMENT OF ENERGY

The managers have not agreed to the budget amendment, which would fund a new National Climate Change Technology Initiative at the expense of important, ongoing research in other areas. The House and Senate Committees on Appropriations will consider a reprogramming request for this new program should one be submitted and contain acceptable offsets.

Clean Coal Technology

(DEFERRAL)

The conference agreement provides for the deferral of $87,000,000 in previously appropriated funds for the clean coal technology program instead of $50,000,000 as proposed by the House and $70,000,000 as proposed by the Senate. These funds will become available on October 1, 2003, to complete the remaining projects in this program.

The managers agree that up to $15 million in prior year funds may be used for administration of the clean coal technology program in fiscal year 2003.

Fossil Energy Research and Development

The conference agreement provides $624,900,000 for fossil energy research and development instead of $664,205,000 as proposed by the House and $625,665,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In central systems, there is a decrease of $3,000,000 in innovations for existing plants for mercury research and, in advanced systems, there are decreases of $4,500,000 for the integrated gasification combined cycle program and $1,700,000 for pressurized fluidized bed systems.

In distributed generation systems/fuel cells, there is an increase of $500,000 in advanced research for the electrochemical engineering program at Montana State University and decreases of $6,500,000 in innovative concepts for the solid state energy conversion alliance and $975,000 in novel generation for ramjet technology.

There is a decrease of $1,800,000 for carbon sequestration research and development.

In solid fuels and feedstocks, there is a $1,000,000 increase for the consortium for premium carbon products from coal and a $1,000,000 decrease for the testing of byproducts from coal-derived jet fuels. In advanced fuels research, there are increases of $500,000 for the C–1 chemistry program and $1,300,000 for the carbon products program and a decrease of $2,000,000 in advanced concepts for research on sulphur tolerant catalysts and cleanup technology for coal use in fuel cells.

In advanced research, there is an increase of $1,000,000 in coal utilization science for the Arctic Energy Office and decreases of $1,000,000 for university coal research and $500,000 for HBCU education and training.

In natural gas exploration and production, there is an increase of $3,000,000 for the Arctic Energy Office of which $2,000,000 is for Alaska gas pipeline research and $1,000,000 is for other research. For advanced drilling, completion, and stimulation, there is an increase of $1,500,000 for the Deep Trek program and a general reduction of $2,200,000. There is also a reduction of $1,000,000 for the National laboratory/industry partnership.

Other changes in natural gas technologies include an increase in emerging processing technology of $80,000 to complete the coal mine methane program and decreases of $1,300,000 for the gas hydrates program and $950,000 for the natural gas infrastructure program.

In oil exploration and production, there is an increase of $1,500,000 for the Arctic Energy Office of which $500,000 is for oxygen transport membrane research and $1,000,000 is for other research, and decreases of $1,000,000 for the National laboratory/industry partnership, $500,000 for fundamental research/PRIME, and a general reduction of $7,000,000.

Other changes in oil technology research include decreases in reservoir life extension of $4,000,000 for reservoir practices and technology transfer and $1,000,000 for preferred upstream management practices, and a decrease of $600,000 for effective environmental protection.

In cooperative research and development, there is an increase of $240,000.

There is a decrease of $920,000 for headquarters program direction and an increase of $1,020,000 for energy technology center program direction. In general plant projects, there is a decrease of $7,000,000 for renovations at the National Energy Technology Laboratory.

Finally, there is a decrease of $500,000, for a National Academy of Sciences review of programs, which leaves $500,000 in the budget for this purpose.

The managers agree to the following:

1. In the mercury research area, the Department should consider research on mercury emissions reductions from lignite-fired power plants if a competitive proposal is submitted and ranks among the high priority project proposals.
2. In the central systems, advanced systems program, the Department should continue the ITM oxygen project to the extent possible within available funds.
3. Within the funds provided for fuel cell systems, $3,000,000 is for the molten carbonate fuel cell hybrid program.
4. The $7,000,000 increase in transportation fuels and chemicals, provided by both the House and the Senate, is for the ultra clean fuels program.
5. In natural gas technologies, within the $2,000,000 provided for Alaska gas pipeline research at the Arctic Energy Office, $500,000 is to be used for a study of a pipeline spur from Anchorage to Fairbanks.
6. The increase above the budget request for energy technology center program direction should be applied as necessary to cover the cost of in-house personnel and contract services at the National Energy Technology Laboratory.

The conference agreement includes bill language earmarking $4,000,000 for infrastructure upgrades at the National Energy Technology Laboratory as proposed by the Senate instead of $11,000,000 as proposed by the House.

Naval Petroleum and Oil Shale Reserves

The conference agreement provides $17,831,000 for the naval petroleum and oil shale reserves instead of $20,831,000 as proposed by both the House and the Senate.

Elk Hills School Lands Fund

The conference agreement provides $36,000,000 to become available on October 1, 2003, for the Elk Hills school lands fund as proposed by both the House and the Senate.

Energy Conservation

The conference agreement provides $897,603,000 for energy conservation instead of $984,653,000 as proposed by the House and $884,293,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In building research and standards there are decreases of $1,000,000 for residential buildings integration and $500,000 for commercial buildings integration. For equipment materials and tools, there are increases of $3,000,000 for the next generation lighting initiative, $500,000 for lighting and appliance standards, and $500,000 for windows research and decreases of $1,500,000 for electrochromics research in the windows program and $500,000 for the National Fenestration Rating Council database.

In building technology assistance there are decreases of $25,000,000 for the weatherization assistance program, $5,000,000 for State energy conservation grants, $1,000,000 for community partnerships and $2,000,000 for Energy Star.

Funding for the cooperative programs with the States ($2,000,000) and the energy efficiency science initiative ($4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of energy conservation account.

There are also decreases of $700,000 for management and planning/program direction in the buildings and technology assistance program and $1,000,000 for the Federal Energy Management Program.

In industries of the future/specific, there are decreases of $3,000,000 for petroleum refining, $2,000,000 for bio-based products consortia in the agriculture program, and $500,000 for the mining program.

In industries of the future/crosscutting there is an increase of $1,000,000 for bio-based products consortia and decreases of $4,000,000 for industrial gasification in the combustion systems program, $2,000,000 for robotics in the sensors and controls program, $1,000,000 for best practices in the technical assistance program, $1,000,000 for industrial assessment centers, $500,000 for inventions and innovations, and $1,000,000 for technical and program management support.

Funding for the cooperative programs with the States ($2,000,000) and the energy efficiency science initiative ($4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of the energy conservation account.

There is also a decrease of $1,500,000 in management and planning for program direction in the industry sector programs.

In distributed generation technologies, there is an increase of $500,000 for the turbines program and decreases of $4,000,000 for microturbines, $1,000,000 for reciprocating engines, $2,000,000 for power electronics in the advanced materials and sensors program, $250,000 for oil heat research in the fuel flexibility program, and $2,000,000 for applications integration. There are also decreases in management and planning of $200,000 for evaluation and planning and $100,000 for program direction.

In vehicle technologies research, there is a decrease of $4,000,000 for heavy vehicle propulsion in the hybrid program. In fuel cell programs decreases include $1,400,000 for fuel cell systems, $2,000,000 for stack subsystem components of which $1,000,000 is for platinum substitutes and $1,000,000 is a general decrease, and $600,000 for fuel processor storage. In advanced combustion engine research, there are decreases of $1,000,000 for light truck engines and $500,000 for heavy truck engines. For off-highway engine research, there is a $3,000,000 general increase and a decrease of $4,500,000 for specific programs mentioned in the House report. There are also decreases of $3,500,000 for heavy vehicle systems optimization and $1 000;000 for advanced battery development.

Other changes in the transportation area are as follows. There is a decrease of $2,000,000 for fuels utilization. In the materials program, there is an increase of $500,000 for automotive propulsion materials and a decrease of $2,000,000 for lightweight materials technologies. In technology deployment, there is a decrease of $500,000 for the Clean Cities program.

Funding for the cooperative programs with the States ($2,000,000) and the energy efficiency science initiative ($4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of the energy conservation account.

There is also a decrease of $300,000 in management and planning for program direction in transportation programs.

In policy and management, there is a decrease of $1,000,000 for the regional support offices.

There is a decrease of $500,000 for a National Academy of Sciences review of programs, which leaves $500,000 in the budget for this purpose.

The conference agreement also includes an increase of $3,000,000 to restore a general reduction to program administration.

Finally, there are increases of $3,000,000 for a consolidated cooperative program with the States and $5,000,000 for the energy efficiency science initiative.

The managers agree to the following:

1. Within the funds provided for the windows program, the Department should consider increasing funds for the National Fenestration Rating Council database. .

2. Within the funds provided for off-highway engine research, the Department should consider emissions reduction research, locomotive research, and fuel cell applications for off-road vehicles.

3. The Department recently established a five-year agreement with the National Association of State Energy Officials (NASEO) and the Association of State Energy Research and Technology Transfer Institutions (ASERTI) to implement a State Technologies Advancement Collaborative. The Department, through this collaborative, should use the resources of NASEO and ASERTI to implement the consolidated cooperative program with the States and the consolidated energy efficiency science initiative.

4. As mandated in the fiscal year 2002 Interior Appropriations Act, half of the funds for the energy efficiency science initiative are for fossil energy research.

5. Within available funds, the Department should continue the robotics/repetitive systems project in the Industries of the Future Program.

The conference agreement earmarks $270,000,000 for energy conservation grant programs as proposed by the Senate instead of $300,000,000 as proposed by the House. Within the funds provided, $225,000,000 is further earmarked for weatherization assistance grants as proposed by the Senate instead of $250,000,000 as proposed by the House and $45,000,000 is earmarked for State energy conservation grants as proposed by the Senate instead of $50,000,000 as proposed by the House.

Economic Regulation

The conference agreement provides $1,487,000 for economic regulation as proposed by both the House and the Senate.

Strategic Petroleum Reserve

The conference agreement provides $172,856,000 for the strategic petroleum reserve as proposed by the Senate instead of $175,856,000 as proposed by the House.

SPR Petroleum Account

(INCLUDING RESCISSION)

The conference agreement provides $7,000,000 for the SPR petroleum account as proposed by both the House and the Senate. The conference agreement also rescinds $5,000,000 in funds available from previous appropriations.

Northeast Home Heating Oil Reserve

The conference agreement provides $6,000,000 for the northeast home heating oil reserve as proposed by the Senate instead of $8,000,000 as proposed by the House.

Energy Information Administration

The conference agreement provides $80,611,000 for the energy information administration as proposed by the House instead of $80,111,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

The conference agreement provides $2,492,115,000 for Indian health services instead of $2,508,756,000 as proposed by the House and $2,455,881,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

For hospital and health clinic programs, there are increases of $230,000 for the Ketchikan Native Corporation and $4,435,000 to restore administrative reductions proposed in the budget request and decreases of $6,788,000 for the Indian health care improvement fund, $1,500,000 for the Lawton, OK hospital, $500,000 for epidemiological centers, and $500,000 for the Alaska telemedicine program.

For contract health services, there is a decrease of $5,000,000. For Indian health professions there is an increase of $95,000 for the recruitment and retention of American Indians into nursing (RAIN) program at the University of North Dakota and a decrease of $4,150,000 for recruitment programs. For direct operations, there is an increase of $4,436,000 to restore administrative reductions proposed in the budget request. For the self-governance program, there is an increase of $4,500,000. Finally, there is a decrease of $11,899,000 for annuitant health care payments for Public Health Service personnel.

The managers agree to the following:

1. The direction in the House report should be followed with respect to the distribution of the Indian Health Care Improvement Fund. The Service should report to the House and Senate Committees on Appropriations on the distribution on funds.

2. The increased funding proposed by the House for staffing and operations at the Lawton Hospital in Oklahoma will be phased in over two years. The $1,500,000 increase provided in fiscal year 2003 should remain in the base budget for fiscal year 2004 and an additional $1,500,000 should be added in 2004.

3. Unless specifically identified to the contrary, any increases above the fiscal year 2002 level for the direct operations activity shall be used by the Indian Health Service for inherently Federal functions.

4. Payments required as the Service's portion of Departmental initiatives should be included in the budget as uncontrollable funding increases and not applied as across-the-board health program reductions.

5. The Service should carefully review its use of funds under the self-governance activity.

6. Any Departmental efforts to consolidate functions or restructure or realign programs that affect the Indian Health Service must be approved through the reprogramming process by the House and Senate Committees on Appropriations prior to implementation.

7. Within the fiscal year 2003 budget there is $250,000 for the InPsych program at the University of Montana and $250,000 for the InPsych program at the University of North Dakota, $750,000 for the INMED program at the University of North Dakota, $1,000,000 for the dental program run by First Nations Community Health Sources in cooperation with the Southwest Indian Polytechnic Institute in the Albuquerque, New Mexico area, and $3,500,000 for the Telehealth Initiative in Alaska.

8. The direction in the Senate report with respect to the Mississippi Band of Choctaw Indians is no longer necessary.

The conference agreement provides a statutory earmark of $18,000,000 for the catastrophic health emergency fund as proposed by the Senate instead of $15,000,000 as proposed by the House. The statutory earmark for other contract health services is $460,130,000 instead of $468,130,000 as proposed by the House and $450,130,000 as proposed by the Senate. The conference agreement also permits funds, provided to new tribes through the contract health services activity, to be used for direct medical services in addition to contract care. The Service began funding new tribes from the contract health services account several years ago and it was never the intent of the House and Senate Committees on Appropriations to limit new tribes funding to contract health care only.

The ceiling for the loan repayment program is $25,000,000 instead of $22,000,000 as proposed by both the House and the Senate. The managers expect that this increase will permit the service to increase the amount made available to recruit dentists, pharmacists, podiatrists, and other critical health professionals.

The conference agreement includes bill language that extends the availability of funds under the Special Diabetes Program for Indians so that these funds remain available until expended. The managers note that funding for this program was recently increased substantially and encourage the Service to use the additional funds to strengthen its national clinical data system so that data from programs may be tracked comprehensively and outcomes reported with confidence. While IHS has made strides over the past five years, there remains significant room for improvement. The Service should also use the additional diabetes funds for a competitive grant program that addresses the most compelling diabetes complications in American Indians and Alaska Natives and addresses primary prevention of diabetes in American Indians and Alaska Natives using the latest scientific findings on this subject. These competitively awarded projects should demonstrate new approaches to dealing with diabetes and related health complications. The managers also encourage the Service to expand participation in diabetes education and prevention for Native American youth through the Boys and Girls Clubs of America.

Finally, bill language is included that directs $5,000,000, of the $15,000,000 provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, be made available to the Alaska Native Tribal Health Consortium for substance abuse and behavioral health counselors through the Counselors in Every Village Program.

INDIAN HEALTH FACILITIES

The conference agreement provides $376,190,000 for Indian health facilities instead of $391,865,000 as proposed by the House and $365,390,000 as proposed by the Senate. The changes to the House level include an increase of $156,000 for facilities and environmental health support and decreases of $2,500,000 for maintenance and improvement, $156,000 for sanitation facilities, and $1,000,000 for equipment. For hospital and clinic construction, there are increases of $2,100,000 to complete the Pinon, AZ clinic and $308,000 for the Metlakatla, AK clinic and decreases of $4,000,000 for the Fort Defiance, AZ hospital, $5,583,000 for the St. Paul, AK clinic, and $5,000,000 for small ambulatory care facilities.

The managers agree to the following distribution of facilities construction funds (excluding sanitation facilities):

Project	*Conference agreement*
Fort Defiance, AZ (complete hospital)	$16,400,000
Pinon, AZ (complete clinic)	16,000,000
Winnebago, NE (complete hospital)	8,241,000
Red Mesa, AZ (clinic construction)	7,653,000
Pawnee, OK (complete clinic)	12,633,000
Sisseton, SD (clinic construction)	3,000,000
St. Paul, AK (clinic construction)	5,584,000
Metlakatla, AK (clinic construction)	308,000
Clinton, OK (clinic design)	1,300,000
Bethel, AK quarters (complete)	5,000,000
Small ambulatory care facilities	5,000,000
Dental units	1,000,000
Total	$82,119,000

The managers agree to the following:

1. The decrease to the House level for the Fort Defiance Hospital still provides sufficient funds to complete this project, which will be constructed for less than the previous estimate.

2. Any Departmental efforts to consolidate functions or restructure or realign programs that affect the Indian Health Service must be approved through the reprogramming process by the House and Senate Committees on Appropriations prior to implementation.

3. Fiscal year 2003 funding for the small ambulatory facilities program may be used to select projects from the rank order list generated from the fiscal year 2001 application process. A new request for proposals should be issued if funds are made available for this program in fiscal year 2004.

4. Savings from completed health care facilities construction projects may be used to continue high priority projects currently on the Service's health care facilities construction priority lists. In fiscal year 2003, $5,000,000 should be made available for the Metlakatla, AK Clinic and $3,000,000 should be made available for renovations at the Lawton, OK Hospital.

The conference agreement includes bill language proposed by the Senate prohibiting the use of funds for sanitation facilities construction associated with new homes funded through Department of Housing and Urban Development grants. The House addressed this issue in report language. Bill language also is included permitting the Service to use up to $1,000,000 to purchase ambulances as proposed by the Senate instead of up to $500,000 as proposed by the House. The language has been modified to permit the use of either services funding or facilities funding for this purpose.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $14,491,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $5,490,000 for payment to the institute instead of $5,130,000 as proposed by both the House and the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

The conference agreement provides $449,105,000 for salaries and expenses at the Smithsonian Institution, instead of $436,660,000 as proposed by the House and the Senate. This total includes a rescission of $14,100,000 as proposed in the budget.

Changes to the House proposed funding level include increases of $750,000 for the National Museum of American History's 9/11 initiative, $11,000,000 for additional security improvements at the National Zoo and the Office of Protection Services, and $945,000 to restore in full the general offsetting reduction of $12,795,000 proposed in the budget request. The House had provided the bulk of these funds, $11,850,000, in its initial recommendations. The Senate, in agreement with the Administration, had accepted the reduction in full. There is a decrease of $250,000 for research activities at the Tropical Research Institute, which still provides an increase of $500,000 above the budget request for those programs.

The managers are aware that there has been confusion in recent years regarding the Smithsonian Institution's eligibility to compete for grants at the National Science Foundation. This problem was recently identified as a significant issue in the National Academy of Public Administration's review of Smithsonian science programs released in October 2002. The Appropriations Committees are concerned that this confusion has persisted despite recent internal NSF policy directives clarifying that the Smithsonian is fully eligible to compete for National Science Foundation grants. The managers urge the Secretary of the Smithsonian to work with the Director of the National Science Foundation to make sure that Smithsonian grant applications are welcomed by all programs at the Foundation and given fair consideration with all other applications based on the merits of the proposals.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

The conference agreement provides $83,425,000 for repair, restoration and alteration of facilities instead of $81,300,000 as proposed by the House and $78,300,000 as proposed by the Senate. The changes are detailed below.

The managers have provided an additional $2,125,000 for critical repairs at the National Zoological Park including $500,000 to complete roof construction planning for the Elephant and Reptile Houses, $625,000 for critical structural repairs at the Seal/Sea Lion area and $1,000,000 for electrical repairs.

CONSTRUCTION

The conference agreement provides $16,000,000 for construction as proposed by the Senate instead of $10,000,000 as proposed by the House. This completes the Federal commitment to the National Museum of the American Indian.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreements includes language proposed by the Senate prohibiting the reprogramming of funds without prior approval of the Committees.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $77,219,000 for salaries and expenses of the National Gallery of Art as proposed by the Senate instead of $78,219,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $16,230,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $16,310,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

CONSTRUCTION

The conference agreement provides $17,600,000 for construction as proposed by both the House and the Senate.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $8,488,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate. Funds should be distributed as follows:

Fellowship program	$1,259,000
Scholar support	659,000
Public service	2,261,000
General administration	1,968,000
Smithsonian fee	208,000
Conference planning	1,968,000
Space	165,000
Total	$8,488,000

National Foundation on the Arts and The Humanities

National Endowment for The Arts

GRANTS AND ADMINISTRATION

The conference agreement includes $116,489,000 for grants and administration of the National Endowment for the Arts as proposed by the Senate instead of $99,489,000 as proposed by the House. The increase above the House level is due to merging the funding for the Challenge America Arts Fund into this account as proposed by the Senate. This merger will increase efficiency and management of this relatively new arts program. The managers agree to the House proposed funding levels for: direct grants, State partnerships, program support and administration. The conference agreement also includes, within the administrative provisions for the National Foundation, the bill language proposed by the House increasing efficiency for grants less than $10,000.

National Endowment for The Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $109,632,000 for grants and administration of the National Endowment of the Humanities as proposed by the Senate instead of $114,932,000 as proposed by the House. In addition to funds provided in this account, further appropriations for the NEH are included in the matching grants category below.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants as proposed by the House and the Senate.

Institute of Museum and Library Services

Office of Museum Services

GRANTS AND ADMINISTRATION

The conference agreement moves the jurisdiction and funding for the Office of Museum Services to the Labor, Health and Human Services and Education and Related Agencies subcommittee as proposed by the Administration. This consolidates all funding for the Institute thereby increasing administrative efficiency.

Challenge America Arts Fund

CHALLENGE AMERICA GRANTS

The conference agreement has moved funding for Challenge America grants into the National Endowment for the Arts grants and administration account as proposed by the Senate. The funding level for this activity is $17,000,000 as proposed by the Senate instead of $27,000,000 proposed by the House.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,224,000 for salaries and expenses of the Commission of Fine Arts as proposed by the Senate instead of $1,255,000 as proposed by the House.

National Capital Arts and Cultural Affairs

The conference agreement provides $7,000,000 for national capital arts and cultural affairs as proposed by both the House and the Senate. The agreement also includes the bill language proposed by the House limiting funds for any studies or actions to alter or transfer this account to funding provided specifically to the Office of Management and Budget.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $3,667,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the House and the Senate.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $7,253,000 for salaries and expenses of the National Capital Planning Commission as proposed by the Senate instead of $7,553,000 as proposed by the House.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $38,663,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

Presidio Trust

PRESIDIO TRUST FUND

The conference agreement provides $21,327,000 for the Presidio Trust Fund as proposed by both the House and the Senate. The Senate receded to the House language directing the Presidio Trust to contract with the National Academy of Public Administration. The scope of work should focus on finance and business practices.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, which were identical in both the House and the Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 307, 308, 309, 310, 311, 312, 313, 314, 317, 318, 320, and 328.

Section 314—The conference agreement includes language proposed in section 316 of the Senate bill prohibiting the use of funds for GSA telecommunications centers. This provision was carried last year.

Section 315—The conference agreement includes language proposed in section 310 of the Senate bill, allowing competition for watershed restoration projects through the "Jobs in the Woods" program.

Section 317—The conference agreement includes language proposed in section 315 of the House bill limiting the use of answering machines during core business hours. This provision was carried in previous years. The Senate had no similar provision.

Section 318—The conference agreement includes language proposed in section 319 of the Senate bill concerning the export of western redcedar from national forest system lands in Alaska rather than the similar House section 316.

Section 321—The conference agreement modifies language proposed in section 319 of the House bill, which clarifies how the Forest Service should conduct cooperative agreements.

Section 323—The conference agreement includes language modifying language proposed in House section 321 and language in Senate section 323 concerning stewardship contracting for the Forest Service. The bill language in the conference agreement is altered from the House version as follows: the Bureau of Land Management is now included in the program; the authority is extended a total of ten years; the program is no longer a demonstration effort with a cap on the number of projects; language clarifies that the program may include contracts where trees have commercial value; monitoring requirements are clarified at the programmatic level; and language clarifies that the Secretaries may designate one contracting officer to administer a contract or agreement.

Section 324—The conference agreement includes language proposed in section 322 of the House bill, which makes a technical correction to the Cabin User Fee Fairness Act of 2000.

Section 325—The conference agreement modifies language proposed in section 323 of the House bill, which extends the Forest Service conveyances pilot program and now also allows the Forest Service to include 3 conveyances where the receipts can be used to replace or modify facilities, upon Committee approval.

Section 326—The conference agreement includes language proposed in section 324 of the Senate bill providing for the use of GSA contract airfares by employees of foundations established by Acts of Congress to solicit funds on behalf of Federal land management agencies. The House had a similar provision in section 325 of the House bill.

Section 328—The conference agreement modifies language proposed in section 324 of the House bill regarding expiring grazing permits by the Bureau of Land Management and the Forest Service. The modification deals with permits expiring during 2003. The Senate had a similar provision.

Section 329—The conference agreement includes language proposed in section 326 of the House bill authorizing a demonstration program to recruit health professionals at the Eagle Butte service unit in South Dakota. The Senate had no similar provision.

Section 330—The conference agreement includes language proposed in section 327 of the House bill prohibiting the transfer of funds to other agencies other than provided in this Act. The Senate had no similar provision.

Section 331—The conference agreement includes language proposed in section 329 of the House bill, which continues a legislative provision prohibiting funds for oil or gas leasing or permitting within the Finger Lakes National Forest, NY.

The conference agreement does not retain language proposed in section 330 of the House bill regarding certain OCS leases in California. This issue is addressed in Title I, section 156.

Section 332—The conference agreement retains language proposed in section 331 of the House bill prohibiting funding to improve

Pennsylvania Avenue in front of the White House without prior approval by the House and Senate Appropriations Committees.

Section 333—The conference agreement includes language proposed in section 327 of the Senate bill, which allows the Secretaries of the Interior and Agriculture to consider local contractors when awarding contracts for certain activities on public lands.

Section 334—The conference agreement includes language proposed in section 328 of the Senate bill increasing the cap on administrative expenses of the North Pacific Research Board. The House had no similar provision.

Section 335—The conference agreement retains language proposed in section 329 of the Senate bill limiting review of certain elements in the land management plan for the Tongass National Forest, AK.

Section 336—The conference agreement includes language proposed in section 330 of the Senate bill extending the authorization for assistance to the Four Corners Interpretive Center.

Section 337—The conference agreement retains language proposed in section 331 of the Senate bill amending the Alaska Native Claims Settlement Act to allow native corporations to establish settlement trusts.

Section 338—The conference agreement includes language proposed in section 141 of the Senate bill, which extends the Quincy Library Group forestry project in California for five more years.

Section 339—The conference agreement modifies language proposed in section 145 (Title I) of the Senate bill extending the authorization for the Strategic Petroleum Reserve; requiring the filling of SPR to capacity as soon as practicable; and amending legislation dealing with the Northeast Home Heating Oil Reserve. The language in the conference agreement is limited to a five-year extension of the SPR authorization. The House had no similar provision.

Section 340—The conference agreement includes language requiring formal approval by the House and Senate Committees on Appropriations of all Declarations of Taking and Complaints in Condemnations with the exception of the South Florida Restoration Project.

Section 341—The conference agreement includes a new provision, which names the 6,294 acre Panthertown Valley Tract of the Nantahala National Forest, North Carolina, in honor of James and Elspeth McClure Clarke.

TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

The conference agreement includes the T'uf Shur Bien Preservation Trust Area Act as proposed by the Senate.

The conference agreement does not include Title V—the Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act as proposed by the Senate.

TITLE V—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT OF 2003

The conference agreement includes a new Title V—The National Forest Organizational Camp Fee Improvement Act of 2003.

The National Forest Organizational Camp Fee Improvement Act reforms and improves the fee schedules being paid to the Forest Service by non-profit recreational camps, which are operated by organizations such as the Girl Scouts and church groups. A new fee structure is needed so that these important uses of the public lands are encouraged and not excluded due to new appraisal methods. This new fee system allows camps to remain on national forest system lands while providing a fair and equitable return to the American taxpayer.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
TITLE I - DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Management of Lands and Resources			
Land Resources			
Soil, water and air management	34,469	34,683	36,058
Range management	70,697	69,754	72,729
Forestry management	7,629	7,235	7,235
Riparian management	22,806	21,786	22,111
Cultural resources management	14,181	14,382	15,357
Wild horse and burro management	29,665	29,717	29,717
Subtotal, Land Resources	179,447	177,557	183,207
Wildlife and Fisheries			
Wildlife management	25,318	22,086	22,346
Fisheries management	12,110	11,669	11,669
Subtotal, Wildlife and Fisheries	37,428	33,755	34,015
Threatened and endangered species	21,618	21,288	21,673
Recreation Management			
Wilderness management	17,232	17,093	17,488
Recreation resources management	45,762	44,603	41,743
Recreation operations (fees)	1,295	1,000	1,000
Subtotal, Recreation Management	64,289	62,696	60,231
Energy and Minerals			
Oil and gas	76,609	84,936	86,686
Coal management	8,828	9,588	9,588
Other mineral resources	10,096	10,317	10,317
Subtotal, Energy and Minerals	95,533	104,841	106,591
Alaska minerals	4,000	2,228	2,500
Realty and Ownership Management			
Alaska conveyance	36,338	35,067	37,067
Cadastral survey	14,546	14,022	15,122
Land and realty management	33,813	36,161	37,011
Subtotal, Realty and Ownership Management	84,697	85,250	89,200
Resource Protection and Maintenance			
Resource management planning	33,035	47,301	47,551
Resource protection and law enforcement	11,947	12,112	14,412
Hazardous materials management	16,709	16,814	16,814
Subtotal, Resource Protection and Maintenance	61,691	76,227	78,777
Transportation and Facilities Maintenance			
Operations	6,640	6,428	6,428
Annual maintenance	30,310	30,613	32,183
Deferred maintenance	12,917	11,889	13,689
Infrastructure improvement	---	---	31,028
Conservation (infrastructure improvement)	28,000	29,028	---
Subtotal, Transportation/Facilities Maintenance	77,867	77,958	83,328
Land and resources information systems	19,756	19,341	19,341
Mining Law Administration			
Administration	32,298	32,696	32,696
Offsetting fees	-32,298	-32,696	-32,696
Subtotal, Mining Law Administration	---	---	---
Workforce and Organizational Support			
Information systems operations	16,395	16,449	16,449
Administrative support	49,266	50,111	50,111
Bureauwide fixed costs	63,645	66,316	66,316
Subtotal, Workforce and Organizational Support	129,306	132,876	132,876

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Challenge cost share	---	8,973	13,973
Conservation	---	10,000	---
Adjustment for conservation spending	-1,000	-1,000	---
Conservation (Youth Conservation Corps)	1,000	1,000	---
Total, Management of Lands and Resources	775,632	812,990	825,712
Appropriations	(746,632)	(772,962)	(825,712)
Conservation	(29,000)	(40,028)	---
Wildland Fire Management			
Preparedness	280,807	277,213	277,213
Fire suppression operations	127,424	160,351	160,351
Other operations	216,190	216,190	216,842
Suppression (contingent emergency appropriations)	34,000	---	---
Other operations (contingent emergency appropriations)	20,000	---	---
Total, Wildland Fire Management	678,421	653,754	654,406
Central Hazardous Materials Fund			
Bureau of Land Management	9,978	9,978	9,978
Construction			
Construction	13,076	10,976	11,976
Payments in Lieu of Taxes			
Payments to local governments	160,000	150,000	220,000
Conservation	50,000	15,000	---
Total, Payments in Lieu of Taxes	210,000	165,000	220,000
Land Acquisition			
Land Acquisition			
Acquisitions	---	---	27,450
Conservation	43,420	38,686	---
Emergencies and hardships	---	---	1,500
Conservation	1,000	1,500	---
Acquisition management	---	---	4,000
Conservation	5,000	4,000	---
Land exchange equalization payment	---	---	500
Conservation	500	500	-
Total, Land Acquisition	49,920	44,686	33,450
Oregon and California Grant Lands			
Western Oregon resources management	85,949	86,355	86,355
Western Oregon information and resource data systems	2,195	2,206	2,206
Western Oregon transportation & facilities maintenance	10,919	10,958	10,958
Western Oregon construction and acquisition	294	299	299
Jobs in the woods	5,808	5,815	5,815
Total, Oregon and California Grant Lands	105,165	105,633	105,633
Range Improvements			
Improvements to public lands	7,873	7,873	7,873
Farm Tenant Act lands	1,527	1,527	1,527
Administrative expenses	600	600	600
Total, Range Improvements	10,000	10,000	10,000
Service Charges, Deposits, and Forfeitures			
Rights-of-way processing	1,115	1,115	1,115
Adopt-a-horse program	1,225	1,225	1,225
Repair of damaged lands	3,666	3,666	3,666
Cost recoverable realty cases	515	515	515
Timber purchaser expenses	50	50	50
Copy fees	1,429	1,329	1,329
Subtotal (gross)	8,000	7,900	7,900

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Offsetting fees	---	-7,900	-7,900
Total, Service Charges, Deposits & Forfeitures	8,000	---	---
Miscellaneous Trust Funds			
Current appropriations	12,405	12,405	12,405
TOTAL, BUREAU OF LAND MANAGEMENT	1,872,597	1,825,422	1,883,560
Appropriations	(1,689,677)	(1,725,708)	(1,883,560)
Conservation	(128,920)	(99,714)	---
Contingent emergency appropriations	(54,000)	---	---
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource Management			
Ecological Services			
Endangered species			
Candidate conservation	7,620	8,682	9,932
Listing	9,000	9,077	9,077
Consultation	45,501	47,770	47,770
Recovery	63,617	60,215	65,840
Subtotal, Endangered species	125,738	125,744	132,619
Habitat conservation	83,409	74,623	85,627
Environmental contaminants	10,579	10,780	10,780
Subtotal, Ecological Services	219,726	211,147	229,026
Refuges and Wildlife			
Refuge operations and maintenance	293,964	316,475	369,781
Conservation (cooperative conservation initiative)	---	5,000	---
Conservation (infrastructure improvement)	23,000	52,006	---
Conservation (Youth Conservation Corps)	2,000	2,000	---
Salton Sea recovery	993	998	998
Migratory bird management	28,616	28,310	28,885
Law enforcement operations	48,411	49,928	51,928
Conservation (infrastructure improvement)	2,000	2,000	---
Subtotal, Refuges and Wildlife	398,984	456,717	451,592
Fisheries			
Hatchery operations and maintenance	51,362	45,952	54,452
Conservation (infrastructure improvement)	4,000	4,000	---
Fish and wildlife management	48,547	44,811	52,882
Subtotal, Fisheries	103,909	94,763	107,334
General Administration			
Central office administration	15,530	14,569	14,569
Regional office administration	24,792	24,217	24,217
Servicewide administrative support	53,295	57,762	58,512
National Fish and Wildlife Foundation	7,705	7,670	7,670
National Conservation Training Center	15,526	15,592	16,142
International affairs	8,130	8,167	8,167
Conservation (cooperative conservation initiative)	---	13,000	---
Cost allocation methodology	3,000	---	---
Caddo Lake Ramsar Center	---	---	200
Subtotal, General Administration	127,978	140,977	129,477
Total, Resource Management	850,597	903,604	917,429
Appropriations	(819,597)	(825,598)	(917,429)
Conservation	(31,000)	(78,006)	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Construction			
Construction and rehabilitation			
Line item construction	43,051	25,184	43,709
Nationwide engineering services	12,492	10,218	10,718
Total, Construction	55,543	35,402	54,427
Land Acquisition			
Fish and Wildlife Service			
Acquisitions - Federal refuge lands	---	---	55,870
Conservation	80,135	53,884	---
Inholdings	---	---	2,000
Conservation	1,500	2,500	---
Emergencies and hardships	---	---	2,000
Conservation	1,500	2,000	---
Exchanges	---	---	1,000
Conservation	1,000	1,000	---
Acquisition management	---	---	10,000
Conservation	15,000	8,500	---
Cost allocation methodology	---	---	2,500
Conservation	---	2,500	---
Total, Land Acquisition	99,135	70,384	73,370
Landowner Incentive Program			
Grants to States	---	---	40,000
Conservation	40,000	50,000	---
Rescission of FY 2002 funds	---	---	-40,000
Total, Landowner incentive program	40,000	50,000	---
Private Stewardship Grants Program			
Stewardship grants	---	---	10,000
Conservation	10,000	10,000	---
Rescission of FY 2002 funds	---	---	-10,000
Total, Private stewardship grants program	10,000	10,000	---
Cooperative Endangered Species Conservation Fund			
Grants to States	---	---	26,929
Conservation	31,929	31,929	---
HCP land acquisition	---	---	51,471
Conservation	61,306	56,471	---
Administration	---	---	2,600
Conservation	3,000	2,600	---
Total, Cooperative Endangered Species Fund	96,235	91,000	81,000
National Wildlife Refuge Fund			
Payments in lieu of taxes	14,414	14,414	14,414
North American Wetlands Conservation Fund			
Wetlands conservation	---	---	37,018
Conservation	41,760	41,818	---
Administration	---	---	1,542
Conservation	1,740	1,742	---
Total, North American Wetlands Conservation Fund	43,500	43,560	38,560
Neotropical Migratory Bird Conservation Fund			
Migratory bird grants	3,000	---	3,000
Multinational Species Conservation Fund			
African elephant conservation	1,000	1,000	1,200
Rhinoceros and tiger conservation	1,000	1,000	1,200
Asian elephant conservation	1,000	1,000	1,200

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Great ape conservation	1,000	1,000	1,200
Neotropical migratory bird conservation	---	1,000	---
Total, Multinational Species Conservation Fund	4,000	5,000	4,800
Appropriations	(4,000)	(5,000)	(4,800)
Conservation	---	---	---
State Wildlife Grants			
State wildlife grants	---	---	65,000
Conservation	85,000	60,000	---
Rescission	-25,000	---	---
Total, State Wildlife Grants	60,000	60,000	65,000
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,276,424	1,283,364	1,252,000
Appropriations	(896,554)	(880,414)	(1,302,000)
Conservation	(404,870)	(402,950)	---
Rescission	(-25,000)	---	(-50,000)
NATIONAL PARK SERVICE			
Operation of the National Park System			
Park Management			
Resource stewardship	318,312	334,923	344,227
Visitor services	297,091	309,681	319,128
Maintenance	479,201	529,428	522,823
Conservation (Youth Conservation Corps)	2,000	2,000	---
Park support	275,025	278,297	277,151
Conservation (cooperative conservation initiative)	---	22,000	---
Undistributed reduction of park base	---	---	-6,000
Subtotal, Park Management	1,371,629	1,476,329	1,457,329
External administrative costs	105,348	108,236	108,236
Emergency supplemental (P.L. 107-117)	10,098	---	---
Total, Operation of the National Park System	1,487,075	1,584,565	1,565,565
Appropriations	(1,474,977)	(1,560,565)	(1,565,565)
Conservation	(2,000)	(24,000)	---
Emergency appropriations	(10,098)	---	---
United States Park Police			
Park Police	65,260	78,431	78,431
Emergency appropriations (P.L. 107-117)	25,295	---	---
Total, United States Park Police	90,555	78,431	78,431
National Recreation and Preservation			
Recreation programs	549	552	552
Natural programs	10,930	10,948	10,948
Cultural programs	20,769	19,748	20,048
International park affairs	1,718	1,719	1,719
Environmental and compliance review	397	400	400
Grant administration	1,582	1,585	1,585
Heritage Partnership Programs			
Commissions and grants	13,092	7,616	14,255
Administrative support	117	119	119
Subtotal, Heritage Partnership Programs	13,209	7,735	14,374
Statutory or Contractual Aid			
Aleutian World War II Historic Area	---	---	400
Anchorage Museum	2,500	---	---
Barnanoff Museum / Erskin House	250	---	---
Bishop Museum's Falls of Clyde	300	---	---
Brown Foundation	101	101	201
Chesapeake Bay Gateway	1,200	798	2,000
Dayton Aviation Heritage Commission	299	47	449
Denver Natural History and Science Museum	750	---	---
Flight 93 Memorial	---	---	300

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Ice Age National Scientific Reserve	806	806	806
Independence Mine, AK	1,500	---	---
Jamestown 2007	200	---	200
Johnstown Area Heritage Association	49	49	49
Lake Roosevelt Forum	50	---	50
Lamprey River	500	200	600
Louisiana Purchase Comm of Arkansas	---	---	200
Mandan On-a-Slant Village	750	---	---
Martin Luther King, Jr. Center	528	528	528
Morris Thompson Cultural and Visitor Center	750	---	---
National Constitution Center, PA	500	---	500
Native Hawaiian culture and arts program	740	740	740
New Orleans Jazz Commission	66	66	66
Office of Arctic Studies	---	---	1,500
Penn Center National landmark, SC	1,000	---	500
Roosevelt Campobello International Park Commission	766	802	802
Sewall-Belmont House	500	---	400
Sleeping Rainbow Ranch, Capitol Reef NP	---	---	500
St. Charles Interpretive Center	500	---	500
Vancouver National Historic reserve	400	---	250
Virginia Key Miami Beach	---	---	500
Vulcan State Park	2,000	---	---
Subtotal, Statutory or Contractual Aid	17,005	4,137	12,041
Total, National Recreation and Preservation	66,159	46,824	61,667
Urban Park and Recreation Fund			
Urban park grants	---	---	300
Conservation	30,000	300	---
Historic Preservation Fund			
State historic preservation offices	---	---	34,000
Conservation	39,000	34,000	---
Tribal grants	---	---	3,000
Conservation	3,000	3,000	---
Grants for millennium initiative	---	---	30,000
Conservation	30,000	30,000	---
National trust (endowment)	---	---	2,000
Conservation	2,500	---	---
Total, Historic Preservation Fund	74,500	67,000	69,000
Construction			
Emergency and unscheduled	3,500	3,500	3,500
Housing	12,500	12,500	10,000
Equipment replacement	17,960	31,960	31,960
Planning, construction	25,400	25,400	25,400
General management plans	11,240	13,896	13,896
Line item construction and maintenance	208,488	122,934	215,595
Conservation (infrastructure improvement)	66,851	82,202	---
Construction program management	17,405	27,292	24,792
Dam safety	2,700	2,700	2,700
Emergency appropriations (P.L. 107-117)	21,624	---	---
Total, Construction	387,668	322,384	327,843
Appropriations	(299,193)	(240,182)	(327,843)
Conservation	(66,851)	(82,202)	---
Emergency appropriations	(21,624)	---	---
Land and Water Conservation Fund			
(Rescission of contract authority)	-30,000	-30,000	-30,000
Land Acquisition and State Assistance			
Assistance to States			
State conservation grants	---	---	95,000
Conservation	140,000	194,600	---
Administrative expenses	---	---	3,000
Conservation	4,000	5,400	---
Total, Assistance to States	144,000	200,000	98,000

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
National Park Service			
Acquisitions	---	---	53,880
Conservation	110,117	65,469	---
Emergencies and hardships	---	---	4,000
Conservation	4,000	4,000	---
Acquisition management	---	---	12,588
Conservation	12,000	12,588	---
Inholdings	---	---	4,000
Conservation	4,000	4,000	---
Total, National Park Service	130,117	86,057	74,468
Total, Land Acquisition and State Assistance	274,117	286,057	172,468
TOTAL, NATIONAL PARK SERVICE	2,380,074	2,355,561	2,245,274
Appropriations	(1,905,589)	(1,926,002)	(2,275,274)
Conservation	(447,468)	(459,559)	---
Rescission	(-30,000)	(-30,000)	(-30,000)
Emergency appropriations	(57,017)	---	---
UNITED STATES GEOLOGICAL SURVEY			
Surveys, Investigations, and Research			
Mapping, Remote Sensing, and Geographic Investigations			
Cooperative topographic mapping	81,067	80,940	81,651
Land remote sensing	35,849	32,828	35,945
Geographic analysis and monitoring	16,361	15,526	16,481
Subtotal, National Mapping Program	133,277	129,294	134,077
Geologic Hazards, Resource and Processes			
Geologic hazards assessments	75,004	73,971	75,481
Geologic landscape and coastal assessments	77,973	73,217	79,213
Geologic resource assessments	79,833	77,468	79,999
Subtotal, Geologic Hazards, Resource & Processes	232,810	224,656	234,693
Water Resources Investigations			
Hydrologic monitoring, assessments and research			
Ground water resources program	5,421	6,422	5,445
National water quality assessment	63,096	57,321	63,631
Toxic substances hydrology	13,919	---	13,525
Hydrologic research and development	13,876	13,680	15,487
National streamflow information program	14,310	12,214	14,310
Hydrologic networks and analysis	24,886	23,852	25,252
Subtotal, Hydrologic monitoring, assessments and research	135,508	113,489	137,650
Federal-State program	64,318	64,339	64,855
Water resources research institutes	6,000	---	6,002
Subtotal, Water Resources Investigations	205,826	177,828	208,507
Biological Research			
Biological research and monitoring	133,502	127,619	132,997
Biological information management and delivery	18,917	18,893	22,936
Cooperative research units	13,970	13,969	14,993
Subtotal, Biological Research	166,389	160,481	170,926
Science support	86,255	86,104	85,734
Facilities	89,445	88,975	91,350
Adjustment for conservation spending	-25,000	-13,578	---
Conservation	25,000	13,578	---
TOTAL, UNITED STATES GEOLOGICAL SURVEY	914,002	867,338	925,287
Appropriations	(889,002)	(853,760)	(925,287)
Conservation	(25,000)	(13,578)	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
MINERALS MANAGEMENT SERVICE			
Royalty and Offshore Minerals Management			
OCS Lands			
Leasing and environmental program	38,573	37,633	37,633
Resource evaluation	24,989	25,348	26,948
Regulatory program	49,572	50,512	51,011
Information management program	14,894	24,050	23,050
Subtotal, OCS Lands	128,028	137,543	138,642
Royalty Management			
Compliance and asset management	48,106	48,724	48,724
Revenue and operations	35,223	34,545	34,545
Indian allottee refunds	15	15	15
Subtotal, Royalty Management	83,344	83,284	83,284
General Administration			
Executive direction	2,003	2,030	2,030
Policy and management improvement	4,036	4,095	4,095
Administrative operations	15,970	16,638	16,638
General support services	20,016	20,862	20,862
Subtotal, General Administration	42,025	43,625	43,625
Subtotal (gross)	253,397	264,452	265,551
Use of receipts	-102,730	-100,230	-100,230
Total, Royalty and Offshore Minerals Management	150,667	164,222	165,321
Oil Spill Research			
Oil spill research	6,105	6,105	6,105
TOTAL, MINERALS MANAGEMENT SERVICE	156,772	170,327	171,426
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and Technology			
Environmental restoration	160	162	162
Environmental protection	77,741	79,159	79,159
Technology development and transfer	12,151	12,593	12,593
Financial management	477	485	485
Executive direction	12,271	12,693	12,693
Subtotal, Regulation and Technology	102,800	105,092	105,092
Civil penalties	275	275	275
Total, Regulation and Technology	103,075	105,367	105,367
Abandoned Mine Reclamation Fund			
Environmental restoration	186,697	156,987	174,697
Technology development and transfer	4,136	4,164	4,164
Financial management	6,070	6,179	6,179
Executive direction	6,552	6,705	6,705
Total, Abandoned Mine Reclamation Fund	203,455	174,035	191,745
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	306,530	279,402	297,112

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs			
Tribal Budget System			
Tribal Priority Allocations			
Tribal government	378,956	388,949	388,949
Human services	151,199	148,951	150,951
Education	50,037	50,165	50,165
Public safety and justice	1,417	1,382	1,382
Community development	39,784	40,726	40,726
Resources management	56,743	61,517	61,517
Trust services	49,205	58,383	58,383
General administration	24,815	25,461	25,461
Subtotal, Tribal Priority Allocations	752,156	775,534	777,534
Other Recurring Programs			
Education			
School operations			
Forward-funded	436,427	452,984	447,985
Other school operations	67,588	69,832	67,931
Subtotal, School operations	504,015	522,816	515,916
Continuing education	41,118	39,118	43,118
Subtotal, Education	545,133	561,934	559,034
Resources management	41,835	34,258	42,601
Subtotal, Other Recurring Programs	586,968	596,192	601,635
Non-Recurring Programs			
Community development	3,175	---	2,250
Resources management	32,611	30,215	33,065
Trust services	37,012	37,295	37,645
Subtotal, Non-Recurring Programs	72,798	67,510	72,960
Total, Tribal Budget System	1,411,922	1,439,236	1,452,129
BIA Operations			
Central Office Operations			
Tribal government	2,649	2,654	3,154
Human services	909	907	907
Community development	886	875	875
Resources management	3,476	3,488	3,488
Trust services	3,129	8,823	8,823
General administration			
Education program management	2,435	2,409	2,409
Other general administration	44,622	53,334	50,379
Subtotal, General administration	47,057	55,743	52,788
Subtotal, Central Office Operations	58,106	72,490	70,035
Regional Office Operations			
Tribal government	1,324	1,336	1,336
Human services	3,067	3,162	3,162
Community development	847	853	853
Resources management	4,365	5,449	5,449
Trust services	23,669	24,383	24,383
General administration	29,407	29,040	29,040
Subtotal, Regional Office Operations	62,679	64,223	64,223
Special Programs and Pooled Overhead			
Education	16,039	16,273	16,273
Public safety and justice	160,652	161,368	163,568
Community development	8,623	1,061	8,632
Resources management	1,311	1,307	1,307

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
General administration	80,477	81,152	81,152
Subtotal, Special Programs and Pooled Overhead	267,102	261,161	270,932
Total, BIA Operations	387,887	397,874	405,190
Rescission (P.L. 107-206)	-10,000	---	---
Total, Operation of Indian Programs	1,789,809	1,837,110	1,857,319
BIA SPLITS			
Natural resources	(140,341)	(136,234)	(147,427)
Forward-funding	(436,427)	(452,984)	(447,985)
Education	(177,217)	(177,797)	(179,896)
Community development	(1,035,824)	(1,070,095)	(1,082,011)
Total, BIA splits	(1,789,809)	(1,837,110)	(1,857,319)
Construction			
Education	292,503	292,717	295,717
Public safety and justice	5,541	5,046	5,046
Resources management	50,645	39,173	39,173
General administration	2,179	2,182	2,182
Construction management	6,264	6,134	6,134
Total, Construction	357,132	345,252	348,252
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians			
White Earth Land Settlement Act (Admin)	625	625	625
Hoopa-Yurok settlement fund	250	250	250
Pyramid Lake water rights settlement	142	142	142
Ute Indian water rights settlement	24,728	24,728	24,728
Rocky Boy's	7,950	5,068	5,068
Great Lakes fishing settlement	6,254	---	---
Shivwits Band Settlement	5,000	16,000	19,000
Santo Domingo Pueblo Settlement	2,000	3,136	3,136
Colorado Ute Settlement	8,000	8,000	8,000
Torres-Martinez Settlement	6,000	---	---
Total, Miscellaneous Payments to Indians	60,949	57,949	60,949
Indian Guaranteed Loan Program Account			
Indian guaranteed loan program account	4,986	5,493	5,493
TOTAL, BUREAU OF INDIAN AFFAIRS	2,212,876	2,245,804	2,272,013
DEPARTMENTAL OFFICES			
Insular Affairs			
Assistance to Territories			
Territorial Assistance			
Office of Insular Affairs	4,528	5,295	5,295
Technical assistance	16,961	7,461	13,461
Maintenance assistance fund	2,300	2,300	2,300
Brown tree snake	2,350	2,350	2,350
Insular management controls	1,491	1,491	1,491
Coral reef initiative	500	500	500
Subtotal, Territorial Assistance	28,130	19,397	25,397
American Samoa			
Operations grants	23,100	23,100	23,100
Northern Marianas			
Covenant grants	27,720	27,720	27,720
Total, Assistance to Territories	78,950	70,217	76,217

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Compact of Free Association			
Compact of Free Association - Federal services	7,354	7,354	7,354
Mandatory payments - program grant assistance	14,500	12,000	12,000
Enewetak support	1,391	1,391	1,631
Total, Compact of Free Association	23,245	20,745	20,985
Total, Insular Affairs	102,195	90,962	97,202
Departmental Management			
Departmental direction	12,964	13,405	13,405
Management and coordination	24,905	26,455	26,455
Hearings and appeals	8,559	8,198	8,198
Central services	20,425	26,429	23,528
Bureau of Mines workers compensation/unemployment	888	4,109	841
Emergency appropriations (P.L. 107-117)	2,205	---	---
Total, Departmental Management	69,946	78,596	72,427
Office of the Solicitor			
Legal services	37,276	38,432	38,432
General administration	7,724	9,341	9,341
Total, Office of the Solicitor	45,000	47,773	47,773
Office of Inspector General			
Audit	18,680	19,782	19,580
Investigations	6,763	7,266	7,213
Program integrity	1,457	1,496	1,488
Policy and management	7,402	8,115	7,958
Total, Office of Inspector General	34,302	36,659	36,239
National Indian Gaming Commission			
Salaries and expenses	---	2,000	---
Office of Special Trustee for American Indians			
Federal Trust Programs			
Program operations, support, and improvements	96,728	148,246	138,747
Executive direction	2,496	2,781	2,530
Total, Federal Trust programs	99,224	151,027	141,277
Indian Land Consolidation Program			
Indian land consolidation	10,980	7,980	7,980
Total, Office of Special Trustee for American Indians	110,204	159,007	149,257
Natural Resource Damage Assessment Fund			
Damage assessments	4,165	3,927	3,927
Program management	1,332	1,361	1,361
Restoration support	---	250	250
Total, Natural Resource Damage Assessment Fund	5,497	5,538	5,538

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Federal Priority Land Acquisitions and Exchanges			
Federal priority land acquisitions and exchanges	---	3,000	---
TOTAL, DEPARTMENTAL OFFICES	367,144	423,535	408,436
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,486,419	9,450,753	9,455,108
Appropriations	(8,431,939)	(8,501,952)	(9,535,108)
Conservation	(1,006,258)	(978,801)	---
Emergency appropriations	(59,222)	---	---
Contingent emergency appropriations	(54,000)		---
Rescission	(-65,000)	(-30,000)	(-80,000)
TITLE II - RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest and Rangeland Research			
Forest and rangeland research	241,304	242,798	251,685
State and Private Forestry			
Forest Health Management			
Federal lands forest health management	43,304	44,374	50,374
Cooperative lands forest health management	25,000	25,038	31,038
Emerging pest and pathogens fund	---	11,968	---
Subtotal, Forest Health Management	68,304	81,380	81,412
Cooperative Fire Assistance			
State fire assistance	25,310	25,353	25,653
Volunteer fire assistance	5,053	5,040	5,040
Subtotal, Cooperative Fire Assistance	30,363	30,393	30,693
Cooperative Forestry			
Forest stewardship	33,171	---	32,221
Conservation	---	49,526	---
Stewardship incentives	3,000	---	---
Forest Legacy	---	---	68,827
Forest legacy program (conservation)	65,000	69,797	---
Urban and Community Forestry	---	---	36,235
Urban and community forestry (conservation)	36,000	36,235	---
Economic action programs	35,680	---	26,440
Pacific Northwest assistance programs	9,425	---	---
Forest resource information and analysis	5,015	4,996	4,996
Subtotal, Cooperative Forestry	187,291	160,554	168,719
International forestry	5,263	5,036	5,750
Total, State and Private Forestry	291,221	277,363	286,574
Appropriations	(190,221)	(121,805)	(286,574)
Conservation	(101,000)	(155,558)	---
National Forest System			
Land management planning	70,358	72,195	72,195
Inventory and monitoring	173,316	176,306	175,356
Recreation, heritage and wilderness	245,500	252,444	254,194
Wildlife and fish habitat management	131,847	133,506	133,806
Grazing management	34,775	35,850	40,850
Forest products	266,340	264,753	265,353
Vegetation and watershed management	190,113	190,644	190,944
Minerals and geology management	48,956	53,635	52,635
Landownership management	88,434	91,016	93,016
Law enforcement operations	79,000	80,142	80,800
Valles Caldera National Preserve	2,800	984	3,150
Expedited consultations	---	15,000	---
Total, National Forest System	1,331,439	1,366,475	1,362,299

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Wildland Fire Management			
Preparedness	622,618	600,703	616,000
Fire suppression operations	255,321	420,699	420,699
Other operations	336,410	347,736	343,239
Suppression (contingent emergency appropriations)	266,000	---	---
Other operations (contingent emergency appropriations)	80,000	---	---
Total, Wildland Fire Management	1,560,349	1,369,138	1,379,938
Capital Improvement and Maintenance			
Facilities	185,447	200,500	203,636
Roads	229,666	231,893	232,858
Trails	70,075	68,829	69,679
Infrastructure improvement	---	---	45,866
Conservation (infrastructure improvement)	61,000	50,866	---
Total, Capital Improvement and Maintenance	546,188	552,088	552,039
Appropriations	(485,188)	(501,222)	(552,039)
Conservation	(61,000)	(50,866)	---
Land Acquisition			
Forest Service			
Acquisitions	---	---	114,315
Conservation	132,242	112,746	---
Acquisition management	---	---	15,000
Conservation	13,000	17,764	---
Cash equalization	---	---	1,500
Conservation	1,500	---	---
Forest inholdings	2,000	---	---
Wilderness inholdings/wilderness protection	---	---	3,000
Conservation	1,000	---	---
Total, Land Acquisition	149,742	130,510	133,815
Acquisition of lands for national forests, special acts	1,069	1,069	1,069
Acquisition of lands to complete land exchanges	234	234	234
Range betterment fund	3,290	3,402	3,402
Gifts, donations and bequests for forest and rangeland research	92	92	92
Management of national forest lands for subsistence uses	5,488	5,542	5,542
Reduction for conservation funding	-2,000	-2,000	---
Conservation (Youth Conservation Corps)	2,000	2,000	---
TOTAL, FOREST SERVICE	4,130,416	3,948,711	3,976,689
Appropriations	(3,470,674)	(3,609,777)	(3,976,689)
Conservation	(313,742)	(338,934)	---
Contingent emergency appropriations	(346,000)	---	---
DEPARTMENT OF ENERGY			
Clean Coal Technology			
Deferral	-40,000	---	-87,000
(Transfer to Fossil Energy)	(-33,700)	(-40,000)	---
Fossil Energy Research and Development			
Clean coal power initiative	116,300	110,000	150,000
(By transfer from Clean Coal Technology)	(33,700)	(40,000)	---
Total, Program level	(150,000)	(150,000)	(150,000)
Fuels and Power Systems			
Central Systems			
Innovations for existing plants	23,500	21,200	22,200

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Advanced Systems			
Integrated gasification combined cycle	43,000	40,650	44,650
Pressurized fluidized bed systems	11,000	9,100	10,400
Turbines	18,500	14,000	17,000
Subtotal, Advanced Systems	72,500	63,750	72,050
Subtotal, Central Systems	96,000	84,950	94,250
Distributed Generation Systems - Fuel Cells			
Advanced research	4,000	3,000	3,500
Systems development	13,500	10,000	10,000
Vision 21-hybrids	13,500	11,500	13,500
Innovative concepts	27,124	22,500	34,000
Novel generation	---	2,500	3,025
Subtotal, Distributed Generation Systems - Fuel Cells	58,124	49,500	64,025
Sequestration R&D			
Greenhouse gas control	32,177	54,000	40,200
Fuels			
Transportation fuels and chemicals	24,000	5,000	22,100
Solid fuels and feedstocks	5,000	---	6,000
Advanced fuels research	3,200	---	3,300
Subtotal, Fuels	32,200	5,000	31,400
Advanced Research			
Coal utilization science	6,250	8,000	9,000
Materials	7,000	9,000	9,000
Technology crosscut	10,750	9,150	11,150
University coal research	3,000	4,000	3,000
HBCUs, education and training	1,000	1,500	1,000
Subtotal, Advanced Research	28,000	31,650	33,150
Subtotal, Fuels and Power Systems	246,501	225,100	263,025
Gas			
Natural Gas Technologies			
Exploration and production	20,500	15,450	23,450
Gas hydrates	9,800	4,500	9,500
Infrastructure	10,050	---	9,050
Emerging processing technology applications	2,250	---	2,680
Effective environmental protection	2,600	2,640	2,640
Subtotal, Gas	45,200	22,590	47,320
Petroleum - Oil Technology			
Exploration and production supporting research	32,350	16,400	23,400
Reservoir life extension/management	12,949	9,500	9,000
Effective environmental protection	10,700	9,500	9,900
Subtotal, Petroleum - Oil Technology	55,999	35,400	42,300
Cooperative R&D	8,240	6,000	8,240
Fossil energy environmental restoration	9,500	9,715	9,715
Import/export authorization	2,400	2,500	3,000
Headquarters program direction	18,700	19,820	18,900
Energy Technology Center program direction	67,300	64,880	68,900
General plant projects	13,450	2,000	7,000
Advanced metallurgical processes	5,200	5,300	6,000
Use of prior year balances	-6,000	-14,000	---
National Academy of Sciences program review	---	---	500
Total, Fossil Energy Research and Development	582,790	489,305	624,900
Alternative Fuels Production			
Transfer to Treasury	-2,000	---	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Naval Petroleum and Oil Shale Reserves			
Oil Reserves			
Naval petroleum reserves Nos. 1 & 2	5,144	5,626	5,626
Naval petroleum reserve No. 3	7,235	7,250	7,250
Program direction (headquarters)	9,992	7,955	7,955
Use of prior year funds	-5,000	---	---
General reduction	---	---	-3,000
Total, Naval Petroleum and Oil Shale Reserves	17,371	20,831	17,831
Elk Hills School Lands Fund			
Elk Hills school lands fund	---	36,000	---
Advance appropriations, FY 2003	36,000	---	36,000
Total, Elk Hills School Lands Fund	36,000	36,000	36,000
Energy Conservation			
Building Technology, State and Community Sector			
Building research and standards			
Technology roadmaps and competitive R&D	6,857	2,357	2,357
Residential buildings integration	12,478	13,478	12,478
Commercial buildings integration	4,510	5,010	4,510
Equipment, materials and tools	38,547	31,718	40,418
Subtotal, Building research and standards	62,392	52,563	59,763
Building Technology Assistance			
Weatherization assistance	230,000	277,100	225,000
State energy program	45,000	38,798	45,000
Community partnerships	18,788	20,037	18,037
Energy star program	3,000	6,200	4,200
Subtotal, Building technology assistance	296,788	342,135	292,237
Cooperative programs with States	2,000	---	---
Energy efficiency science initiative	4,000	---	---
Management and planning	15,090	14,093	14,093
Subtotal, Building Technology, State and Community Sector	380,270	408,791	366,093
Federal Energy Management Program			
Program activities	18,900	23,425	19,425
Program direction	4,400	4,455	4,455
Subtotal, Federal Energy Management Program	23,300	27,880	23,880
Industry Sector			
Industries of the future (specific)	72,624	71,615	72,115
Industries of the future (crosscutting)	60,900	57,109	58,609
Cooperative programs with States	2,000	2,000	---
Energy efficiency science initiative	4,000	---	---
Management and planning	9,400	7,635	7,635
Subtotal, Industry Sector	148,924	138,359	138,359
Power Technologies			
Distributed generation technologies development	61,896	62,284	69,034
Management and planning	1,950	1,620	1,620
Subtotal, Power Technologies	63,846	63,904	70,654
Transportation			
Vehicle technology R&D	155,122	149,280	164,280
Fuels utilization R&D	25,908	18,483	20,183
Materials technologies	40,293	29,800	37,400
Technology deployment	15,160	15,000	16,100
Cooperative programs with States	2,000	---	---
Energy efficiency science initiative	4,000	---	---
Management and planning	10,232	10,101	10,101
Subtotal, Transportation	252,715	222,664	248,064
Policy and management	43,750	40,053	42,053

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
National Academy of Sciences program review..........	---	---	500
Cooperative programs with States.....................	---	---	3,000
Energy efficiency science initiative.................	---	---	5,000
Total, Energy Conservation.....................	912,805	901,651	897,603
Economic Regulation			
Office of Hearings and Appeals.......................	1,996	1,487	1,487
Strategic Petroleum Reserve			
Storage facilities development and operations........	154,009	154,856	158,856
Home heating oil reserve.............................	8,000	---	---
Management...	17,000	14,000	14,000
Total, Strategic Petroleum Reserve.............	179,009	168,856	172,856
SPR Petroleum Account			
Oil acquisition......................................	---	11,000	7,000
Rescission of previously appropriated funds..........	---	---	-5,000
Total, SPR petroleum account...................	---	11,000	2,000
Northeast Home Heating Oil Reserve			
Northeast home heating oil reserve...................	---	8,000	6,000
Energy Information Administration			
National Energy Information System...................	78,499	80,611	81,111
Use of prior year balances...........................	---	-500	-500
Total, Energy Information Administration.......	78,499	80,111	80,611
TOTAL, DEPARTMENT OF ENERGY....................	1,766,470	1,717,241	1,752,288
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
INDIAN HEALTH SERVICE			
Indian Health Services			
Clinical Services			
IHS and tribal health delivery			
Hospital and health clinic programs............ ..	1,153,711	1,188,540	1,219,917
Dental health program............................	95,305	100,085	100,285
Mental health program............................	47,142	50,626	50,626
Alcohol and substance abuse program..............	135,005	137,744	137,744
Contract care......................................	460,776	468,130	478,130
Subtotal, Clinical Services....................	1,891,939	1,945,125	1,986,702
Preventive Health			
Public health nursing..............................	37,781	39,875	39,875
Health education...................................	10,628	11,063	11,063
Community health representatives program...........	49,789	50,774	50,774
Immunization (Alaska)..............................	1,526	1,556	1,556
Subtotal, Preventive Health....................	99,724	103,268	103,268
Urban health projects................................	30,947	31,528	31,528
Indian health professions............................	31,165	35,373	31,318
Tribal management....................................	2,406	2,406	2,406
Direct operations....................................	55,323	54,474	60,570
Self-governance......................................	9,876	10,089	5,589
Contract support costs...............................	268,234	270,734	270,734
Medicare/Medicaid Reimbursements			
Hospital and clinic accreditation (Est. collecting).	(499,985)	(449,985)	(449,985)
Total, Indian Health Services..................	2,389,614	2,452,997	2,492,115

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Indian Health Facilities			
Maintenance and improvement	46,331	47,331	49,831
Sanitation facilities	93,827	93,983	93,827
Construction facilities	86,260	72,000	82,119
Facilities and environmental health support	126,775	132,963	133,119
Equipment	16,294	16,294	17,294
Total, Indian Health Facilities	369,487	362,571	376,190
TOTAL, INDIAN HEALTH SERVICE	2,759,101	2,815,568	2,868,305
OTHER RELATED AGENCIES			
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION			
Salaries and expenses	15,148	14,491	14,491
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT			
Payment to the Institute	4,490	5,130	5,490
SMITHSONIAN INSTITUTION			
Salaries and Expenses			
Museum and Research Institutes			
Anacostia Museum and Center for African American History and Culture	1,932	1,981	1,981
Archives of American Art	1,738	1,802	1,802
Arthur M. Sackler Gallery/Freer Gallery of Art	6,098	6,168	6,168
Center for Folklife and Cultural Heritage	1,850	1,911	1,911
Cooper-Hewitt, National Design Museum	2,942	3,050	3,050
Hirshhorn Museum and Sculpture Garden	4,771	4,724	4,724
National Air and Space Museum	16,599	20,402	20,402
National Museum of African Art	4,334	4,464	4,464
National Museum of American Art	8,265	8,327	8,327
National Museum of American History	20,800	21,604	22,354
National Museum of the American Indian	27,899	33,616	33,616
National Museum of Natural History	43,404	44,982	44,982
National Portrait Gallery	5,626	5,550	5,550
National Zoological Park	22,027	24,275	24,675
Astrophysical Observatory	20,546	21,121	21,121
Center for Materials Research and Education	3,357	3,460	3,460
Environmental Research Center	3,391	3,510	3,510
Tropical Research Institute	10,581	11,029	11,529
Subtoal, Museums and Research Institutes	206,160	221,976	223,626
Program Support and Outreach			
Outreach	8,193	8,383	8,383
Communications	1,617	1,356	1,356
Institution-wide programs	5,506	6,006	6,006
Office of Exhibits Central	2,494	2,588	2,588
Major scientific instrumentation	6,229	5,000	5,000
Museum Support Center	3,074	2,469	2,469
Smithsonian Institution Archives	1,611	1,674	1,674
Smithsonian Institution Libraries	7,437	8,488	8,488
Subtotal, Program Support and Outreach	36,161	35,964	35,964
Administration	43,376	53,976	53,976
Facilities Services			
Office of Protection Services	37,383	58,674	58,674
Office of Physical Plant	76,173	90,965	90,965
Subtotal, Facilities Services	113,556	149,639	149,639
Emergency appropriations (P.L. 107-117)	21,707	---	---
Offsetting reduction	---	-12,795	---
Rescission of prior year unobligated funds	---	-14,100	-14,100
Total, Salaries and Expenses	420,960	434,660	449,105

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Repair, Restoration and Alteration of Facilities			
Base program	67,900	81,300	83,425
Construction			
Museum support center	---	2,000	---
National Museum of the American Indian	30,000	10,000	16,000
Total, Construction	30,000	12,000	16,000
TOTAL, SMITHSONIAN INSTITUTION	518,860	527,960	548,530
NATIONAL GALLERY OF ART			
Salaries and Expenses			
Care and utilization of art collections	26,019	25,721	27,920
Operation and maintenance of buildings and grounds	14,908	19,907	16,708
Protection of buildings, grounds and contents	14,837	17,845	17,845
General administration	13,203	14,746	14,746
Emergency appropriations (P.L. 107-117)	2,148	---	---
Total, Salaries and Expenses	71,115	78,219	77,219
Repair, Restoration and Renovation of Buildings			
Base program	14,220	16,230	16,230
TOTAL, NATIONAL GALLERY OF ART	85,335	94,449	93,449
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS			
Operations and maintenance	15,000	16,310	16,310
Emergency appropriations (P.L. 107-117)	4,310	---	---
Construction	19,000	17,600	17,600
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	38,310	33,910	33,910
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS			
Salaries and Expenses			
Fellowship program	1,218	1,259	1,259
Scholar support	615	659	659
Public service	2,164	2,261	2,261
General administration	1,656	1,968	1,968
Smithsonian fee	208	208	208
Conference planning	1,770	1,968	1,968
Space	165	165	165
TOTAL, WOODROW WILSON CENTER	7,796	8,488	8,488
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
National Endowment for the Arts			
Grants and Administration			
Grants			
Direct grants	47,827	47,271	47,271
Challenge America grants	---	---	17,000
State partnerships			
State and regional	25,118	24,802	24,802
Underserved set-aside	6,805	6,712	6,712
Subtotal, State partnerships	31,923	31,514	31,514
Subtotal, Grants	79,750	78,785	95,785

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
Program support	1,154	1,304	1,304
Administration	17,330	19,400	19,400
Total, Arts	98,234	99,489	116,489
National Endowment for the Humanities			
Grants and Administration			
Grants			
Federal/State partnership	31,829	31,829	31,829
Preservation and access	18,905	18,905	18,905
Public programs	13,114	13,114	13,114
Research programs	13,063	13,063	13,063
Education programs	12,624	12,624	12,624
Program development	397	397	397
Subtotal, Grants	89,932	89,932	89,932
Administrative Areas			
Administration	18,450	19,700	19,700
Total, Grants and Administration	108,382	109,632	109,632
Matching Grants			
Treasury funds	4,000	5,686	5,686
Challenge grants	10,436	10,436	10,436
Regional humanities centers	1,686	---	---
Total, Matching Grants	16,122	16,122	16,122
Total, Humanities	124,504	125,754	125,754
Institute of Museum and Library Services/ Office of Museum Services			
Grants to Museums			
Support for operations	15,932	---	---
Support for conservation	3,130	---	---
National leadership grants	5,167	---	---
Subtotal, Grants to Museums	24,229	---	---
Program administration	2,670	---	---
Total, Institute of Museum and Library Services	26,899	---	---
Challenge America Arts Fund			
Challenge America grants	17,000	17,000	---
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	266,637	242,243	242,243
COMMISSION OF FINE ARTS			
Salaries and expenses	1,224	1,224	1,224
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS			
Grants	7,000	7,000	7,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	3,400	3,667	3,667
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	7,253	7,253	7,253
Emergency appropriations (P.L. 107-117)	758	---	---
Total, National Capital Planning Commission	8,011	7,253	7,253

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
UNITED STATES HOLOCAUST MEMORIAL MUSEUM			
Holocaust Memorial Museum	36,028	38,663	38,663
PRESIDIO TRUST			
Operations	23,125	21,327	21,327
Total, Presidio Trust	23,125	21,327	21,327
TOTAL, TITLE II, RELATED AGENCIES	9,671,351	9,487,325	9,623,017
Appropriations	(8,988,686)	(9,162,491)	(9,693,117)
Conservation	(313,742)	(338,934)	---
Advance appropriations	(36,000)	---	(36,000)
Emergency appropriations	(28,923)	---	---
Contingent emergency appropriations	(346,000)	---	---
Rescission	(-2,000)	(-14,100)	(-19,100)
Deferrals	(-40,000)	---	(-87,000)
GRAND TOTAL, ALL TITLES	19,157,770	18,938,078	19,078,125

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[in thousands of doilars]

New budget (obligational) authority, fiscal year 2002	$19,157,770
Budget estimates of new (obligational) authority, fiscal year 2003	18,938,078
House bill, fiscal year 2003	20,450,125
Senate bill, fiscal year 2003	18,973,625
Conference agreement, fiscal year 2003	19,078,125
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	−79,645
Budget estimates of new (obligational) authority, fiscal year 2003	+140,047
House bill, fiscal year 2003	−1,372,000
Senate bill, fiscal year 2003	+104,500

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS 2003

In implementing this agreement, the Departments and agencies should follow the language and instructions set forth in the explanatory statement of the Managers in the Senate accompanying H.J. Res. 2 that appears in the Congressional Record of January 15, 2003. With respect to the provisions in the Senate explanatory statement that specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred have been endorsed in this joint statement.

In the cases where the Senate explanatory statement requests a report, the conferees are agreed that departments and agencies have up to 90 days beyond the due date specified in the Senate explanatory statement to submit the report.

The conferees are aware of several instances during the past year where the Departments funded in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act have failed to consult with, or timely notify, the House and Senate Appropriations Committees about significant budgetary actions and the reorganization of departmental offices, programs, and activities. Moreover, some Departments have become too lax in responding to the requests for information or reports from the Committees. The conferees believe that timely, accurate and complete information is critical in order for the Appropriations Committees to meet their oversight responsibilities. The conferees fully expect that the Departments funded in this bill will be more responsive to the Committees in this regard.

Therefore, the conferees concur with language included in the explanatory statement of the Senate regarding reprogramming and the initiation of new programs. The conferees direct that the Departments and agencies funded through this Division make a written request to the chairmen of the Committees prior to the reprogramming of funds in excess of 10 percent, or $500,000, whichever is less, between programs, activities, or elements unless an alternate amount for the agency in question is specified elsewhere in this Division of this statement. The conferees further agree that a reprogramming request is required for actions involving less than the above-mentioned amounts if such actions would have the effect of changing an agency's funding requirements in future years or if the action can be construed to be the initiation of a new program.

Second, the conferees reiterate that the Committees be notified regarding reorganization of offices, programs, or activities prior to the planned implementation of such reorganizations.

Third, the conferees request that each Department institute a tracking system for reports requested by the Committees in order to ensure their timely submission.

Finally, the conferees concur with language in the explanatory statement of the Senate that statements on the effect of this division of this appropriation Act be submitted to the Committees within 60 days of enactment of this Act.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, put in place by this resolution, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $5,218,070,000 for training and employment services instead of $5,138,513,000 as proposed by H.R. 246 and $5,120,084,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 is an advance appropriation for fiscal year 2004, as proposed by H.R. 246 the Senate.

The conference agreement includes $1,000,965,000 for Youth Training, which is the Senate level. Funding for the Youth Opportunity Grants, $44,500,000, provided within the total for this activity in H.R. 246, is provided separately in the conference agreement as proposed by the Senate. These grants are aimed at increasing the long-term employment of youth who live in empowerment zones, enterprise communities, and other high-poverty areas.

The conference agreement includes $1,463,770,000 for the Dislocated Worker program instead of $1,484,500,000 as proposed by H.R. 246 and $1,383,040,000 as proposed by the Senate. The conferees override the formula that provides that 80 percent of the funds provided will be used for State formula grants and 20 percent for National Emergency Grants, providing $1,157,162,000 for the States and $306,608,000 for the National Reserve. Within the National Reserve, the conference agreement includes $30,000,000 to fund National Emergency Grants authorized in the Trade Act of 2002 to support State administration of health insurance tax credits for eligible participants.

The conference agreement includes $56,000,000 for Native Americans instead of $55,000,000 as proposed by H.R. 246 and $57,000,000 as proposed by the Senate.

The conference agreement includes $77,836,000 for activities authorized under Section 167 of the Workforce Investment Act, reflected in two separate line items on the table accompanying the Conference Report: 'Migrant and Seasonal Farmworkers' and 'National Activities/Other'. Under the Migrant and Seasonal Farmworkers line item, the agreement provides $77,326,000. The conference agreement includes bill language directing that $4,640,000 of this amount be used for migrant and seasonal farmworker housing grants. This agreement also provides that the remaining amount be used for State service area grants, including funding grantees in those States impacted by formula reductions at no less than eighty-five percent of the comparable 1998 levels for such States. Within the National Activities/Other line item, the Conference agreement includes $510,000 to be used for Section 167 training, technical assistance and related activities, including continuing funding for migrant rest center activities at the current level.

The conference agreement includes $1,518,550,000 for Job Corps. Within the total, $1,391,000,000 is provided for continuing operations of the program and $127,550,000 is for renovation and construction of Job Corps centers. The conferees are pleased with the prompt attention given by the Department to developing the selection process for new Job Corps centers. The conferees intend that the Department shall give priority to communities in major metropolitan areas that demonstrate strong linkages with local school systems, post-secondary education systems, employers, faith-based and community organizations and child care facilities. In an effort to maximize the U.S. taxpayer's investment in Federal programs, priority should also be given to sites that incorporate co-location models that may include Job Corps along with programs such as Head Start and State or local community colleges and vocational technical schools. Additionally, priority should be given to sites that have high numbers of at-risk youth and currently export the majority of their State's eligible students to Job Corps centers in other States and regions.

The conferees are aware of the controversy over the accuracy of financial reporting under the Workforce Investment Act, and intend to carefully monitor the spending situation, recognizing the vital role of the workforce system at a time of economic slowdown.

With respect to the projects listed below for pilots and demonstrations, the conferees encourage the Department to ensure that these projects are coordinated with local Workforce Investment Boards. The conferees also encourage the Department to ensure that project performance is adequately documented and evaluated. The conference agreement includes the following amounts for the following projects and activities:

ABCD Devorris Center for Business Development	$250,000
Advanced Electronics Technology Education Project in Alabama to educate the workforce for the 21st century high tech economy	500,000
Alaska's People (Division of Cook Inlet Tribal Council) to train 245 Anchorage-area low-income Natives for construction, repair jobs, including gaining required certifications	100,000
Alcorn State University in Mississippi for training programs in support of the development of minority high-tech businesses	900,000
American Indian Science and Engineering Society for the Rural Computer Utilization Training Program	100,000
Automated Nursery Project in Mississippi	1,000,000

Bay Area Community Health Partnership in Green Bay, Wisconsin for nurse training programs	650,000
Bay Area Vidio Coalition, San Francisco, CA, to develop on-line, interactive training for low income individuals	300,000
Bethel Community Facility, Chicago Heights, IL, for development of job training initative with at-risk, homeless population	125,000
Bishops Museum	400,000
Bismarck State College in Bismarck, North Dakota, to provide training and continuing education related to electric power plant technologies and operations	400,000
Center for Career and Employment Training, Bala Cynwyd, PA, to train urban, minority workers for entry-level management positions	200,000
Central Iowa Employment & Training Consortium for a resource center for disabled and disadvantaged individuals	800,000
Central PA Workforce Development Corporation	125,000
Chattanooga State Technical Community College, Tennessee, for Tennessee Valley Workforce Aging Management Program initiative	500,000
Chester County Department of Community Development/The Reinvestment Fund, PA	250,000
Chicago Southland Alliance, Chicago Heights, IL, to recruit and train health care professionals	250,000
City of Peoria, Illinois, for training to unemployed and underemployed individuals in biosciences workforce development	100,000
Clark County, NV for training programs designed to move youth into higher paying construction jobs	250,000
Clark State Community College, Springfield, Ohio, for Integrated Systems Technologists Maintenance Training Program	200,000
Cleveland State University, Cleveland, Ohio, for Ohio Center for the Advancement of Women in Public Service	100,000
Coastal Enterprises, Inc., Wiscasset, ME, for training low income rural populations	100,000
Collegiate Consortium for Workforce and Economic Development (formerly Shipyard College) Philadelphia, PA, for workforce development and training in the Philadelphia region	250,000
Community Economic Empowerment Corporation, Louisville, Kentucky for employment training programs	40,000
Community Empowerment Association, Inc., Pittsburgh, PA, for data bank development for jobs needed in the construction trade, health care, services and manufacturing industries	100,000
Community Loan Fund of Southwestern Pennsylvania, Pittsburgh, PA, to expand the "Family Wage Job Initiative," which will provide resources and create family wage jobs in nine Southwestern PA counties	200,000
Contra Costa Community College District, Walnut Creek, CA, for Regional Training Institute	275,000
Delta Center for Career and Workforce Education for workforce training for adults in the Mississippi Delta	1,000,000
Des Moines Area Community College to create a Career Technology Center	250,000
Essex County College, Newark, NJ, for the Technical Training Project	70,000
Everett Community College, Everett, WA, for the Radiology Technology Program	200,000
Family Service League of Suffolk County, Inc., Bay Shore, NY, for Work Plus	100,000
Federation of Southern Cooperatives, for education and training of low-income farmers and their families	500,000
First Alaskans Foundation in conjunction with Alaska Works program continuation to train Alaska Natives as petroleum industry workers	500,000
Flathead Valley Community College in Kalispell, Montana for the development of occupational and vocational programs	700,000
Goodwill Industries of Southeast Wisconsin for a job training program for disadvantaged adults in construction and other positions	100,000
Henderson Community College in Kentucky for adult educational and training programs	100,000
High Tech Training—Maui, Hawaii	300,000
Homies, Initiating New Communities, Los Angeles, CA, to replicate job training program for at-risk youth	100,000
Human Services Agency, County of Ventura, California, for a Skill Training Program for Welfare recipients	100,000
Institute for Advanced Learning and Research for curriculum development and equipment to help develop and innovative high tech workforce in Southside, Virginia	100,000
International Brotherhood of Electrical Workers L.U. 363 and Hudson Vallely N.E.C.A. Regional Training Facility, Harriman, NY, for 21st Century training	100,000
Intertribal Bison Cooperative in Rapid City, SD to provide employment training	100,000
Kankakee Community College, Kankakee, Illinois, for Integrated Systems Technology Pilot program to train individuals to maintain high-tech industrial equipment found in manufacturing facilities	500,000
Kingston-Newburgh Enterprise Community, Newburgh, NY, to train at-risk youth and expand nurse mentoring program	400,000
Lehigh Valley Workforce Investment Board, Inc., for integrated regional training and employment curriculum for skilled workers to assist the manufacturing industry in the Lehigh Valley	100,000
Louisville Central Community Center, Inc., Louisville, Kentucky, for job readiness training and job placement program for adults who are underemployed	15,000
Maine Manufacturing Extension Partnership to provide training to the manufacturing workforce in the region	750,000
Martin Luther King, Jr., Business Empowerment Center, Worcester, MA, for job training for minority workers	100,000
Mat-Su School District Vocational training for youth in Mat-Su Valley	150,000
Maui Economic Development Board for the Rural Computer Utilization Training Program	300,000
MECA United Cerebral Palsey, Erie, PA, to establish a job training program for disabled persons	50,000
Michigan Technology Commercialization Cooperation, Dexter, Michigan, for the implementation of a program that facilitate the creation of new companies and jobs	500,000
Military Educational Training Enhancement Fund, Carville, Louisiana, for a job challenge program for at risk youth	300,000

Milwaukee Area Technical College to implement the new manufacturing skill standards and develop a companion assessment and certification system	250,000
Minot State University, Minot, North Dakota, for the Minot Job Corps Fellowship Training Program	400,000
Mississippi State University, for the Center for Advance Vehicular Systems to develop workforce training systems	950,000
Mott Community College, Flint, MI, for complementation of the Mott Workforce Development Institute for Manufacturing Simulation	830,000
Muhlenberg Resource Center, Muhlenberg College, Allentown, PA, for programs to overcome language barriers, improve workplace ethics and career development	100,000
National Student Partnerships, Washington, DC, for National Service Program training activities	400,000
Nevada Women's Fund in Reno, Nevada for a comprehensive study on the status of women and girls in Nevada to tailor workforce initiatives	50,000
North Central Wisconsin Workforce Development Board to establish simulated clinical and laboratory facilities to provide training to nurses and technicians	400,000
North Central Workforce Investment Board, Ridgway, Pennsylvania	200,000
Oklahoma University Cancer Center	150,000
Opportunity Inc., Highland Park, Illinois, for a job training opportunities	375,000
Opportunity, Inc. in Highland Park, IL to implement a model job training program to integrate workers with disabilities into a manufacturing workplace	25,000
Patrick County Education Foundation, Stuart, VA, for workforce development project for rural communities	282,000
Pennsylvania Association for Individuals with Disabilities, Johnstown, PA, for development of job opportunities for persons with disabilities	150,000
Pennsylvania Women Work, Pittsburgh, Pennsylvania, for job training and employment services to single parents, displaced homemakers and low-income heads of household	100,000
Petersburg/Newburg Improvement Association, Louisville, Kentucky, for employment training programs	15,000
Philadelphia Opportunities Industrialization Center, Inc., PA	200,000
Pine Street Inn in Boston, MA to provide job skills training to the homeless	125,000
Pittsburgh Life Sciences Greenhouse, PA, for job training programs related to growing biotech industry	100,000
Potential Reentry Opportunities in Business and Education (PROBE), Lebanon, PA, for job training in nontraditional jobs or occupational training for dislocated workers and single parents	50,000
Pride Industries, Roseville, CA, to create long-term jobs for persons with disabilities and other barriers to employment	600,000
Project Amiga, South El Monte, CA, for the Tele-Village Program	250,000
Puget Sound Center for Teaching, Learning and Technology, Bothell, WA, for Future-Ready Workforce Project	250,000
Rebuild, Inc., Canton, Ohio, for workforce development	250,000
Remote Rural Hawaii Job Training Project	1,500,000
Residential Care Consortium, Easton, PA, for job placement & training for young adults who are aging out of residential placements	100,000
Safer Foundation, Harvey, IL, for the Workplace Acclimation Program for Ex-Offenders	225,000
Samoan/Asian Pacific Job Training, Hawaii Community Foundation	500,000
San Diego Workforce Partnership, San Diego, California, for planning and evaluation, and to develop a curriculum for the Pacific Center	175,000
South Carolina Manufacturing Extension Partnership, Columbia, South Carolina, to train workers on the principles of lean manufacturing	166,000
Southeast Missouri State University, Cape Giradeau, Missouri, for economic and workforce development	500,000
Springfield Technical Center in Springfield, VT, for job training activities	300,000
St. Stephen Lifestyle Enrichment Center in Kentucky for adult education and job training programs	250,000
State of Mississippi Automotive Workforce Training Program	2,500,000
Telacu Education Foundation in Los Angeles for a Community-Based Nursing Careers Program	900,000
The Joblinks program	500,000
Thunderbird Trades Academy, Oklahoma City, Oklahoma	100,000
Training & Education Opportunities at the University of Hawaii at Maui	1,800,000
Umpqua Community College E-Commerce Training Center, Roseburg, Oregon, to provide job training	50,000
United Mine Workers of America, Fairfax, VA, for UMWA Career Centers, Inc	1,000,000
University of Akron, Ohio, for Medina Campus to establish a workforce development/vocational rehabilitation project to meet the needs of the region's workforce	1,500,000
University of Alaska-Anchorage Center for Human Development for training of health care personnel	400,000
University of Idaho Alternative Careers	900,000
University of Mississippi to support real time captioning efforts for court reporting school	500,000
University of Northern Iowa Immigration Services for Iowa's Communities	375,000
University Technology Park (Chester) for the administration of a Computer and Internet Training Center to train working poor and youth in high-tech skills	75,000
Urban League of Metropolitan Denver, Denver, CO, for Project Connect Technical Training Program	150,000
Valley Economic Development Center, Van Nuys, CA, for the Pacoima Workforce Development Initiative to train low-income inner-city and minority families	250,000
Valley Initiative for Development and Advancement, Weslaco, TX, for Community Based Workforce Demonstration Project	350,000
Valley Packaging Industries, Inc., in Appleton, Wisconsin to provide job training and support for homeless shelter residents and non-English speaking workers	83,000
Vermilion Community College, Ely, MN, for development of a Professional Forest Harvester program	500,000
Vietnam Veterans Leadership Program of Western Pennsylvania, Pittsburgh, PA, for the Jobs for Veterans Project	250,000
W.J. Usery Center, Atlanta, Georgia, for training and technical assistance seminars	100,000

Washington State University, Pullman, Washington, for training and recruitment	50,000
West Virginia High Technology Consortium Foundation, Fairmont, West Virginia, for the Collaborative Information Technology Training Program	700,000
Western Wisconsin Workforce Development Boards, Inc., in La Crosse, Wisconsin to provide customized training for Certified Nurse Practitioners and Licensed Practical Nurses	150,000
Westside Industrial Retention and Expansion Network, Cleveland, Ohio, for continuation of projects	500,000
William F. Goodling Regional Advanced Skills Center to train dislocated workers in the manufacturing industry	200,000
Workforce Initiative Association, Canton, Ohio, for the Business Services Unit Demo project	500,000
Wrightco Technologies, Inc., PA	250,000
Young Community Developers, Inc., San Francisco, CA, to train low income residents as environmental remediation specialists	350,000
Youth Opportunities in Retailing, Inc., to work in cooperation with schools and community organizations to teach sales and service skills to develop a future workforce.	200,000

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement appropriates $445,200,000 for Community Service Employment for Older Americans, instead of $440,200,000 as proposed by H.R. 246 and the Senate.

PROGRAM ADMINISTRATION

The conference agreement appropriates $175,652,000 for Program Administration, instead of $172,061,000 as proposed by H.R. 246 and $177,642,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $383,607,000 for the Employment Standards Administration, Salaries and Expenses, instead of $380,757,000 as proposed by H.R. 246 and $385,457,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $37,657,000 to be made available to the Secretary from the fair share entities to pay the costs of administration of the Federal Employees' Compensation Act instead of $36,986,000 as proposed by H.R. 246. Within that total the conference agreement includes $12,027,000 for medical bill review and periodic roll management as proposed by the Senate, instead of $11,356,000 as proposed by H.R. 246.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $31,987,000 to be transferred to the Employment Standards Administration, $22,952,000 to be transferred to Departmental Management Salaries and Expenses, and $334,000 to be transferred to Departmental Management Office of the Inspector General as proposed by the Senate rather than $34,151,000, $24,033,000, and $345,000, respectively, as proposed by H.R. 246.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $453,256,000 for the Occupational Safety and Health Administration instead of $444,194,000 as proposed by H.R. 246 and $462,314,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Within the total, $3,200,000 is to be used to extend funding for Institutional Competency training grants provided that the grantee has demonstrated satisfactory performance.

The conference agreement does not include the $2,000,000 set-aside as proposed in the Senate bill pertaining to the re-issuance of an ergonomics standard.

The conferees understand that the Department has had a proposed reorganization of certain field offices in Maine under consideration for several months. However, the Department did not formally advise the Committees on Appropriations until February 10, 2003 regarding this proposal. The conferees do not consider this to be timely notification. Therefore, the conferees direct that the Department maintain the current organization of Maine field offices until the Congress has had sufficient time to review this proposal.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $274,741,000 for the Mine Safety and Health Administration instead of $254,323,000 as proposed by H.R. 246 and $271,841,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Within the total, the conference agreement includes $2,000,000 to be available for mine rescue and recovery activities on a non-contingency basis as proposed by the Senate. The conference agreement also includes $10,000,000 to be available until expended for digitizing mine maps and for developing technology related to such activities as proposed by the Senate.

The conferees agree with the Senate explanatory statement included in the CONGRESSIONAL RECORD of January 15, 2003 pertaining to the National Academy of Sciences report on coal waste impoundments, except that the due date for the required study is changed from March 15, 2003 to August 15, 2003.

The conferees have included $3,000,000 for an award to the National Technology Transfer Center for a coalslurry impoundment pilot project in Southern West Virginia.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement includes $495,454,000 for the Bureau of Labor Statistics rather than $498,164,000 as provided by H.R. 246 and $497,054,000 by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes language that changes the period of availability for Occupational Employment Statistics funding from a program year basis to a fiscal year basis as proposed by the Senate. Within the total for the Employment and Unemployment Statistics activity, $5,000,000 is for the Mass Layoff Statistics program. Similar language was included in the Senate bill.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

The conference agreement includes $47,465,000 for the Office of Disability Employment Policy instead of $42,500,000 as proposed by H.R. 246 and $47,015,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $390,379,000 for Departmental Management, Salaries and Expenses, instead of $294,413,000 as proposed by H.R. 246 and $396,623,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $33,893,000 for administration and management rather than $32,670,000 as proposed by H.R. 246 and $30,191,000 as proposed by the Senate. Funds provided above the budget request for this activity may be used for the Departmental management crosscut.

The conference agreement does not include the $3,000,000 set-aside for the creation of an Office of Pension Participant Advocacy as proposed by the Senate.

The conference agreement includes $148,015,000 for the Bureau of International Labor Affairs (ILAB), instead of $54,574,000 as provided by H.R. 246. Within the total provided, $82,000,000 is to assist developing countries with the elimination of child labor. Of this amount, $45,000,000 is for the International Labor Organization's International Programme for the Elimination of Child Labor. In addition, $37,000,000 is provided for bilateral assistance, made available through September 30, 2004, to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. The conference agreement further includes $20,000,000 for multilateral technical assistance and $17,000,000 for bilateral technical assistance. These funds help developing countries implement core labor standards, strengthen the capacities of Ministries of Labor to enforce national labor laws, and protect internationally-recognized worker rights. The conference agreement includes $5,000,000 for ILAB to build its own permanent capacity to monitor and report regularly and in-depth to the Congress on the extent to which foreign countries with trade and investment agreements with the United States respect internationally-recognized worker rights and effectively promote core labor standards. The conference agreement also includes $10,000,000 for global workplace-based HIV/AIDS education and prevention programs and $14,015,000 for Federal administration and other ILAB programs.

On June 18, 2002, the Department of Justice published final regulations regarding Executive Order 13166 pertaining to limited English proficiency. The conferees are concerned about the potential costs of implementation to the Department of Labor, State agencies, local workforce investment boards, and other grant recipients. Therefore, the Department should prepare a report by August 15, 2003 for the Committees on Appropriations which outlines implementation of the new policy guidance as interpreted by the Department including enforcement policies and costs to the Department and all affected entities, including State labor departments or agencies. In addition, the conferees request that the report also include what assistance the Department will offer to assist grant recipients in complying with the revised policy guidance.

Veterans Employment and Training

The conference agreement appropriates $214,212,000 for Veterans Employment and Training, instead of $210,337,000 as proposed by H.R. 246 and $218,087,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

GENERAL PROVISIONS

Executive Order 13126

The conference agreement includes a provision proposed by the Senate that none of the funds appropriated in this Act shall be obligated or expended for the procurement of goods produced by forced or indentured child labor. H.R. 246 contained no similar provision.

Denali Commission

The conference agreement includes a provision proposed by the Senate that authorizes to be appropriated such sums as may be necessary to the Denali Commission to conduct job training where Denali Commission projects will be constructed. H.R. 246 contained no similar provision.

Social Security Divided Retirement System

The conference agreement does not include a provision proposed by the Senate to extend the Social Security divided retirement system authority to the State of Kentucky. H.R. 246 did not contain this provision.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

The conference agreement includes $6,497,630,000 for health resources and services, of which $6,472,630,000 is provided as budget authority and $25,000,000 is made available from the Public Health Service policy evaluation set-aside, instead of $5,885,497,000 as proposed by H.R. 246 and $6,280,681,000 as proposed by the Senate.

The conference agreement includes bill language identifying $40,000,000 for the rural hospital flexibility grants program instead of the $30,000,000 in H.R. 246 and $45,000,000 in the Senate bill. Within the total provided, $15,000,000 is for the Small Rural Hospital Improvement Grant program.

The conference agreement includes bill language identifying $298,153,000 for the construction and renovation of health care and other facilities, including the purchase of equipment. The Senate and H.R. 246 contained no similar provision. These funds are to be used for the following projects:

A.O. Fox Memorial Hospital, Oneonta, New York	$500,000
Access to Care Initiative, Luray, Virginia	400,000
Achievement Centers for Children, Cuyahoga County, Ohio	500,000
Adolescent Residential Center for Help (ARCH) in Anchorage, AK	1,500,000
Advocates for a Healthy Community, Missouri	150,000
Aging and Health Services Center	200,000
Alderson-Broaddus College in West Virginia	500,000
All Children's Hospital Pediatric Clinical Research Center, St. Petersburg, Florida	1,033,000
Allegheny-Clarion Valley Development Corp., PA	100,000
Alliance Community Hospital, for Endovascular surgery	600,000
Allied Services of Scranton, Allentown, PA	100,000
Alpha Community Ambulance Service, Inc., State College, Pennsylvania	100,000
Area 1 Agency on Aging, Del Norte County, California	100,000
Arkansas State University at Mountain Home	1,100,000
Atchison County Resource Center, Maryville, Missouri	300,000
Atlantic City Behavioral Health Center, Atlantic City, New Jersey	500,000
Aultman Health Foundation, Canton, Ohio	1,000,000
Aurora University, Aurora, Illinois, to establish an Institute for Collaboration in Education and Health Services	10,000,000
Ballarmine Health Science Center at the Bellarmine University, Louisville, Kentucky	800,000
Baptist Health Systems, Baptist Shelby Obstetrical Services Expansion Project, Alabaster, Alabama	500,000
Baptist Orange Hospital, Orange, Texas	350,000
Barnes-Kasson County Hospital, Susquehanna, Pennsylvania, for a magnetic resonance imaging unit and digital radiology equipment	850,000
Barnwell County Government, Barnwell, South Carolina, for new Health Services facility	166,000
Barry University Institute for Community Health and Minority Medicine, Miami Shores, Florida	700,000
Beaverton Health Clinic, Beaverton, Oregon	50,000
Benedictine Hospital, Kingston, New York	350,000
Benson Hospital, Benson, Arizona	500,000
Bertie County Rural Health Association, Winsor, North Carolina	500,000
Bethune Cookman College in Florida	900,000
Bowdle Healthcare Center in Bowdle, SD for technology and equipment	100,000
Boys Town Research Hospital, Lied Learning and Technology Center for Childhood Deafness and Vision Disorders in Omaha, Nebraska	1,000,000
Boys Village Youth and Family Services, Milford, Connecticut	400,000
Boys' Village, Inc., Smithville, Ohio, for Health and Wellness Center for middle and high school youth by keeping them from dropping out, teen pregnancy, targeting drug and alcohol abuse, and treating violent youths	500,000
Bradford Regional Medical Center, Bradford, Pennsylvania, for medical equipment	100,000
Brazos Valley Family Medicine Center, Bryan, Texas	250,000
Brownsville Community Health Center, Brownsville, Texas	300,000
Bucktail Medical Center, Renova, Pennsylvania, for medical equipment	100,000
Burlington School District, Vermont	100,000
Butler Hospital, Providence, Rhode Island	300,000
Camillus House, Miami, Florida	500,000
Cancer Research Center of Hawaii, Honolulu, Hawaii	500,000
Carol G. Simon Cancer Center, Florham Park, New Jersey	250,000
Carondelet St. Mary's Hospital, Tucson, Arizona	600,000
Catholic Health Systems, Buffalo, New York, for Our Lady of Victory Neighborhood	500,000
Catskill Regional Medical Center, Harris, New York	350,000
Center for Families and Children, Cleveland, Ohio	300,000
Charles Cole Memorial Hospital, Coudersport, Pennsylvania, for medical equipment	100,000
Children's Home of Wheeling, Inc., in Wheeling, West Virginia	150,000
Children's Hospital and Regional Medical Center, Seattle, Washington	300,000
Children's Hospital of Central California for construction of the Pediatric Trauma Unit, Los Angeles, CA	150,000
Children's Hospital of San Diego, San Diego, California	475,000
Children's Medical Center of Dayton, Dayton, OH	543,000
Children's Memorial Hospital and Children's Memorial Institute for Education and Research, Chicago, Illinois	650,000
Children's National Medical Center, Washington, D.C.	300,000
Chippewa Valley Technical College, Eau Claire, Wisconsin	500,000
Christopher Rural Health Planning Corporation, Christopher, Illinois, for Mt. Vernon Community Health Center	380,000
Cincinnati Children's Hospital Medical Center, Cincinnati, Ohio	794,000
City of Abilene, Texas	650,000

City of Austin, South Austin Public Health and Neighborhood Center, Austin, Texas	500,000
City of El Paso, Texas	350,000
City of Glendale, California, for the Edison-Pacific Community Medical Clinic	100,000
Clark County, NV, Health District for a public health laboratory	338,000
Clearfield Hospital, Clearfield, Pennsylvania, for medical equipment	100,000
Clearwater Valley Hospital and Clinics	500,000
Cleveland Clinic Foundation, Cleveland, Ohio, for a Heart center	1,000,000
Cleveland Clinic Foundation, Cleveland, Ohio, for a Men's Minority Health Center	1,000,000
Cold Spring Harbor Laboratory in New York for a Women's Cancer Genomics Center	500,000
Colorado State University	500,000
Columbia Memorial Hospital, Hudson, New York	825,000
Columbus Children's Hospital, Children's Research Institute (CRS), Columbus, Ohio, to purchase equipment	921,000
Columbus Community Hospital Foundation, Columbus, Wisconsin	650,000
Commonwealth of Virginia, Division of Consolidated Laboratories	250,000
Community Clinics Initiative of Cook Children's Medical Center, Ft. Worth, Texas	600,000
Community Health Center of Franklin County, Turners Falls, Massachusetts	225,000
Community Health Centers in Iowa	501,000
Community Health Centers of Pinellas, Inc., St. Petersburg, Florida	500,000
Community Health Connections Family Health Center, Fitchburg, Massachusetts	300,000
Community Medical Center Healthcare System, Scranton, Pennsylvania	800,000
Coulee Community Hospital, Grand Coulee, Washington	700,000
County Commission of Raleigh County, West Virginia	4,000,000
County of San Mateo, California	650,000
Coushetta Tribe of Louisiana, Jefferson Davis Parish, Louisiana, for a tribal wellness center	1,000,000
Creighton University Health Sciences Complex, Omaha, Nebraska	500,000
Crouse Health Foundation, Inc., Syracuse, New York	475,000
Cumberland Medical Center, Crossville, Tennessee	500,000
Denver Health and Trauma Center to continue its mission and update the hospital for use as the designated bioterrorism response center, Denver, Colorado	1,500,000
Department of Pediatrics, Milton S. Hershey Medical Center, Hershey, Pennsylvania	250,000
Department of Public Health, Redding, California, for a new Public Health Laboratory	500,000
Detroit Medical Center, Hutzel Hospital, Detroit, Michigan	800,000
Detroit Medical Center, Rehabilitation Institute of Michigan	450,000
Dixie County Health Department, Cross City, Florida	130,000
Dominican University of California, San Rafael, California	200,000
Driscoll Children's Hospital, for its Driscoll Pediatric Clinic in McAllen, Texas	2,000,000
Dunlap Memorial Hospital, Wayne County, Ohio, for equipment	750,000
DuPage County Mental Health Center, Wheaton, Illinois	500,000
East Jefferson General Hospital, Metairie, Louisiana	300,000
East Tennessee State University James H. Quillen College of Medicine, Johnson City, Tennessee	200,000
Eastern Virginia Medical School, Norfolk, Virginia	500,000
Edward Hospital, Naperville, Illinois	100,000
Eisenhower Medical Center, Rancho Mirage, California	500,000
Eisner Pediatric and Family Medical Center to expand its facilities to provide urgently needed care to low-income children and families.	150,000
Englewood Hospital and Medical Center, Englewood, New Jersey	200,000
Erlanger Health System, Chattanooga, Tennessee, for purchase of mobile carts with wireless laptop, wall-mounted computers, wireless antennas network attached servers and wireless hardware and software infrastructure	825,000
Euclid Hospital Emergency Department, Euclid, Ohio	500,000
Eunice Kennedy Shriver Center at UMass Medical School, Waltham, Massachusetts	150,000
Evans Memorial Hospital, Claxton, Georgia	50,000
Fairfield Medical Center Children's Daycare Facility, Lancaster, Ohio	350,000
Family Christian Health Center, Harvey, Illinois	225,000
Family Health Center of Boone County, Missouri	100,000
Family Health Centers of San Diego, San Diego, California	300,000
First Choice Community Clinic, Albuquerque, New Mexico	2,300,000
FirstHealth of the Carolinas, Inc., Pinehurst, North Carolina, subsidization and staff	490,000
Florida Blood Services, Inc., St. Petersburg, Florida, for equipment and construction costs	135,000
Florida Emergency Medicine Foundation, Orange County, Florida	500,000
Fontbonne University Center for Communication Disorders, Deaf Education and Special Education Training for planning and design, Missouri	1,000,000
Fox Chase Cancer Center and The University of Maryland Greenebaum Cancer Center for the American-Russian Cancer Alliance to establish a long term collaborative program for research, clinical activities and education that will reduce the morbidity and mortality	600,000
Freeport Family Health Center, Freeport, Ohio	150,000
Friendship House Association of American Indians, San Francisco, California	250,000
Fulton County Department of Health and Wellness, Atlanta, Georgia	350,000
Georgia State University, Atlanta, Georgia	400,000
Gifford Medical Center, Randolph, Vermont	295,000
Gilda's Club of Northern New Jersey, Hackensack, New Jersey	250,000
Glens Falls Hospital, Glens Falls, New York	950,000
Glide Memorial Foundation, San Francisco, California	250,000
Good Shepherd, Lehigh County, PA	500,000
Grandview Hospital and Medical Center, Dayton, Ohio	500,000
Greater Rockingham Area Services, Bellows Falls, Vermont	40,000
Griffin Home, Friends of Youth, Renton, Washington	200,000
Grinnell Regional Medical Center Indigent Care Clinic	100,000
Grossmont College, El Cajon, California	200,000
Grover G. Dils Medical Center, Caliente, Nevada	500,000
Guthrie Corning Hospital, Corning, New York	500,000
H. Lee Moffit Cancer Center, Tower Project, Florida	600,000
Hackensack University Medical Center, Hackensack, New Jersey	150,000
Hamilton Community Health Network, Flint, Michigan	200,000

HARBOR Branch Oceanographic Institution, Fort Pierce, Florida, for equipment	500,000
Harlem Hospital Center, New York City	400,000
Hartland Regional Community Foundation, St. Joseph, Missouri, for emPower Plant program	200,000
Harts Health Clinic in Lincoln County, West Virginia	500,000
Haysi Medical Clinic, Virginia	300,000
Hazard Appalachian Regional Healthcare (ARH) Regional Medical Center, Hazard, Kentucky	1,000,000
HealthNet, Inc., Indianapolis, Indiana	300,000
Heller School for Social Policy and Management, Brandeis University, Waltham, Massachusetts	900,000
Hi-Desert Medical Center, Joshua Tree, California	700,000
Hillcrest Health Care Center, Tulsa, Oklahoma	1,050,000
Holy Cross Hospital, Fort Lauderdale, Florida	500,000
Holy Name Hospital, Teaneck, New Jersey	200,000
Holyoke Hospital, Holyoke, Massachusetts	400,000
Hopeland Health Center, Dayton, Ohio	600,000
Hospice & Palliative Care of Louisville, Louisville, Kentucky	1,000,000
Hospice of Marshall County, Inc., Albertville, Alabama	1,000,000
Houston County Hospital, Crockett, Texas	550,000
Howard Center for Human Services, Burlington, VT	250,000
Hudson Headwaters Health Network, Glens Falls, New York	300,000
Hudson Valley Hospital Center, Cortland Manor, New York	500,000
Humboldt Senior Resource Center, Eureka, California	200,000
Hunterdon Healthcare System, Flemington, New Jersey, for emergency room equipment	100,000
Huntsman Cancer Institute of University of Utah, Salt Lake City, UT	1,750,000
Idaho State University	400,000
Independence Square Foundation Building Expansion, Kingston, RI	750,000
Indiana Genomics Initiative, Indiana University School of Medicine, Indianapolis	1,000,000
Indiana University Cancer Center, Indianapolis, Indiana, to develop the Indiana University Center for Bone Cancer Research	1,000,000
Institute for Research and Rehabilitation, Houston, Texas	500,000
J. Joseph Moakley Medical Services Building, Boston Medical Center, Boston, Massachusetts	2,800,000
J.P. Carr Human Services Complex, Rockdale County, Georgia	500,000
Jackson Park Hospital Foundation, Chicago, Illinois	450,000
Jersey City Medical Center, Jersey City, New Jersey	600,000
Jersey Shore Hospital, Jersey Shore, Pennsylvania, for medical equipment	100,000
Joseph P. Addabbo Family Health Center, New York, New York	500,000
Kansas City Area Life Sciences Institute, Kansas City, Missouri	2,450,000
Kansas University Imaging Facilities for cellular and molecular imaging	1,000,000
Katy Hospital, Katy, Texas, for acquisition of radiology and imaging equipment	1,700,000
Kauai Community Health Center	50,000
Kaukini Hospital (Hawaii) research facility	50,000
Kennedy Krieger Institute, Baltimore, Maryland	750,000
Kent County Hospital, Warwick, Rhode Island	300,000
Kentucky Communities Economic Opportunity Council, Inc., Appalachian Regional Wellness Center, Barbourville, Kentucky	800,000
Kings County Hospital Center, Brooklyn, New York	350,000
Klamath County Integrated Health Services Building, Klamath County, Oregon	100,000
Lakeshore Foundation, Birmingham, Alabama	250,000
Lawrence General Hospital, Lawrence, Massachusetts	500,000
Lewistown Hospital, Lewistown, Pennsylvania, for medical equipment	100,000
Lexington-Fayette County Health Department for purchase of a Mammogram Machine and Professor and to purchase Laboratory Information System Equipment	100,000
Life Line Pregnancy Care Center, Leesburg, Virginia, for a sonogram machine to help single-mother pregnancies	50,000
LifeBridge Health, Baltimore, Maryland	500,000
Lighthouse Health Access Alliance, Hyannis, Massachusetts	500,000
Los Angeles City College, Los Angeles, California	240,000
Loudoun Healthcare, Inc., Leesburg, Virginia	400,000
Louisiana State University Health Sciences Center, Shreveport, Louisiana, for renovation of Emergency Care Center	166,000
Louisiana State University Health Sciences Center, Shreveport, Louisiana, for Trauma Care Systems to process crucial information about a patient's injury	166,000
Louisiana State University Stanley Scott Cancer Center	100,000
Lutheran Services of South Dakota for the Canyon Hills Center in Spearfish, SD	200,000
Malone College School of Nursing, Canton, Ohio	1,000,000
Marcum Wallace Memorial Hospital, Irvine, Kentucky	1,000,000
Marcus Institute, Atlanta, Georgia	650,000
Margaretville Memorial Hospital, Margaretville, New York	200,000
Maricopa Integrated Health System, Arizona	350,000
Marklund Children's Home, West Chicago, Illinois	1,000,000
Marshall University Mid-Ohio Valley Center, Point Pleasant, West Virginia	250,000
Marshall University in West Virginia	11,000,000
Mary McClellan Hospital, Inc., Cambridge, New York	575,000
Matthew Walker Comprehensive Health Center, Nashville, Tennessee	450,000
Maui Community Health Center	100,000
Medical College of Wisconsin, Milwaukee, Wisconsin	700,000
Medical University of South Carolina Oncology Center in Charleston, SC	3,500,000
Memorial City Hospital, Houston, Texas	700,000
Memorial Health University Medical Center, Savannah, Georgia	700,000
Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County	225,000
Mercy Health Partners, Toledo, Ohio	650,000
Mercy Health Partners-Hamilton, Cincinnati, Ohio	750,000
Mercy Medical Center at Durango, Colorado	1,000,000
Mercy Medical Center, Des Moines, Iowa	1,700,000
Metropolitan Education and Training Center, Wellston, Missouri	500,000
Miami Children's Hospital Ambulatory Care Center, Miami, Florida	267,000
Miami-Dade County, Florida, for the M.O.V.E.R.S. program	400,000
Middletown Regional Hospital Center, Middletown, Ohio	750,000
Midwest Center for Rural Health, Terre Haute, Indiana	700,000
Million Pines Family Health Center, Soperton, Georgia	38,000
Milwaukee Center for Independence, Milwaukee, Wisconsin	400,000
Miriam Hospital, Providence, Rhode Island	700,000

Mission St. Joseph's Health System, Asheville, North Carolina, for Helicopter Ambulance program	2,800,000
Mobile Medical Unit, Pinellas County Health Department, Clearwater, Florida	200,000
Model Cities Health Corporation, Kansas City, Missouri	250,000
Moneta Gardens Improvement, Inc., Hawthorne, California	300,000
Morehouse School of Medicine, Atlanta, Georgia	300,000
Morton Health Center (CHC), Oklahoma	100,000
Moses Taylor Hospital, Scranton, Pennsylvania	350,000
Mount Sinai Maternal-Child Care Center, Mount Sinai Hospital, New York, New York	500,000
Mountainview Medical Center, Montana	400,000
MultiDimensional Imaging, Inc., Newport Beach, California	1,250,000
Muskegon Community Health Project, Muskegon, Michigan	400,000
National Jewish Medical and Research Center, Denver, Colorado	1,000,000
National Nursing Centers Consortium, Philadelphia, PA	100,000
Navidad Medical Center, Salinas, California	175,000
Neumann College, Aston, PA	50,000
Neumann Health and Wellness Center, PA	100,000
Nevada Cancer Institute in Las Vegas, Nevada, for preliminary work to establish a comprehensive cancer treatment center in southern Nevada	900,000
New Britain General Hospital, New Britain, Connecticut, for pyxis equipment	500,000
New Horizon Youth Center, Bethesda, Ohio,	125,000
New York City Health and Hospitals Corporation, Elmhurst Hospital Center	250,000
New York University Dental Clinics for the Underserved	250,000
New York University Medical Center for construction of a vaccine lab	1,500,000
New York-Presbyterian Hospital for the Allen Pavilion	900,000
Newton Regional Hospital, Newton, Mississippi	410,000
North Sunflower County Hospital, Ruleville, Mississippi	150,000
Northeast Indiana Innovation Center Biomedical Research Center, Fort Wayne, Indiana	500,000
Northern Cochise Community Hospital, Willcox, Arizona	500,000
Northwest Alabama Mental Health Center, Jasper, Alabama	250,000
Northwest Human Services, West Salem Clinic, Salem, Oregon	450,000
Northwestern Medical Center, St. Albans, Vermont	65,000
Northwestern Memorial Hospital, Chicago, Illinois	1,125,000
Northwestern University's Center for Genomics and Molecular Medicine, Evanston, Illinois	600,000
NYU Downtown Hospital, New York, New York	500,000
Oakhurst Medical Centers, Stone Mountain, Georgia	500,000
Oakwood Healthcare System, Dearborn, Michigan	450,000
Ohio State University, Columbus, Ohio, Biomedical Research and Education Center	1,000,000
Oklahoma Medical Research Foundation to modernize existing lab space, particularly labs for the arthritis and immunology program that houses much of the current research into Native American genetics	975,000
Operation Par, Inc., Pinellas Park, Florida, for an Operation PAR Developmental Center and Therapeutic Community	4,000,000
Orthopaedic Hospital of Los Angeles	1,300,000
Our Lady of the Lake Regional Medical Center, Baton Rouge, Louisiana	200,000
Palliative Care Center and Hospice of the North Shore, Evanston, Illinois	300,000
Paradise Valley Hospital, National City, California	100,000
Peach County Hospital Authority, Fort Valley, Georgia	50,000
Penn State Milton S. Hershey Medical Center, Hershey, PA	1,630,000
Philipsburg Hospital, Philipsburg, Pennsylvania, for medical equipment	100,000
Pinnacle Health, Harrisburg, PA	250,000
Pioneer Valley Life Sciences Initiative joint venture between the University of Massachusetts and Baystate Medical Center	1,200,000
Placer County Children's Emergency Shelter, Auburn, California	900,000
Polk County Central 911 Dispatch Center, Bolivar, Missouri, for computer aided dispatch software and global positioning satellite	150,000
Prentiss Regional Hospital, Prentiss, Mississippi	150,000
Preventive Medicine Research Institute, Sausalito, California	150,000
Proctor Hospital, Peoria, Illinois	800,000
Puget Sound Blood Center, Seattle, Washington	400,000
Quinnipiac University, Hamden, Connecticut	750,000
Rainbow Babies Center for Child Health, Cleveland, Ohio	1,025,000
Rhode Island Hospital, Hasbro Children's Hospital, Providence, Rhode Island	1,000,000
Rhode Island Hospital, Providence, RI	500,000
Rochelle Healthcare Clinic, Rochelle, Georgia	50,000
Rock Island (IL) facility of Community Health Care, Inc., Davenport, Iowa	450,000
Rockford Health System (RHS), Rockford, Illinois	200,000
Rocking Horse Center, Springfield, Ohio	350,000
Rural Health Collaborative of Southern Ohio, Georgetown, Ohio—Multi-Specialty Health care Treatment Center	1,000,000
Rush-Copley Medical Center, Aurora, Illinois	1,000,000
Rush-Presbyterian Medical Center, Chicago, Illinois	525,000
Rutgers University Genetics Building	800,000
Sacred Heart Hospital, Allentown, PA	750,000
Sagninaw Chippewa Tribe of Michigan for the Victims of Crime Program	1,100,000
Saint Anne's Hospital, Fall River, Massachusetts	775,000
Salt Lake Donated Dental Services, Salt Lake City, Utah	100,000
Samuel U. Rodgers Community Health Center, Kansas City, Missouri, for its Lexington, Missouri, facility	1,100,000
Sandhills Medical Foundation, Jefferson, South Carolina, for its McBee facility	600,000
Schenectady Family Health Services, Schenectady, New York	500,000
Shamokin Area Community Hospital, Coal Township, PA	250,000
Shands Jacksonville Hospital, Jacksonville, Florida	1,000,000
Siouxland District Health	800,000
Soldiers and Sailors Memorial Hospital, Wellsboro, Pennsylvania, for medical equipment	100,000
South County Hospital, Wakefield, Rhode Island	600,000
South Shore Hospital in Weymouth MA	200,000
Southeast Hospital, Houston, Texas	2,500,000
Southeast Missouri State University, Cape Girardeau, Missouri	100,000
Southern Connecticut State University, New Haven, Connecticut	800,000
Southern Illinois University School of Medicine, Springfield, Illinois	500,000
Springfield Regional Outpatient Cancer Center	325,000
St. Anthony Hospital, Oklahoma City, Oklahoma	200,000
St. Alphonsus Regional Medical Center, Boise, Idaho, St. Benedict's Hospital, Jerome, Idaho	405,000

St. Catherine College Allied Health and Science Complex, Kentucky	500,000
St. Claire Medical Center, Inc., Morehead, Kentucky	150,000
St. John Bosco Clinic, Miami, Florida	233,000
St. Joseph Community Center, Lorain, Ohio	250,000
St. Joseph's Hospital and Medical Center, Paterson, New Jersey	200,000
St. Louis Childrens Hospital in Missouri for equipment and technology for the Healthy Kids Express Mobile Health Van Program	100,000
St. Luke's Hospital, Allentown, PA	750,000
St. Luke's Regional Medical Center	500,000
St. Mary's Hospital in Huntington, West Virginia	2,000,000
St. Mary's Hospital, Waterbury, Connecticut	750,000
St. Mary's Regional Medical Center, St. Marys, Pennsylvania, for medical equipment	100,000
St. Petersburg College, Florida, for consortium dental clinic equipment	500,000
St. Vincent Home for Children, Lansing, Michigan	500,000
State University of New York at Binghamton Protein Dynamics Research Facility	200,000
State University of New York Upstate Medical University & College of Environmental Science and Forestry, for equipment and program costs	725,000
State University of New York Upstate Medical University, for equipment costs of the Institute for Cardiovascular Research and Biotechnology Core Facilities Enhancement Package	325,000
Steele Memorial Hospital Foundation	50,000
Stevens Foundation for Developmental and Erichment Services, Inc., Sanford, North Carolina	400,000
Summa Health System, Akron, Ohio,	500,000
Syracuse Community Health Center, Syracuse, New York	475,000
Tattnall Community Hospital, Reidsville, Georgia	62,000
Taylor Telfair Regional Hospital, McRae, Georgia	50,000
Temple University Hospital and Health System, Philadelphia, Pennsylvania	200,000
Tennessee Technological University, Cookeville, TN	1,100,000
Texas for the Border Health Medical Complex, City of El Paso	750,000
Texas Tech University Health Sciences Center, Lubbock, Texas, for Wellness Center	900,000
Texas Tech University's Center for Biological and Geographical Information Systems, Lubbock, Texas, for the purchase of medical-related research equipment	225,000
The New York Academy of Medicine, New York	100,000
Thomas Jefferson University, Philadelphia, PA, to purchase a 3.0 Tesla full body MRI system	1,130,000
Tom Ridge Public Health and Safety Building at Mercyhurst College, Erie, Pennsylvania	400,000
Touro University College of Osteopathic Medicine, Vallejo, California	550,000
Travelers Aid of Rhode Island, Providence, Rhode Island	750,000
Tri-County Community Dental Clinic in Appleton, Wisconsin	330,000
Trousdale Medical Center, Hartsville, Tennessee	400,000
Truman Medical Center, Missouri	1,000,000
Tyler Memorial Hospital, Tunkhannock, Pennsylvania, for equipment	450,000
UMDNJ--Robert Wood Johnson Medical School, Child Health Institute of New Jersey, New Brunswick, New Jersey	250,000
University Medical Center in Las Vegas, Nevada, for the Neonatal ICU and Women's Service Area	300,000
University Medical Center, Tucson, Arizona	800,000
University of Alabama, Birmingham, Interdisciplinary Biomedical Research Institute	10,000,000
University of Arizona Institute for Biomedical Science and Biotechnology, Tucson, Arizona	700,000
University of Arizona, Tucson, Arizona, for Bioscience and Biomedicine Institute International Genomics Consortium	1,500,000
University of California, San Diego, to purchase and install new angiography equipment in a new interventional radiology unit	100,000
University of Cincinnati Medical Center, Cincinnati, Ohio	1,000,000
University of Illinois College of Medicine, Rockford, Illinois	1,500,000
University of Louisiana at Monroe College of Health Sciences	500,000
University of Louisville Research Foundation, Kentucky, to the Center for Oral Health and Systemic Disease	700,000
University of Louisville's Cardiac Innovation Institute for equipment	1,200,000
University of Louisville's Science and Technology Research Center, Kentucky	1,700,000
University of Maryland School of Pharmacy, Baltimore	350,000
University of Mississippi in Jackson, Mississippi	4,000,000
University of Mississippi in Oxford	950,000
University of Mississippi Medical Center, Jackson, Mississippi	3,000,000
University of Nebraska Medical Center	2,000,000
University of Nebraska Medical Center, Omaha, Nebraska, to enhance distance-learning facilities that train nurses in rural areas	500,000
University of New Mexico Health Sciences Center Education building	2,000,000
University of North Texas Health Science Center, Fort Worth, Texas, for CAT Scan machine	800,000
University of Pennsylvania, Philadelphia, PA	1,630,000
University of Pittsburgh Medical Center, Pittsburgh, Pennsylvania	1,630,000
University of Pittsburgh School of Medicine, PA, for Mobilization for Autism initiative	250,000
University of Pittsburgh, McGowan Institute for Regenerative Medicine, Pittsburgh, PA	1,780,000
University of San Diego, Hahn School of Nursing, San Diego, California	200,000
University of South Alabama Gulf Coast Cancer Center and Research Institute	3,500,000
University of South Dakota School of Medicine in Vermillion, SD	500,000
University of South Florida Center for Biological Defense, Tampa, Florida	5,000,000
University of South Florida Health Sciences Center and College of Medicine, Tampa, Florida	3,000,000
University of Tennessee Graduate School of Computational Engineering, Chattanooga, Tennessee, for SimCenter project to perform simulations to study ocean/atmospheric issues associated with global climate	500,000
University of Tennessee Medical Center, Knoxville, TN	1,000,000
University of Texas Health Center at Tyler, Texas	200,000
University of Texas M.D. Anderson Cancer Center, Houston, Texas	2,000,000
University of Texas Southwestern Medical Center and UT Dallas, for sickle cell disease	400,000
University of Texas Southwestern Medical School, for FMRI	450,000
University of Texas Southwestern Medical School, for the stroke center	1,250,000
University of Washington Life Sciences Research facility, Seattle, WA	3,500,000

University of Wisconsin-Milwaukee Institute for Urban Health Partnerships	250,000
Vanderbilt Children's Hospital, Nashville, TN	1,000,000
Veterans New Jersey Health Care Systems, Morris Township	250,000
Visiting Nurse Association of Fox Valley, Aurora, Illinois	550,000
Visiting Nurses Association Care Watch Program, Cleveland, Ohio, to purchase equipment	405,000
W.A. Foote Memorial Hospital, Jackson, Michigan	500,000
Wake Forest Comprehensive Cancer Center, Winston-Salem, North Carolina	500,000
Walden House, San Francisco, California	400,000
Wendell Foster's Campus for Developmental Disabilities, Owensboro, Kentucky	500,000
West Virginia School of Osteopathic Medicine for the Robert C. Byrd Clinic	2,750,000
West Virginia University School of Medicine	3,000,000
Western Michigan University, Kalamazoo, Michigan, to establish distance learning facilities at WMU's Center for Occupational Therapy, Physician Assistants Program, Nursing and Speech Pathology and Audiology	500,000
Wexner Heritage Village, Columbus, Ohio,	200,000
White River Medical Center, Batesville, Arkansas	500,000
Whitman-Walker Clinic, Inc., Washington, DC	350,000
Wills Eye Hospital, Philadelphia, PA	1,100,000
Windber Research Institute, Johnstown, Pennsylvania	250,000
Wyoming Valley Health Care System, Wilkes-Barre, Pennsylvania	300,000
Yeshiva University, Albert Einstein School of Medicine, New York, New York	1,200,000
YMCA of Western Stark County, Massillon, Ohio, for Emergency Health Facility	2,000,000
Zucker Hillside Hospital of North Shore Long Island Jewish Health System, Queens, New York	450,000
Albert Einstein Healthcare Network, Philadelphia, Pennsylvania	1,630,000
Allegheny General Hospital, Pittsburgh, PA, for purchase of equipment to expand the Genomic Sciences at the Allegheny Singer Research Institute	1,630,000
Carnegie Mellon University, Pittsburgh, PA	1,630,000
Children's Hospital of Philadelphia, Philadelphia, PA, for equipment	500,000
Children's Hospital of Pittsburgh, Pittsburgh, PA	500,000
Crozer-Keystone Health System, Springfield, PA	100,000
Ephrata Community Hospital, Ephrata, PA, for equipment	200,000
Fox Chase Cancer Center, for construction of a Laser Accelerated Proton Facility & a cyberknife radiosurgery system	1,630,000
Lehigh Valley Hospital & Health Network, PA	750,000
Magee-Womens Hospital and Research Institute, Pittsburgh, PA	1,630,000
Main Line Health—Jefferson Health System, PA	500,000
Nazareth Hospital, Philadelphia, PA	250,000
Philadelphia College of Osteopathic Medicine, Philadelphia, PA	200,000

The conference agreement includes bill language to limit the amount available for Federal tort claims within community health centers funding to not more than $40,000,000 instead of $25,000,000 proposed by H.R. 246 and $50,000,000 as proposed by the Senate.

The conference agreement includes bill language identifying $275,138,000 for family planning instead of $265,275,000 as proposed by H.R. 246 and $285,000,000 as proposed by the Senate.

The conference agreement includes $1,514,651,000 for community health centers instead of $1,533,570,000 as proposed by the Senate and $1,457,864,000 as proposed by H.R. 246. The conferees concur with language contained in the Senate explanatory statement that not less than $9,000,000 be provided for Native Hawaiian health care activities.

The conferees have provided an increase above the request for community health centers in order to continue the initiative to add health center sites and expand services while also allowing increased grant support to existing centers for economic stabilization and to offset the rising cost of current services. While many health centers may be very efficient providers of services, they are not immune from the cost increases faced by all health care providers. Further, health centers are facing additional cost pressures as a result of the rising number of people without health insurance. For these reasons, the conferees expect HRSA to use a portion of the increased funding to increase basic support for existing health centers based on performance-related criteria, in addition to site and service expansion applications.

The conferees direct HRSA to provide a report to the House and Senate Committees on Appropriations no later than September 30, 2003 regarding the methodology used in distributing fiscal year 2003 health center appropriations and the methodology intended to be used in fiscal year 2004, including the actual and intended division of funds among new or expanded sites, service expansions, and adjustments to help cover the increased cost of ongoing services, as well as the formula or other methodology used in allocating the portion intended to help cover increased costs.

The conference agreement includes $46,249,000 for the national health service corps field placements instead of $46,000,000 as proposed by H.R. 246 and $46,498,000 as proposed by the Senate. The conferees support the Student Resident Experiences and Rotations in Community Health (SEARCH) program within the national health service corps and intend that HRSA continue this program in fiscal year 2003.

The conference agreement includes $125,959,000 for national health service corps recruitment instead of $109,000,000 as proposed by H.R. 246 and $142,918,000 as proposed by the Senate. The conferees intend that $3,000,000 of this amount be designated for the chiropractic program authorized under section 338L of the Public Health Service Act.

The conference agreement includes $423,961,000 for health professions instead of $392,582,000 as proposed by H.R. 246 and $424,066,000 as proposed by the Senate.

The conferees intend that the graduate psychology education program be continued within the funds provided for allied health and other disciplines, and that a geropsychology graduate training program be established within allied health.

The conferees provide $28,000,000 for geriatrics education. Within the total provided, $16,800,000 is directed to geriatric education centers, $6,500,000 is designated for geriatric training programs, and $4,700,000 is directed to geriatric academic career awards.

The conferees agree with the Senate explanatory statement directing HRSA to fund training components of chiropractic demonstration grants.

Within the funding for health professions training, the conference agreement provides $113,502,000 for nurse training programs instead of $98,502,000 proposed by H.R. 246 and $118,502,000 proposed by the Senate. The conferees have appropriated funding to establish programs authorized under the Nurse Reinvestment Act (P.L. 107–205), renamed existing line items to reflect these new authorities, and added new line items to fund these programs. The conferees have relabeled "Basic Nurse Education and Practice" the "Nurse Education, Practice, and Retention Grants" and relabeled the "Loan Repayment Program" the "Loan Repayment and Scholarship Program" to reflect the additional authorities provided under Sections 831 and 846, respectively, of the Public Health Service Act as modified by P.L. 107–205. In using the increase in funding provided above the fiscal year 2002 level, the conferees expect HRSA to give preference in funding to internship and residency programs (Sec. 831(a)(2)), career ladder programs (Sec. 831(c)(1)), and enhancing patient care delivery systems (Sec. 831(c)(2)) as required under Sec. 831(e) of the PHSA. The conferees have provided funding for scholarships (Sec. 846 (d)) for nursing students in exchange for service as a nurse for at least two years at a health care facility with a critical shortage of nurses. The conferees have also appropriated funding to establish the Nurse Faculty Loan Program and Comprehensive Geriatric Education, Sections 846A and 855 of the PHSA. The Nurse Faculty Loan Program will help increase the number of faculty at schools of nursing. Comprehensive Geriatric Education will train and educate individuals in providing geriatric care for the elderly. The conferees intend that nurse loan repayment funding should be directed to high priority urban and rural areas with severe nursing shortages.

The conference agreement does not include funding within HRSA for the Healthy Communities initiative. H.R. 246 proposed $10,000,000 for the program and the Senate proposed $20,000,000. Additional funds have been provided to the Centers for Disease Control and Prevention for this purpose.

The conference agreement includes $734,741,000 for the maternal and child health block grant instead of $726,931,000 as proposed by H.R. 246 and $741,531,000 as proposed by the Senate.

The conference agreement includes bill language designating $115,900,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS). Neither H.R. 246 nor the Senate bill earmarked funds for this purpose. It is intended that $4,000,000 of the SPRANS amount will be used to continue the sickle cell newborn screening program and its locally based outreach and counseling efforts. In addition, $5,000,000 of the SPRANS amount will be used for oral health demonstration programs and activities in the States as described in the Senate explanatory statement, $500,000 will be used for the city of Milwaukee Health Department for a pilot program providing health services to at-risk children in day care, and $10,000 will be used for the Dane County Neighborhood Child Health Clinic in Madison, Wisconsin to provide child dental services.

The conference agreement includes bill language identifying $55,000,000 for abstinence education instead of $60,000,000 as proposed by H.R. 246 and $40,000,000 as proposed by the Senate.

The conferees note that abstinence messages to a group of youth by a grantee should not be diluted by any instructor or materials from the same grantee. Adolescents should not be discouraged from seeking health information or services. HHS should not preclude entities who are teaching abstinence-only classes and who have a public health mandate from discussing other forms of sexual conduct or providing services, as long as this is conducted in a different setting from the abstinence-only course. In allocating grant funds, HRSA should give priority to those organizations that have a strong record of support of abstinence education as defined in sections (a) through (h) of Title 5, section 510(b)(2) of the Social Security Act.

The conference agreement includes $98,989,000 for healthy start as proposed by the Senate instead of $94,811,000 as proposed by H.R. 246.

The conferees recognize the life-saving success of the National Marrow Donor Program. In light of the new nuclear and chemical threats facing the country, the conferees encourage the National Marrow Donor Program to increase its public health preparedness efforts by developing and maintaining a national emergency response plan to ensure an adequate supply of needed marrow and blood stem cells. The conferees also support the National Marrow Donor Program's efforts to expand the sources of blood stem cells through its work on a cord blood bank initiative. The conferees encourage the NMDP to focus on the following areas: (1) recruitment of donors, with an emphasis on minority donors; (2) enhancement of cord blood banks through increased recruitment efforts, research, and other cord blood bank support; and (3) expansion of the NMDP's role in research related to improving outcomes of patients who receive bone marrow transplants.

The conference agreement includes $58,500,000 for rural health outreach grants instead of $38,385,000 as proposed by H.R. 246 and $51,472,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities in fiscal year 2003:

Aberdeen Area Tribal Chairman's Health Board in Aberdeen, SD, to support the Northern Plains Healthy Start Project	$750,000
Alaska Department of Health and Social Services Program to Reduce High Anemia rate in children in the Yukon Kuskokwin Delta and the Bristol Bay region	400,000
Alaska Family Practice Residency Program to support additional medical residents in Alaska to provide services for underserved populations	500,000
Bannock County Regional Medical Center, Pocatello, Idaho, to purchase Mammography Unit and provide mobile mammography screening to the rural areas of Southeast Idaho.	400,000
Center for Acadiana Genetics and Hereditary Health Care for continue and expand the development of the center	550,000
College of Saint Mary for education, recruitment and retention of nurses in rural communities	250,000
Commun-I-Care in Columbia, SC to support a program that distributes prescription drugs to low income, uninsured South Carolinians	300,000
Community Health Works in Forsyth Georgia, to expand services and information technology systems	50,000
Cooperative Education Service Agency No. 11 in Turtle Lake, Wisconsin for a dental program	750,000
Delta Health Alliance in Mississippi for a multi-university partnership to address delta health problems	1,200,000
Eastern Maine Healthcare, Rural Maine Health Improvement Demonstration Program to address the inconsistencies in the current rural health care delivery system	250,000
Eastern Oregon University Rural Frontier Delivery Healthcare Education Program for innovative nurse training	250,000
Ellen Stephen Hospice in Kyle, South Dakota to provide healthcare services to people in rural areas of South Dakota	100,000
Full Circle Women's Health in Madison, Florida, for a project to improve pregnancy care	95,000
Georgia Southern University, Statesboro, Georgia, for rural healthcare delivery services and nurse training/education and distance learning for students and healthcare professionals	300,000
Good Samaritan Regional Medical Center, Pottsville, PA, to establish the Schuylkill County Rural Health Consortium	250,000
Grace Medical Clinic in Mayfield, Kentucky for wellness programs	100,000
Harrison Community Hospital, Cadiz, Ohio, for ongoing delivery of healthcare to rural economically distressed woman, children and men	125,000
Idaho Children's Health Initiative	500,000
Marquette University to provide dental care to underserved communities through mobile dental clinics	350,000
Marshall University for the West Virginia Children's Health Project	500,000
Menominee Indian Tribe of Wisconsin, Keshena, Wisconsin to provide critical prenatal care to pregnant women	80,000
Mercy Housing, Inc. in Denver, Colorado to provide health care in coordination with affordable housing for low income families, seniors, and individuals with disabilities	300,000
Millinocket Regional Hospital in Millinocket, Maine, for a project to provide health care for the uninsured and underinsured population of eastern Maine	900,000
New Mexico-Hawaii telehealth project in remote and rural areas—Telehealth Outreach for Unified Community Health (TOUCH).	1,000,000
Ohio University in Athens, Ohio, for its Appalachian Rural Health Institute	500,000
Oregon Center for Nursing for innovative nurse training	235,000
Our Lady of Bellefonte Hospital Foundation in Ashland, Kentucky for its community wellness mobile clinic	350,000
Phoenix Children's Health Project in Arizona to address the health needs of extremely vulnerable homeless and runaway youth in underserved rural and urban areas	350,000
Pittsburgh Mercy Health System, Pittsburgh, PA, for health outreach and education	200,000
Porcupine Clinic in Porcupine, SD to provide healthcare services to people in rural areas of South Dakota	250,000
Progressive Family Services Health Center in Canton, Mississippi	100,000
Sioux City Community Health Center, Iowa, to establish a mobile health clinic	300,000

Smith Township Volunteer Fire Department, Jacobsburg, Ohio, for all purpose emergency response vehicle and rescue trailer for use in providing emergency medical services in inaccessible rural areas	15,000
St. Luke's Free Clinic in Kentucky to improve health care access for underserved populations	200,000
The Children's Health Fund, New York, New York, to improve access to health care for many of Pennsylvania's underserved children	165,000
University of Alabama at Birmingham Oral Health Initiative	300,000
University of Alabama Capstone Nursing School to improve the quality of primary care in rural Alabama	150,000
University of Alaska Fairbanks Development of Research and Evaluation agenda for health care delivery	850,000
University of Alaska-Anchorage to recruit and retain Alaska Natives as nurses	500,000
University of North Carolina at Wilmington School of Nursing, for its Bolton, North Carolina, primary health care facility	400,000
University of North Dakota School of Medicine to support its rural health program in preventative medicine and behavioral sciences.	1,100,000
University of Pennsylvania School of Dental Medicine, Philadelphia, PA., for its minority outreach oral health initiative	200,000
University of Southern Mississippi Center for Sustainable Health Outreach	500,000
University of Washington, School of Medicine, Seattle, Washington, for WWAMI Demonstration/Assistance Rural Training project	500,000
Wagner-Lake Andes Ambulance District in Wagner, SD, to provide emergency health services to people in rural areas of South Dakota	100,000
Waimanalo Community Health Center American Samoan outreach	200,000
Washington Health Foundation, Seattle, Washington, for a Rural Hospital Quality Network project	100,000
Weber State University in Utah to prepare nurses for providing care in rural settings	500,000
West Virginia University Center for Rural Emergency Medicine for the Injury Control Training and Demonstration Center	1,200,000
Western Kentucky University's Mobile Health Screening Program	400,000
U.S. and Developing Country Medical Centers Program for the linking of U.S. academic medical centers with developing country medical centers to facilitate mutual capacity building through the exchange of clinicians between the two institutions so that care providers in the developing world can learn, first hand, from those in the U.S. who are most experienced in AIDS care	200,000

The conferees continue to be concerned about the health care needs of those in the Mississippi River Delta region. The conferees provide $6,800,000 for rural health outreach to continue the ongoing initiative in eight States. These grants provide funding and technical assistance to help underserved rural communities identify and better address their health care needs and to help small rural hospitals improve their financial and operational performance. The conferees further recommend that HRSA consult with the Delta Regional Authority and the Delta Health Alliance, given their ongoing relationships with communities in the Delta.

The conference agreement provides $10,700,000 for rural health research instead of $16,808,000 as proposed by the Senate and $9,190,000 as proposed by H.R. 246.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Mercer University Health Sciences Center in Macon, Georgia for a rural health care task force	$50,000
University of North Dakota School of Medicine and Health Sciences in Grand Forks, North Dakota for its rural health program in preventative medicine and behavioral sciences	350,000
University of Pittsburgh Bradford Center for Rural Health, Bradford, Pennsylvania	300,000

The conference agreement includes $27,062,000 for telehealth instead of $4,000,000 as proposed by H.R. 246 and $39,192,000 as proposed by the Senate.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Advanced Technology Institute, North Charleston, South Carolina, Telehealth Deployment Center	$416,000
Alaska Federal Health Care Access Network Telemedicine Project	100,000
Banner Health System Telemedicine Program for equipment and infrastructure for telemedicine program to help provide care to rural and underserved areas in Arizona, Colorado, and Alaska	250,000
Baycare Health Systems, Clearwater, Florida, for a Medical Information Systems Initiative	1,000,000
Beaufort-Jasper-Hampton Comprehensive Health Services for a telehealth program to investigate techniques to prevent prostate cancer	700,000
Burlington Community Health Care in Burlington, Vermont for new technology infrastructure to reduce medical errors	500,000
CareOregon, Oregon Community Health Information Network, for the implementation of Electronic Medical Record software for safety net and community clinics	75,000
Case Western Reserve University, Cleveland, Ohio, for a Netwellness program	750,000
Children's Hospital and Regional Medical Center, Seattle, for implementation of the Children's Health Access Regional Telemedicine Network	500,000
Cook Children's Medical Center in Fort Worth, Texas for a rural specialty health telemedicine initiative	500,000
Foundation for eHealth Initiative, Washington, DC, for demonstration on electronic medical data interchange and sharing to support improve regional healthcare delivery	4,000,000
Geisinger Health System, Harrisburg, PA, for the Rural PA Stroke Care Partnership	1,630,000
Idaho State University for expansion of the telehealth integrated care center	1,500,000
Iowa Telecare Consortium to develop a disease management demonstration project in Iowa	600,000
James Whitcomb Riley Hospital for Children Telemedicine Program, Indianapolis, Indiana	500,000
La Crosse Medical Health Science Consortium in Racine, Wisconsin to establish virtual health centers in eight counties	350,000
Lake Charles Memorial Hospital, Lake Charles, Louisiana, Community Hospital Telehealth Consortium	450,000

Massachusetts College of Pharmacy and Health Sciences for telehealth programs at its Worcester campus Health and Education Resource Center	450,000
Midwest Rural Telemedicine Consortium, Mason City, Iowa	700,000
Minot State University in West Minot, North Dakota for a project using telehealth technologies for hearing assessment and hearing loss rehabilitation	150,000
Montefiore Medical Center, Bronx, New York, and the Children's Hospital at Montefiore's Clinical Information System to complete a Clinical Information System	200,000
New York-Presbyterian Hospital in New York City for its Community Hospital of the 21st Century medical informatics technology demonstration project	500,000
North Dakota State University College of Pharmacy in Fargo, North Dakota to field test telepharmacy technology in several rural pharmacy locations	600,000
North Idaho Rural Telehealth Program	650,000
Northwest Area Center for Studies on Aging in Billings, Montana	750,000
Oklahoma State Department of Health, Oklahoma City, Oklahoma, for a Mississippi-Oklahoma Rural Telemedicine Initiative	500,000
Pennsylvania Homecare Association in conjunction with the Pennsylvania State University for telehomecare, PA	250,000
Primary Care Association of Hawaii Telehealth and Outreach	400,000
South Alabama Telemedicine Project to create enhanced connectivity between rural emergency departments and the University of South Alabama Medical Center	300,000
St. Elizabeth Hospital Community Foundation in Appleton, Wisconsin for telemedicine equipment to provide medical care to underserved patients in northeastern Wisconsin	100,000
St. Vincent Healthcare in Billings, Montana to expand the regional video telecommunications network for healthcare providers	700,000
Susquehanna Health System, Williamsport, PA for Electronic Medical Information and Physician Access	500,000
University at Buffalo and State University of New York, Buffalo, Erie County, New York, for Buffalo Center of Excellence in Bioinformatics	1,000,000
University of Colorado Health Sciences Center, Denver, Colorado, for American Telehealth Center to expand curricular content, in terms of healthcare workforce-related topics, personnel and equipment	666,000
University of South Alabama Office of Emerging Technologies in Mobile, Alabama for home based telehealth disease management tools and telemedicine applications	200,000
University of Texas Medical Branch in Galveston, Texas for its telehealth resource center	500,000
Visiting Nurse Association of Houston in Houston, Texas for study of clinical outcomes and health care costs among congestive heart failure patients who are monitored through home telemonitoring	125,000

The conference agreement provides $8,500,000 for State offices of rural health instead of $10,000,000 as proposed by the Senate and $4,000,000 as proposed by H.R. 246.

The conference agreement includes $27,500,000 for the Denali Commission instead of $30,000,000 as proposed by the Senate. H.R. 246 contained no similar provision. The conferees reinforce language in the Senate explanatory statement indicating that the Denali Commission should allocate funds to a mix of service facilities.

The conference agreement includes $19,500,000 for emergency medical services for children instead of $18,000,000 as proposed by H.R. 246 and $20,000,000 as proposed by the Senate.

The conference agreement includes $22,500,000 for poison control instead of $20,000,000 as proposed by H.R. 246 and $24,000,000 as proposed by the Senate.

The conference agreement includes $9,500,000 for traumatic brain injury instead of $10,000,000 as proposed by H.R. 246 and $9,000,000 as proposed by the Senate.

The conference agreement includes $3,499,000 for trauma care instead of $5,000,000 as proposed by the Senate. H.R. 246 contained no similar provision.

The conference agreement includes a total of $2,031,005,000 for Ryan White programs, of which $25,000,000 is provided through the evaluation set-aside, instead of $1,930,204,000 as proposed by H.R. 246 and $2,051,295,000 as proposed by the Senate. Included in this amount is $622,741,000 for emergency assistance, $1,060,285,000 for comprehensive care, $199,672,000 for early intervention, $74,032,000 for women, infants, children, and youth, $13,493,000 for dental services, and $35,782,000 for education and training centers.

The conference agreement includes bill language identifying $719,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of $659,000,000 as proposed by H.R. 246 and $739,000,000 as proposed by the Senate. The conference agreement also includes bill language making available $25,000,000 under section 241 of the Public Health Service Act to carry out Ryan White Special Projects of National Significance as proposed by the Senate. H.R. 246 had no similar provision.

The conferees intend that at least 90 percent of total title IV funding be provided to grantees. With the exception of funds provided through the Minority HIV/AIDS Initiative, the conferees expect the funding increase to be used primarily to support maintenance of existing care services because of the rising costs of providing comprehensive care and the implementation of quality management programs. The conferees intend that HRSA use a significant portion of the remaining funds to expand comprehensive services for youth. The conferees are pleased by current efforts to facilitate ongoing communication with and among grantees about the administration of title IV programs and expect the agency to expand these efforts. The conferees request the agency to work with grantees to develop effective title IV-specific site visit methodologies.

Some 5 percent of the funds appropriated under this section may be used to provide peer-based technical assistance. Within this amount, sufficient funds are available to maintain and expand work being done to create a national consumer and provider education center on the use of various strategies in the care of children, youth, women and families infected with or affected by HIV and AIDS.

Within the total provided, $131,200,000 is for Ryan White AIDS activities that are targeted to address the growing HIV/AIDS epidemic and its disproportionate impact upon communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders. The conferees expect HRSA to follow the fiscal year 2002 House report regarding the disbursement of these funds.

Consistent with this overall direction, these funds are allocated as follows:

Emergency assistance—Within the total provided, $43,800,000 is for competitive, supplemental grants to improve the HIV-related health outcomes for communities of color and reduce existing health disparities.

Comprehensive care programs—Within the total provided, $7,000,000 is for State HIV care grants to support educational and outreach services to increase the number of eligible minorities who access HIV/AIDS treatment through AIDS Drug Assistance Programs (ADAP).

Early intervention program—Within the total provided, $53,400,000 is for planning grants and Early Intervention Service (EIS) grants to health care providers with history of serving communities of color.

Pediatric demonstrations—Within the total provided, $18,500,000 is to sustain and expand efforts to deliver comprehensive, culturally competent and linguistically appropriate research-based intervention and HIV care services to minority women, infants, and children.

Education and training centers—Within the total provided, $8,500,000 is to increase the training capacity of centers to expand the number of community-based minority health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV/AIDS-related treatments and medical care for HIV infected adults, adolescents and children.

The conference agreement provides $292,000,000 for children's hospitals graduate medical education as proposed by H.R. 246 instead of $285,000,000 as proposed by the Senate.

The conference agreement includes $120,000,000 for the community access program as proposed by H.R. 246 instead of $120,027,000 as proposed by the Senate. Within the total provided, $105,000,000 is for grants to develop and expand integrated systems of care and address service gaps within such integrated systems. The conferees intend to permit these funds to be available both for new Healthy Communities Access Program grants under the new section 340 of the Public Health Service Act, as well as renewal (to the extent appropriate based on programmatic considerations) of grants initially made during fiscal years 2000 through 2002 under section 301 demonstration authority and guidance contained in previous appropriations conference reports. Within the total provided, the remaining $15,000,000 is to continue the initiative to assist States to identify the characteristics of the uninsured within the State and develop approaches for providing all uninsured persons with health coverage. The conferees intend these funds to be available to provide additional grants to States that have previously received planning grants in order to assist such States in continuing their data gathering, analysis and planning processes, as well as to provide initial grants to additional States as appropriate.

The conference agreement includes $156,562,000 for program management instead of $149,294,000 as proposed by H.R. 246 and $143,354,000 as proposed by the Senate. The conferees expect HRSA to use no more than one percent of the funds allocated for projects for agency administrative expenses.

The conferees are concerned that planned efforts to restructure HRSA programs and grants management functions could have a negative effect on many HRSA grantees. The centralization of grant decision-making, coupled with the changing roles of staff in HRSA's field offices, could significantly diminish the institutional knowledge and expertise in community-based health care that is crucial to leading HRSA forward during this important period. Further, contemplated changes in the role of a project officer to reduce technical assistance functions in favor of increased focus on grantee performance reviews may serve to undermine the development and functioning of HRSA funded programs and is of great concern to the conferees. The conferees recommend that these changes not be undertaken until they can work with all stakeholders, including Congress, to show that they will not reduce the level and scope of assistance provided to grantees.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Catholic Social Services The Bridge, Wilkes Barre, PA, for abstinence education and related services	$46,000
CentraCare Health Foundation for administration, St. Cloud, Minnesota, to increase the ability of educational institutions to produce nurses in a region with high demand	500,000
Chester County Health Department, Chester County Government Services Center, West Chester, for abstinence education and related services	41,000
City of Chester, Bureau of Health, SABER Project, Chester, PA, for abstinence education and related services	105,000
George Washington Carver Community Center, Project A.C.E., Norristown, PA, for abstinence education and related services	86,000
Heart Beat, New Bloomfield, PA, for abstinence education and related services	51,000
Keystone Central School District, Central Mountain Middle School East, Lock Haven, PA, for abstinence education and related services	79,000
Keystone Economic Development Corporation, Johnstown, PA, for abstinence education and related services	88,000
L.V.C.P.T.P., St Luke's Health Network, CHOICE program, Bethlehem, PA, for abstinence education and related services	92,000
Lackawanna Trail School District, Factoryville, PA, for abstinence education and related services	74,000
LaSalle University, Philadelphia PA, for abstinence education and related services	112,000
Mercy Hospital of Pittsburgh, Pittsburgh, PA, for abstinence education and related services	111,000
Neighborhood United Against Drugs, Philadelphia, PA, for abstinence education and related services	136,000
New Brighton School District, New Brighton, PA, for abstinence education and related services	23,000
Northeastern Ohio Universities College of Medicine, Rootstown, Ohio, for the Center for Leadership in Public Health and Community Medicine	1,250,000
Nueva Esperanza, Philadelphia, PA, for abstinence education and related services	72,000
Partners in Family and Community Development, Athens, PA, for abstinence education and related services	72,000
Potter County Human Services, Roulette, PA, for abstinence education and related services	50,000
Rape and Victim Assistance Center of Schuykill County, Pottsville, PA, for abstinence education and related services	71,000
Real Commitment, Gettysburg, PA, for abstinence education and related services	82,000
School District of Lancaster, Project IMPACT, Lancaster, PA, for abstinence education and related services	101,000
School District of Philadelphia, Philadelphia, PA, for abstinence education and related services	102,000
Silver Ring Thing Program, Sewickley, Pennsylvannia, for expansion of a program promoting abstinence	700,000
The Guidance Center, project RAPPORT, Smethport, PA, for abstinence education and related services	74,000
To Our Children's Future With Health, Inc., Philadelphia, PA, for abstinence education and related services	109,000
Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services	136,000
Tuscarora Intermediate Unit, Mcveytown, PA, for abstinence education and related services	84,000
University of Akron, Ohio, for a nursing study	500,000
University of Florida, Gainesville, Florida, for Consortium to Promote Nursing Faculty	1,000,000
University of Louisville Research Foundation, Kentucky, to establish a Center for Cancer Nursing Education and Research	300,000
Urban Family Council, Philadelphia, PA, for abstinence education and related services	126,000
Venago County Area Vo-Tech, Oil City, PA, for abstinence education and related services	41,000
Washington Hospital Teen Outreach, Academy for Adolescent Health, Washington, PA, for abstinence education and related services	136,000
William Beaumont Hospital, Royal Oak, Michigan, for the Beaumont Nurse Anesthesia Education Rural Initiative	300,000
Women's Care Center of Erie County, Inc., Abstinence Advantage Program, Erie, PA, for abstinence education and related services	136,000
York County, Human Life Services, Inc. York, PA, for abstinence education and related services	50,000
Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services	95,000
Clarke College in Dubuque, IA, for the planning of a community health center	50,000
Clinical Pharmacy Training Program at University of Hawaii at Hilo	700,000

Family Voices of Iowa in the ASK Resource Center, Des Moines, IA, to continue and expand the Family to Family Health Information Center	100,000
Iowa Dept of Public Health to continue the Center for Healthcare Workforce Shortages	1,000,000
National Healthy Start Association, Baltimore, Maryland, to gather and disseminate information on best practices under the Healthy Start program and provide technical assistance to Healthy Start grantees ..	350,000
Tulsa Coalition for Children's Health in Tulsa, Oklahoma for a study regarding delivery of pediatric health care in northeastern Oklahoma	125,000
Waianae Coast Community Health Center leadership training	50,000

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $4,506,965,000 for disease control, research, and training at the Centers for Disease Control and Prevention (CDC), of which $4,296,566,000 is provided as budget authority and $210,399,000 is made available under Section 241 of the Public Health Service Act, instead of $4,402,249,000 as provided by the Senate. H.R. 246 included $4,335,839,000 for the CDC.

The conference agreement includes bill language to earmark $268,000,000 for equipment, construction, and renovation of facilities instead of $270,000,000 as proposed by the Senate. H.R. 246 included $200,000,000. Within this total, $250,000,000 is for continuation of CDC's building program for its Atlanta facilities and $18,000,000 is to begin construction and purchase equipment for the replacement of CDC's infectious disease laboratory in Fort Collins, Colorado. The conferees continue to support the rapid implementation of CDC's Buildings and Facilities Master Plan and are pleased with the progress made to date.

The conferees expect the CDC to utilize a portion of the funds provided for buildings and facilities to continue and expand security improvements to ensure critical information reliability for response to critical events, as well as to conduct increasingly varied public health missions.

The conference agreement includes bill language to allow the Centers for Disease Control and Prevention (CDC) to enter into a single contract or related contracts for the full scope of development and construction of facilities as proposed by the Senate. H.R. 246 contained no similar provision. The conference agreement also includes bill language proposed by the Senate to allow funds appropriated to the CDC to be used to enter into a long-term ground lease for construction on non-Federal land, in order to replace their laboratory in the Fort Collins, Colorado area. H.R. 246 included no similar language.

The conference agreement includes bill language to earmark $183,763,000 for international HIV/AIDS, the same as proposed by the Senate and H.R. 246. The conference agreement deletes bill language proposed by the Senate earmarking $40,000,000 of the amount provided for international HIV/AIDS for the International Mother and Child HIV Prevention Initiative. The conferees are agreed, however, that $40,000,000 of the amount provided for international HIV/AIDS is for this important initiative.

The conference agreement includes language in the bill designating that the following amounts shall be available under section 241 (Public Health Service Act evaluation set-aside) for the specified activities:

$125,899,000—National Center for Health Statistics Surveys
$14,000,000—National Immunization Surveys
$28,600,000—Information Systems Standards Development and Architecture and Applications-based Research Used at Local Public Health Levels
$41,900,000—Research Tools and Approaches within the National Occupational Research Agenda

H.R. 246 had proposed that $46,982,000 be derived from section 241 for National Center for Health Statistics surveys.

The conference agreement modifies the placement of bill language proposed by the Senate exempting from any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services both civilians and Commissioned Officers detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security during their period of detail or assignment. The agreement places the bill language within the Public Health and Social Services Emergency Fund account.

The conference agreement includes a modification to the proviso carried in prior appropriations acts prohibiting the use of funds available to the CDC to advocate or promote gun control, as proposed in H.R. 246. The Senate bill included a similar proviso. The conferees acknowledge that the purpose of this proviso is to prohibit Federal funds from being used to lobby for or against the passage of specific Federal, State or local legislation intended to advocate or promote gun control. The conferees understand that the CDC's responsibility in this area is primarily data collection and the dissemination of information and expect research in this area to be objective and grants to be awarded through an impartial, scientific peer review process. The conferees instruct the CDC to provide a detailed report, within 90 days of enactment, on the steps the CDC has taken to ensure this restriction is being followed.

The conference agreement includes a modification to a proviso, proposed by the Senate, to raise the funding limit for grants made under section 1509 of the Public Health Service Act (WISEWOMAN screening demonstrations). The agreement increases the limitation to $12,500,000, instead of $15,000,000 as proposed by the Senate. H.R. 246 maintained the limit at $10,000,000. The conferees are agreed that the increase in the limitation is intended to permit, but not mandate, an increase in the awards under this authority to $12,500,000 in fiscal year 2003.

Birth Defects

The conference agreement includes $98,681,000 for birth defects, developmental disabilities, disability and health instead of $97,691,000 as proposed by the Senate. H.R. 246 included $94,655,000 for these activities.

Within the total, the following amounts are provided for the specified activities above the fiscal year 2003 request:

$2,000,000—to expand State autism surveillance activities;
$2,000,000—to expand surveillance and epidemiological efforts of Duchenne and Becker muscular dystrophy;
$500,000—to activities related to Fetal Alcohol Syndrome;
$842,000—to expand the newborn infant screening program; and
$2,000,000—to support the establishment of a National Spina Bifida program.

In addition, $3,800,000 is provided to continue and expand support for the Special Olympics Healthy Athletes Initiative begun last year.

The conferees encourage the CDC to continue its partnership with the Amputee Coalition of America (ACA) and its support of the Limb Loss Research and Statistics Program. The Committee is also supportive of the partnership that the ACA and CDC have forged with the uniformed services in an effort to ensure that members of our armed forces receive the highest quality of care in the event of an amputation.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

The conference agreement includes $795,140,000 for chronic disease prevention and health promotion instead of $745,600,000 as proposed by the Senate. H.R. 246 proposed $773,928,000. Programs within this account are funded at the following levels:

Heart Disease and Stroke ..	$ 43,244,000
Cancer Prevention and Control	$290,645,000
Diabetes	$ 63,756,000
Arthritis and Other Chronic Diseases	$ 22,649,000
Tobacco	$100,584,000
Nutrition/Physical Activity	$ 34,372,000
Community Health Promotion	$ 37,269,000
School Health	$ 58,213,000
Safe Motherhood/Infant Health	$ 54,315,000
Oral Health	$ 11,787,000
Prevention Centers	$ 27,006,000
National Campaign to Change Children's Health Behaviors.	$ 51,300,000

Within the amounts provided for Cancer Prevention and Control, no less than $200,383,000 is for the Breast and Cervical Cancer Screening Program and $1,000,000 is for the establishment of a national lupus patient registry. The conferees urge the CDC to work closely with the Lupus Foundation of America in the establishment of the registry.

Within the amounts available for Arthritis and Other Chronic Diseases, the agreement provides an increase over the request of $850,000 for the expansion of State-based arthritis programs and collaborations with the relevant voluntary health organizations. In addition, an increase of $1,000,000 over the request is provided to enhance epilepsy efforts, in partnership with a national non-profit organization that works on behalf of children and adults affected by seizures.

Within amounts provided for Community Health Promotion, $6,903,000 is provided to support and expand the Behavioral Risk Factor Surveillance Systems, $2,800,000 for continuing and expanding a model project that is testing and evaluating the efficacy of glaucoma screening using mobile units, $1,900,000 is for a vision screening and education program as outlined in the Senate explanatory statement, and $1,800,000 is for the Mind-Body Medical Institute in Boston, Massachusetts to continue and expand practice-based assessments, identification, and study of promising and heavily-used mind/body practices.

The conferees encourage CDC to expand its public and professional awareness activities with respect to pulmonary hypertension and to report to the Committees on Appropriations within six months on the progress made in advancing this important initiative.

The conferees understand that the Iron Disorders Institute provides important educational material to the public and the medical community and encourages the CDC to establish a partnership with the Institute.

Environmental Health

The conference agreement includes $184,025,000 for environmental health instead of $189,489,000 as proposed by the Senate. H.R. 246 included $174,917,000 for environmental health activities.

Within the total provided: $37,763,000 is for the environmental health laboratory; $38,863,000 is for environmental health activities (including $2,200,000 to continue the physician education and public awareness program for primary immune deficiency disease as implemented by the Jeffrey Modell Foundation); $37,127,000 is for asthma; $42,272,000 is for childhood lead poisoning; and $28,000,000 is for the health-tracking network.

The conferees recognize the extraordinary services of CDC's Environmental Health Laboratory, and have provided funds to expand the assessment of exposure of the U.S. population to environmental chemicals, to expand assistance to States, and provide more effective laboratory response to toxic emergencies.

The conferees are concerned about the health status of the residents of rural communities. The conferees understand that the CDC currently is developing a rural health plan to address the variety of rural public health issues related to environmental exposures. The conferees urge the CDC to continue to work closely with the State of Iowa Public Health Department in developing this plan.

Epidemic Services

The conference agreement includes $78,001,000 for epidemic services and response as proposed by the Senate. H.R. 246 included the same amount for epidemic services.

HIV/AIDS, STD and TB Prevention

The conference agreement includes $1,194,150,000 for HIV/AIDS, STD and TB prevention instead of $1,183,532,000 as proposed by the Senate. H.R. 246 included $1,175,000,000 for these activities.

Included in this amount is $887,961,000 for HIV/AIDS activities, of which $183,763,000 is for global HIV/AIDS activities; $169,675,000 for STD activities; and $136,514,000 for TB activities. Within the funds provided for global HIV/AIDS, $40,000,000 is for the International Mother and Child HIV Prevention Initiative.

Within the total for HIV/AIDS, $104,000,000 is provided to continue CDC's support of activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders at not less than the fiscal year 2002 level. The conferees expect CDC to follow the report accompanying the Labor, HHS and Education and Related Agencies Appropriations Act, 2002 regarding the disbursement of these funds, including continuing support for the Directly Funded Minority Community Based Organization Program.

Immunization

The conference agreement includes a discretionary program level total of $654,751,000 for immunization, instead of $652,895,000 as proposed by the Senate. H.R. 246 included $634,601,000 for immunization activities. Within the total, $14,000,000 is for national immunization surveys to be derived from section 241 evaluation set-aside funds. In addition, the Vaccines for Children (VFC) program funded through the Medicaid program is expected to provide $1,056,000,000 in vaccine purchases and distribution support in fiscal year 2003, for a total immunization program level of $1,699,751,000.

Included in the amount provided is $505,963,000 for the section 317 program, and $148,788,000 for global immunization activities. Within the total available for global immunization, $106,400,000 is for global polio eradication activities, and $42,388,000 for the global measles program.

It has been brought to the conferees' attention that infrastructure costs of delivering vaccines to children in Alaska are substantially higher than in other areas of the country because of the many small, remote communities that must be served primarily by air. The conferees encourage CDC to increase section 317 grant support for infrastructure development and purchase of vaccines for the State of Alaska's universal immunization program.

Infectious Diseases

The conference agreement includes $345,471,000 for infectious diseases instead of $334,471,000 as proposed by the Senate. H.R. 246 included $353,961,000 for infectious diseases.

Within the total provided, $1,000,000 above the budget request is for a prevention program to control and reduce the incidence of hepatitis C. This funding is to continue to develop State-based programs and demonstrations to learn the most feasible approach to integrating hepatitis C and B screening, counseling, and referral programs into existing HIV and STD State programs.

Within the total provided, $8,000,000 above the request is to augment CDC's resources for supporting States in developing and implementing effective surveillance, prevention, and control of West Nile virus and support research on the biology of the disease.

Within the total provided, $2,000,000 above the request is to expand and improve surveillance, research, and prevention activities on prion disease. The conferees intend that a significant portion of the increase be used to expand support for the National Prion Disease Pathology Surveillance Center to establish a national autopsy network for prion disease surveillance.

The conferees are pleased that the CDC is restoring funds for Chronic Fatigue Syndrome research and that these funds are being used in substantive areas. The conferees encourage CDC to continue the establishment of a national registry.

Injury Control

The conference agreement includes $149,385,000 for injury control, as proposed by the Senate. H.R. 246 provided $148,464,000 for injury control.

Within the total provided, $3,000,000 is provided to extend implementation of the National Violent Death Reporting System. In addition, sufficient funds are included to continue support for all existing Injury Control Research Centers. The conferees also intend that $1,000,000 of the funds provided above the request augment funding for the Traumatic Brain Injury prevention program.

Occupational Safety and Health

The conference agreement provides a program level of $274,899,000 for occupational safety and health, the same as proposed by the Senate. H.R. 246 included $275,161,000 for occupational safety and health. Included within the available funds is $41,900,000 to carry out research tools and approaches activities within the National Occupational Research Agenda (NORA) to be derived from section 241 evaluation set-aside funds.

Within the total provided, $2,000,000 above the request is for the Education and Research Centers to expand research activities in support of implementation of NORA.

The conferees have provided sufficient funds for NIOSH to continue the farm health and safety initiative and to initiate an objective, science-based study on the exposure of industrial solvents on workers and whether those solvents have a long-term significant adverse neurological impact on the health of those workers.

The conferees support NIOSH's efforts in domestic terrorism preparedness, including work to protect emergency responders from biological and chemical terrorism exposures, as well as industrial accidents. The conferees urge NIOSH to fast-track its work to recognize the military affiliated laboratory expertise and certification and to certify military equipment for appropriate civilian use, particularly where any needed modifications are simple.

The conferees support continuation of the joint interagency initiative which involves the National Institute of Occupational Safety and Health, the Federal Aviation Administration, and the National Transportation Safety Board. The conferees encourage NIOSH to continue to implement the Board's recommendations to improve aviation safety in Alaska.

Public Health Improvement

The conference agreement includes a total program level of $153,848,000 for public health improvement instead of $115,672,000 as proposed by the Senate. H.R. 246 included $114,581,000 for public health improvement. Included within the available funds is $28,600,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels to be derived from section 241 evaluation set-aside funds.

Funds requested within public health improvement for development and implementation of a nationwide environmental health-tracking network have been provided for within the CDC's environmental health activities program.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Adelphi University in Garden City, New York for its Breast Cancer Hotline	$100,000
Alaska Department of Health and Social Services Obesity Prevention and Control program	400,000
Alivio Medical Center in Chicago, Illinois for its diabetes programs	150,000
Ambulatory Electronic Medical Record System (AEMRS) in Edina, Minnesota to improve overall medical error reduction	100,000
American Association of Physicians of Indian Origin for a study of cardiovascular disease and diabetes among persons of Asian Indian descent with emphasis on risk factors and effective interventions	500,000

American Trauma Society, Upper Marlboro, Md., for a program to provide medical professionals with the skills and strategies to guide families of the trauma victim through the stages of care	100,000
American Vitiligo Research Foundation, for education and awareness programs for outreach	100,000
Asthma and Allergy Foundation of Alaska and the Alaska Lung Association to prevent lung diseases stemming from tobacco	500,000
Auditory-Verbal Mentoring Program, Birmingham, Alabama for auditory-verbal therapy	400,000
Bexar County Community Health Collaborative in San Antonio, Texas for its "Fit City/Fit Schools" program	150,000
Cal State Bakersfield Foundation, Bakersfield, California, for a Valley Fever vaccination project	750,000
Center for International Rehabilitation to implement and create Disability Rights Monitor	400,000
Children's Medical Center of Dallas, Texas for the Center for Infectious Diseases, Advanced Diagnostics, and Emerging Pathogens	500,000
Children's Medical Research Institute, Oklahoma City, Oklahoma, for a Type 2 diabetes research program	450,000
Citizens Against Toxic Exposure Health Clinic, Pensacola, Florida, to locate and assist individuals with health problems related to environmental toxins	300,000
City of Long Beach, California, for surveillance, laboratory, epidemiology and other services at its health department	355,000
Clear Corps, Pittsburgh, PA., to provide lead poisoning prevention services to families in the Pittsburgh area	75,000
Community Health Centers in Hawaii for a childhood rural asthma project	150,000
Community Services Planning Council, Sacramento, California, Shots for Tots KIDS immunization registry	283,000
Cooper Green Hospital Women's Cancer Screening and Prevention program, Birmingham, Alabama, to screen and detect cervical cancers among low income women	250,000
Delaware Health and Social Services, Division of Public Health, for the Delaware Electronic Reporting (DEERS)	500,000
Division of Health Sciences, East Tennessee State University, Johnson City, Tennessee, for the Appalachian Cancer demonstration project	200,000
Economic Opportunity Commission of San Luis Obispo County in San Luis Obispo, California for its senior health screening program	50,000
Elliot Health System, Manchester, New Hampshire	400,000
Epilepsy Foundation in Landover, Maryland for its "No Seizures, No Side Effects" campaign	350,000
Greater Cleveland SAFE KIDS Coalition's Reducing Child Pedestrian Injuries in Urban Areas Program to decrease the high rates of pedestrian injury for children	30,000
Greenburgh Central School District No. 7 in Greenburgh, New York for developing and implementing an action plan to improve physical fitness and nutrition and reduce obesity among middle school and high school students	303,000
Health and Human Services Department, City of Houston, Texas for its Online Infectious Disease/Bioterrorism Immediate Identification, Assessment and Alert demonstration project	375,000
Healthy Body Healthy Soul Jesse Trice Cancer Center Prevention Project to provide funding for cancer prevention, education and early detection initiatives	300,000
Hunter Health Clinic, Wichita, Kansas, for supplies	250,000
Huntsman Cancer Institute in Utah to develop a Genealogical Database in support of genetic disease research	500,000
Inova Regional Trauma Center, Falls Church, Virginia, for a community-based injury prevention center	300,000
Iowa Games to continue the Lighten Up Iowa program	100,000
Iowa Health Foundation for a pilot program on chronic disease management	500,000
Iowa State University, Center for Food Safety and Public Health, Ames, Iowa, for a public health research and education project	1,000,000
Jackson State University Institute of Epidemiology and Health Services Research to address urban and rural health problems in Mississippi	1,200,000
Jefferson Parish (Louisiana) Mosquito Control Board, Harvey, Louisiana, to combat infestation and spread of the West Nile virus	200,000
Kansas University Medical School and Family Community Medicine Program, Wichita, Kansas, for Diabetes management program	200,000
Kirkwood Community College in Cedar Rapids, Iowa for the National Mass Fatalities Institute	300,000
La Rabida Children's Hospital in Chicago, Illinois for diabetes programs for children and families	150,000
Lake Charles Memorial Hospital in Lake Charles, Louisiana for its Breast Health Center	550,000
Lawton & Rea Chiles Center for Healthy Mothers and Babies in Tampa, Florida, for training paraprofessionals in the health-care field	1,000,000
Marin County Department of Health and Human Services in San Rafael, California for research, analysis and health system improvements related to the incidence of breast cancer in the county	500,000
Medical Institute for Sexual Health	250,000
Michael E. DeBakey Institute for Comparative Cardiovascular Science and Biomedical Devices at Texas A&M University, College Station, Texas	800,000
Missouri Primary Care Association for chronic disease prevention and oral health outreach and education	150,000
National Bioinformatics Collaboration Center for early stage planning	50,000
Neighborhood Health Plan of Rhode Island in Providence, Rhode Island for a community-based asthma outreach and intervention program	250,000
Northern Arizona University to research and address critical security needs associated with biothreat agents and organisms	450,000
Nurses for Newborns Foundation in St. Louis, Missouri, for services to infants and children at risk for abuse or neglect	300,000
Onondaga County Health Department, Syracuse, New York, for Tuberculosis elimination project	125,000
Osteopathic Health System of Texas, Fort Worth, Texas, for study to determine the efficacy of Hyperbaric Oxygen for treatment of diseases	870,000

Partnership for Food Safety Education, Washington, D.C., to establish a national education clearinghouse	500,000
Rice University in Houston, Texas, for proteomics research	1,000,000
S.A.F.E., Inc., Wilkes-Barre, PA., (in affiliation with Geisinger's Center for Autism), to establish centers of excellence for the treatment of Autism	250,000
San Antonio Metropolitan Health District in San Antonio, Texas to expand a public health assessment of exposure to environmental contaminants at and near the former Kelly Air Force Base	350,000
San Luis Obispo County Public Health Agency in San Luis Obispo, California for diabetes prevention, screening and education	90,000
SIDS Resources, Inc. in Kirkwood, Missouri for an Urban Education Outreach Program and Infant Mortality Risk Reduction Program in rural Missouri	50,000
Sister to Sister—Everyone Has a Heart Foundation to increase women's awareness of heart disease, Washington, D.C.	400,000
Sixteenth Street Community Health Center in Milwaukee, Wisconsin for a demonstration program focusing on asthma treatment in the bilingual community	250,000
Southeastern Center for Emerging Biologic Threats	600,000
Southern Methodist University for research regarding pharmaceutical antibiotic resistance	300,000
Southwestern Medical Center, Dallas, Texas, National Multiple Sclerosis Training Center at the University of Texas	500,000
St. Joseph Health Services in North Providence, Rhode Island for the "Pawtucket Smiles" children's oral health initiative	350,000
St. Joseph's Mercy Care Services in Atlanta, Georgia for their breast and cervical cancer screening and treatment program	350,000
St. Louis University Consortium Against Biological Agents in St. Louis, Missouri to expand and integrate the University's educational efforts in the basic science of the transmission, prevention and treatment of infectious diseases and the training of pub	1,000,000
St. Tammany Parish Mosquito Control Board, Slidell, Louisiana, for project to prevent and control the spread of West Nile virus	200,000
Sustainable Resources Center in Minneapolis, Minnesota for the Community Lead Education and Reduction Program (CLEARCorps)	125,000
Texas Tech University, Health Sciences Center, Lubbock, Texas, for Diabetes Prevention and Control project	500,000
The National Organization on Fetal Alcohol Syndrome, Washington, D.C., for Fetal Alcohol Syndrome project	1,000,000
Thomas Jefferson University Hospital in Philadelphia, Pennsylvania for a center for bioterrorism and disaster preparedness training	1,650,000
Tried Stone Economic Development Corporation in Detroit, Michigan for preventive health programs at the Imani Social Re-nurturing and Health Center	150,000
University of Alabama at Birmingham, Birmingham, Alabama, for a Rural Diabetes Glaucoma Initiative	400,000
University of Arizona Health Center to develop the use of DNA microarrays to detect contamination of foods and/or dietary supplements	100,000
University of Arizona to study NikkomycinZ (NikZ) as a treatment for Valley Fever	100,000
University of Findlay, Findlay, Ohio, for Terrorism Preparedness Center	1,500,000
University of Florida, Seniors Institute for Transportation and Communications, Gainesville, Florida, for Older Driver Assessment and Rehabilitation project	1,000,000
University of Georgia, College of Pharmacy, Center for Leadership in Education and Applied Research in Mass Destruction Defense (CLEARMADD), Athens, Georgia, to train health professionals to respond to chemical and biological attacks.	450,000
University of Louisville's Center for the Deterrence of Bioterrorism and Biowarfare to educate public health officials to detect and respond to biological attacks, Kentucky	1,200,000
University of Michigan Health System in Ann Arbor, Michigan for its clinical simulation center for education and training of first responders and medical and public health personnel	450,000
University of Missouri School of Journalism and the Sinclair School of Nursing Cancer Communication Research Center for evaluation and devlopment of protocols and programs	200,000
University of Montana Center for Environmental Health Sciences, Missoula, Montana, to support research on the impact of environmental factors in causing or exacerbating human diseases	750,000
University of Northern Iowa Youth Fitness and Obesity Institute to study the effectiveness of movement programs on the health of preschool children	700,000
University of Rhode Island Cancer Prevention Research Center, in Kingston, Rhode Island for cancer related research and tobacco program	100,000
University of South Alabama for the Alabama Birth Defects Monitoring and Prevention Center	500,000
University of South Alabama for the Diabetic Lower Extremity Amputation Prevention Program	500,000
University of Texas M.D. Anderson Cancer Center in Houston, Texas for a comprehensive cancer control program to address the needs of minority and medically underserved populations	500,000
University of Vermont to implement an obesity research and community intervention program to evaluate effective remedies	100,000
Vanderbilt University Department of Pediatrics in Nashville, Tennessee, for the Nurses for Newborns program	250,000
Wausau Health Foundation in Wausau, Wisconsin to develop and test innovative approaches to increase screening for colorectal cancer	200,000
West Virginia University for the Center for Healthy Communities to implement a program to reduce obesity	1,000,000
Western Psychiatric Institute and Clinic, UPMC, Pittsburgh, PA. for weight management and obesity control	250,000

Woodhull Medical and Mental Health Center in Brooklyn, New York for a community-based asthma management program	375,000

NATIONAL INSTITUTES OF HEALTH

National Cancer Institute

The conference agreement includes $4,622,394,000 for the National Cancer Institute instead of $4,642,394,000 as proposed by the Senate and $4,299,493,000 as proposed by H.R. 246.

The conferees note with concern the Lung Cancer Progress Review Group's August 2001 report, which concluded that the nation's health care system is poorly organized to deal with lung cancer and that a pervasive sense of "therapeutic nihilism" dominates the public and scientific discussion of this disease. The conferees urge NCI to consider implementing the group's recommendations, particularly regarding the creation of multi-institutional, multidisciplinary lung cancer consortia. The conferees request the NCI to submit a report on the group's recommendations by June 30, 2003.

National Heart, Lung and Blood Institute

The conference agreement includes $2,812,011,000 for the National Heart, Lung and Blood Institute instead of $2,820,011,000 as proposed by the Senate and $2,698,391,000 as proposed by H.R. 246.

The conferees encourage NHLBI, in collaboration with the National Institute of Neurological Disorders and Stroke, to enhance its efforts to develop a diagnostic test for transmissible spongiform encephalopathies (TSE) that would be suitable for screening the blood supply. Currently, there is no suitable method for identifying TSE-infected blood or humans infected with TSEs. Human TSEs, for which there are no known treatments, include Creutzfeld-Jakob disease and new variant Creutzfeldt-Jakob disease.

The conferees are aware of the impact of cystic fibrosis on children and adults and commend the voluntary associations that focus on combating this life-threatening genetic disease. The conferees urge the NIH to work with these organizations and outside researchers in supporting research related to the diagnosis and treatment of patients who are affected by this disease.

The conferees are interested in efforts to find a cure for Lymphangioleiomyomatosis (LAM), a progressive and often fatal lung disease of young women with no effective treatment. Accordingly, the conferees urge the NHLBI to explore opportunities for funding clinical treatment trials through both intramural and extramural means and to use all available mechanisms, as appropriate, including supporting state-of-the-science symposia and facilitating access to human tissues, to stimulate a broad range of clinical and basic LAM research.

National Institute of Dental and Craniofacial Research

The conference agreement includes $374,067,000 for the National Institute of Dental and Craniofacial Research as proposed by the Senate instead of $360,528,000 as proposed by H.R. 246.

National Institute of Diabetes and Digestive and Kidney Diseases

The conference agreement includes $1,633,347,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,637,347,000 as proposed by the Senate and $1,532,394,000 as proposed by H.R. 246.

The conferees are concerned about the alarming growth in kidney disease and end stage renal disease and anticipated shortages of the professionals in nephrology that will be needed to handle these cases. NIDDK is encouraged to consider launching new training initiatives and workshops such as grant writing seminars to foster increased interest in this subspecialty.

National Institute of Neurological Disorders and Stroke

The conference agreement includes $1,466,005,000 for the National Institute of Neurological Disorders and Stroke as proposed by the Senate instead of $1,372,256,000 as proposed by H.R. 246.

The conferees encourage NINDS, in collaboration with NIAID, to expand support for controlled clinical trials to better understand the effect of neutralizing antibodies on current therapies on multiple sclerosis, and to produce better clinical data on effective combination therapies using existing therapies that have been approved for MS and other conditions. The conferees further encourage NINDS to conduct a scientific workshop on the role of neutralizing antibodies in MS therapy and new approaches for treatment of MS with combination therapies of drugs approved for MS and other conditions.

National Institute of Allergy and Infectious Diseases

The conference agreement includes $3,730,973,000 for the National Institute of Allergy and Infectious Diseases instead of $3,727,473,000 as proposed by the Senate and $2,674,213,000 as proposed by H.R. 246.

The conference agreement includes bill language permitting the transfer of $100,000,000 to International Assistance Programs, Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis as proposed by the Senate. H.R. 246 included a general provision permitting the Director of NIH to transfer this amount to the Global Fund from funds appropriated to NIH.

The conference agreement includes bill language allocating up to $375,000,000 for extramural facilities construction grants for research on biological and other agents. The Senate had proposed $150,000,000 for these grants. H.R. 246 had no similar provision. The conferees intend to provide NIAID with flexibility to determine the appropriate share of the Institute's funds directed to bioterrorism research versus infrastructure.

National Institute of General Medical Sciences

The conference agreement includes $1,859,084,000 for the National Institute of General Medical Sciences instead of $1,853,584,000 as proposed by the Senate and $1,742,596,000 as proposed by H.R. 246.

National Institute of Child Health and Human Development

The conference agreement includes $1,213,817,000 for the National Institute of Child Health and Human Development as proposed by the Senate instead of $1,159,405,000 as proposed by H.R. 246.

The conferees recognize that the therapeutic potentials of adult and embryonic stem cells need to be studied in animal models. The conferees remain concerned about the absence of research dedicated to investigating stem cells in the most clinically relevant models. To maintain a position of scientific leadership in embryonic stem cell research, the conferees urge NICHD to support research using approved stem cell lines that investigate adult and embryonic stem cells in vitro and in nonhuman primates.

Congenital limb deficiency, vascular disease, childhood skeletal malignancy and trauma have resulted in over 1,500,000 persons in the U.S. experiencing limb loss. Technological advancements today offer considerable opportunity for persons with limb loss to effectively resume active, productive lives. Standards of care for persons with limb loss have not been developed, however, nor have clinical outcomes research been conducted to determine appropriate access to advanced technology prosthetic devices and the importance of related physical rehabilitation and therapy to improve performance among persons who utilize prosthetic devices. The conferees encourage the Institute to support a prosthetic outcomes research consensus conference, with an emphasis on consumer input, to develop a research protocol to comprehensively address these concerns.

National Eye Institute

The conference agreement includes $637,290,000 for the National Eye Institute instead of $634,290,000 as proposed by the Senate and $600,796,000 as proposed by H.R. 246.

Ocular albinism (OA) is a hereditary, blinding disease that causes terribly distorted vision in children. Victims, who are usually boys and receive the defective gene from their mothers, experience nystagmus, photophobia, lack of stereoscopic vision, strabismus, and other symptoms which deny these children normal vision. In recent years, great strides have been made in the search for improved diagnostic tools and treatments. Recently, the OA1 gene, responsible for most cases of the disease, was identified, and a diagnostic screening test created to help women determine if they are at risk of passing the disease on to their children. As researchers move closer to understanding how this disease works, and developing potential treatments that could improve the vision of children with the condition, the conferees direct NEI to be prepared to report on advances in research on ocular albinism.

National Institute of Environmental Health Sciences

The conference agreement includes $618,258,000 for the National Institute of Environmental Health Sciences instead of $617,258,000 as proposed by the Senate and $589,701,000 as proposed by H.R. 246.

The conferees commend NIEHS for its recent efforts to bolster research initiatives on the environmental influences of breast cancer. The conferees recognize the serious lack of research on the relationship between the environment and breast cancer, and believe that it is important for the Institute to support such research. The conferees urge the Institute to establish a group of breast cancer and environmental research advisers to make recommendations to the Director with regard to the support of the breast cancer and environmental research, and to include in the group representatives from the breast cancer community who have had breast cancer. The conferees request an update at the fiscal year 2004 hearings on the progress in establishing an advisory group. The conferees encourage NIEHS to consider establishing centers to conduct multi-disciplinary and multi-institution research on environmental factors that may be related to breast cancer.

National Institute on Aging

The conference agreement includes $1,000,099,000 for the National Institute on Aging as proposed by the Senate instead of $939,608,000 as proposed by H.R. 246.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

The conference agreement includes $489,324,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases as proposed by the Senate instead of $474,392,000 as proposed by H.R. 246.

Vitiligo is an environmental and genetic auto-immune disease of unknown origin which affects about three to six million Americans. Almost 50 percent develop the disease in childhood, with the median age of onset at four years of age. In its most severe forms, patients have milky white patches covering widespread areas of the body due to the loss of pigment in these areas. Especially for young children, the physical pain caused by severe burns from the harmful effects of sunlight and the emotional pain caused by people confusing vitiligo with an infectious disease diminishes the quality of a patient's life. There are no FDA-approved treatments for children. The conferees urge NIAMS to enhance research efforts through all available mechanisms, as appropriate, to identify the causes of this disease and develop pediatric treatment options for vitiligo.

National Institute on Deafness and Other Communication Disorders

The conference agreement includes $372,805,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the Senate instead of $351,376,000 as proposed by H.R. 246.

National Institute of Nursing Research

The conference agreement includes $131,438,000 for the National Institute of Nursing Research as proposed by the Senate instead of $130,044,000 as proposed by H.R. 246.

National Institute on Alcohol Abuse and Alcoholism

The conference agreement includes $418,773,000 for the National Institute on Alcohol Abuse and Alcoholism as proposed by the Senate instead of $401,933,000 as proposed by H.R. 246.

National Institute on Drug Abuse

The conference agreement includes $968,013,000 for the National Institute on Drug Abuse as proposed by the Senate instead of $912,489,000 as proposed by H.R. 246.

The conferees commend NIDA for its partnership with the Office of National Drug Control Policy, particularly the ongoing support NIDA provides to the sites established by the Counterdrug Technology Assessment Center (CTAC). The conferees encourage the continuation and expansion of NIDA funding for these research centers where CTAC has likewise committed resources.

National Institute of Mental Health

The conference agreement includes $1,349,788,000 for the National Institute of Mental Health instead of $1,350,788,000 as proposed by the Senate and $1,290,274,000 as proposed by H.R. 246.

The conferees are concerned that the September 11, 2001 terrorist attacks have taken a toll on mental health in America, and urge the Institute to conduct studies on the effects of such events and disasters so that best practices can be developed. Research should focus on survivors, emergency workers and the general public to understand the degree of mental trauma suffered and to understand how post traumatic stress affects these different populations.

National Human Genome Research Institute

The conference agreement includes $468,037,000 for the National Human Genome Research Institute as proposed by the Senate instead of $431,985,000 as proposed by H.R. 246.

National Institute of Biomedical Imaging and Bioengineering

The conference agreement includes $280,100,000 for the National Institute of Biomedical Imaging and Bioengineering instead of $283,100,000 as proposed by the Senate and $140,973,000 as proposed by H.R. 246.

National Center for Research Resources

The conference agreement includes $1,146,272,000 for the National Center for Research Resources instead of $1,161,272,000 as proposed by the Senate and $1,015,395,000 as proposed by H.R. 246.

The conference agreement includes bill language to earmark $120,000,000 for extramural facilities construction grants instead of $97,000,000 as proposed by H.R. 246 and $125,000,000 as proposed by the Senate.

Within the total provided for NCRR, $210,000,000 is for the Institutional Development Awards (IDeA) program and $312,000,000 is for the General Clinical Research Centers. Of the IDeA grants funding, $127,000,000 is designated for the Centers of Biomedical Research Excellence program and $83,000,000 is designated for the Biomedical Research Infrastructure Networks program.

National Center for Complementary and Alternative Medicine

The conference agreement includes $114,149,000 for the National Center for Complementary and Alternative Medicine as proposed by the Senate instead of $105,212,000 as proposed by H.R. 246.

The conference agreement includes sufficient funds to increase support for the chiropractic research center.

National Center on Minority Health and Health Disparities

The conference agreement includes $186,929,000 for the National Center on Minority Health and Health Disparities as proposed by the Senate instead of $151,062,000 as proposed by H.R. 246.

John E. Fogarty International Center

The conference agreement includes $63,880,000 for the John E. Fogarty International Center instead of $60,880,000 as proposed by the Senate and $57,064,000 as proposed by H.R. 246.

National Library of Medicine

The conference agreement includes $310,299,000 for the National Library of Medicine, of which $8,200,000 is made available through the evaluation set-aside, as proposed by the Senate instead of $277,273,000 as proposed by H.R. 246. Bill language is included, as proposed by the Senate, to make available $8,200,000 from amounts available under section 241 of the Public Health Service Act to carry out the National Information Center on Health Services Research and Health Care Technology. H.R. 246 did not contain a similar provision.

Office of the Director

(Including transfer of funds)

The conference agreement includes $267,974,000 for the Office of the Director instead of $257,974,000 as proposed by the Senate and $2,476,111,000 as proposed by H.R. 246.

The conference agreement provides $20,000,000 for the Director's Discretionary Fund rather than $10,000,000 as provided by H.R. 246 and the Senate in order that the Director of NIH may allocate resources to the Institutes and Centers to begin "roadmap" activities.

The conferees concur with the guidance in the Senate explanatory statement regarding limits for NIH reprogramming requests.

The conference agreement reflects the funding and grant transfers that will be made to the National Institute of Biomedical Imaging and Bioengineering from other institutes and centers.

The conferees concur with the Senate explanatory statement encouraging NIH to increase the research training stipend awards by ten percent.

The conferees are agreed that NIH should continue to allocate funds for biomedical research on the basis of scientific opportunity, taking into consideration the many other factors identified by NIH as being relevant to funding decisions, such as the infectious nature of a disease, the number of cases and deaths associated with a disease, the cost of disease treatment, and/or other costs associated with a disease. The conferees also expect NIH to consider carefully the language in appropriations explanatory statements and give it appropriate weight when determining funding allocations across disease areas. Regarding the cases in which appropriations explanatory statements reference funding levels for a specific disease, the conferees are agreed that these are intended only to express relative priority and are not funding earmarks.

The conferees do not agree to the budget request to use NIH funding to support Department of Defense free electron laser research and radiation exposure research.

The conferees have previously provided funding for the design of a new facility for the National Library of Medicine and understand that the design phase of this project is nearly complete. The conferees request the Director of NIH to provide a report by June 30, 2003 to the Committees on Appropriations with details of the new facility, timetables and costs, based on a construction plan consistent with recommendations from the NIH Facilities Planning Advisory Committee.

The conferees request that the NIH Interagency Autism Coordinating Committee (IACC) convene a panel of outstanding scientists to assess the field of autism research, and identify the roadblocks that may be hindering progress in understanding its causes and best treatment options. As a next step, the IACC should take the recommendations of these findings and develop a matrix of short-to-long range and low-to-high risk action items to address some of the roadblocks identified by the panel. This matrix would then be used to help guide further autism research planning at NIH, and as a tool for the entire autism community. It should include opportunities for voluntary and private funding organizations, and hopefully will lead to opportunities for collaboration with other government agencies and the autism community as well. The matrix should be a living document that can be revised and expanded as current goals are achieved and new goals are identified. Once the matrix has been developed, the IACC should provide a report to Congress on the state of autism research.

Pick's disease is a rare form of frontotemporal dementia that leads to a degeneration of social skills, language, reasoning abilities, and memory. Although the cause of this disease is unknown, researchers now appreciate the degree to which disorders such as Pick's disease are related to other frontotemporal dementias, and even more common forms of dementia such as Alzheimer's disease. Alterations of the tau protein, which is an important structural component of neurons, have been implicated in all of these disorders, and provide an important common target for further exploration.

NIA and NINDS are encouraged to support research on frontotemporal dementias, including Pick's disease, as well as related tauopathies, that may reveal insights into the causes and possible treatments of these conditions.

Rett syndrome is a neurological disorder seen almost exclusively in females; it affects approximately one in ten thousand live births per year. The conferees are pleased to learn of the discovery of the MECP2 gene as the main cause of this disorder and encourage the Institutes to expand their research efforts to learn how this gene affects other genes and tissues during the development of the nervous system. The conferees also encourage research to develop animal models of the disorder and to study the daily problems that afflict children with Rett syndrome, including autonomic disorders, as well as research on interventions for improved literacy and communication. Because Rett syndrome is a multi-faceted disorder, the conferees encourage NICHD, NINDS, NIDCD, and NIGMS to work in collaboration to maximize the outcomes from investments made in Rett syndrome research.

The Department has conducted a comprehensive review of research on products containing the herb ephedra, and the conferees look forward to seeing this work in the near future. The conferees recommend that, following publication of this work and a thorough dialogue between the Department, industry and others, NIH initiate scientific studies necessary to resolve any remaining questions on the safety and benefits of these products.

The conferees request NIH to provide a report by June 30, 2003 summarizing, by grant and amount, actual fiscal year 2002 research funding on temporomandibular diseases and disorders, as well as an estimate of fiscal year 2003 expenditures.

Buildings and Facilities

The conference agreement includes $632,800,000 for buildings and facilities instead of $607,800,000 as proposed by the Senate and $296,100,000 as proposed by H.R. 246.

The conference agreement includes language granting full scope authority for the contracting of construction of the first and second phases of the John E. Porter Neurosciences Building as proposed by the Senate. H.R. 246 did not have a similar provision.

The conference agreement includes $105,000,000 for the NIH research building proposed in the budget request to be constructed on Department of Army land at Ft. Detrick, Maryland.

The conferees were saddened by the recent passing of Florence S. Mahoney, one of the nation's foremost advocates for health research and a pioneer in the development of the NIH. Beginning in the 1940s, Mahoney teamed up with another citizen activist, Mary Lasker, to seek a greater Federal investment in health sciences and biomedical research. They were extraordinarily effective. Mrs. Mahoney's crowning achievement was her almost singlehanded campaign to create the National Institute on Aging. That event, in 1974, opened the way to scientific advances aimed at extending the healthy years of life and maintaining functional independence for millions of older Americans. She embodied that ideal, living independently until her death at age 103. Mahoney was the last of a generation of giants—including Lasker, James Shannon, Senator Lister Hill and Representative John Fogarty—who built the modern NIH. The conferees strongly urge the NIH to honor her memory by designating one of two outdoor courtyards in the Mark O. Hatfield Clinical Research Center, now under construction, as the "Florence S. Mahoney Plaza (or Courtyard)." The conferees hope that such a space will include a stone marker, plaque or sculpture that would prominently pay tribute to Mahoney's enormous contributions to the NIH.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

Substance Abuse and Mental Health Services

The conference agreement includes $3,232,268,000 for substance abuse and mental health services, of which $3,158,068,000 is provided through budget authority and $74,200,000 is provided through the evaluation set-aside. H.R. 246 had proposed $3,167,897,000 for SAMHSA and the Senate proposed $3,203,917,000, of which $74,200,000 was from the evaluation set-aside.

The conference agreement contains bill language providing $955,000 for protection, maintenance and remediation of Federally-owned facilities at St. Elizabeths Hospital as proposed by the Senate. H.R. 246 had no similar provision.

The conference agreement includes bill language identifying $21,461,000 for projects in the amounts specified in the statement of the managers on the conference report.

Center for Mental Health Services

The conference agreement includes $246,042,000 for programs of regional and national significance instead of $226,067,000 as proposed by H.R. 246 and the Senate.

Within the total provided, the conference agreement provides $95,000,000 for counseling services for school-aged youth as proposed by the Senate. As proposed by the Senate, $3,000,000 is provided to support the National Suicide Prevention Resource Center, and continued support is provided for the Suicide Prevention Hotline program.

Within the total provided, $30,000,000 is provided under section 582 of the Public Health Service Act to support grants to local mental health providers for the purposes of developing knowledge of best practices and providing mental health services to children and youth suffering from post-traumatic stress disorder as a result of having witnessed or experienced a traumatic event. These funds are provided through the SAMHSA appropriation rather than $10,000,000 being provided through the Public Health and Social Services Emergency Fund as proposed by the Senate.

The conference agreement provides $2,000,000 above the request to continue the current level of funding for the consumer and consumer-supported national technical assistance centers as proposed by the Senate. The conferee direct CMHS to support multi-year grants to five such national technical assistance centers.

The conference agreement provides $5,000,000 to continue the elderly treatment and outreach program as proposed by the Senate.

As proposed by the Senate, the conference agreement provides $5,000,000 for the jail diversion program and $1,000,000 for new awards under the community action grant program.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Access Community Health Network in Chicago, Illinois for an initiative to improve mental health services at their community health centers	$350,000
Arab-American & Chaldean Council, Lathrup Village, Michigan, to develop a comprehensive and systems mental health initiative for the prevention and treatment of substance abuse among Arab-Americans	500,000
Bellfaire Jewish Children's Bureau, Shaker Heights, Ohio, for Social Advocates for Youth (SAY) program to provide early intervention and substance abuse services to high school students	605,000
Bert Nash Community Mental Health Center in Lawrence, Kansas to provide mental health services in schools and other settings to prevent juvenile crime and substance abuse among high-risk youth	150,000
Center for Mind Body Medicine, Washington, D.C., to train health and mental health professionals in treating war and terrorism related trauma in the U.S. and abroad	200,000
City of San Francisco to develop a Homeless Management Information System to track and address the needs of the homeless	150,000
Covenant House Pennsylvania to support programs at its Crisis Residence for runaway and homeless youth in Philadelphia.	500,000
Emergency Shelter of the Fox Valley, Inc. in Appleton, Wisconsin to expand programs providing temporary shelter and mental health services to the homeless	30,000
Family Communications Inc. in Pittsburgh—for an antiviolence program entitled the National Preschool Anger Management Project	150,000
Family Communications Inc. to implement the National Preschool Anger Management Project in Iowa	250,000
Family Support Systems Unlimited in the Bronx, New York for mental health services	250,000
Hub Program in Billings, Montana to provide services to the low-income mentally ill	400,000
Interlink Counseling Services, Louisville, Kentucky, for drug prevention programs	30,000
Jewish Association for Residential Care, Farmington Hills, Michigan, to develop and expand mental health support and long-term case management	500,000
KidsPeace in Pennsylvania	100,000
Kidspeace, Graham Lake Campus, Maine	450,000

Lawrence Hall Youth Services (LHYS) in Chicago, Illinois for mental health and related support services	250,000
Life Quest Community Mental Health Center for treatment of co-occurring disorders in the population of Mat-Su Valley	400,000
Meeting Street Center in East Providence, Rhode Island for children's mental health and enhanced early intervention support services	400,000
Mentally Ill Offender Crime Reduction demonstration in Ventura, California	400,000
Montrose Counseling Center in Houston, Texas for mental health services	100,000
Operation Breakthrough at Saint Vincent's Family Service Center in Kansas City, Missouri for family mental health services	350,000
Pacific Clinics in Arcadia, California to support a school-based mental health demonstration program for Latina adolescents	500,000
San Francisco Department of Public Health in San Franciso, California for mental health and substance abuse services for homeless persons in supportive housing	750,000
Smith Haven Ministries in Coram, New York for mental health counseling services	500,000
Sowing the Seeds of Hope to provide mental health support for distressed farm families	100,000
State of Alaska Department of Health and Social Services Suicide Prevention Program to identify, intervene and treat individuals in Alaska at risk of suicide	250,000
Texas Medication Algorithm Project (T-MAP) in Tarrent County, Texas for further development, testing, and implementation of the computerization program	300,000
United Migrant Opportunities Services to provide comprehensive, bilingual, bicultural services to Latina women and families who are victims of domestic violence	60,000

The conference agreement includes $440,000,000 for the mental health block grant instead of $433,000,000 as proposed by the Senate and $438,000,000 as proposed by H.R. 246.

The conference agreement includes $98,694,000 for children's mental health grants rather than $96,694,000 as proposed by the Senate and H.R. 246.

The conference agreement provides $43,355,000 for grants to States for the homeless (PATH) rather than $46,855,000 proposed by the Senate and $39,855,000 proposed by H.R. 246.

The conference agreement includes $34,000,000 for protection and advocacy instead of $32,500,000 as proposed by H.R. 246 and $35,500,000 as proposed by the Senate.

CENTER FOR SUBSTANCE ABUSE TREATMENT

The conference agreement includes $319,354,000 for programs of regional and national significance instead of $296,314,000 as proposed by H.R. 246 and $310,000,000 as proposed by the Senate.

The conference agreement includes sufficient funding to support methamphetamine prevention and treatment demonstration projects in Iowa and other parts of the Midwest and South.

The conference agreement provides $3,000,000 for the Residential Treatment Program for Pregnant and Postpartum Women.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Alaska Christian College at Kenai for the support of residential substance abuse program for adolescents	$200,000
Allegheny County, Department of Human Services, Pittsburgh, PA., for drug and alcohol treatment	100,000
Baltimore City Health Department, Baltimore, Maryland, to expand drug treatment services	450,000
City of Vallejo Fighting Back Partnership in Vallejo, California for a pilot program to identify and treat youth who are abusing alcohol or drugs	275,000
Community Services for Children, Lehigh County, PA., to remediate and reverse the impact of drug use by pregnant mothers on their newborn infants	100,000
Cook Inlet Council (Kenai) Council on Alcohol and Drug Abuse for treatment of women and children with substance abuse problems	400,000
Cook Inlet Tribal Council's Ernie Turner Center to continue outpatient and inpatient substance abuse treatment	500,000
Copper River Native Association's Hudson Lake Spirit Camp for a substance abuse spirit camp program	250,000
Fairbanks Memorial Hospital to provide treatment and services to chronic inebriates in Fairbanks	400,000
Fairbanks Native Association's Lifegivers Program residential treatment program for pregnant women and their children	500,000
Flowering Tree in Pine Ridge, SD for residental substance abuse treatment programs for young mothers and pregnant women on the Pine Ridge Indian Reservation.	300,000
Gavin Foundation in South Boston, Massachusetts, for the Cushing House substance abuse treatment program for adolescent males	250,000
Lindy's Place in New Orleans, LA to integrate substance abuse treatment program into domestic violence programs	50,000
Southcentral Foundation's Pathways Home Residential Treatment center for adolescent substance abusers	2,000,000
Southeast Alaska Regional Health Consortium Deilee Hit residential substance abuse treatment program for pregnant women and their children	400,000
Tanana Chiefs Conference and Fairbanks Native Association to continue the Ch'eghutsen comprehensive mental health services program for children in Interior Alaska	800,000
Tundra Swan Inhalant Abuse Treatment Center in Bethel, Alaska for operational support	1,500,000
Vocational Instruction Project Community Services in The Bronx, New York for mental health and substance abuse services, including services for families	300,000

The conference agreement includes $1,765,000,000 for the Substance Abuse Performance Partnership, of which $1,702,800,000 is budget authority and $62,200,000 is provided through the PHS evaluation funding tap. H.R. 246 had proposed $1,745,000,000 and the Senate proposed $1,785,000,000, of which $62,200,000 was derived through the evaluation tap. The conference agreement includes bill language establishing a limitation of five percent of the performance partnership appropriation for funding of data collection activities as proposed by the Senate.

CENTER FOR SUBSTANCE ABUSE PREVENTION

The conference agreement includes $198,401,000 for programs of regional and national significance instead of $202,000,000 as proposed by H.R. 246 and $183,379,000 as proposed by the Senate.

The conference agreement provides funds over the budget request for Starting Early, Starting Smart and Community-Initiated Prevention Intervention. $5,000,000 is included to continue and expand the ecstasy program funded last year; $10,000,000 is provided for FAS/FAE prevention and treatment programs; and no less than last year's level is provided for the National Clearinghouse for Alcohol and Drug Information.

The Starting Early, Starting Smart program has demonstrated proven results in improving family management, reducing drug and alcohol abuse, and improving child development and resilience.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

Children's Home of Easton Services Inc., Easton, PA for at-risk youth counseling	$100,000
Community Health Centers in the Big Island of Hawaii for a youth anti-drug program	250,000

Fenway Community Health Center, Boston, Massachusetts, to provide comprehensive health care, mental health, and drug treatment services to low-income HIV and AIDS patients.	150,000
Hands Across Cultures in Espanola, New Mexico, for the Black Tar Heroin Coalition	350,000
Institute for Research, Education, and Training in Addictions, Pittsburgh, PA for treatment approaches and health policy development	250,000
Iowa State University in Ames, Iowa for the Rock in Prevention program	300,000
Jefferson Parish, SE Louisiana Drug Prevention Education program for students drug testing assessment, counseling treatment, drug education, outreach services and program evaluation	500,000
Life Haven, Inc. in New Haven, Connecticut, for services to promote resilence for homeless and other at-risk children	350,000
Silver Spring Neighborhood Center for an alcohol, tobacco and drug prevention program for youths	11,000
South Boston Community Health Center in South Boston, Massachusetts for a substance abuse prevention initiative	200,000
Southeast Louisiana Drug Prevention and Education Program in Jefferson, LA for student drug testing, counseling, drug education, outreach and program evaluation	100,000
St. Francis House in Boston, MA to provide mental health and substance abuse programs to the homeless	125,000
Start SMART Foundation, Bethlehem, PA for the expansion of a pilot project to examine the distribution of a saliva alcohol test	225,000
Teen Court of Greater New Orleans to expand its Drug Prevention program	50,000
University of South Dakota to continue the work of the Consortium on Fetal Alcohol Syndrome regarding development and testing of a prevention model for women considered at-risk for abusing alcohol during their childbearing years	700,000
University of Vermont to disseminate a multimedia drug abuse prevention program to middle school students throughout the state	50,000

Within the total provided for SAMHSA, $109,100,000 is for activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders. The conferees expect SAMHSA to follow the fiscal year 2002 House report regarding the disbursement of these funds.

Within the total funding for the Minority HIV/AIDS Initiative, $8,000,000 is for the treatment of mental health disorders related to HIV disease, including dementia, clinical depression and chronic, progressive neurological disabilities that often accompany HIV disease.

Within the total funding for the Minority HIV/AIDS Initiative, $61,000,000 is to enhance the quality of services and expand the service capacity of substance abuse treatment programs with a history of providing services to high risk communities of color that are severely impacted by substance abuse and HIV/AIDS.

Within the total funding for the Minority HIV/AIDS Initiative, $40,100,000 is to provide grants for planning and services to organizations with a history of providing services to high risk communities of color to enhance the quality of services and to expand substance abuse prevention service capacity in communities of color disproportionately impacted by the HIV/AIDS epidemic.

PROGRAM MANAGEMENT

The conference agreement includes $86,467,000 for program management, of which $12,000,000 is provided through the evaluation set-aside. This is the same allocation as proposed by the Senate. H.R. 246 proposed $91,467,000.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes $303,695,000 instead of $298,745,000 as proposed by H.R. 246 and $308,645,000 as proposed by the Senate. The agreement provides all these funds through the policy evaluation set-aside. H.R. 246 had provided $296,145,000 through the evaluation set-aside. The Senate had provided these funds through budget authority. The conference agreement also provides $5,000,000 for AHRQ bioterrorism activities through the Public Health and Social Services Emergency Fund.

The agreement provides $55,000,000 for reducing medical errors as proposed by H.R. 246. The Senate provided $60,000,000. The agreement provides $53,300,000 for health insurance and expenditure surveys as proposed by the Senate instead of $48,500,000 proposed in H.R. 246. The agreement provides $2,700,000 for program management as proposed by the Senate instead of $2,600,000 as proposed by H.R. 246.

The conference agreement does not permit the transfer of $10,000,000 to the Department of Commerce for the Current Population Survey. This is consistent with H.R. 246 and the Senate bill.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

The conference agreement includes $2,581,672,000 for program management instead of $2,550,488,000 as proposed by H.R. 246 and $2,559,664,000 as proposed by the Senate. An additional appropriation of $720,000,000 has been provided for the Medicare Integrity Program through the Health Insurance Portability and Accountability Act of 1996 as proposed by the Senate rather than $700,000,000 as proposed by H.R. 246. A citation for the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act proposed by H.R. 246 is not included in the conference agreement because more general authorities are cited.

RESEARCH, DEMONSTRATION, AND EVALUATION

The conference agreement includes $74,194,000 for research, demonstration, and evaluation instead of $68,400,000 as proposed by the Senate and $33,510,000 as proposed by H.R. 246.

Within the total provided, $40,000,000 is for Real Choice Systems Change Grants to States. The conferees continue to strongly support the Real Choice Systems Change grants and expect CMS to provide expanded technical assistance to the consumer task forces involved with the program by contracting with a consortium of consumer controlled organizations for people with disabilities. The conferees request the Secretary to report on the activities and accomplishments of the Community Living Exchange Cooperative by July 1, 2003.

The conferees are pleased with the currently ongoing Prescription Continuity of Care and Emergency Department Continuity of Care Projects and recommend their continuation. The conferees are pleased with the demonstration project being conducted at the Mind-Body Institute of Boston, Massachusetts, and recommend its continuation.

The agreement includes bill language for the following projects and activities for fiscal year 2003:

AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities	$1,500,000
Bucks County Health Improvement Project, Langhorne, Pennsylvania	500,000
Children's Hospice International demonstration program to provide a continuum of care for children with life-threatening conditions and their families	464,000
Children's Hospitals and Clinics of Minneapolis/St. Paul, in partnership with the National Hospice and Palliative Care Organization, for a demonstration project to provide pediatric palliative care education and consultation services	350,000
Community Catalyst Inc. in Boston, MA to expand a benefits management program to improve the delivery of healthcare benefits to low-income individuals	100,000
Cook County Illinois Bureau of Health Services, to improve the management of the vulnerable patients with poorly controlled diabetes	75,000

County of Sacramento, California for implementation of the SacAdvantage pilot program to increase availability of health insurance for uninsured workers and their dependents through premium subsidies and purchasing pools	700,000
Equip for Equality in Chicago, Illinois for a demonstration project to document the impact of an independent investigative unit to examine deaths and serious allegations of abuse and neglect of people with disabilities at facilities in Illinois	200,000
Hamot Medical Center, Erie, PA, for a demonstration project for the evaluation of advanced illness coordinated care for Medicare Beneficiaries	300,000
Hope House Day Care Center in Memphis, Tennessee for a demonstration project on improving the overall well-being of HIV positive children	100,000
Hospice of Metro Denver in Denver, Colorado to establish a clinical and training affiliation with the University of Colorado's Health Science Center and to develop cutting-edge palliative care practices	500,000
Illinois Primary Health Care Association, in Springfield, Illinois, to implement the Shared Integrated Management Information System	350,000
Jefferson Area Board for Aging, Charlottesville, Virginia, for continuation of the recruitment, retention, training, and support of nursing assistants	100,000
Johns Hopkins School of Medicine, Baltimore, MD., for an advanced respiratory Medicine project to study in-home, self-administered high frequency chest wall oscillation therapy	100,000
Medical Care for Children Partnership, Fairfax, Virginia, to provide outreach to increase access to medical and dental care for children	130,000
The Breast Cancer Fund in San Francisco, California for the "Lifelines" project to increase access to breast cancer treatment for medically underserved women (in collaboration with Shanti)	325,000

Medicare Contractors

The conference agreement includes $1,677,584,000 for Medicare contractors instead of $1,675,084,000 as proposed by H.R. 246 and $1,680,084,000 as proposed by the Senate. Within the total provided, $12,500,000 is to support grants for State Health Insurance Counseling and Assistance programs as proposed by the Senate. The conferees recommend that CMS eliminate the five percent cap on transferring funds between functions so that contractors may have greater flexibility to manage their resources to match programmatic needs.

Federal Administration

The conference agreement includes $575,497,000 for Federal administration rather than $587,497,000 as proposed by H.R. 246 and $556,783,000 as proposed by the Senate. The agreement provides $13,000,000 for the Medicaid Healthy Start, Grow Smart campaign.

The conferees direct that the Centers for Medicare and Medicaid Services utilize data reflecting the current cost of liability insurance to determine current Medicare payment rates, including annual updates to the malpractice geographic practice cost index.

The conferees are concerned about the widespread failure of States to provide screening for lead poisoning to children served by Medicaid, as required by Federal law. The conferees expect CMS to provide national leadership to ensure Medicaid lead screening consistent with age and risk factors recommended by CDC. CMS is also encouraged to ensure Medicaid coverage of environmental investigations, including analysis of samples to identify lead hazards in the home of a poisoned child.

The conferees direct the Secretary of Health and Human Services to review the Medicare Geographic Classification Review Board's criteria for reclassification determinations with respect to making payments to hospitals. The conferees request the review to include a detailed analysis of disparities among hospitals' reimbursement rates for hospitals in metropolitan statistical areas that border on areas that have higher wage indices; the difficulty hospitals face in losing skilled medical personnel to neighboring areas with urban classifications and higher wage and salary structures; geographic and environmental impediments to traditional community routes; the base costs on which the wage index is applied; and the effect lower wage indices have on the quality of care. The conferees expect the Secretary to report to the Committees no later than May 30, 2003.

The conferees concur in the language in the Senate explanatory statement requesting the Secretary to conduct a comprehensive study of current literature and best practices to determine the cost-effectiveness of behavioral-based weight loss services. The conferees expect such a study to be completed within six months of enactment of the appropriations bill.

The conferees are agreed that the last paragraph under CMS Program Management, Federal administration, in the Senate explanatory statement, pertaining to a study of claims data, is deleted.

The conferees urge CMS to promulgate regulations establishing the same definition of "audiologist" for the Medicaid program as is currently used in the Medicare program. The conferees also note that both the Department of Veterans Affairs and the Office of Personnel Management allow participants in their respective health care programs direct access to audiologists, and recommend that CMS adopt a policy for Medicare consistent with these successful initiatives.

The conferees are concerned about the growing national shortage of nursing and allied health professionals. This concern is evidenced by the recent passage of the Nurse Reinvestment Act of 2002. Medicare has historically paid a share of the net costs of approved nursing and allied health education costs associated with a nursing and allied health education program operated by a hospital. The conferees are particularly concerned about nursing and allied health educational programs that cannot meet the regulations set forth at 42 C.F.R. §413.85(f) solely as a result of regional educational accrediting criteria. Given the shortage of nursing and allied health professionals, the conferees support the payment of costs on a reasonable cost basis for a hospital that has historically been the operator of nursing and allied health educational program(s) that qualified for Medicare payments under 42 C.F.R. §413.85, but, solely in order to meet educational standards, subsequently relinquishes some control over the program(s) to an educational institution, which: meets regional accrediting standards; is wholly owned by the provider; and is supported by the hospital, i.e., the hospital is incurring the costs of both the classroom and clinical training portions of the program. Moreover, a hospital could bear all the costs of the training but share curriculum control with the educational institution. It was not the intent of Congress in Section 6205 of Public Law 101–239 nor Section 4159(b) of Public Law 101–508 to preclude hospitals from receiving reasonable cost pass-through payments for nursing and allied health educational programs based solely on conflicting accreditation educational standards.

ADMINISTRATION FOR CHILDREN AND FAMILIES

Refugee and Entrant Assistance

The conference agreement appropriates $446,724,000 as proposed by H.R. 246 instead of $442,724, 000 as proposed by the Senate. Within this amount, $151,121,000 is provided for Social Services, as proposed in H.R. 246. The Senate bill included $147,121,000 for this purpose.

The conferees recognize the importance of continued educational support to schools with a significant proportion of refugee children, consistent with previous support to schools heavily impacted by large concentrations of refugees, and urge the Office of Refugee Resettlement to support these efforts should funding become available in the Social Services or other accounts.

The agreement also includes $19,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

Children and Families Services Programs

The conference agreement includes $8,643,117,000 for children and families services programs instead of $8,467,062,000 as proposed by H.R. 246 and $8,648,884,000 as proposed by the Senate.

Runaway youth

The conference agreement includes $90,567,000 for runaway youth instead of $93,000,000 as proposed by the Senate and $88,133,000 as proposed by H.R. 246. Within the funds provided, $40,770,000 is available for the transitional living program (TLP). The conference agreement includes these additional resources to meet the needs of more young people in need of services.

Child abuse

The conference agreement includes $34,066,000 for child abuse discretionary programs instead of $26,351,000 as proposed by H.R. 246 and the Senate. Within the funds provided for child abuse prevention programs, the agreement includes the following items:

AGAPE of Central Alabama, Inc., Montgomery, Alabama, for their work with the children in need	$70,000
Alameda County Social Service Agency, Alameda County, California, for Another Road to Safety Program to serve low to moderate risk families ...	440,000
Alaska Department of Health and Social Services, in consultation with the Alaska Native Health Board, the Municipality of Anchorage, Cook Inlet Tribal Council, University of Alaska, and the Anchorage Women's Commission to develop a comprehensive statewide plan on	600,000
Asian Pacific Women's Center, Inc., Los Angeles, CA., for Domestic Violence Transitional Housing program to protect at risk children	150,000
Boys and Girls Home of Nebraska Child Abuse Prevention Program to provide statewide child abuse prevention and counseling services to families	350,000
Catholic Community Services/Juneau Family Resource Center in Alaska to address child abuse prevention issues	250,000
Center for Women and Families, Inc., Louisville, Kentucky, for child abuse prevention programs	100,000
Child Welfare League of America, Inc., Washington, DC, for study on Monitoring Safety of Children in Foster Care ..	500,000
Childhelp USA, Fairfax, Virginia, to reduce the incidence and severity of child abuse and enhance the ability to investigate reports and meet the needs of victims of child abuse	250,000
Children's Village, Inc. in Pine Ridge, South Dakota to serve children of the Oglala Sioux Tribe who are abused and neglected and are removed from the care of their parents	140,000
Communities against Domestic Violence, Falls Church, VA, to prevent family violence in language-minority communities	240,000
Homeless Prenatal Program, San Francisco, CA, for services to at-risk children	400,000
Nexus Diversified Community Services of Manteno, Illinois, to enhance and expand its community-based residential center for sexually abused youth.	1,100,000
Mockingbird Society of Seattle, Washington to pilot a model program for maintaining and stabilizing children in the state foster care system	325,000
Ohel Children's Home and Family Services, Brooklyn, NY, for a child abuse prevention program	300,000
Parents Anonymous of Iowa to expand child abuse prevention services in Iowa	50,000
Parents for Meghan's Law in Stony Brook, New York for educational programs for victims of child abuse and their families	100,000
State of Alaska for emergency housing for victims of child abuse in Anchorage, Alaska	250,000
State of Alaska Healthy Families/Better Beginnings home visiting program for State of Alaska and regional Native nonprofit organizations	2,000,000
Vanessa Behan Crisis Nursery, Spokane, Washington, to create a national demonstration project	100,000

Compassion Capital Fund

The conference agreement includes $35,000,000 for the compassion capital fund, instead of $30,000,000 as proposed by H.R. 246 and $45,000,000 as proposed by the Senate.

Social services and income maintenance research

The conference agreement includes $34,937,000 for social services and income maintenance research instead of $6,000,000 as proposed by H.R. 246 and the Senate. $6,000,000 of this total is provided through the Public Health Service evaluation funding tap as proposed by the Senate. The conferees note that efforts undertaken through the State information technology consortium have led to greatly improved systems communications and compliance in both the TANF and child support enforcement (CSE) programs. For TANF, the conferees have provided $2,000,000 to permit the consortium to put in place a web-based technology that allows for communications and interface within States, across State borders, and between ACF and States. For CSE, the conferees have provided $3,000,000 to launch the next phase of the consortium's efforts to remove barriers to child support collections and to improve the flow of information between agencies and the court system. The conferees also provide funding for the following:

Alaska Children's Services program to serve needs of at risk youth in Anchorage	$250,000
Bethesda Children's Home	150,000
Clearbrook, Arlington Heights, Illinois	187,000
Concerned Citizens, Inc., Chicago, Illinois, for Mother's House	250,000
Fathers Day Rally Committee, Philadelphia, PA for the Rites of Passage program	150,000
Good Shepherd Alliance, Inc., Leesburg, Virginia, for Hand up to Self Sufficiency for the Homeless project	50,000
Gulf Coast Jewish Family Services, Inc., Clearwater, Florida for Battered Immigrant and Refugee Women's Project	500,000
National Energy Assistance Directors Association, Washington, DC, for studies regarding home energy assistance	200,000
San Jose Office on Child Care, San Jose, CA, for pilot program to increase access to child care resources	100,000
St. Elizabeth's Foundation in Baton Rouge, LA for an adoption awareness campaign	100,000
The Institute for Responsible Fatherhood and Family Revitalization, PA., for the Philadelphia non-custodial fatherhood program to reconnect fathers with their children	100,000
University of Alaska School of Social Work to evaluate effectiveness of Alaska's child welfare system	750,000
Henry Hosea House in Kentucky for support of programs that serve the homeless and needy	150,000

Developmental disabilities

For Developmental Disabilities, the conference agreement includes $71,600,000 for State Councils instead of $69,800,000 as proposed by H.R. 246 and $72,200,000 as proposed by the Senate. The conference agreement includes $36,500,000 for protection and advocacy services instead of $35,000,000 as proposed by H.R. 246 and $37,000,000 as proposed by the Senate. It also includes $12,484,000 for special projects instead of $11,734,000 as proposed by H.R. 246 and $12,734,000 as proposed by the Senate. For university-affiliated programs, the agreement includes $25,125,000 instead of $24,000,000 as proposed by H.R. 246 and $25,500,000 as proposed by the Senate.

Native American Programs

The conference agreement includes $45,754,000 for Native American Programs, instead of $45,196,000 as proposed by H.R. 246 and $45,912,000 as proposed by the Senate. Within the total the conferees provide funding for the following:

Blanket of Wellness program of Southeast Alaska Regional Health Corporation and Central Council of Tlingit-Haida Social Services to promote healthy development of Alaska Native children in Southeast Alaska	$200,000

Community services

The conference agreement includes $649,987,000 for the community services block grant as proposed by the Senate instead of $570,000,000 as proposed by H.R. 246. The conferees believe that the activities funded by the Community Services Block Grant program have made an important difference in the lives of many of our citizens living in some of the more economically depressed parts of our country. However, it has come to the attention of the conferees that one or more States may have accumulated sizeable unexpended balances of CSBG funds and have failed to reallocate all such funds to other eligible grantees, as authorized by the Community Services Block Grant Act. The conferees request that the Secretary of Health and Human Services provide to the Committees on Appropriations a report detailing the levels of unexpended balances of Community Services Block Grant funds in each State for the period of fiscal year 1995 through fiscal year 2002 and a plan ensuring that these funds are made available to grantees more expeditiously in the future. The Secretary is requested to provide this report by August 15, 2003.

The conference agreement also includes $32,759,000 for economic development, instead of $32,517,000 as proposed by H.R. 246 and $33,000,000 as proposed by the Senate. The conferees also set aside $5,500,000 within the community economic development program for the job creation demonstration authorized under the Family Support Act.

The conference agreement includes $7,250,000 for Rural Community Facilities instead of $7,000,000 as proposed by H.R. 246 and $7,500,000 as proposed by the Senate.

The conference agreement includes $7,329,000 for community food and nutrition, instead of $6,657,000 as proposed by H.R. 246 and $8,000,000 as proposed by the Senate.

Family violence prevention and services

The conference agreement includes $15,500,000 for runaway youth prevention instead of $14,999,000 as proposed by H.R. 246 and $16,000,000 as proposed by the Senate.

The conference agreement includes $2,579,000 for the domestic violence hotline instead of $2,157,000 as proposed by H.R. 246 and $3,000,000 as proposed by the Senate.

The conference agreement also includes $127,230,000 for Battered Women's Shelters instead of $124,459,000 as proposed by H.R. 246 and $130,000,000 as proposed by the Senate.

Early learning opportunities

For the Early Learning Fund, the agreement includes $34,000,000 instead of $38,000,000 as proposed by the Senate. H.R. 246 did not include funding for this program.

Mentoring children of prisoners

The conference agreement includes $10,000,000 for Mentoring Children of Prisoners instead of $12,500,000 as proposed by the Senate. H.R. 246 did not include funding for this newly proposed program.

Independent living training vouchers

The conference agreement includes $42,000,000 for Independent Living Training Vouchers instead of $39,769,000 as proposed by H.R. 246 and $60,000,000 as proposed by the Senate.

Program administration

The conference agreement includes $172,997,000 for Program Direction instead of $171,837,000 as proposed by H.R. 246 and $171,747,000 as proposed by the Senate.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement includes $100,000,000 for the discretionary grant program of Promoting Safe and Stable Families, instead of $70,000,000 as proposed by H.R. 246 and $200,000,000 as proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $1,376,001,000 for aging services programs instead of $1,355,844,000 as proposed by H.R. 246 and $1,369,290,000 as proposed by the Senate.

The conference agreement includes $358,000,000 for supportive centers, instead of $357,000,000 as proposed by H.R. 246 and $359,000,000 as proposed by the Senate.

The agreement also includes $22,062,000 for preventive health services instead of $21,562,000 as proposed by H.R. 246 and $22,562,000 as proposed by the Senate. The conferees intend that $5,500,000 be made available to expand medication management, screening and education activities, including the use of new medication management devices, to prevent incorrect medication and adverse drug reactions among the elderly.

The conference agreement also includes $18,681,000 for ombudsman/elder abuse prevention activities, instead of $17,681,000 as proposed by H.R. 246 and $19,681,000 as proposed by the Senate. The conferees intend that the $1,000,000 increase over last year's level should be made available for the Long-Term Ombudsman Program. That will allow the program to hire additional staff, expand public information and education campaigns and upgrade technology.

The agreement also includes $6,250,000 for Native American caregivers instead of $6,000,000 as proposed by H.R. 246 and $6,500,000 as proposed by the Senate.

The conference agreement includes $387,108,000 for congregate meals; $182,169,000 for home delivered meals; and $149,000,000 for the nutrition services incentives program. The conference agreement amends the Older Americans Act and transfers the Nutrition Services Incentives Program from the U.S. Department of Agriculture to the Administration on Aging within the U.S. Department of Health and Human Services and maintains access to commodities within USDA.

The agreement includes $40,521,000 for aging research, training and demonstrations instead of $27,837,000 as proposed by H.R. 246 and the Senate. The conferees continue to support funding at no less than last year's level for national programs scheduled to be refunded in fiscal year 2003 that address a variety of issues, including elder abuse, Native American issues and legal services. The conferees also include the following amounts under aging research, training, and demonstrations:

Champions for Change, Flossmoor, IL, for a Senior Wellness Program	$100,000
Champlain Senior Center in Burlington, VT, to support its seniors and technology initiative	75,000
Coalition of Wisconsin Aging Groups in Madison, Wisconsin, to provide assistance and education to the legal community and the public about elder financial abuse	100,000
Commission on Jewish Eldercare Services, Bloomfield Hills, Michigan, to reach out to additional seniors in Oakland County who require services in order to remain living independently	450,000
Comprehensive Housing Assistance, Inc., Baltimore, MD, for demonstration project on Naturally Occurring Retirement Communities to the Baltimore Jewish Naturally Occurring Retirement Community	524,000
Dale County, Alabama, Senior Citizens Center	40,000
Des Moines University in Des Moines, Iowa for a survey of geriatric health needs, ...	500,000
Generations of Hope, Rantoul, Illinois, to begin the process of replicating the Hope Meadows model nationally	500,000
Greater Miami Jewish Federation, Inc., for a Naturally Occurring Retirement Community project for seniors living independently	500,000
Hickman County Senior Center, Clinton, Kentucky, to provide educational services to seniors population	25,000
Iowa Department of Elder Affairs Seamless System to continue the integration of senior programs. In administering this award, the AoA and CMS should continue to provide the technical assistance and related support necessary to develop and implement program	1,000,000
Iowa State University, Ames, Iowa, for Universal Kitchen Design project	300,000
Jewish Family and Children's Service, Minneapolis, MN, for program for seniors in Naturally Occurring Retirement Community	1,200,000
Jewish Family Children's and Children's Service of Greater Philadelphia for Naturally Occurring Retirement Communities (NORCs)	250,000
Jewish Family Service of Los Angeles, CA, for project to assist seniors living independently	500,000
Jewish Federation of Greater Atlanta, Atlanta, Georgia	100,000
Jewish Federation of Greater Washington to establish a Naturally Occurring Retirement Communities (NORCs) demonstration project providing supportive services to seniors	850,000
Jewish Federation of Metropolitan Chicago, Chicago, IL, for services to elderly residents in Naturally Occurring Retirement Community	250,000

Jewish Federation of Nevada for a demonstration project to develop innovative models of community-based health and social service provision for older Americans	650,000
Maria-Madeline Project, Oak Park, MI, for the Experience Senior Power Program to help underprivileged seniors bridge the digital gap	120,000
Mecklenburg County, North Carolina, Nutrition 2000 program to help provide nutritional care for homebound frail senior citizens	700,000
Metropolitan Family Services, Chicago, IL, for the Seniors Raising Children program	225,000
National Center for Seniors' Housing Research, Upper Marlboro, MD, for research and development of smart-aging solutions	250,000
Northern Michigan University, Marquette, MI, for the Center for Gerontological Studies	200,000
Rebuilding Together with Christmas in April, Washington, DC, for Safe at Home	400,000
Southcare Home Services to establish a pilot program on home-based care for low-income elderly individuals	500,000
St. Louis Area Agency on Aging, St. Louis, MO, for the Senior Center Healthcare Coordinator Program	150,000
St. Luke Lutheran Community, North Canton, Ohio, Quality of Care demonstration to assist older adults with living and independent living in Canton and Stark County	250,000
St. Mark Professional Medical Center, Ltd., Harvey, IL, for Project New Start	100,000
The Carolinas Center for Hospice and End of Life Care, Cary, NC, for development of national data collection system	250,000
The Jewish Federation of Greater Albuquerque for the New Mexico NORC demonstration	225,000
United Jewish Federation of Greater Pittsburgh for the Jewish Association on Aging, Pittsburgh, PA, for Naturally Occurring Retirement Communities	250,000
University of Indianapolis, Indianapolis, IN, for Center for Aging and Community project to help seniors cope with chronic conditions of aging	200,000
University of South Florida, Tampa, FL, for the Florida Policy Exchange Center on Aging	400,000
Visiting Nurse Association Healthcare Partners of Ohio, Cleveland, Ohio, for Healthy Town program for Seniors	500,000
Westchester County Department of Senior Programs and Services, Mt. Vernon, NY, for development of automated call program for home-bound seniors	50,000

The conference agreement includes $13,500,000 for the Alzheimer's Initiative instead of $11,500,000 as proposed by H.R. 246 and $14,000,000 as proposed by the Senate. The conferees intend that $1,000,000 of this funding be used to support an Alzheimer's family contact center for round-the-clock help to Alzheimer's families in crisis.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $367,215,000 for general departmental management instead of $358,451,000 as proposed by H.R. 246 and $374,386,000 as proposed by the Senate, along with $5,851,000 from Medicare trust funds. In addition, the agreement provides $21,552,000 in program evaluation funds as proposed by H.R. 246. The Senate did not provide for evaluation funds in this account.

The conferees have not approved the proposed consolidation of all public affairs and legislative affairs funds and functions in the Office of the Secretary. As a result, the conference agreement includes neither the $27,793,000 requested to transfer staff from the operating divisions to the Office of the Secretary nor the proposed bill language to transfer funds from accounts of the National Institutes of Health and the Agency for Healthcare Research and Quality for the purpose of consolidating all of HHS legislative and public affairs activities within the Office of the Secretary.

The conferees include the amounts for the following projects and activities in fiscal year 2003 listed below.

ARCH National Resource Center on Respite and Crisis Services in Chapel Hill, North Carolina, to expand training, technical assistance, evaluation and networking expertise in respite care	$100,000
Community Transportation Association of America for TA to human services transportation providers on ADA requirements	1,000,000
National Congress of State Games for the improvement and expansion of the Summer Senior Olympic games in Pennsylvania and other states	100,000
Palmer College on Chiropractice, Consortial Center for Chiropractic Research in Davenport, Iowa, and the Policy Institute for Integrative Medicine in Philadelphia, PA for a best practices initiative on lower back pain	100,000

The conferees direct that responses to specific information requests from the chairman and ranking member of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request. The conferees further direct that scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists be transmitted to the Committees on Appropriations, uncensored and without delay.

Within the total provided, $4,000,000 is for the United States-Mexico Border Health Commission as proposed by the Senate. H.R. 246 did not specify an amount for the Commission.

The agreement provides $31,124,000 for the adolescent family life program as proposed by H.R. 246 and the Senate. The agreement includes bill language earmarking $11,885,000 under the adolescent family life program for activities specified under section 2003(b)(2) of the Public Health Service Act, of which $10,157,000 shall be for prevention grants under section 510(b)(2) of Title V of the Social Security Act, without application of the limitation of section 2010(c) of Title XX of the Public Health Service Act.

The agreement provides $56,592,000 for minority health instead of $46,329,000 as proposed by the Senate and $43,057,000 as proposed by H.R. 246. Within the total provided for the Office of Minority Health, $11,700,000 is to promote an effective culturally competent and linguistically appropriate public health response to the HIV/AIDS epidemic. Funds are to be allocated based on HIV/AIDS program priorities identified in the previous fiscal year as well as new priorities as funding permits.

The conferees instruct the Secretary to provide a report to the Appropriations Committees by October 15, 2003 detailing how each of the HHS agencies and offices receiving funding under the Minority HIV/AIDS Initiative have distributed this funding. This report shall include a list of the agencies/organizations receiving MHAI funded grants and sub grants, demonstrate how the participation of minority community-based organizations has been maximized, and the extent to which the funded agencies'/organizations' board, management and key staff are representative of the minority communities served, situated closest to the targeted problem, have a history of providing services to these communities, and have documented linkages to the targeted populations.

The conferees continue to recognize the importance of OMH's partnerships with minority health professions institutions. Specifically, the conferees encourage OMH to continue its successful cooperative agreement with Meharry Medical College aimed at meeting the challenges of academic opportunity for disadvantaged students and improving health care for underserved communities. In addition, the conferees strongly encourage OMH to give priority consideration to partnering with the Morehouse School of Medicine to plan for its continued strategic growth and development.

The conferees include the amounts for the following projects and activities in fiscal year 2003 listed below.

African Heritage, Inc. in Appleton, Wisconsin to improve the health status of African American residents through a community-based referral and counseling program	$50,000

Dimock Community Health Center, Boston, Massachusetts, for the continuation and expansion of a minority diabetes management program.	150,000
Glaucoma Caucus Foundation	450,000
Jersey City Family Health Center in Jersey City, New Jersey for a demonstration project to improve chronic disease prevention	100,000
National Hispanic Medical Association in Washington, D.C. for a program of research, education, training and information dissemination focused on health issues and barriers to care facing Hispanic populations	400,000
Northern Virginia Hospice, Fairfax, Virginia, to provide bereavement services and increased outreach to children and adults in low-income and non-English speaking communities	800,000
Saint Thomas Hospital in Nashville, Tennessee to expand service in disadvantaged areas for rapidly growing health care needs	250,000
San Francisco Department of Public Health in San Francisco, California to enhance its system of HIV care and related services for persons of color and women	750,000
Sisters Network in Houston, Texas, for an educational and outreach program on breast cancer targeted to African-American women	150,000
South End Community Health Center, Boston, Massachusetts, to expand mobile health care services to low-income minority populations in Boston.	150,000
South Texas Community College in McAllen, Texas for the Milagros Center of Excellence in Migrant Health	500,000
Springfield Regional Outpatient Cancer Center for cancer screening program	200,000
Strelitz Diabetes Institute at Eastern Virginia Medical School in Norfolk, Virginia for research regarding prevalence of diabetes in minority populatons, early detection and intervention mechanisms, and barriers to early diagnosis and care	150,000
The Maryland Center at Bowie State University in Bowie, Maryland, for a national program and resource center to address behavioral health and lifestyle education issues of African American and Latino seniors	150,000
University of Medicine and Dentistry of New Jersey in New Brunswick, New Jersey for its Institute for the Elimination of Health Disparities	430,000
University of South Carolina, Arnold School of Public Health in Columbia, South Carolina for development and implementation of an Institute for African American Faculty Development in Public Health	350,000
University of Texas Disease Management Center, San Antonio, Texas, for clinical research to evaluate systems of disease management with a diverse population	2,800,000
University of Texas Health Science Center at San Antonio for a Hispanic Nutrition Research and Education program	100,000
University of Texas Southwestern Medical Center (in cooperation with UT Dallas) for a program to recruit minority students into the field of sickle cell disease research (including outreach, mentoring, and/or scholarships and fellowships)	150,000
Wholistic Family Agape Ministries Institute in Alexandria, Virginia for HIV/AIDS prevention and education and teen pregnancy prevention services	138,000
Esther's Pantry, Portland, Oregon, for services and education for HIV positive Individuals	45,000

The agreement provides $28,845,000 for the office of women's health instead of $28,795,000 as proposed by the Senate and $26,761,000 as proposed by H.R. 246. The conferees include the amount for the following project in fiscal year 2003 listed below.

Oregon Health Sciences University Center on Women's Health to improve women's healthcare	$50,000

The conferees provide $50,000,000 for the minority HIV/AIDS Initiative, as proposed by both H.R. 246 and the Senate.

The conferees are concerned about the adequacy of the supply and production capacity for the anthrax vaccine currently available in the U.S. to protect civilian populations from the demonstrated threat of anthrax. The Secretary of the Department of Health and Human Services is encouraged to consult with other appropriate Federal and State agencies and non-governmental organizations representing workers with a higher risk of exposure to anthrax and provide an assessment of the immediate potential combined national biodefense and short-term preparedness need for anthrax vaccine. The assessment should encompass the need for: immunizing civilian laboratory workers, first responders and other at risk populations of exposure to anthrax; providing sufficient vaccine stockpiles for assuring public health preparedness to respond to anthrax attacks; and providing additional production capacity as a safeguard against an event which could result in a halt in current vaccine production. The Secretary is further requested to submit a report to the House and Senate Appropriations Committees within 60 days after enactment of this bill, which includes the assessment of the combined potential need and options for assuring both a multiple-year vaccine supply and expansion of licensed vaccine production.

The conferees encourage the Secretary to establish a Federal Working Group on Lupus to be comprised of representatives from all relevant HHS agencies and other Federal departments having an interest in lupus. The Working Group should meet periodically for the purpose of exchanging information and coordinating Federal efforts regarding lupus research and education initiatives.

The conferees are concerned about the lack of mechanisms to insure and deliver psychosocial care to patients with cancer. Reports by the Institute of Medicine show that appropriate psychosocial care is an important contributor to quality of cancer care, but such care is not routinely available or consistently reimbursed. The conferees urge the Secretary, through relevant agencies such as NIMH, SAMHSA and AHRQ, to study the delivery of psychosocial services to cancer patients and report on the services available, who has access to them, who uses them, how they are reimbursed, and the effectiveness of specific interventions.

The conferees encourage the Secretary in conjunction with the CDC and the relevant NIH institutes to assess the benefits of a system providing nationwide access for physicians to a multi-media Internet site with webcast and media response capability. This type of system would allow the nation's primary care providers to receive Federal news and alerts.

The conferees request a report from the Department regarding its implementation of the revised guidance from the Department of Justice on limited English proficiency. This report should address the purpose and objectives of this policy, as well as any funding for services provided to implement the guidance, including publications, web site construction costs, and language line contracts.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $37,300,000 for the Office of Inspector General as proposed by H.R. 246 instead of $39,747,000 as proposed by the Senate.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

The conference agreement includes language proposed by the Senate directing that health care benefits of retired Commissioned Corps officers be paid from this account rather than the accounts from the Public Health Service to which they were assigned. H.R. 246 did not include a similar provision.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $2,246,680,000 for the Public Health and Social Services Emergency Fund (PHSSEF) to enhance Federal, State, and local preparedness to counter potential biological, disease, chemical, and radiological threats to civilian populations, instead of $2,255,980,000 as proposed by the Senate. H.R. 246 included $2,507,184,000 for the PHSSEF.

The agreement also includes bill language included in H.R. 246 to allow the Secretary to transfer amounts specified in the account between categories subject to normal reprogramming procedures. The Senate bill contained no similar provision.

The conference agreement modifies the placement of bill language proposed by the Senate exempting from any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services both civilians and Commissioned Officers detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security during their period detail or assignment. The agreement places the bill language within this account, instead of within the account for the Centers for Disease Control and Prevention as proposed by the Senate.

Within the amount provided: $1,543,440,000 is for the Centers for Disease Control and Prevention; $546,000,000 is for the Health Resources and Services Administration; $152,240,000 is for the Office of the Secretary; and $5,000,000 is for the Agency for Healthcare Research and Quality.

The conferees note that funds requested within this account for the Substance Abuse and Mental Health Services Administration, Poison Control, and Emergency Medical Services for Children have been provided within the accounts of their respective agencies. This brings the comparable total for the Public Health and Social Services Emergency Fund to $2,298,680,000.

Within the amounts available to the Centers for Disease Control and Prevention (CDC): $940,000,000 is for State and Local Preparedness, $143,700,000 is for Upgrading CDC Capacity; $300,000,000 is for the National Pharmaceutical Stockpile; $100,000,000 is for Smallpox Vaccine, $20,000,000 is for security; $18,040,000 is for the third year of a collaborative research program on anthrax vaccine; $10,700,000 is for Planning for Preparedness Response; $4,000,000 is for Deterrence; and $2,000,000 is to continue to discover, develop, and transition anti-infective agents to combat emerging diseases. The conference agreement also includes an increase of $5,000,000 for Public Health Preparedness Centers as proposed by the Senate.

The conferees understand that any countermeasures recommended by the Federal government pursuant to the Homeland Security Act (including, but not limited to vaccines) would be made available to civilians on a voluntary basis. Nothing in the Homeland Security Act would allow the Federal government to mandate the administration of a covered countermeasure to civilians.

The conferees concur with language in the Senate explanatory statement urging the Director to move expeditiously to analyze CDC's communication mechanisms and develop a comprehensive plan to ensure the fast, accurate, and accessible flow of information to the relevant health and public safety professionals and to the public. The conferees request that the Director report to the Committees on Appropriations within 6 months of enactment of this Act regarding the specific plan of action resulting from this review.

The conferees understand that the CDC plans to study both the health effects of anthrax exposure and of measures taken to treat or prevent anthrax infection. The conferees request the CDC report to the Committees within 90 days on its plan for these studies.

Within the funds available to the Health Resources and Services Administration (HRSA) is $518,000,000 for Hospital Preparedness and $28,000,000 to provide educational incentives for medical school curriculum. The conferees encourage HRSA to consider requiring that a statewide assessment of emergency medical services preparedness needs in the event of a public health emergency and a plan to address those needs be part of the State application for hospital preparedness funds.

The agreement includes $2,000,000 within funds provided to the Office of Public Health and Science for activities related to the transformation and modernization of the Public Health Service Commissioned Corps.

The conferees encourage the Department of Health and Human Services to give priority to the study of plants as vehicles for the production of vaccines.

The conferees request the Department to submit a report to the Committees on Appropriations within 45 days of enactment of this Act detailing the amounts of fiscal year 2002 State and Local Preparedness funds that:

(a) Each State spent, or plans to spend, to directly benefit or improve local public health capacity; and

(b) The amount each State has directly granted to local public health agencies.

General Provisions

SECRETARY'S RECEPTION EXPENSES

The conference agreement includes a provision increasing the limit on the Secretary's entertainment expenses to $50,000 from $37,000 as proposed by the Senate. H.R. 246 included a provision retaining this limit at $37,000.

EVALUATION TAP

The conference agreement includes a provision to allow for a 2.1 percent evaluation tap pursuant to section 241 of the Public Health Service Act . This tap is to be applied to programs authorized under the Public Service Act. H.R. 246 and the Senate bill contained a provision to allow for a 1.25 percent evaluation tap. The Senate bill proposed allowing a tap of funds authorized under the Public Health Service Act and other acts. H.R. 246 proposed allowing a tap of funds on funds authorized under the PHS Act.

TRANSFER AUTHORITY

The conference agreement includes language permitting the Secretary of HHS to transfer up to one percent of discretionary funds between appropriations, with up to an additional 2 percent subject to approval of the Appropriations Committees. The traditional language is retained that permits the transfer of funds appropriated for HHS in this Act and any other acts as proposed by H.R. 246. The Senate bill proposed the transfer of funds appropriated only under this Act.

REFUGEE STATUS OF CERTAIN PERSECUTED GROUPS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. H.R. 246 contained no similar provision.

GLOBAL HIV/AIDS TRANSFER FUND

The conference agreement does not include a general provision proposed by H.R. 246 to transfer $100,000,000 from the National Institutes of Health as allocated by the Director of NIH to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis". The conference agreement provides for this transfer within the National Institute of Allergy and Infectious Disease as proposed by the Senate.

CENTERS FOR DISEASE CONTROL AND PREVENTION INTERNATIONAL ACTIVITIES

The general provision included in both H.R. 246 and the Senate bill relating to authorities to carry out international health activities is amended to clarify the relationship between the Department of Health and Human Services and the Department of State in supporting employees and providing secure facilities overseas.

OLDER AMERICANS NUTRITION PROGRAMS

The conference agreement includes a provision proposed by the Senate to amend the Older Americans Act and transfer the Nutrition Services Incentives Program from its current location in the U.S. Department of Agriculture to the Administration on Aging within the U.S. Department of Health and Human Services. The language also maintains access to commodities within USDA. H.R. 246 contained no similar provision.

PARKINSON'S DISEASE RESEARCH CENTERS

The conference agreement includes language proposed by the Senate overriding the Public Health Service Act limit on the number of Parkinson's disease research centers that may be supported by the National Institutes of Health. H.R. 246 contained no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

The conference agreement includes a provision that transfers $100,000,000 in LIHEAP emergency funds to the regular formula program. The Senate bill included a transfer of $300,000,000 in LIHEAP emergency funds to the regular formula program. H.R. 246 contained no similar provision. Between passage of the Senate bill and conference, the Department of Health and Human Services released $200,000,000 in LIHEAP emergency funds; this conference agreement includes a transfer of the full $100,000,000 remaining in the emergency account to the regular formula program. It is the intent of the conferees that these funds, in addition to the $1,700,000,000 in new budget authority provided in this Act, shall be allocated under the regular state grant formula, providing a program level of $1,800,000,000 for the fiscal year 2003.

NURSE REINVESTMENT ACT FUNDING

The conference agreement does not include a general provision proposed by the Senate providing an additional $20,000,000 for activities authorized under the Nurse Reinvestment Act. The conference agreement instead incorporates this funding into the regular appropriation provided for the Health Resources and Services Administration. H.R. 246 contained no similar provision.

GRANTS FOR THE PURCHASE OF ULTRASOUND EQUIPMENT

The conference agreement does not include a general provision proposed by the Senate authorizing a new HHS grants program to purchase ultrasound equipment. H.R. 246 contained no similar provision.

HEAD START

The conference agreement includes a provision proposed by the Senate to exempt the Head Start program from the across-the-board reduction. H.R. 246 contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $13,853,400,000 for Education for the Disadvantaged instead of $12,936,900,000 as proposed by H.R. 246 and $18,178,400,000 as proposed by the Senate. The agreement includes advance funding for this account of $9,027,301,000 instead of $6,883,301,000 as proposed by H.R. 246 and $8,627,301,000 as proposed by the Senate.

Title I: Grants to LEAs

For Grants to Local Educational Agencies (LEAs) the agreement provides $11,750,000,000 instead of $10,850,000,000 as proposed by H.R. 246 and $16,350,000,000 as proposed by the Senate. The conference agreement includes $7,172,971,000 for basic grants and $1,365,031,000 for concentration grants. The agreement also includes $1,670,239,000 for targeted grants, and $1,541,759,000 for education finance incentive grants. Concentration grants, targeted grants, and incentive grants are all provided on an advance-funded basis.

H.R. 246 proposed $7,172,971,000 for basic grants, $1,365,031,000 for concentration grants, $1,518,499,000 for targeted grants and $793,499,000 for education finance incentive grants. The Senate bill proposed $7,172,971,000 for basic grants, $1,365,031,000 for concentration grants, $1,405,999,000 for targeted grants, and $1,405,999,000 for education finance incentive grants.

Even Start and Literacy

The conference agreement includes $250,000,000 for the Even Start program as proposed by H.R. 246 instead of $200,000,000 as proposed by the Senate.

The conference agreement also includes $12,500,000 for Literacy through School Libraries as proposed by H.R. 246 instead of $15,000,000 as proposed by the Senate.

Migrant and Neglected & Delinquent Education

The conference agreement includes $398,000,000 for the migrant education program instead of $396,000,000 as proposed by H.R. 246 and $400,000,000 as proposed by the Senate. The agreement also includes $49,000,000 for neglected and delinquent youth instead of $48,000,000 as proposed by H.R. 246 and $50,000,000 as proposed by the Senate.

Comprehensive School Reform

The conference agreement includes $235,000,000 for comprehensive school reform (CSR) authorized under part F of the No Child Left Behind Act as proposed by H.R. 246. The Senate bill did not include funds for this activity.

The conferees urge the Department to work vigorously with the States to ensure that States award CSR funds for those comprehensive school reform models that have the strongest evidence of positive effects on student achievement. In addition, the conferees encourage the Department to clarify in its guidance to States that middle and high schools, as well as elementary schools, are eligible to receive CSR grants.

The conferees are concerned about the Department's delay in the release of fiscal year 2002 funds—appropriated more than a year ago—that are reserved for quality initiatives under the comprehensive school reform program, as authorized under section 1608 of the Elementary and Secondary Education Act. The conferees strongly urge the Department to expeditiously make these funds available for these important quality initiatives. These activities will expand the availability of independent, credible, and timely information to schools, districts and other consumers on the effectiveness and quality of selected comprehensive school reforms. Further, these activities will enhance the ability of providers of CSR models to deliver services at a national scale (by providing innovative financial support to improve educational services, solid business planning, and other technical assistance). In addition, the conferees expect the Department to utilize the entire three percent set-aside authorized under section 1608 in fiscal year 2003, to continue funding these quality improvement activities, and to fund those organizations most suited to carry out these activities. The conferees expect to be consulted prior to the release of these funds for fiscal year 2003.

Dropout Prevention, Advanced Placement Fees and Migrant Programs

The conference agreement includes $11,000,000 for dropout prevention programs, instead of $13,000,000 as proposed by the Senate. H.R. 246 did not provide funding for this program.

The conference agreement also includes $23,500,000 for advanced placement fees instead of $22,000,000 as proposed by H.R. 246 and $25,000,000 as proposed by the Senate. The conference agreement also includes $23,500,000 for high school equivalency program instead of $23,000,000 as proposed by H.R. 246 and $24,000,000 as proposed by the Senate and $15,500,000 for college assistance migrant program instead of $15,000,000 as proposed by H.R. 246 and $16,000,000 as proposed by the Senate.

IMPACT AID

The conference agreement includes $1,196,000,000 for the Impact Aid programs instead of $1,185,000,000 as proposed by H.R. 246 and $1,176,500,000 as proposed by the Senate. Within this amount, $1,032,000,000 is provided for basic support payments instead of $1,022,000,000 as proposed by H.R. 246 and $1,012,500,000 as proposed by the Senate; $51,000,000 is provided for payments for children with disabilities instead of $50,000,000 as proposed by H.R. 246 and $52,000,000 as proposed by the Senate; $45,000,000 is provided for construction as proposed by H.R. 246 instead of $47,000,000 as proposed by the Senate; and $60,000,000 is provided for payments for federal property as proposed by H.R. 246 instead of $57,000,000 as proposed by the Senate.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $8,052,957,000 for School Improvement Programs instead of $7,347,584,000 as proposed by H.R. 246 and $7,788,329,000 as proposed by the Senate. The agreement provides $6,287,957,000 in fiscal year 2003 and $1,765,000,000 in fiscal year 2004 funding for this account.

Improving Teacher Quality

The conference agreement includes $2,950,000,000 for State grants for improving teacher quality as proposed by H.R. 246 instead of $2,850,000,000 as proposed by the Senate. Of this amount, $1,150,000,000 is provided as a fiscal year 2004 advance as proposed by the Senate instead of $1,650,000,000 as proposed by H.R. 246.

The conference agreement also includes $12,500,000 for school leadership activities instead of $10,000,000 as proposed by H.R. 246 and $15,000,000 as proposed by the Senate. The agreement also includes $15,000,000 for the early childhood educator professional development grants program, as proposed by the Senate. H.R. 246 did not include funding for this activity.

The conference agreement also includes $101,000,000 for math and science partnerships, instead of $100,000,000 as proposed by H.R. 246 and $25,000,000 as proposed by the Senate. The conference agreement includes $29,000,000 for the Troops-to-Teachers program instead of $30,000,000 as proposed by H.R. 246 and $20,000,000 as proposed by the Senate. The agreement also includes $42,000,000 for Transition to Teaching instead of $47,000,000 as proposed by H.R. 246 and $35,000,000 as proposed by the Senate.

The agreement also includes $23,000,000 for the Ready to Learn program instead of $22,000,000 as proposed by H.R. 246 and $24,000,000 as proposed by the Senate, and $62,500,000 for teacher training in technology as proposed by the Senate, H.R. 246 did not include funding for this activity.

Safe and Drug Free Schools

The conference agreement includes $628,213,000 for the Safe and Drug Free Schools and Communities Act instead of $644,250,000 as proposed by both H.R. 246 and the Senate.

Included within this amount is $472,017,000 for State grants as proposed by H.R. 246 instead of $482,017,000 as proposed by the Senate.

The agreement also includes $156,196,000 for national programs instead of $172,233,000 as proposed by H.R. 246 and $162,233,000 as proposed by the Senate.

The conferees include $30,000,000 within the amount for national programs for initiatives to improve school safety and security, as proposed in the fiscal year 2003 request. These funds should focus on strengthening school emergency response and crisis management plans; training school personnel, students and parents in emergency response procedures; and coordinating with local law enforcement, public safety, health and mental health agencies—continuing an initiative begun by Congress in fiscal year 2002. The agreement also includes $5,000,000 for Project SERV as proposed by the Senate instead of $10,000,000 as proposed in H.R. 246.

Modifications made to the Safe and Drug Free Schools Program in section 4114(a)(1) of the No Child Left Behind Act may have created dramatic changes in funding for some LEAs. The conferees understand that no data have been compiled to show the nationwide breakdown of these funding changes at the LEA level. Therefore, the conferees request that the Department gather this information and report back to Congress no later than May 1, 2004 with its findings.

Credit Enhancement for Charter Schools

The conference agreement includes $25,000,000 for credit enhancement for charter schools instead of $50,000,000 as proposed by H.R. 246. The Senate bill did not include funding for this activity.

Public School Choice

The conference agreement includes $26,000,000 to support voluntary public school choice programs instead of $25,000,000 as proposed by H.R. 246 and $27,584,000 as proposed by the Senate.

Education for Homeless Children and Youth

The conference agreement includes $55,000,000 for Education for Homeless Children and Youth as proposed by H.R. 246 instead of $54,000,000 as proposed by the Senate.

Education of Native Hawaiians

The conference agreement includes $31,000,000 for the Education of Native Hawaiians instead of $32,500,000 as proposed by the Senate and $18,300,000 as proposed by H.R. 246. The agreement also includes language to allow funds under this program to be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body. Neither H.R. 246 nor the Senate bill contained this provision. The conferees urge the Department to provide $500,000 for school construction/renovation and at least $500,000 for early childhood education.

Alaska Native Educational Equity

The conference agreement includes $31,000,000 for the Alaska Native Educational Equity program instead of $32,500,000 as proposed by the Senate and $14,200,000 as proposed by H.R. 246. The agreement also includes language to allow funds under this program to be used for construction. Neither H.R. 246 nor the Senate bill contained this provision.

Rural Education

The conference agreement includes $168,750,000 for rural education programs, instead of $162,500,000 as proposed by H.R. 246 and $175,000,000 as proposed by the Senate.

Fund for the Improvement of Education (FIE)

The conference agreement includes $814,660,000 for the Fund for the Improvement of Education.

Within the total for FIE, the conference agreement includes funding for the following activities in the following amounts:

Character Education	$25,000,000
Reading is Fundamental ...	$25,500,000
School Counseling	$32,500,000
Javits Gifted and Talented Education	$11,250,000
Star Schools	$27,520,000
Ready to Teach	$14,500,000
Foreign Language Assistance	$16,250,000
Carol M. White Physical Education for Progress ...	$60,000,000
Community Based Technology Centers	$32,475,000
Exchanges with Historic Whaling and Trading Partners	$7,000,000
Parental Assistance Information Centers	$42,500,000
Women's Educational Equity	$3,000,000

The conference agreement includes $75,000,000 for comprehensive school reform grants to local educational agencies as proposed by H.R. 246. The Senate bill did not include funding for this activity. These funds shall support grants to States for continuing and new subgrants to local educational agencies for comprehensive school reform activities in both title 1 and non-title 1 eligible schools. The bill includes language specifying that these funds shall be allocated and expended in the same manner as in fiscal year 2002 and provides the funds on a forward funding basis.

The conference agreement also includes $1,639,000 for continuation funding for the national clearinghouse on comprehensive school reform.

The conference agreement also includes $162,000,000 for the smaller learning communities program, instead of $142,000,000 as proposed by H.R. 246. The Senate did not include funding for this program. As in past years, the conference agreement provides the funds on a forward funded basis and specifies that these funds shall be used only for activities related to the redesign of large high schools enrolling 1,000 or more students.

The conferees are concerned that the Department did not consult with the Appropriations Committees on the fiscal year 2002 program guidance and application for the smaller learning communities program as requested in House Report 107–229. The conferees do not agree with the competitive preference for certain grant applicants proposed by the Department for the fiscal year 2002 competition and direct the Secretary to revise the grant application to remove this preference. The conferees believe that applicants for assistance under this program should be evaluated solely on the quality of their proposals to improve the learning environment for students within their current educational setting. The program guidance should also clarify that smaller learning community funds may be used to support the initial planning for, and operation of, new small schools as well as the redesign of existing schools into smaller learning units.

The conferees are also concerned about the Department's inability to hold timely grant competitions for this program in fiscal years 2001 and 2002. The fiscal year 2001 grant competition was delayed, and the 2002 grant competition is far behind schedule. Accordingly, the conferees direct the Department to publish the smaller learning communities program application for fiscal year 2002 grants not later than February 28, 2003. If the Department is unable to meet this deadline, the conferees request a letter report from the Department to the House and Senate Committees on Appropriations by that date, which explains why the Department is unable to meet this deadline, indicates when the Department will announce the fiscal year 2002 competition, and outlines the steps the Department will take to prevent delays in the fiscal year 2003 smaller learning communities grant competition.

The conferees have a strong interest in this program and are displeased that the Department has not only failed to consult with the Appropriations Committees, but also has not responded to requests for basic information about how program funds will be utilized. The conferees expect that the Department will consult fully with the Appropriations Committees prior to the release of the fiscal year 2003 program guidance for the smaller learning communities program. Further, the Department should develop a balanced plan for outreach, networking, and technical assistance activities during fiscal year 2003 to ensure that school districts are aware that small schools and smaller learning communities are effective, research-based strategies to improve academic achievement, attendance, and safety. The Department should be prepared to discuss these matters during hearings on its fiscal year 2004 budget request.

For Arts in Education, the conference agreement includes $34,000,000 instead of $36,000,000 as proposed by the Senate. H.R. 246 did not specify separate funding for this line item. The conferees provide that within this total, $7,000,000 is for Very Special Arts, $6,000,000 is for the John F. Kennedy Center for the Performing Arts, and $1,500,000 is to be used to continue a youth violence prevention initiative. In addition, $4,000,000 is for cultural partnerships, $6,500,000 is for model professional development programs for music, drama, dance and visual arts educators and $500,000 is for evaluation activities. The remaining $8,500,000 is available to continue model arts programs. The conferees have made significant investments over the past couple of years in funding model arts programs, professional development activities and cultural partnerships for at risk youth. The conferees intend that the $500,000 provided for evaluation shall be used to begin reviewing and evaluating competitive grants funded through this program. The conferees further intend that information about best practices and model programs identified during this review and evaluation process should be disseminated widely, in order to maximize the significant benefits of these targeted investments.

The conference agreement includes $15,000,000 for teacher quality initiatives, as requested by the Administration. The conferees intend that these funds be awarded for initiatives such as the following: to identify research-based competencies that all new teachers should possess and to develop related, rigorous assessments; to infuse research-based reading instruction into preservice teacher preparation programs; to provide technical assistance to alternative route programs to ensure quality; to determine the adequacy and effectiveness of mentoring and professional development to teachers entering the profession via alternative route programs and to identify the retention rates of those teachers; and to identify issues relating to teacher mobility. The conferees share the Administration's interest in initiatives to improve teacher quality and request that the Department provide the House and Senate Committees on Appropriations with a detailed summary of the types of projects proposed to be supported prior to any funds being awarded.

Within the total for FIE, the following amounts are also provided:

Academy of Natural Sciences, Philadelphia, PA, for the development and delivery of natural sciences educational programming for children and the general public	$150,000
After the Bell Program in Soldotna, Alaska, for after school programs involving community, parents and at-risk youth	100,000
Alaska Department of Education for its "Parents as Teachers" program	1,250,000
Alaska Department of Education for its "Qualified Teachers for Alaska" program	1,500,000
Alaska Department of Education with the Alaska SeaLife Center, the Kenai Challenger Learning Center, the Kenai River Center, in consultation with federal and state scientists, and federal resource management agencies, for a science and distance education	250,000
Alaska Department of Education's Remedial Summer Tutoring Program ...	700,000
Alaska Humanities Forum to develop Alaska State history texts and curriculum, including oral history, for use in Alaska schools.	400,000

Allegheny Conference on Community Development, Pittsburgh, PA, in collaboration with the War for Empire Consortium, for education programs and activities to commemorate the 250th anniversary of the French and Indian War ...	50,000
Allentown Civic Theater, PA, for education programs	200,000
Alliance Neighborhood Center, Alliance, Ohio, for program/curriculum for the Apple Seed Project	250,000
American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principals of free government at colleges and universities	100,000
American Cities Foundation, Philadelphia, PA, for mentoring, academic, enrichment, and counseling programs for at-risk students	250,000
American Film Institute Screen Education Center and Initiative for arts education curriculum development and teacher training	500,000
American Foundation for Negro Affairs (AFNA) National Education and Research Fund, Philadelphia, PA, to raise the achievement levels of minority students and increase minority access to higher education	650,000
American Red Cross, Southeastern Pennsylvania Chapter, Philadelphia, PA, for education programs	25,000
American Society of Educators, Philadelphia, PA, for instructional technologies, professional development seminars and to develop and distribute technological guides for educators	50,000
American Theater Arts for Youth Program, Philadelphia, Pennsylvania, to continue to provide workshop residencies	75,000
AMISTAD America, Inc., to expand educational programs and materials	800,000
An Achievable Dream, Newport News, Virginia, to expand its curriculum and college preparation program	500,000
Anchorage Museum of History and Art and Alaska Humanities Forum to develop curriculum on Alaskan culture and art for Alaska schools	250,000
Anderson School District in Anderson, Alaska, for a program to provide distance learning and related materials to small schools in rural Alaska meet the requirements of No Child Left Behind Act	100,000
Antigo School District, WI, for after school programs	300,000
Appomattox Regional Governor's School for the Arts and Technology, Petersburg, Virginia, for equipment and technology infrastructure	500,000
Arden Theatre, Co., Philadelphia PA, to expand the Arden for All program, to make the arts accessible to economically challenged schools, as well as performances interpreted in American Sign Language	25,000
Artspace Projects, Inc., Minneapolis, MN, to expand arts education programming for youth, including technology upgrades for distance learning	200,000
Ashland School District, WI, for after school programs	670,000
Association of Community Ministries, Louisville, Kentucky, for educational programs and community-based services	50,000
Audubon Nature Institute, Inc., New Orleans, Louisiana, after-school project	100,000
Baldwin Park Unified School District, Baldwin Park, CA, for the Baldwin Park Technology Achievement Academies	250,000
Benchmark School, PA, for reading instruction and other education programs	75,000
Berea Children's Home School-Age Skills Enhancement (SASE) Program, Berea, Ohio	162,000
Big Brothers/Big Sisters of Anchorage, Fairbanks, and Southeast Alaska, in partnership with Alaska Dept. of Education, the Boys and Girls Club and Cook Inlet Tribal Council to develop and implement a comprehensive mentoring program for at-risk children	400,000
Big Top Chautauqua, Washburn, WI, for educational programs	500,000
Birchwood School District, WI, for after school programs	240,000
Boricua College, Brooklyn, NY, for personnel, curricula, teacher trainees, and other expenses to expand technology training at local public school sites	100,000
Boston History Collaborative to expand history-based education programs in public schools ..	50,000
Boyle Heights College Institute, Los Angeles, CA, for after school and mentoring programs	225,000
Boys and Girls Club of Burbank, CA, for mentoring, career exploration and other educational services for at-risk youth through the Teen Center Outreach Project	80,000
Boys and Girls Club of Chester, PA, for mentoring, tutorial assistance and other education program	75,000
Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs	25,000
Boys and Girls Club of Philadelphia, Philadelphia, PA, to develop a school based mentoring program	50,000
Boys and Girls Harbor, Inc., New York, NY, to establish a Philadelphia School Financial Literacy Project to promote financial literacy through the teaching of personal financial management skills	25,000
Bronx Cluster of Settlement Houses, Inc., to provide literacy, mentoring, college preparatory, and other educational services for youth	300,000
Brooklawn, Inc., Louisville, Kentucky, for technology	30,000
Business Education Roundtable, Providence, RI, for a school principal professional development program	250,000
Cablelife Community Enrichment Corporation, Louisville, Kentucky, educational programs	40,000
Caldwell County Education Consortium, Hudson, North Carolina, for operating costs of Teacher Education project	300,000
Cameron County High School, Emporium, Pennsylvania, for technology infrastructure	100,000
Camp Fire USA First Texas Council, Fort Worth, Texas, for Early Childhood Violence Reduction program	150,000
Camp SEA Lab, Seaside, CA, for science education programs for youth and teacher training activities	200,000
Canaan Community Development Corporation, Louisville, Kentucky for after school programs	30,000

Capistrano Unified School District, San Juan Capistrano, California, for Capistrano Professional Academy to improve local mathematics and science instruction	400,000
Care Unlimited, New Orleans, LA, to provide in-home educational services to high school students who are pregnant or parents	100,000
Cayuga County Safe Schools/Healthy Students Partnerships, Inc., Auburn, New York, for staffing and after-school programs	175,000
Center for Houston's Future, Houston, Texas, for early education programs	250,000
Center for Mathematics and Science Teacher Recruitment, Retention in Missouri, to improve recruitment and retention of math and science teachers, including through the acquisition of technology	1,500,000
Center for Rural Development, Somerset, Kentucky, for technology and software equipment	250,000
Central Alabama Community College in Alexander City, Alabama, for technology acquisition in support of the Community Intensive Treatment for Youth program	100,000
Centre County AVTS, Pleasant Gap, Pennsylvania, for technology infrastructure	100,000
Chabot Space and Science Center, Oakland, CA, for math and science teacher training programs	500,000
Challenger Learning Center of Maine for science education program	750,000
Champions for Change, Flossmoor, IL, for early childhood education and before- and after-school programs	100,000
Charlotte-Mecklenburg School System, Charlotte, NC, to expand the "Bright Beginnings" after school program	400,000
Charter School Development Corporation in Las Vegas, Nevada, to focus on technology and college preparation	1,000,000
Chetek School District, WI, for after school programs	265,000
Chicago Public Schools for the Chicago Reading Initiative, a research-based instruction to improve reading achievement in urban areas	100,000
Chicago Public Schools, IL, for the "Never Too Cool For After School" and "After School Matters" initiatives	500,000
Chillocothe and Ross County 2003 Commission, Chillocothe, Ohio, for innovative education program to teach Ohio's history	210,000
Choteau Elementary School in Choteau, Montana, for the NetSchools e-learning program, including the acquisition of technology	600,000
City of Bogalusa School Board, Louisiana, for technology enhancements	25,000
City of Detroit, MI, for an after school program information management and evaluation initiative	600,000
City of Englewood, New Jersey Board of Education, for technology and other expenses to establish career academies at the Dwight Morrow High School	300,000
City of Salt Lake, Utah, for the YouthCity Empowerment after school center project	900,000
City of Santa Ana, CA, for technology training programs for youth at the Santa Ana Memorial Technology Center	250,000
City of Staunton, Virginia, for the expansion of cultural, historical, and arts education programs	200,000
City of Upland, California, for after school programs	1,500,000
City School District of New Rochelle, NY, for after school and summer school programs	294,000
Clarion County Career Center, Shippenville, Pennsylvania, for technology infrastructure	100,000
Clark County School District, Las Vegas, NV, to expand after school programs	500,000
Classika Theater in Arlington, Virginia, for continued development of the LITarts educational outreach program	100,000
Clearfield County Career and Technology Center, Clearfield, Pennsylvania, for technology infrastructure	100,000
Cleveland Botanical Garden, Cleveland, Ohio, for education outreach to schools	250,000
COA Youth and Family Centers in Milwaukee, Wisconsin, for a home instruction program for pre-school children to foster health, educational success and independence	200,000
Columbia Bethlehem Community Center, Richland County, Columbia, SC, for after school, mentoring, youth internship, and literacy programs	200,000
Commonwealth of Puerto Rico, Department of Education, for an afterschool art and counseling program	800,000
Communities in Schools Dallas, Inc., TX, to expand educational programs serving at-risk students	100,000
Communities in Schools of East Texas, Inc., Marshall, TX, for educational services for at-risk students	250,000
Communities in Schools of Northeast Texas, Inc., Mount Pleasant, TX, for educational services for at-risk students	250,000
Communities in Schools of Northern Virginia, Inc., Alexandria, VA, to expand family literacy, after school and other educational services for at-risk students and their parents	265,000
Communities In Schools—Cameron County, Inc., Harlingen TX, for educational services for at-risk youth	150,000
Communities in Schools—Greater Fort Hood Area, Killeen, TX, for academic and support services for at-risk students and their families	250,000
Community Action and Community Development Agency for North Alabama, Decatur, Alabama, for technology upgrades	300,000
Community Foundation of Greater Birmingham, Birmingham, AL, to expand cultural and educational programs to inner city youth	200,000
Community Foundation of Louisville, Kentucky, for Lac Viet reading programs	50,000
Community of Agile Partners in Education/Pennsylvania Educational Telecommunications Exchange Network (CAPE/PETE), Bethlehem, PA, for distance learning programs	600,000
Community of Caring in Washington, D.C., for program development and expansion of its comprehensive character education program in Nevada	200,000
Community School District 8, Flushing, NY, for after school programs	250,000
Connecticut International Baccalaureate Academy, East Hartford, CT, for technology equipment, training and upgrades, and for the establishment of a Chinese studies program	900,000
Connecticut United for Research Excellence, Inc., Rocky Hill, CT, for the "BioBus" mobile educational laboratory	400,000

Continuation and expansion of the Iowa Communications Network statewide fiber optic demonstration	2,000,000
Council of Chief State School Officers, Washington, D.C., for Business/Education Leaders Institute	3,000,000
Cumberland Public Schools, Cumberland, RI, for equipment, curriculum and professional development to establish an after school program for high school students	350,000
Dallas Independent School District, TX, to expand the Star Teacher Selection Training Program	300,000
Dallas Institute, Dallas, Texas for a teacher retention program	250,000
Delta State University in Mississippi for the Delta Education Initiative	1,000,000
Discovery Center of Science and Technology, Bethlehem, PA, for hands-on, inquiry-based science programs for K–8 students in Berks, Bucks, Carbon, Luzerne, Monroe, Montgomery, Pike, and Schuylkill counties	50,000
Drug Free Pennsylvania, Inc., Harrisburg, PA, to enhance its media literacy project to provide at-risk students an opportunity to create public service announcements targeting the prevention of drug use	50,000
DuBois Educational Foundation, DuBois, Pennsylvania, for computers and computer wiring, equipment	150,000
Dyer Elementary School in Esmeralda County School District in Nevada for a One-on-one Laptop Computer Program.	112,000
d'Zert Club, Glenside, PA, for educational and support services for elementary, middle and high school students	50,000
East Stroudsburg University of Pennsylvania, PA, for a distance learning program to serve homebound students, and a web-based educational management system	500,000
Education Leaders Council, Washington, D.C., for Following the Leaders project	10,000,000
Educational Service District 101, Spokane, Washington, to develop curriculum, deliver televised K–12 coursework, hire teachers and acquire satellite transponder time	500,000
Educational Service District 112, Vancouver, WA, to expand the Help One Student to Succeed (HOSTS) reading and mentoring program	167,000
Encore Series, Inc., Philadelphia, PA, for the Jazz in the Schools music education program to engage inner city high school students in programs using jazz as a means to maintain student interest	100,000
Enterprise for Progress in the Community in Yakima, Washington for a new community child developmental center	150,000
Ephraim McDowell Health Care Foundation, Danville, Kentucky, for its Medical Career Educational Initiative	100,000
Fairfax County Public School System, VA, for the heritage language literacy after school program at Bailey's Elementary School for the Arts and Sciences	100,000
Fairfax County Public Schools, Fairfax, Virginia, for a delinquency prevention program for students with behavioral and emotional needs	200,000
Fairfax County Public Schools, Fairfax, Virginia, for Fairfax Network project	200,000
Fairfax County Public Schools, Fairfax, Virginia, for Speech Recognition for Students with Disabilities	50,000
Fairfax Education Foundation, Fairfax, Virginia, for Partnerships to Advance Learning	200,000
Father Maloney's Boys Haven, Louisville, Kentucky, for technology	40,000
Fay-Penn Economic Development Council, Uniontown, PA, to develop the Reaching Educational Achievement with Community Help initiative	150,000
Felician Sisters, PA, for education programs	125,000
First Book in Washington, D.C., to establish local advisory boards across Washington state	500,000
First Book Rural Outreach Initiative, Ohio	405,000
First Freedom Education Center in Richmond, Virginia, for educational programs	400,000
First Gethsemane Center for Family Development, Inc., Louisville, Kentucky, for after school programs	25,000
Florida State University, Tallahassee, Florida, for Florida Reading, Math and Science Initiative	1,500,000
For Us Northwest, Portland, Oregon for a mentoring program for children affected by HIV/AIDS	25,000
Foundation for the Improvement of Mathematics and Science Education, San Diego, California, to implement the Blueprint for Student Success program	950,000
Franklin School District in Franklin, New Hampshire for a summer school initiative	50,000
Freedoms Foundation at Valley Forge, Valley Forge, PA, to develop and implement the "Terrorism: Challenges and Threats to the American Way of Life" workshop	50,000
Friends of McGroarty Cultural Arts Center, Tujunga, CA, for after school arts education programs for low-income students	65,000
Futures for Children, Albuquerque, New Mexico to expand education services for Native Americans	1,000,000
Galena School District in Alaska for distance education program	1,000,000
Galilee Community Development Corporation, Louisville, Kentucky, for after school programs	15,000
Gateway Cities Partnership, Inc., City of Paramount, CA, to establish community resource learning centers	200,000
General George S. Patton School District 133, Riverdale, IL, to implement a comprehensive mathematics program	150,000
George Mason University, Fairfax, Virginia, for Center for Cognitive Development to address families of children suffering from attentional, cognitive, and behavioral disorders	200,000
Georgetown University, Washington, DC, for the Center for the Study of Learning dyslexia project, in partnership with the University of Louisville	350,000
Girl Scouts—Pacific Peaks Council of Tumwater, Washington for a resource center	100,000
Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center	200,000
GRAMMY Foundation, Santa Monica, CA, for music and arts education programs	800,000
Great Neck Center for the Visual and Performing Arts, Inc., Great Neck, NY, for an arts education program for disadvantaged children	25,000

Great Projects Film Company, Inc., New York, NY, to produce "Educating America," a documentary television series and multi-media project about challenges facing public schools	50,000
Griffith Observatory in Los Angeles to improve educational programs and exhibits on the solar universe	150,000
Growing Solutions Restoration Education Institute, Santa Barbara, CA, for establishment of a Green Academy at Santa Barbara High School	120,000
Guadalupe Center for Early Childhood Education in Missouri to expand quality early education programs	500,000
Hands On Science for a demonstration in Iowa	400,000
Harford County Board of Education in Aberdeen, MD for a collaboration between a science and technology high school and the Aberdeen Proving Ground.	200,000
Harrods Creek Community Development, Inc., Louisville, Kentucky, educational programs for inner city children and teens	15,000
Harry T. Kerr Skills Center, Titusville, Pennsylvania, for updating and modernization of equipment to meet training needs	150,000
Hattie Idela Farrow Foundation in Providence, RI for educational programs designed to decrease suspensions and referrals to juvenile justice	50,000
Hazel Crest School District 152.5, Hazel Crest, IL, for teachers and equipment to improve health and physical education programs	100,000
Hebrew Academy for Special Children, New York	50,000
Helen Keller Worldwide, NY, to expand the ChildSight Vision Screening Program and provide eyeglasses to additional children whose educational performance may be hindered because of poor vision	1,500,000
Henderson Allied Community Advocates in Henderson, NV to provide quality early childhood education and after school programs to low-income families.	500,000
Henry and William Evans Home for Children, Inc., Winchester, Virginia, for children who are in need of assistance in preparation for becoming productive adults	200,000
HighTechHigh—Los Angeles, Beverly Hills, CA, for equipment, technology upgrades, and training	450,000
Hillel Academy of Pittsburgh, Pittsburgh, PA, to enhance preschool students' learning readiness skills through the use of PicturePages Evaluation engine	50,000
Home Instruction Program for Preschool Youth (HIPPY), New York, NY, to expand its home-based literacy and school readiness program	50,000
Hyannis Youth and Community Center, Barnstable, Massachusetts, for the development of youth educational programs and the procurement of educational equipment.	1,000,000
I CAN LEARN	3,000,000
I KNOW I CAN, Columbus, Ohio, for college access program	100,000
Illinois Mathematics and Science Academy, Aurora, Illinois, for the 21st Century Information Fluency Program	400,000
Illinois Office of Banks and Real Estate, Springfield, Illinois, for Financial Literacy program	50,000
Illinois State Board of Education and Indian Prairie District #204, Springfield, Illinois, to develop an innovative student teaching pilot program	250,000
Illinois State Board of Education and Orland School District #135 to Beginning Educators Assimilation and Mentoring System program	200,000
Illinois State Board of Education for Improving Mathematics Achievement at Elgin, Illinois #46	250,000
Illinois State Board of Education, "Illinois Virtual High School"	500,000
Illinois State Board of Education, Springfield, IL, for extended day and summer school programs at the Canton Union School District #66	175,000
Illinois State Board of Education, Springfield, IL, for teacher and principal recruitment and retention initiatives at Dolton School District 148	150,000
Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18	150,000
Illinois State Board of Education, Springfield, Illinois, to establish a Principal-Led Teams	187,000
Illinois State University in Normal, Illinois for the Chicago Teacher Pipeline Program	200,000
Illinois State University, Normal, Illinois, to provide special education technology devices, equipment and materials for Peoria District #150	100,000
Imperial Valley Telecommunications Authority, CA for telecommunications equipment and upgrades to support distance education programs in elementary and middle schools	500,000
Indiana University of Pennsylvania, Indiana, PA, to establish a Computing Services Center to train area K–12 teachers in the effective use of technology in the classroom	50,000
Institute for Advanced Learning and Research, Chatham, Virginia, for faculty development, purchase of teaching and learning technology and launching of Learning Liftoff program	500,000
Institute for Educational Leadership, Washington, DC, for a Coalition for Community Schools project to facilitate the creation of community schools	500,000
Institute for International Sport at the University of Rhode Island to support the Scholar-Athlete Games	800,000
Institute for Student Achievement in Lake Success, NY to expand its intervention program that provides academic enrichment and counseling support for students performing in the lowest quartile in their middle or high schools.	750,000
Institute for Student Achievement, Lake Success, NY, for educational programs for at-risk students at Mt. Vernon High School and A.B. Davis Middle School	500,000
Institute for Student Achievement, Lake Success, NY, to implement small learning communities at Morris High School in the Bronx	200,000
INTEGRIS Health, Inc., for the Western Village Academy Technological Center	100,000
International Foundation for Music Research, Carlsbad, California, for science-based research on music education	225,000

Iowa Department of Education to continue the Iowa School Construction Demonstration Project	7,000,000
Iowa Dept of Education to continue a demonstration program for additional bilingual and English as a Second Language training in rapid growth areas of Iowa	1,000,000
Iowa School Board Association to continue the Lighthouse for School Reform training of school board members on education issues	500,000
Iron Mountain Public Schools, MI, for health and physical education curricula, programs and equipment	300,000
A grant to the Commonwealth of Pennsylvania Department of Education, to provide assistance, through subgrants, to low-performing school districts that are slated for potential take-over and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer and weekend programs; offer teacher and principal professional development and promote the acquisition and effective use of instructional technology and equipment. Of the funds provided, $1,700,000 is for the Philadelphia School District/Lock Haven Professional Development Partnership for professional development and related services	20,000,000
Isaac Stern Education Legacy in New York, NY to integrate distance learning and educational technology with music education programs	4,150,000
Jackson County Community Theater, McKee, Kentucky, for equipment	100,000
Jackson-Madison School District, Jackson, TN, for an alternative learning center for at-risk youth	500,000
Jacob's Pillow in Lee, Massachusetts, for the expansion of performing arts educational programs	100,000
Jefferson County-DuBois AVTS, Reynoldsville, Pennsylvania, for technology infrastructure	150,000
Jefferson Parish School Board, Louisiana, for technology enhancements	55,000
Jewish Community Center of Cleveland, Cleveland Heights, Ohio, for Bright Beginning program	500,000
Joel II Restoration Ministries for education programs	50,000
Junction City School District, Oregon, for after-school programs	50,000
Juniata-Mifflin County AVTS, Lewistown, Pennsylvania, for technology infrastructure	225,000
JUSTUS, WECARE about our Community, Inc., Louisville, Kentucky, for after school programs	15,000
Kentucky Opry, Prestonsburg, Kentucky, for equipment and operating expenses	75,000
Kern County Superintendent of Schools Office, Bakersfield, California, for Mobility Opportunities via Education (MOVE) to develop curricula, its website, and the training and development	700,000
Kids Voting USA, Tempe, AZ, for a civics program to educate children about the importance of voting	380,000
Knowledge Works Intermediary, Cincinnati, Ohio, for Ohio High School Transformation Initiative	2,000,000
Korean Youth and Community Center, Los Angeles, CA, to expand education programs at the Koreatown Academic Learning Center	260,000
La Causa, Inc. in Milwaukee, Wisconsin for before, after, and during school services for largely minority communities	245,000
Labor and Industry for Education (LIFE), Hewlett, NY, to expand after school, vocational training, and other education programs for at-risk youth and developmentally disabled children and adults	450,000
Langston in the 21st Century, Washington, DC, to establish a learning center as part of the EXTRA Physical Education Progress initiative	300,000
Latino Education Alliance, Chicago, IL, for early intervention, college readiness and parental involvement programs for minority youth	350,000
Leadership Education Academy to Develop, Encourage, and Reinforce Success (L.E.A.D.E.R.S) Inc., Rochester Hills, Michigan	175,000
Letcher County Board of Education, Whitesburg, Kentucky, for equipment	350,000
Lights of Liberty, Inc., PA for history education program	300,000
Lincoln Center, New York, NY, for the Jazz for music education and distance learning programs	350,000
Linking Learning to Life in Burlington, VT for staff salaries and the development of a model school-to-career initiative for low-income and at-risk youth	75,000
Loess Hills Area Education Agency in Iowa for a demonstration in early childhood education	750,000
Los Angeles County Office of Education, Downey, CA, for the "Early Advantage" initiative to provide preschool and family learning activities, and training for parents, child care providers and community members	600,000
Los Angeles Harbor College, Wilmington, CA to expand early childhood education curricula, evaluation, and professional development	300,000
Lycoming County Division of Public Safety, Lycoming County, PA, to develop an emergency preparedness program to educate school personnel and law enforcement personnel	100,000
Madison Metropolitan School District, Madison, Wisconsin for Positive Behavior Support Teams who work with elementary and middle school students with emotional problems	150,000
Make the Road By Walking, Brooklyn, NY, for literacy, technology training and other educational services	500,000
Maricopa County Community College District, Phoenix, AZ to establish the Center for Teacher Preparation and Education to address the national teacher shortage through recruitment and retention of K–12 teachers	100,000
Marshfield Clinic, WI, for the "Youthnet" mentoring initiative	200,000
Marshfield School District, WI, for equipment for computer and music education laboratories at Madison Elementary School	60,000
Maui Economic Development Board for a girls into science program	300,000
Medina High School, Medina, Ohio, for a Career Resource Center	150,000
Memphis City School District, Memphis, TN, for a public-private partnership to raise academic achievement in low-performing schools	500,000

Mercer County Association for Children with Learning Disabilities, Inc., Sharon, PA, to provide tutoring and assist with curriculum design for children with learning disabilities	50,000
Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky, for technology	25,000
Metropolitan Family Services, Chicago, Illinois, for Camp Algonquin's Outdoor Education program	500,000
Metropolitan Washington Council of Governments, DC, for the Potomac Regional Education Project (PREP)	100,000
Military Heritage Foundation, Carlisle, Pennsylvania, Army Heritage and Education Center to establish educational programs and materials	200,000
Millikin University in Decatur, Illinois to assist inner-city and rural high school students prepare for college	75,000
Milton S. Eisenhower Foundation to continue a demonstration on full-service schools in Iowa	500,000
Milton S. Eisenhower Foundation, Washington, D.C., for a demonstration and evaluation of full-service schools	250,000
Milton S. Eisenhower Foundation, Washington, DC, to replicate and expand the full community school program in Pennsylvania emphasizing the school as the central point of the community	300,000
Milwaukee Public Schools, WI, to expand before- and after-school programs	400,000
Mission Education Projects, Inc., San Francisco, CA, to expand educational programs for children and families	225,000
Missouri School Board Association, Columbia, Missouri, for Children Learn As Schools Succeed (CLASS) project	500,000
Monadnock Regional School District in New Hampshire for a community school initiative	100,000
Montgomery YMCA in Montgomery, Alabama for education and outreach programs	100,000
Muhlenberg Township School District, Laureldale, PA, for science and technology equipment and upgrades	738,000
My Hero Project, Branford, CT, to expand an interactive educational web site	50,000
Mystic Aquarium and the Institute for Exploration, Mystic, Connecticut, for the JASON project	500,000
National Center for Electronically Mediated Learning, Inc., Woodbridge, CT, for the PEBBLES Project	300,000
National Constitution Center for program development, including equipment and technology acquisition	5,000,000
National Council of La Raza, Washington, D.C., to develop assessment guidelines for limited English proficient students and to expand professional development academies	1,000,000
National Foundation for Teaching Entrepreneurship (NFTE), to establish a NFTE University, in collaboration with Carnegie Mellon University and Temple University, to train teachers in the best practices to educate minority and economically disadvantaged students	150,000
National History Day for a history competition in Iowa	100,000
National Maritime Heritage Foundation, Washington, DC, for the Spirit of Enterprize Maritime Heritage Education program	275,000
National Science Center Foundation, Atlanta, Georgia for educational technology and other purposes	1,000,000
Nevada HAND English Literacy Project to purchase ESL software and workstations to use in working with low-income children in Las Vegas, Nevada	450,000
New Baltimore City Board of School Commissioners, Baltimore, MD, for a comprehensive dropout prevention initiative	500,000
New Conservatory Theater Center, San Francisco, CA, for the YouthAware theatre-in-education drug abuse and violence prevention programs for youth	150,000
New Mexico Institute of Mining and Technology, Socorro, New Mexico, for the K–12 Outreach in Astronomy program	425,000
New Mexico Mathematics, Engineering and Science Achievement, Inc. (MESA) for pre-college math, science and technology enrichment programs	500,000
New School University, New York, NY, to establish a pilot program which will provide supplementary services, as well as university faculty instruction to at-risk, low-income senior high school students	250,000
New York Hall of Science, Corona Park, New York, to expand the "After-School Science Clubs" to elementary students	200,000
New York University, Child Study Center, NY, for the "Parent Corps" initiative	1,000,000
New Zion Baptist Church Community Development Foundation, Louisville, Kentucky, for after school programs	40,000
Nicholls State University for a Center for Dyslexia to research and address the difficulties associated with dyslexia	100,000
Nortel Networks Kidz Online, Herndon, Virginia, for education program to help kids become better equipped with technology skills	600,000
North Carolina Central University, Durham, NC, for an academic enrichment program for elementary and middle school students in the Durham Public Schools	75,000
North Carolina Electronics and Information Technologies Association Education Foundation, NC, for a technology demonstration project in rural and underserved school districts	250,000
North Carolina Museum of Art Foundation, Inc., Raleigh, NC, for arts and environmental education programs	100,000
North Dakota State Board for Vocational and Technical Education in Bismarck, North Dakota, for expansion of the ExplorNet and IT Technology Learning Project	200,000
North Penn Civic Association, Philadelphia, PA, for technology, after school and other educational programs for youth	50,000
North Rockland Central School District, Garnerville, NY, to implement a technology-based literacy program	200,000
Northshore School District, Bothell, WA, for the Northeast Vocational Area Cooperative to expand information technology courses for middle and high school students	250,000
Oakland Unified School District, CA, for personnel and related expenses to expand extended day kindergarten to new sites	500,000
Ohio Department of Education, Columbus, Ohio, "Commission on Secondary and Postsecondary Education" project	250,000

Oklahoma State Department of Education, Oklahoma City, Oklahoma, for an education project in Oklahoma public schools providing hand held computers to enhance learning opportunities	525,000
Old Rock School in Guntersville, Alabama for arts education programs	60,000
Oregon Children's Foundation for a volunteer early literacy program	300,000
Oregon Public Broadcasting, Lewis and Clark Bicentennial Program for educational programming	50,000
Oregon School Safety Hotline to establish a statewide hotline	150,000
Orleans Parish School Board, Louisiana, for technology enhancements	55,000
Our Hope for Youth, Delaware for a school dropout prevention education media program on in-school educational networks targeting Hispanics and other high-risk groups	500,000
Overtown Youth Center, Miami, FL, for mentoring, family literacy, and other education and training services for at-risk youth	100,000
Pacific Islands Center for Educational Development in American Samoa	400,000
PARENTS, Inc., Anchorage, Alaska, for implementation and expansion of their projects to train teachers, specialists and parents in the use of technology to assist students with disabilities	1,000,000
PARENTS, Inc., Anchorage, Alaska, for the Technology in Action Program (TAP)	500,000
Partners in Economic Progress in Des Moines, IA for a mentoring and education support program for disadvantaged children.	100,000
Pasadena Unified School District, Pasadena, CA, for a math, science and technology magnet program at the Washington Middle School	100,000
Patrick County Education Foundation, Stuart, VA, for a college access initiative, including GED assistance for individuals who have dropped out of high school	218,000
Pawtucket School Department, Pawtucket, RI, for personnel, equipment and curricula to establish after school and summer school programs	450,000
Peabody-Essex Museum, Salem, MA, to expand the Museum Action Corps in partnership with Salem High School, and for exhibits and programming for the Trade Winds project	500,000
Pendleton School District, Oregon for dropout prevention programs	50,000
Pennsylvania Ballet, Philadelphia, PA, to expand statewide the "Accent on Dance" program which offers in-school and after-school programs for elementary and secondary students ..	100,000
Philadelphia Foundation, Philadelphia, PA, for a Sports and Entertainment Career Expo to expose high school students in the Philadelphia region to career opportunities in the sports industry and to assist organizations in the replication of mentoring pro	50,000
Philadelphia Health Management Corporation, Philadelphia, PA, in collaboration with the National Center for Learning Disabilities to conduct early childhood literacy training and program development activities as part of the Get Ready to Read! Initiative	100,000
Philadelphia Martin Luther King, Jr. Association for Nonviolence Inc., Philadelphia, PA, for its College for Teens program	100,000
Philadelphia Orchestra, Philadelphia, PA, to expand its educational programs	175,000
Philadelphia Safe and Sound, Philadelphia, PA, to establish schools in Strawberry Mansion and Mantua to serve as a base for family support, community services, and comprehensive youth development and after-school programs	300,000
Philadelphia Youth Orchestra, PA to expand after school arts education programs	150,000
Philadelphia Zoo, Philadelphia, PA, for the Zoo School Education program and the Junior Zoo Apprentice New Ventures program to provide at-risk students with access to science and environmental classes	250,000
Phillips School District, WI, for after school programs	270,000
Pico Union Family Resource Center, Los Angeles, CA, to expand education programs for youth and adults	100,000
Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title I schools	2,000,000
Pittsburgh Cultural Trust, Pittsburgh, PA, to assist educators with professional development programs that include workshops and live performances and to bring area students to the theater for curriculum-based programs	100,000
Pittsburgh Digital Greenhouse, Pittsburgh, PA, to develop high tech curriculum in the Allegheny County area through a collaborative effort with Penn State University, University of Pittsburgh, and Carnegie Mellon University	250,000
Pittsburgh Symphony for an education and outreach program	350,000
Pittsburgh Technology Council, Pittsburgh, Pennsylvania, for training and technology upgrades	300,000
Pittsburgh Voyager, PA for math and science education programs	250,000
Plymouth Christian Youth Center, Minneapolis, MN, to expand arts education, after school, technology training, and other education programs	300,000
Plymouth Community Renewal Center, Louisville, Kentucky, for after school programs	15,000
Pomona Unified School District, Pomona, CA, for a Teacher Literacy Training and Technology program	400,000
Port Chester-Rye Union Free School District, Port Chester, NY, for extended day and other expenses to implement the community schools model in up to three schools	600,000
Prince Music Theater, Philadelphia, PA, to develop a comprehensive in-school and after-school program to provide at-risk youth with education and training in the arts	50,000
Prince William County Public Schools, Manassas, Virginia, for Middle School Reading and Mathematics Remediation Program	300,000
Pro Sports Outreach	50,000
Project 2000, Washington, DC, to support the continuation of Project 2000, including after-school and weekend programs which provide academic support and educational mentoring services to inner city youth in low-income housing developments in Southeastern ...	125,000

Project GRAD-USA Inc., in Houston, Texas for continued support and expansion of the successful school reform program. ..	20,000,000
Project H.O.M.E., Philadelphia, PA, for the planning and design of the Honickman Roberts Learning Center, to provide technology and computer education, youth academic enrichment, after-school programming, and adult instruction to disadvantaged residents	100,000
Project Intercept Inc., Brooklyn, NY, for mentoring programs, guidance counselors, and training for teachers, principals, and parents ...	200,000
Project Rainbow, Philadelphia, PA, to provide early childhood services and after-school programs as a means to address the root causes of homelessness	250,000
Public Affairs Research Council, Baton Rouge, Louisiana, for the Louisiana's District Accountability Program	100,000
Public School District 31, Staten Island, New York for library books for 4th and 5th graders	500,000
Public/Private Ventures, Philadelphia, PA, for the continued operation and expansion of the Youth Education for Tomorrow Center, as part of an after-school, literacy initiative	50,000
Range Association of Municipalities and Schools, Buhl, MN, for a technology-based teacher education program serving rural school districts in northeastern Minnesota	250,000
Ravenswood City School District, East Palo Alto, CA, for an e-learning pilot program at Belle Haven Elementary School in Menlo Park	250,000
Reach Out and Read	3,000,000
ReadNet Foundation, New York, NY, to fully implement web-based simulation educational program	100,000
Realworld Schools, Inc., Fresno, CA, for personnel, curricula, professional development, equipment and other expenses to establish the El Paso Realworld School ...	150,000
Recognizing Achievement-Rewarding Excellence (R.A.R.E.) Foundation, Troy, Michigan, to give teachers effective tools to motivate students in constructive career paths	300,000
Reuben Lindh Family Services, Minneapolis, MN, for its "Family Focus" preschool education program	600,000
Riverside County Office of Education, Riverside, California, to further implement and develop County Achievement Team model	500,000
Robbie Valentine STARS Club Education Program, Jeffersonville, Indiana, for sports-related mentoring program in Louisville, Kentucky	40,000
Rutgers University Law School to support a scholarship fund, public interest activities, and its work with the LEAP Academy Charter School, including the purchase of books and equipment	500,000
Rye Neck Union Free School District, Mamaroneck, NY, to implement a school-wide enrichment model program	20,000
Sacramento Housing and Redevelopment Agency, CA, in coordination with the Sacramento City Unified School District, for early childhood education, after school and parental support programs for students in the Franklin Villa community	400,000
Salt Lake City School District, Salt Lake City, Utah for an English as a second language project	200,000
San Bernadino County Superintendent of Schools, CA, to expand schools-to-careers initiatives, including the Virtual Hi-Tech High Program, the Virtual Career Library and teacher training activities	500,000
San Juan Unified School District, Carmichael, California for Focus on Literacy program	217,000
San Pasqual Academy, Escondido, California, for technology infrastructure	225,000
Santa Barbara Community Youth Performing Arts Center, Santa Barbara, CA, for salaries and expenses for the Santa Barbara Junior High Theatre	100,000
Santa Barbara High School District, Santa Barbara, CA, for the San Marcos High School Health Careers Academy	50,000
School District 24J, Salem, OR, for the West Salem High School technology program	100,000
School District of Bayfield, WI, for after school programs	295,000
School District of Beloit, WI, for telecommunications equipment and upgrades	150,000
School District of Flambeau, Tony, WI, for equipment and technology to create a national parks virtual reality education program	50,000
School District of Palm Beach County, FL, for a family literacy project including bilingual education, counseling services and distance education, and for curricula and professional development	700,000
Science and Technology Museum of Georgia, Inc., Atlanta, Georgia, for SciTrekChallenger Learning Center project	50,000
ScienceSouth, Inc., Florence, South Carolina, for science education programs, science traveling exhibits, and outreach activities	100,000
Sedro-Woolley School District, Mt. Vernon, WA, in collaboration with the Pacific Northwest Trail Association, for the Service Knowledge Youth (SKY) Education Program	300,000
Selma Youth Development Center, Selma, AL, for an "at-risk" youth intervention and training program, including professional development, school-to-work training, and conflict resolution activities	500,000
Semos Unlimited, Inc., Santa Fe, NM, to develop bilingual education materials and programs	500,000
Sewickley Area YMCA, PA for education initiatives	125,000
Shiloh Community Renewal Center, Louisville, Kentucky, for after school programs	50,000
Sioux City Community School District in Sioux City, IA to continue and expand the implementation of testing software in Iowa	800,000
Society of St. Vincent de Paul, Detroit, Michigan, for after school program	250,000
Somerset Independent Schools, Somerset, Kentucky, for High School Technology Academy	80,000
South Cook Education Consortium, Hazel Crest, IL, for its "PowerUP" education technology enhancement initiative	175,000
South County Family Educational and Cultural Center, Grover Beach, CA, for the "Computers to Youth" program and to expand education programs for students	55,000
South Shore Drill Team and Performing Arts Ensemble, Chicago, IL, for after school educational services for at-risk students	50,000
Southeast Associated Ministries, Inc., Louisville, Kentucky, for after school programs	20,000

Southeastern Pennsylvania Consortium for Higher Education (SEPCHE), Philadelphia, PA, to develop "global curriculum" challenging students to develop their knowledge of foreign languages and culture	750,000
Southern Star Development Corporation, Louisville, Kentucky, for after school programs	20,000
Space Education Initiatives Inc., Green Bay, Wisconsin, for professional development programs and technology	500,000
Springfield Public School District #19, Springfield, OR, for the "Schools Plus Plus" initiative to expand after school, academic and family outreach initiatives	500,000
St. Boniface Neighborhood Outreach Program, Inc., Louisville, Kentucky, for after school programs	50,000
St. Charles Parish School Board, Louisiana, for technology enhancements	42,000
St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs	500,000
St. Stephens Family Life Center, Louisville, Kentucky, for after school programs	50,000
St. Tammany Parish School Board, Louisiana, for technology enhancements	55,000
Stark County Park District, Canton, Ohio, for "Electronic Education Gateway" project	500,000
State College YMCA, PA for education initiatives 150,000	
State of Alaska for Right Start extended-day kindergarten program	1,100,000
State of Utah, Office of Education for a computerized assessment demonstration project	700,000
Stevens Point Area School District, WI, to implement smaller learning communities	1,500,000
Superior School District, WI, for after school programs	500,000
Tacoma Public Schools, Tacoma, WA, to implement an online learning pilot project	200,000
Tangipahoa Parish School Board, Louisiana, for technology enhancements	42,000
Teach for America, New York, New York	1,000,000
Teen Tyme Productions, Inc., Anchorage, Kentucky, for positive broadcasting programs for teens	10,000
Temple Community Development Corporation, Louisville, Kentucky, C.A.N. Program for after school programs	50,000
Tensas Reunion, Inc., Newellton, LA, for instructional, technology training, and after school programs at the Tensas Charter School	200,000
Texas A&M University, Corpus Christi, TX, for education and training services at its Early Childhood Development Center	350,000
Texas Tech University System, Lubbock, Texas, to expand opportunities in math and science education for K–14 rural school districts	500,000
The Cleveland Museum of Art, Cleveland, Ohio, for ARTS.21 program	500,000
The First Tee, St. Augustine, Florida, to train instructors about how to teach the core values	1,000,000
The Gibson Foundation, Santa Monica, CA, for music education programs	250,000
The Lighthouse—A United Methodist Community Center, Louisville, Kentucky, for after school programs	30,000
The Opera Company of Philadelphia, PA for educational programs	200,000
Thornton Township High School District 205, South Holland, IL, for professional development, technology, technical assistance and other expenses to implement high school reform activities	500,000
Tides Foundation, for McKelvey entrepreneurial college scholarships to rural, low income Pennsylvania high school graduates	300,000
Tiskelwah Community Center, Charleston, West Virginia, for at-risk youth and young adult program	100,000
Tiskelwah Community Center, Charleston, West Virginia, for the Bob Burdette after school program	150,000
Titusville Area Senior High School, Titusville, Pennsylvania, for technology infrastructure	150,000
Today Foundation, Dallas, Texas, for the development of an Internet-based learning program	100,000
Toledo Public Schools, OH, for educational services for at-risk students and their families as part of the Toledo education-housing partnership pilot program	225,000
Town of Cumberland School Department for the comprehensive Middle School Education initiative	150,000
Trinity Family Life Center, Louisville, Kentucky, for after school programs	30,000
Tuckahoe Union Free School District, Eastchester, NY, for an external audit of district programs and practices, and for after school services	33,000
U.S. Dream Academy, Inc., Columbia, MD, to improve and maintain Dream Academy Learning Centers and after school programs for at-risk children with a family history of incarceration	600,000
Union Parish Public School System, LA. to implement an online assessment and interactive instructional program	200,000
United Crescent Hill Ministries, Inc., Louisville, Kentucky, for after school programs	25,000
University of Alaska Center for Excellence in Schools to assist Alaska's low performing schools with meeting the requirements of new state educational standard	1,000,000
University of Alaska Museum in Fairbanks for educational programs related in support of the Summer Arts Festival	150,000
University of Alaska System for Early Education Development program for SEED (System for Early Education Development) program to expand early childhood services for children ages 0–6 and to train Early Head Start teachers with AAS degrees for positions	1,800,000
University of Iowa for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students	200,000
University of Maine, Coaching Education Initiative to support a research-based curriculum development and community awareness program	400,000
University of North Texas and Paul Quinn College for a math and science teacher academy	250,000
University of Northern Iowa, in collaboration with the Waterloo Community Schools for the expansion of an early childhood development center	1,500,000

University of Pennsylvania, Graduate School of Education, PA, to establish a teacher professional development center at the University of Pennsylvania-assisted neighborhood school	1,000,000
University of South Alabama, Mobile, Alabama for the Preparatory Music Program	50,000
University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers	100,000
University of Southern Mississippi, Frances A. Karnes Center for Gifted Studies, Hattiesburg, Mississippi, to expand gifted student summer programs	200,000
University of Texas at Tyler, TX, for math and science teacher training and curriculum development	350,000
University of West Florida, Pensacola, Florida, for Support for Teachers Enhancing Performance in Schools	500,000
Urban League of Metropolitan Denver, CO, to expand the "Urban Adventures" after school program to additional sites	350,000
Utica Zoological Society, Utica, New York, to update the educational facilities and Teacher Resource Center and update equipment	250,000
Vancouver Public Schools, Vancouver, WA, for personnel, technology, and other expenses to expand the Personalized Learning in a Connected Community Initiative	333,000
Venango County AVTS, Oil City, Pennsylvania, for technology infrastructure	100,000
Virginia Commonwealth University, Richmond, VA, for the Great Cities' Universities Urban Educator Corps Partnership Initiative	350,000
Virginia War Memorial Educational Foundation in Richmond, Virginia for program development associated with the Virginians' At War project ..	150,000
Voyager Expanded Learning, Dallas Texas, to implement the Voyager Universal Literacy System demonstration in the Ohio public schools ..	575,000
Warwick After-School Program in Warwick, Rhode Island to establish a middle school after-school program	300,000
Washington Office of the Superintendent of Public Instruction, State of Washington, for development of a student data database	500,000
Washington Parish School Board, Louisiana, for technology enhancements	25,000
Wausau School District, WI, for foreign language, music and other education programs	650,000
Webster Groves School District, St. Louis, MO, for computers, and technology equipment and training	50,000
West Ed Eisenhower Regional Consortium for Science and Mathematics, San Francisco, California, for 24 Challenge and Jumping Levels Math	225,000
West Philadelphia YMCA, Philadelphia, PA, for educational and recreational programming to serve at-risk youth	250,000
West Valley City in Utah for program improvement and technology acquisition for an after school families program	250,000
Westchester Philharmonic, Hartsdale, NY, for music education programs	150,000
WestEd Eisenhower Regional Consortium for Science and Mathematics, Philadelphia, PA, for statewide expansion educational programs and curriculum	125,000
Western Governors University, Salt Lake City, Utah, for distance education programs	1,300,000
Westernaires in Golden, Colorado for outreach and educational programs for at risk youth ..	500,000
Westside High School, Bakersfield, California, for equipment	20,000
Wichita Public School District for staff development	250,000
Wisconsin Educational Partnerships, Inc., Chippewa Falls, WI, for a teacher professional development initiative	650,000
WQLN Educational Services, Erie, PA, to expand the F.A.M.I.L.I.E.S. Turn onto Literacy program which emphasizes entire family involvement in teaching a child to learn to read	75,000
YMCA of Anchorage for after-school enrichment programs for at-risk youth	250,000
YMCA of McKeesport, McKeesport, PA, to support the Teen LEAD	50,000
YMCA of Metropolitan Fort Worth, Texas, for Together Reaching Unity Concerning Everyone (TRUCE) project	440,000
YMCA Safe Place Services, Louisville, Kentucky, for after school programs	40,000
Yonkers Public Schools, Yonkers, NY, to implement smaller learning communities in up to four high schools	350,000
Youth Alive, Inc., Louisville, Kentucky, for after school programs	15,000
Youth Guidance of Chicago, IL, to implement the Comer School Development Program in additional schools	25,000
YouthPlaces, Pittsburgh, PA, to expand after-school programs for teenagers from high crime neighborhoods in the Sto-Rox, Wilkinsburg, Clairton and Duquesne communities	100,000
YWCA of Anchorage for after-school enrichment programs for at-risk school children and their mothers	250,000
YWCA of Anchorage Girls in Alaska for the Run and Girls on Track after school programs	50,000

The conference agreement also includes $1,000,000 for "Foundations for Learning Grants" for the promotion of school readiness through early childhood emotional and social development, as authorized under the Fund for the Improvement of Education.

The conferees have included additional funds in this line item for the Secretary to support programs and projects that address national priorities in K–12 education.

The Secretary of Education is encouraged to examine the rapidly-growing use of handheld computer technology and the one-to-one (computer-to-student) computing it offers in a school environment. Handheld computing is rapidly becoming more affordable, enhancing the cost effectiveness of this approach, especially when coupled with wireless technology.

Community service and alcohol abuse reduction programs

The conference agreement includes $50,000,000 for grants for community service for expelled or suspended students and $25,000,000 for grants to reduce alcohol abuse as proposed by the Senate. H.R. 246 did not propose separate funding for these programs.

Teaching of traditional American history

The conference agreement includes $100,000,000 for the teaching of traditional American history, as proposed by the Senate instead of $50,000,000 as proposed by H.R. 246.

Civic education

For Civic Education, the conference agreement includes $29,000,000 instead of $27,000,000 as proposed by H.R. 246 and $30,000,000 as proposed by the Senate. Of the total, $12,000,000 is for Cooperative Education Exchanges and $17,000,000 is for We the People. The conferees support allocating $1,500,000 of the total amount for a continuation of the violence prevention demonstration program. Further, the conferees intend that $3,000,000 be allocated for a cooperative project among the Center for Civic Education, the Center on Congress at Indiana University, and the Trust for Representative Democracy at the National Conference on State Legislatures to implement a comprehensive program to improve public knowledge, understanding, and support of American democratic institutions.

National writing project

The conference agreement includes $17,000,000 for the National Writing Project instead of $14,000,000 as proposed by H.R. 246 and $18,000,000 as proposed by the Senate.

English Language Acquisition

The conference agreement includes $690,000,000 for English Language Acquisition programs as proposed by the Senate instead of $665,000,000 as proposed by H.R. 246.

Special Education

The conference agreement includes $10,095,639,000 for Special Education instead of $9,187,804,000 as proposed by H.R. 246 and $11,191,424,000 as proposed by the Senate. The agreement provides $4,423,639,000 in fiscal year 2003 and $5,672,000,000 in fiscal year 2004 funding for this account.

Included in these funds is $8,928,533,000 for Grants to States part B instead of $8,028,533,000 as proposed by H.R. 246 and $10,028,533,000 as proposed by the Senate.

The conference agreement includes $77,715,000 for research and innovation instead of $70,000,000 as proposed by the Senate and of $78,380,000 as proposed by H.R. 246. Within the amounts provided for Special Education Research and Innovation, the conference agreement includes funding for the following:

Best Buddies International, Inc. in Miami, FL to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment	$1,250,000
Best Buddies Pennsylvania, Philadelphia, PA, for the expansion of programming in Pennsylvania to enhance the lives of people with mental retardation by providing opportunities for one-to-one friendships and integrated employment.	25,000
Center for Learning and Technology, Spurwink Institute to ensure that students with disabilities have access to high quality education and technology.	600,000
George Mason University Krasnow Institute, Fairfax, Virginia, for conducting breakthrough research	300,000
Iowa Parent Training Information Center to continue a pilot on referral and legal advice	100,000
Loudoun Arc, Leesburg, Virginia, for Saturday Leisure program	90,000
Middle Tennessee State University, Murfreesboro, TN, for the Tennessee Center for the Study and Treatment of Dyslexia to improve instruction for students with dyslexia	100,000
National Industries for the Blind, Alexandria, VA, to establish the NIB National Technical Support and Training Center to develop a business leadership and management skills training program for individuals who are blind	250,000
Ohio Alliance of Community Center for the Deaf, Worthington, Ohio, for Ohio Deaf Assistive Services Model project	500,000
Ohio School for the Deaf, Columbus, Ohio, for Virtual Reality for the Deaf and Hard of Hearing project	1,350,000
Seton Hill College, Greensburg, PA, for the expansion and continuation of its integrated certification program in elementary/special education	200,000
St. Joseph's School for the Blind in New Jersey	700,000
University of Kentucky's Center for Instructional Technology and Learning to help special education teachers integrate technology in their curriculum	1,000,000
University of Northern Colorado National Center for Low Incidence Disabilities for development of new instructional techniques, technologies and materials	500,000
University of Southern Mississippi Center for Literacy and Assessment in Hattiesburg, Mississippi for support of the center's programs	750,000

The conference agreement also includes $92,500,000 for personnel preparation instead of $90,000,000 as proposed by H.R. 246 and $95,000,000 as proposed by the Senate. The conferees are particularly concerned about the shortage of qualified special education teachers and higher education faculty. Therefore, the conferees have included an additional $2,500,000 over the request to ensure an increase in funding for leadership personnel over the fiscal year 2002 level. These new funds are intended exclusively for training new personnel. Further, the conferees intend that any funds available over amounts needed for continuation grants be used to address the shortage of qualified personnel. The conferees request that the Department consult with the Appropriations Committees prior to the announcement of grant competitions for personnel preparation activities.

The conference agreement includes $26,500,000 for parent information centers instead of $26,000,000 as proposed by H.R. 246 and $28,000,000 as proposed by the Senate.

The agreement also includes $38,210,000 for technology and media services instead of $37,710,000 as proposed by the Senate and $32,710,000 as proposed by H.R. 246. The agreement includes $10,000,000 for Recording for the Blind and Dyslexic.

The agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. H.R. 246 did not contain funds for this activity.

The conferees continue to recognize the importance of very small businesses in increasing the quality and cost effectiveness of the television-captioning program. As this program transitions into a mandated program as authorized by the Telecommunications Act, the Department shall give full and fair consideration to the applications for very small businesses.

Rehabilitation Services and Disability Research

The conference agreement includes $2,956,382,000 for Rehabilitation Services and Disability Research instead of $2,956,676,000 as proposed by H.R. 246 and $2,959,838,000 as proposed by the Senate.

The conference agreement includes $12,147,000 for client assistance state grants instead of $12,397,000 as proposed by the Senate and $11,897,000 as proposed by H.R. 246. The conference agreement includes $1,000,000 to support programs designed to improve the quality of applied orthotic and prosthetic research and help meet the increasing demand for provider services. The conferees intend that these funds should be used to support an orthotics and prosthetic awareness campaign, consisting of an educational outreach initiative designed to recruit and retain professionals and a series of consensus conferences to develop and disseminate best practices in the field.

The agreement also includes $39,629,000 for training as proposed by H.R. 246 instead of $42,629,000 as proposed by the Senate. The agreement also includes $21,032,000 for demonstration and training programs instead of $17,492,000 as proposed by H.R. 246 and $21,238,000 as proposed by the Senate. Within the amounts provided for vocational rehabilitation demonstration and training programs, the conference agreement includes funding for the following activities:

Abilities Fund in Centerville, IA to create a revolving loan fund for entrepreneurs with disabilities	$500,000
Alaska Center for Independent Living Personal Assistance Services project to bring services to more remote rural communities	200,000
Allied Services Foundation, Clarks Summit, Pennsylvania, to increase rehabilitation and fitness programs for those recuperating from strokes, spinal cord injuries and other conditions	100,000
American Stroke Foundation, Overland Park, KS, for a stroke rehabilitation center	300,000
Apple Patch Community Inc., Crestwood, Kentucky, for vocational training for adults with mental retardation	20,000
Cerebral Palsy Research Foundation's Rehabilitation Research and Training Center at Wichita State University, Kansas to continue helping people with disabilities obtain self-sufficient employment	300,000
Challenge Alaska in Girdwood, Alaska for equipment acquisition and program support of the Adaptive Ski School	200,000

City of Carson, California, for rehabilitation and related services at the Joseph B. O'Neal, Jr. Stroke Center	145,000
Easter Seals of Southeastern Pennsylvania for program development in support of adults and children with disabilities	150,000
Enable America, Inc., Tampa, Florida, for civic/citizenship demonstration project for disabled adults	300,000
Lark Enterprises, Inc., New Castle, Pennsylvania, for Lark Enterprises Day Treatment Program for Persons with Autism	100,000
Louisiana Center for the Blind in Lincoln Parish, LA to provide education and rehabilitation for blind children and adults	50,000
Madonna Rehabilitation Center in Lincoln, Nebraska, to create a new standard of rehabilitation practice and program design for children and adults with disabilities	500,000
Northern Illinois University in DeKalb, Illinois to train teachers and rehabilitation specialists for blind persons	75,000
Vermont Department of Aging and Disabilities for the Vermont Jump on Board for Success Initiative	100,000
Wisconsin Coalition for Advocacy to establish a new office of protection and advocacy services for individuals with disabilities	100,000
The Arc of Northern Rhode Island, Woonsocket, RI, for vocational rehabilitation services for individuals with developmental disabilities	200,000
University of Wisconsin-Stout, Menomonie, WI, to establish The Excellence and Leadership Center at the Stout Vocational Rehabilitation Institute	200,000

The conference agreement includes $17,000,000 for Protection and Advocacy of Individual Rights instead of $15,200,000 as proposed by H.R. 246 and $17,500,000 as proposed by the Senate.

The conference agreement includes $70,000,000 for Independent Living Centers as proposed by H.R. 246 instead of $69,500,000 as proposed by the Senate. The agreement also includes $28,000,000 for services for older blind individuals as proposed by the Senate instead of $30,000,000 as proposed by H.R. 246.

The conference agreement includes $27,000,000 for assistive technology as proposed by the Senate instead of $30,884,000 as proposed in H.R. 246. The agreement also includes language allowing States which have received assistive technology extension grants in the past and are scheduled to be phased out of the program to continue to receive an award in fiscal year 2003 at the fiscal year 2002 level. This language is provided to allow time for the authorizing committees of jurisdiction to review the program in the context of reauthorizing the Assistive Technology Act. The conferees are aware that this program was originally designed to be "seed money" to develop assistive technology activities at the State level. The authorizing statute specifies that the State grant portion of the program would sunset after ten years, giving States time to develop their own programs in this area. The conferees encourage States to increase their support for protection and advocacy activities in planning their distribution of resources in the area of assistive technology.

The conferees are pleased that the National Institute on Disability and Rehabilitation Research has recognized chronic fatigue syndrome (CFS) as an unmet area of research and is funding a CFS research study. The conferees encourage NIDRR to continue to pursue CFS-related research proposals through its investigator-initiated and other grants programs.

Special Institutions for Persons With Disabilities

National Technical Institute for the Deaf

The conference agreement includes $54,050,000 for the National Technical Institute for the Deaf instead of $53,500,000 as proposed by H.R. 246 and $54,600,000 as proposed by the Senate. The agreement also includes language proposed by the Senate allowing NTID to use funds from the total for the endowment program at its discretion instead of language proposed by H.R. 246 specifying that not less than $1,000,000 shall be for the endowment program and available until expended.

Gallaudet University

The conference agreement includes $98,438,000 for Gallaudet University as proposed by the Senate instead of $95,000,000 as proposed by H.R. 246. The agreement also includes language proposed by the Senate allowing Gallaudet to use funds from the total for the endowment program at its discretion instead of language proposed by H.R. 246 specifying that not less than $1,000,000 shall be for the endowment program and available until expended.

Vocational and Adult Education

The conference agreement includes $1,956,060,000 for Vocational and Adult Education instead of $1,919,560,000 as proposed by H.R. 246 and $1,938,060,000 as proposed by the Senate. The agreement provides $1,165,060,000 in fiscal year 2003 and $791,000,000 in fiscal year 2004 funding for this account.

The conference agreement includes $1,200,000,000 for Vocational Education basic state grants as proposed by H.R. 246 instead of $1,180,000,000 as proposed by the Senate.

The conferees continue to believe that technical institutes play an important role in developing a highly-skilled workforce, and that these institutes should have equal access to vocational and technical education funding. The conferees encourage the Department and the authorizing committees of jurisdiction to consider approaches to ensuring such equal access when developing their reauthorization proposals for the Carl D. Perkins Vocational and Applied Technology Education Act, which is due to be reauthorized this year.

The conference agreement includes $108,000,000 for Tech Prep as proposed by the Senate, instead of $110,000,000 as proposed by H.R. 246.

The conference agreement includes $7,000,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $6,500,000 as proposed by H.R. 246. The agreement also includes language proposed by the Senate notwithstanding any other provision of law or any regulation that the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to the tribally controlled postsecondary vocational and technical institutions program. H.R. 246 did not contain this provision.

The agreement also includes $9,500,000 to continue the occupational and employment information program instead of $10,000,000 as proposed by the Senate. H.R. 246 did not include funding for this activity.

The conference agreement includes $5,000,000 for the tech-prep education demonstration authorized under section 207 of the Perkins Act as proposed by the Senate. The agreement also includes $23,500,000 for State Grants for Incarcerated Youth instead of $25,000,000 as proposed by the Senate. H.R. 246 did not provide funding for these activities.

Student Financial Assistance

The conference agreement includes $13,450,500,000 for Student Financial Assistance instead of $13,171,610,000 as proposed by H.R. 246 and $13,151,500,000 as proposed by the Senate.

The agreement provides a program level of $11,439,000,000 for Pell Grants instead of $11,200,110,000 as proposed by H.R. 246 and $11,180,000,000 as proposed by the Senate. The agreement also increases the maximum Pell Grant to $4,050 for award year 2003–2004 instead of $4,000 as proposed by H.R. 246 and $4,100 as proposed by the Senate. Additional funds are included within the appropriation for the Pell Grant program to continue to pay down the shortfall that has been accumulating in the program over the past two fiscal years.

The conferees are aware that many postsecondary institutions are struggling to make the most efficient use possible of their facilities as they prepare for enrollments that will grow by more than two million students over the next decade. Under the Department of Education's current practice, however, students may receive only one Pell Grant in a calendar year, limiting low-income students' ability to enroll year round. In the House report accompanying the Fiscal Year 2002 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, the Committee requested that the Department submit a report, not later than March 1, 2002, on the feasibility and cost of conducting a demonstration program under Section 487(A)(b) of the Higher Education Act to provide two Pell Grants in one calendar year to students at selected institutions of higher education. The conferees note that the Department has failed to provide this report and again request that the Department provide this report to the House and Senate Committees on Appropriations, the House Committee on Education and the Workforce, and the Senate Committee on Health, Education, Labor, and Pensions no later than May 1, 2003.

The conference agreement also includes $765,000,000 for the Supplemental Educational Opportunity Grants program instead of $725,000,000 as proposed by both H.R. 246 and the Senate.

The conferees continue to be concerned about issues within the consolidation loan program. The conferees are aware that some borrowers would like to see the current law changed to allow for consolidation with any lender or holder, regardless of how many lenders with whom the borrower has loans. The conferees are concerned that without change to the current law governing consolidation loans, some borrowers may not be permitted to consolidate their loans with any lender they choose. The leaders of the authorizing committees have expressed a desire to address this and other issues during the reauthorization of the Higher Education Act so as to address the Consolidation Loan Program as a whole. The conferees urge those committees to ensure borrowers have the best options available to them in order to manage their student loan obligations.

HIGHER EDUCATION

The conference agreement includes $2,100,701,000 for Higher Education instead of $1,903,553,000 as proposed by H.R. 246 and $2,047,640,000 as proposed by the Senate.

Aid for institutional development

The conference agreement includes $82,000,000 for strengthening institutions as proposed by the Senate instead of $76,275,000 as proposed by H.R. 246. The agreement also includes $93,000,000 for Hispanic Serving Institutions as proposed by the Senate instead of $89,096,000 as proposed by H.R. 246.

The conference agreement includes $215,415,000 for Strengthening Historically Black Colleges and Universities as proposed by the Senate instead of $213,415,000 as proposed by H.R. 246.

The conference agreement includes $53,764,000 for Historically Black Graduate Institutions as proposed by the Senate instead of $50,764,000 as proposed by H.R. 246. The conference agreement also includes $8,234,000 for Alaska and Native Hawaiian Institutions as proposed by the Senate instead of $6,734,000 as proposed by H.R. 246.

The conference agreement includes $23,000,000 for Strengthening Tribal Colleges as proposed by the Senate instead of $18,130,000 as proposed by H.R. 246. The conferees agree that the funds provided shall be used to support continuation of existing basic grants and new planning or implementation grant awards. The remaining funds shall be available for grants for renovation and construction of facilities to help address urgently needed facilities repair and expansion.

Fund for the improvement of postsecondary education

The conference agreement includes $172,737,000 for the Fund for the Improvement of Postsecondary Education instead of $39,138,000 as proposed by H.R. 246 and $126,926,000 as proposed by the Senate. Within the amounts provided for the Fund for the Improvement of Postsecondary Education, the conference agreement includes funding for the following:

AIB College of Business, Des Moines, IA, to recruit and train students in captioning and court reporting	$500,000
Alabama A&M University in Normal, Alabama for equipment acquisition related to the research institute	550,000
Albany State University in Albany, Georgia, for teacher and nurse training in underserved professions	500,000
Albright College, Reading, PA, for the Albright Wireless Education and Training Center for training and information services	100,000
Alcorn State University in Lorman, Mississippi for the Midsouth Partnership for Rural Community Colleges in Mississippi for a pilot program to connect community colleges and 4-year university research	500,000
Alvin Community College, Alvin, Texas, to train real-time captioners to provide closed captioning to the deaf and hard-of-hearing	1,000,000
American Samoa Community College, Pago Pago, American Samoa, to establish a computer lab	500,000
Ashland University-Institute for Human Investment and Economic Growth, Ashland, Ohio, for Regional Economic Development training	250,000
Assumption College for technology infrastructure	100,000
AuCoin Institute for Ecological, Economic, and Civic Studies for curriculum development	150,000
Baldwin-Wallace College in Ohio for expansion of the SPROUT program	275,000
Ball State University, in Muncie, Indiana, for the expansion of programs administered by the Midwest Entrepreneurial Education Center	1,000,000
Baylor University, Waco, TX, for the GEAR UP Waco program, in partnership with the Waco Independent School District	500,000
Beresford Community Education in Beresford, SD to expand community education programs	150,000
Birmingham Southern College in Birmingham, Alabama for technology acquisition	100,000
Bloomsburg University, Bloomsburg, PA, in collaboration with the Columbia Alliance for Economic Growth, for technological infrastructure improvements for the Bloomsburg Regional Technology Center	100,000
Buena Vista University in Storm Lake, Iowa for upgrades and equipment for the science center	500,000
Butler Community College, El Dorado, Kansas, for a leadership studies program	250,000
C.O.E.I.T.T.—Center for Excellence in Information Technology and Telecommunications (OSU, OU, TU, & the IT community) for program development, including acquisition of technology	200,000
Cabrini College, Radnor, PA, for equipment for programming for the Center for Science, Education, and Technology for K–12 students	200,000
Caldwell College, Caldwell, New Jersey, for Center for Excellence in Teaching Initiative	950,000
California State University, Monterey Bay, CA, for a research center on the use of wireless technology in education and industry	425,000
California State University, Northridge, CA, for technology and other expenses to develop an entertainment engineering curriculum	400,000
Catawba Valley Community College, Hickory, North Carolina for operation costs of the Hickory Metropolitan Higher Education Center	250,000
Cayauga Community College, Auburn, New York, for technology upgrades	275,000
Centenary College, Hackettstown, New Jersey, for technology initiative	350,000
Center for Community Transformation, Chicago, IL, to support faculty, student fellowships, and ongoing secular educational activities in community leadership transformation	125,000
Central College, Pella, Iowa, for teacher training in technology and for distance education programs	800,000
Central Florida Community College, Ocala, Florida, for teacher training	500,000
Chamber Foundation, Columbus, Ohio, for the "College Access" and "Career Steps" programs	405,000
Chicago State University, Chicago, IL to expand Weekend College instructional programs	225,000
City College of San Francisco, San Francisco, CA, for the National Articulation and Transfer Network to facilitate the completion of postsecondary education by underrepresented African-American, Hispanic/Latino, and Native American students	250,000
Clatsop Community College, Clatsop County, Oregon for technology and equipment acquisition	50,000

Clemson University College for a program design to recruit minority males as teachers in public schools	700,000
Coffeyville Community College for computer network enhancement	250,000
College of Southern Idaho for development of distance learning services, including the acquisition of technology	300,000
Columbia College Chicago, IL, for a Center for the Study of Women in the Arts and Media	125,000
Columbia University, New York, for a joint project with the Hostos Community College of the City University of New York, to train minority students in foreign policy disciplines through distance learning	350,000
Community College of Beaver County, Monaca, PA, to acquire state-of-the-art technology to support educational programming	50,000
Concurrent Technologies Corporation, Largo, Florida, for Community College/Vocational Industry Cluster HUBS initiative	1,250,000
Cossatot Community College of the University of Arkansas, De Queen, AR, for early childhood education instructional staff and equipment	475,000
Cowley Community College, Wichita, Kansas, for the Southside Learning Center, for equipment	250,000
Cuesta College, San Luis Obispo, CA, for supplies and equipment for its nursing education program	35,000
Curry College in Massachusetts for technology and programs to assist learning disabled students	175,000
Cuyahoga Community College's Music and Education Technology Program, Cleveland, Ohio to support a program of music study integrated with technology	405,000
Cuyamaca College, Rancho San Diego, California, for expanded math and science education	700,000
Daemen College, Amherst, New York, after-school enrichment programs for people with developmental disabilities	1,300,000
Dakota State University in Madison, SD, for technology and equipment for a model distance learning center	900,000
Dakota Wesleyen University, Mitchell, SD, to acquire technology and equipment to serve the George McGovern Library	1,000,000
Darton College, Albany, GA, to expand minority and nontraditional student recruitment and academic support activities	900,000
Daytona Beach Community College, Florida, for instructional equipment and technology infrastructure for the Advanced Technology Center	250,000
Dean College, Franklin, MA, to improve curricula and upgrade mathematics, science and writing laboratories for students with disabilities	150,000
DeSales University, Center Valley, PA, for computer wiring for smart class rooms for training for area K-12 teachers and students	100,000
Dowling College, Oakdale, NY, for personnel, instructional materials, student scholarships, and other expenses for a Minority Teacher Development and Training Center	400,000
Drexel University, Philadelphia, PA, for the development and expansion of the Math Forum as a national, on-line math education center	250,000
Durham Technical Community College, Durham, NC, for personnel, student scholarships, and other expenses to improve the articulation of community college students into teacher preparation programs	50,000
D'Youville College in Buffalo, NY to increase enrollment and improve outreach in the nursing program	250,000
Eastern University, Philadelphia, PA for new bilingual health care studies program and purchase of equipment in support of program expansion	300,000
Eastern Washington University, Cheney, Washington, Technology Initiative for the New Economy	510,000
Eckerd College, St. Petersburg, Florida, for Alternative Teacher Certification Program	500,000
Eckerd College, St. Petersburg, Florida, for technology infrastructure	1,250,000
Edinboro University Education Center-Precision Manufacturing Institute	450,000
Edward Waters College, Jacksonville, FL, for library enhancements, technology, and telecommunications upgrades	500,000
Elgin Community College, Elgin, Illinois, for Integrated Systems Technology Program	250,000
Embry-Riddle Aeronautical University, Prescott, Arizona, for academic and technical literature	500,000
Emerson College in Boston for the Tufte Performance and Production Center Initiative	800,000
Emporia State University, Emporia, Kansas, for technology upgrade	400,000
Environmental Interpretive Facilities at the Juanita College Raystown, Huntingdon, Pennsylvania, for equipment	500,000
Evergreen State College in Olympia, Washington for research and curriculum costs of a program addressing the needs of tribal governments	150,000
Excelsior College, Albany, New York, for curriculum development	250,000
Fayetteville Technical Community College, Fayetteville, North Carolina, for the Adventure of the American Mind program	150,000
Federation of American Scientists, Washington, D.C., for Digital Opportunity Investment Trust	750,000
Federation of Independent Illinois Colleges and University for telecommunications equipment and for training programs necessary to link educational institutions to a high bandwidth network	100,000
Fisk University in Nashville, Tennessee for technology acquisition in support of a new information technology center and to improve student learning	300,000
Florida Campus Compact, Tallahassee, FL, to enhance service-learning on college campuses throughout Florida	500,000
Ft. Lewis College, Center for Southwest Studies in Colorado for the acquisition of equipment and technology and an educational program for Native American interns	1,600,000
Gateway Community College, New Haven, CT, to implement an associates degree nursing program	250,000
George Meany Center for Labor Studies—the National Labor College for curriculum development	750,000
Georgia College and State University, Milledgeville, Georgia, for the Paul Coverdell Institute and Archives	800,000
Glenville State College, Glenville, WV, for faculty, curricula, and equipment to establish a computer science and information technology program	175,000

Gonzaga University, Spokane, Washington, for furnishing, equipment and salaries for their natural resources and research program	510,000
Governors State University, University Park, IL, for equipment and training programs at the College of Education Family Development Center	150,000
Grambling University in Lincoln, Louisiana to increase the number, skills and competitiveness of minority faculty and students in biomedical research	150,000
Grand Valley State University, Allendale, Michigan, for Teacher Academy	500,000
Great Plains Center for Applied Latino/Latin American Studies at University of Nebraska at Omaha to stimulate the academic study of Latino and Latin American culture, history and economics	1,000,000
Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School	500,000
Harrisburg Polytechnic Institute, Harrisburg, PA, for a K–16 curriculum, equipment, and technology upgrades	262,000
Hartwick College, Oneonta, New York, for equipment	750,000
Hickory Metropolitan Higher Education Center, Hickory, North Carolina for program development	125,000
Higher Education Learning Center in Des Moines, Iowa for curriculum development	100,000
Highline Community College, Des Moines, Washington, to establish a Marine Science and Technology Center	500,000
Hofstra University to equip smart classrooms for teacher education	50,000
Holy Family College, Philadelphia, PA, to develop on-line based teacher training programs for teacher certification and other teacher training.	50,000
Huntingdon College for Training Teachers in Technology in Montgomery, Alabama	500,000
Huntington Junior College, WV, for personnel, curricula, student scholarships, and other expenses to recruit and train students in real-time captioning	900,000
Independence Community College, for early childhood education center to train teachers for tomorrow	250,000
Indian Hills College in Ottumwa, Iowa for technology upgrades and equipment at the Bioprocess Training Center	500,000
Indian River Community College, Ft. Pierce, St. Lucie, Florida, for Grow Our Own Teachers project	800,000
Indiana University, Bloomington, IN, for the Center on Congress civic education program	50,000
Iowa Central Community College, Fort Dodge, Iowa, for Iowa Communications Network Pilot Program	300,000
Iowa Student Aid Commission to continue a program of loan forgiveness for teachers	500,000
Jackson State University, Jackson, MS, to establish an e-center focused on electronic-based teaching and learning, research, and community outreach and services	550,000
James W. Norman Hall, University of Florida, Gainesville, Florida, for technology and infrastructure project	250,000
Jefferson College, Hillsboro, MO, for personnel, technology and other expenses to establish a Center for the Study of Local Issues	100,000
Johnson and Wales University in Providence, RI, to enhance its teacher preparation program	100,000
Johnson C. Smith University, Charlotte, NC, to establish a Campus and Community Center for Learning and Technology to address education needs in the region	150,000
Kean University, Union, New Jersey, for Global Studies and UN Internship Program	100,000
Kent State University, Kent, Ohio, for Institute for Computational Design	1,250,000
Kent State University's Liquid Crystal Institute in Ohio for educational programs	475,000
Kentucky Wesleyan College's Science Center for equipment and educational programs	500,000
Keystone Central School District in Pennsylvania, in collaboration with Lock Haven University, to continue a model alternative school	750,000
Keystone College, La Plume, Pennsylvania, to equip an Environmental Science Laboratory and Resource Center and a Center for Teaching, Learning and Technology	450,000
Lake Forest College, Illinois, to develop a new state-of-the-art library and learning center	25,000
Langston University, Langston, Oklahoma, to fund a scholarship endowment for students to be designated as the "Thurgood Marshall Endowed Scholarship"	225,000
Le Moyne College, Syracuse, New York, for upgrading equipment	125,000
Lehigh University, Bethlehem, PA, for the Center for Promoting Healthy Development for Individuals with Disabilities for research to develop strategies to improve the health of individuals with disabilities	100,000
Lehman College, Bronx, New York, for a distance learning initiative to connect pre-service teachers with experienced classroom teachers	200,000
Lewis and Clark Community College, Godfrey, IL, for activities related to the study of aquatic and terrestrial ecosystems at the Great Rivers Research and Education Center	900,000
Lincoln University, Lincoln University, PA, to purchase laboratory and computer equipment for state-of-the-art science laboratories, and to enhance its chemistry, physics, biology and computer science technology capabilities	100,000
Lorain County Community College, Elyria, OH, for telecommunications and technology upgrades, course development, and instructional support for the Learning Technology Center	250,000
Los Angeles Mission College, CA, for its Economic Self-Help Project to train small business owners	300,000
Los Angeles Valley College, Valley Glen, CA, for a career ladder nursing program in collaboration with Los Angeles Southwest College	250,000
Louisiana State University, Baton Rouge, Louisiana, for its Law Center, Medical and Biotechnology project to recruit and train laws/medicine specialists, develop health care programs, databases and training	200,000
Lourdes College, Sylvania, OH, for professional development, technology upgrades, equipment, and education outreach programs	225,000
Loyola University, Chicago, IL, for science laboratory equipment	500,000

Lyon College, Batesville, AR, for acquisition of lab equipment and communications system upgrades for its Center for Science and Mathematics	300,000
Manhattanville College, Purchase, NY, for the "Jump Start" alternative teacher certification program	500,000
Manor College, Jenkintown, PA, for a veterinary technician distance education program	100,000
Maricopa County Community College District, Phoenix, AZ, for the Hispanic Nursing Fellows Program to address the national nursing shortage	100,000
Maricopa County Community College District, Tempe, AZ, for personnel, student scholarships and other expenses to expand a national center to improve teacher recruitment, preparation and retention	400,000
Maricopa County Community College District, Tempe, AZ, for the Hispanic Nursing Fellows Program, including student scholarships	200,000
Maryland Association of Community Colleges to reinforce community colleges' ability to educate and train the Information Technology workforce throughout Maryland	950,000
Maxine Waters Employment Preparation Center, Los Angeles Unified School District, CA, to expand education and training programs	200,000
Mendocino-Lake Community College District, Ukiah, CA, to develop an associates degree program in nursing	200,000
Mercyhurst College, PA, for program support and equipment in support of the Institute of Public Health	200,000
Mesa State College, Grand Junction, Colorado, for Teacher Preparation Initiative	116,000
Mid-State Technical College, Wisconsin Rapids, WI, for instructional supplies, faculty and capital equipment to expand an urban forestry program	500,000
Military Heritage Foundation, Carlisle, PA, for the United States Army History Institute Military History Institute to provide joint research and teaching opportunities in military and social history	125,000
Minnesota State Colleges and Universities, St. Paul, Minnesota, for development of an e-monitoring environment	600,000
Minot State University, Minot, North Dakota, to continue providing disability services to remote rural communities	200,000
Mississippi State University for the Midsouth Partnership for Rural Community Colleges in Mississippi for a pilot program to connect community colleges and 4-year university research	500,000
Mississippi Valley State University, Itta Bena, MS, to establish a master of science degree program in bioinformatics	350,000
Mitchell Technical Institute in Mitchell, SD, for technology and equipment	110,000
Molloy College in New York for smart classrooms for the nursing department	50,000
Montana State University in Billings, Montana, for the development of a computer technology program	700,000
Montclair State University, NJ, for the Center for Teacher Preparation and Learning Technology to expand teacher training programs	300,000
Montgomery County Community College, Blue Bell, PA, for personnel, curricula, technology, and other expenses for an advanced technology center	375,000
Moravian College, Bethlehem, PA, for computer wiring for smart class rooms for training for area K–12 teachers and students	100,000
Mount Aloysius College, Cresson, PA, for the training of faculty in the use of technology-based curriculum	100,000
Mount Union College, Alliance, Ohio, for Master Teacher program	100,000
Mount Union College/Alliance City Schools, Alliance, Ohio, for Early Childhood Center	100,000
Mt. Vernon Nazarene College, Mt. Vernon, OH, equipment, technology upgrades of the Natural Sciences and Social Sciences facility	600,000
National Aviary Conservation Education Technology Integration in Pittsburgh	250,000
National University, La Jolla, California, for the Institute for Persons Who Are Hard of Hearing or Deaf	500,000
New College of California, San Francisco, CA, to establish degree programs in community studies, urban ecology and sustainability studies, and spirituality and politics through a new institute, and for student scholarships	400,000
New England Board of Higher Education, Boston, MA, for a study of minority student participation in science and technology disciplines	200,000
New Hampshire Community Technical College in New Hampshire for a distance learning initiative, including the acquisition of technology	500,000
New World Symphony, Miami Beach, FL, for distance education music programs	100,000
Nicholls State University, Thibodaux, Louisiana, for Advanced Technology Center or Intergenerational Center	400,000
Northeastern State University, Tahlequah, OK, for expenses to support faculty and students at the Center for Rural Development	250,000
Northern Essex Community College, Lawrence, Massachusetts, for the procurement and maintenance of educational equipment and technology infrastructure at NECC's technology training center.	200,000
Northern Illinois Center for Accelerator and Detector Development, DeKalb, Illinois	2,000,000
Northern Kentucky University, Highland Heights, KY, to expand technology certification and degree programs, distance learning and K–12 partnerships	150,000
Northern State University in Aberdeen, South Dakota, for technology and equipment at the Center for Statewide E-Learning	300,000
Northwestern College, Orange City, Iowa, for sound technology for Theatre Arts Center	200,000
Northwestern State University, Natchitoches, Louisiana, for Campus Technological Infrastructure Enhancement project	166,000
Northwest-Shoals Community College, Muscle Shoals, AL, for personnel, telecommunications, technology and security enhancements	400,000
Norwalk Community College, Norwalk, Connecticut, for equipment and personnel needed to launch the Community Security Institute	500,000

Oakland Community College, Bloomfield Hills, MI, to develop a curriculum for the Center for Combined Regional Emergency Services Training	250,000
Ohio Center for Advancement of Women in Public Service, Cleveland State University, Cleveland, Ohio, for developing training curricula, training program, operating costs to create the Legislative/Executive Training Institute	250,000
Ohio Wesleyan University, Delaware, Ohio, for implementing programs to encourage greater minority participation in the sciences for undergraduate and precollege populations	775,000
Oklahoma Regents of Higher Education, Oklahoma City, Oklahoma, to complete Ponca City's internet Hub project	1,500,000
Oklahoma State University, Okmulgee, OK, for its Commerce Development Center	125,000
Online Louisiana for equipment and IT	250,000
Palmer College of Chiropractic in Davenport, IA, for equipment and technology for the Learning Resource Center	500,000
Pasadena City College, Pasadena, CA, to develop a biotechnology training program	93,000
Peirce College, Philadelphia, PA, for technology enhancements, course development, faculty training and outreach activities to expand Peirce Online	200,000
Philadelphia University, Philadelphia, PA, to upgrade its campus-wide technology infrastructure to expand programmatic advances offered by the University's High Technology Education Center	600,000
Pittsburgh Tissue Engineering Initiative, Pittsburgh, PA, to expand its Teacher Education Program in order to introduce the concept of tissue engineering into the classroom	100,000
Polk Community College, Winter Haven, Florida, to establish a Corporate College to meet the locally identified education and training needs of the business community	500,000
Portland State University, Portland, OR, for instructional programs, distance learning and equipment for the Northwest Center for Engineering, Science, and Technology	1,000,000
Prince George's Community College, Largo, MD, for equipment, technology, and operating expenses for an extension center near Andrews Air Force Base	500,000
Providence College, RI, for equipment, technology and educational programs for its Center for the Arts	250,000
Rochester Institute of Technology, NY, for equipment for the Center for Biotechnology Education and Training	422,000
Saginaw Valley State University, University City, Michigan, for equipment, wiring and computer upgrade	500,000
Salt Lake Community College in Salt Lake City, Utah, to improve student learning through additional technology and equipment acquisition	500,000
Santa Clara University, CA, for telecommunications and technology equipment and upgrades	900,000
Santa Clarita Community College District, Santa Clarita, California, for equipment, personnel for the University Center	500,000
Science Education Technology initiative at University of Alabama to increase students success in biology, computer science, and physics	500,000
Seminole State College, Seminole, OK, for the Fast Track program at the School of Nursing for student support, scholarships and other services and assistance	50,000
Seminole State College, Seminole, Oklahoma, for the Technology Center for technology purchases	175,000
Seton Hall University, South Orange, NJ, for the Life Science and Technology Center	100,000
Shenandoah University, Winchester, Virginia, for the Computer Technology Enhancement program to retrain teachers	180,000
Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents	100,000
Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hills Educational Alliance	100,000
Snead State Community College, Boaz, Alabama, for computers and technology enhancements	70,000
Sonoma State University, Rohnert Park, CA, for communications and laboratory equipment to establish a graduate program in computer and engineering sciences	300,000
South Carolina State Board for Technical and Comprehensive Education, Columbia, SC, for distance learning programs	500,000
South Dakota Board of Regents to upgrade the South Dakota Library Network	500,000
South Piedmont Community College, Polkton, North Carolina, for equipment	400,000
Southampton College, NY, for science equipment and technology upgrades at its Marine Science Center	253,000
Southeast Missouri State University, Cape Girardeau, Missouri, River Campus Initiative	1,200,000
Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute	1,000,000
Southern New England School of Law, North Dartmouth, MA, to support faculty, staff, and student stipends for the establishment of an immigration clinic	125,000
Southern New Hampshire University in New Hampshire for a distance learning initiative, including the acquisition of technology	500,000
Southern Oregon University, Ashland, Oregon, to create and expand teacher training program and develop a new undergraduate theatre technology curriculum	500,000
Southern University in East Baton Rouge, Louisiana, for infrastructure upgrades such as internet and teleconferencing capabilities	150,000
Southern West Virginia Community and Technical College, Mt. Gay, WV, for personnel, curricula, equipment and technology to expand information technology programs	500,000
Spalding University Online, Louisville, Kentucky, for distance learning program for teacher professional development	50,000
Spoon River College, Canton, IL, for equipment for community technology centers in Canton and Macomb, Illinois	275,000
St . Petersburg College, St. Petersburg, Florida, for Project Eagle online learning program	4,500,000

St John's University to develop curriculum and improve minority recruitment to the pharmacy program	100,000
St. Cloud State University, MN, for nursing education programs	250,000
St. Francis College, Brooklyn, New York, for technology initiative	500,000
St. Mary's College of Maryland, St. Mary's City, MD, for technology upgrades	250,000
Stark State College of Technology, Canton, Ohio, for technology infrastructure	711,000
Stark State College of Technology, Canton, Ohio, to train real-time captioners to provide closed captioning to the deaf and hard-of-hearing	200,000
State University of New York at Potsdam, St. Lawrence County, New York, for Music Educators for New York City for scholarship, program costs and operations, marketing and recruitment and personnel costs	550,000
State University of New York at Purchase, NY, for technical and career counseling, continuing education, curricula, technology, and to enhance services for students with disabilities	800,000
State University of New York Empire State College for Masters of Arts in Teaching Program	250,000
Stonehill College in Easton, Massachusetts, for technology infrastructure and curriculum development	300,000
Suffolk University, Boston, MA, for the John Joseph Moakley Archives and the John Joseph Moakley Institute on Public Policy and Political History	250,000
Temple University, Philadelphia, PA, to develop innovative models to address teacher recruitment, training and mentoring that will enhance student achievement and raise the capabilities of low-performing schools	200,000
Texas Southern University, College of Pharmacy and Health Sciences for the establishment of a health professions program	300,000
Texas Southern University, College of Pharmacy and Health Sciences, for their minority engineering program	100,000
Texas Southern University, Houston, TX, for personnel, equipment, student scholarships, and materials for the College of Science and Technology	250,000
Texas State University for teacher retention initiative	250,000
Texas Tech University Center for the Aging in Lubbock, Texas	250,000
The Franciscan University in Clinton, Iowa, for a technology-based undergraduate and graduate teacher training program	1,000,000
Thurgood Marshall Scholarship Fund, New York City, NY, for technology upgrades and capacity building activities at historically black colleges and universities	500,000
Tiffin University, Tiffin, Ohio, for Technology Enhanced Classroom project	500,000
Tri-College Red River Basin Institute in Fargo, North Dakota, for salaries and program costs related to the study of flood damage and natural resource management research	100,000
Trident Technical College, Charleston, South Carolina, to equip the information technology center, electro-mechanical skills laboratory, and the hospitality, tourism and culinary arts program	500,000
Troy State University, Montgomery, Alabama, to expand a virtual university, including technology acquisition, that provides a 24-hour, seven days a week program for military personnel	750,000
Truckee Meadows Community College High Tech Center and Curriculum Initiative in Reno, Nevada, for computer equipment and curriculum support of high tech initiatives and teacher certification programs	400,000
Trustee of Stevens Institute of Technology, Hoboken, New Jersey, for educational and innovative opportunities for undergraduates and graduates	476,000
Tulane University, New Orleans, LA, for technology, faculty fellowships, student internships and educational outreach programs at the AMISTAD Research Center	400,000
Tupelo Public Schools in Mississippi for the CREATE technology innovation challenge grant program	750,000
University of Akron, Ohio, for Exercise in Hard Choices program to help citizens and students understand the Federal budget process	500,000
University of Alabama, Tuscaloosa, Alabama, for acquisition of technology and to upgrade existing information technology infrastructure	200,000
University of Alaska for the INPSYCH Center, to train Alaska Natives as psychologists to practice in Alaskan villages	500,000
University of Alaska, Alaska Department of Education and Alaska State Library for the Alaska Digital Archives and Digital Library to digitize their information resources	400,000
University of Arizona for training and curriculum development at the Program in Integrative Medicine	500,000
University of Arizona, Tucson, AZ, for a national center to train faculty, teaching assistants, and administrators to improve higher education for students with disabilities	300,000
University of Arkansas at Little Rock, AR, for simulation equipment for the CyberCollege Virtual Reality Center	500,000
University of Arkansas, Fayetteville, Arkansas, for National Office for Rural Measurement and Evaluations Systems for technology designed to improve the instructional practices and learning possibilities of children from grades 3–8	500,000
University of California, Merced, CA, for acquisition of science equipment	250,000
University of California, Merced, CA, to establish the Sierra Nevada Research Institute, including student fellowships and internships, software, and equipment	250,000
University of Hartford, CT, for equipment for the Hartt School Performing Arts Education Center	400,000
University of Hawaii at Hilo for an applied rural science program	50,000
University of Idaho Advanced Computing and Modeling Laboratory to provide independent technical expertise and applied research	900,000
University of Illinois College of Medicine, Peoria, Illinois, for technology infrastructure	100,000
University of Louisville—Northern Kentucky University's, Urban University Partnership for Math and Science Teaching for teacher and faculty development programs	1,200,000

University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology	600,000
University of Maryland, College of Education, College Park, MD, for personnel, graduate student stipends, and other expenses for the Maryland Institute for Minority Achievement and Urban Education	500,000
University of Massachusetts-Boston to purchase research equipment and technology infrastructure	1,000,000
University of Memphis Benjamin L. Hooks Institute for Social Change in Memphis, Tennessee, which may include establishing an endowment for such center, for education and community outreach programs	1,000,000
University of Michigan, Ann Arbor, Michigan, for the Gerald R. Ford School of Public Policy	2,000,000
University of Mississippi, Oxford, Mississippi, for the National Archive of Youth Social and Attitudinal Data	450,000
University of Nevada, Las Vegas, to engage college-age women in civic life through voluntarism, careers and informed citizenship.	150,000
University of Nevada, Reno, to upgrade its information technology infrastructure	1,000,000
University of New England Performance Enhancement and Evaluation Center for training opportunities for medical students and practitioners	1,000,000
University of New Mexico, Albuquerque, New Mexico, for Mathematics and Science Teacher Academy for professional development	500,000
University of New Mexico, for a dental education program	200,000
University of North Carolina at Chapel Hill, NC, for personnel, student internships, research, and other expenses to expand technology education and applications through the KnowledgeWorks Institute	225,000
University of North Carolina at Pembroke, NC, for the Southeastern North Carolina Consortium for Teacher Certification, Recruitment, and Retention	100,000
University of Northern Iowa Center for Applied Gerontology for program development	325,000
University of Northern Iowa to expand the 2+2 teacher training program	100,000
University of Oklahoma Health Sciences Center, Oklahoma City, Oklahoma, to further develop its doctoral-level program in bioinformatics	175,000
University of Pacific, Stockton, California, for Eberhardt School of Business	400,000
University of Redlands, Redlands, California and California State University, San Bernardino, California, to enhance their current Arabic and Islamic studies programs	700,000
University of Redlands, Redlands, California, for technology enhancement	700,000
University of Rhode Island, Kingston, RI, for a Center for Sustainable Communities	100,000
University of San Francisco, CA, for education, service and research programs at the Center for Public Service and the Common Good	1,000,000
University of South Florida, Tampa, Florida, for a "Globalization Research Network"	1,500,000
University of Southern Colorado Technology for Teaching and Learning, to upgrade and acquire classroom technology in support of improved student learning	900,000
University of Southern Maine, Portland, Maine, for telecommunications and technology upgrades to support science, engineering and advanced technology programs	400,000
University of Texas at Austin, College of Natural Sciences, for faculty development	500,000
University of Texas at Tyler, TX, for distance learning and other programmatic activities, including student support, at the Colleges of Nursing and Health Sciences, and Business and Technology	350,000
University of Virginia, Charlottesville, VA, for Governmental Studies "Youth Leadership Initiative"	1,200,000
University of Wisconsin-Eau Claire, Eau Claire, WI, for acquisition of science laboratory equipment	425,000
University of Wisconsin-Rock County, Janesville, WI, for computers and technology upgrades, and science laboratory equipment	100,000
University of Wisconsin-Stevens Point, WI, for the Faculty Alliance for Creating and Expanding Teaching Strategies (FACETS) initiative	500,000
University of Wisconsin-Whitewater, Whitewater, Wisconsin, for technology and personnel	500,000
University of Wyoming for acquisition of technology and equipment	1,700,000
Upper Great Lakes Educational Technologies, Inc., Marquette, MI, for personnel, technology and support costs to design, coordinate and implement "Operation UP Link"	400,000
Urban College of Boston in Massachusetts to support higher education program serving low-income and minority students	1,000,000
Utah State University in Utah to improve educational services for all students through distance learning technologies	350,000
Valparaiso University, Valparaiso, IN, for equipment and technology upgrades at its Library and Information Resources Center	550,000
Washington & Lee University in Virginia for the Shepherd Poverty Program	500,000
Washington College, Chestertown, Maryland, Science and Technology Education Initiative	500,000
Washington State University Plateau Center for American Indian Studies for faculty, educational programming and training	100,000
Waubonsee Community College, Sugar Grove, Illinois, for Integrated Systems Technology Program	250,000
West Chester University, West Chester, PA, for technological infrastructure improvements	150,000
West Kentucky Technical College, Paducah, Kentucky, to train court reporting students in captioning	475,000
West Liberty State College in West Virginia to equip its residence halls with internet access	1,700,000
West Los Angeles College, Culver City, CA, for equipment, curricula, faculty, and other expenses to develop an emergency health services training program	425,000

West Virginia High Technology Consortium Foundation, Fairmont, WV, in collaboration with Fairmont State College and DSD Laboratories of West Virginia, to improve computer security curricula and for an information assurance center	225,000
Western Governors University in Salt Lake City, UT, to provide training and certification for educators in Nevada through a joint program with Clark County School District	500,000
Western Governors University, Salt Lake City, Utah, for K–12 Teacher Education Initiative, for program development	500,000
Western Kentucky University's Center for Engineering and Biological Sciences for technology enhancements	1,200,000
Wheeling Jesuit University in West Virginia for the Math and Science Education Initiative	3,600,000
Widener University, Chester, Pennsylvania, for technology infrastructure	500,000
Wisconsin Association of Independent Colleges and Universities for a collaboration project to consolidate administrative operations and information technology	800,000
Wisconsin Indianhead Technical College, Rice Lake, WI, for equipment for a new technology center	300,000
World Learning, School for International Training, Brattleboro, VT, to enhance international studies programs at historically black colleges and universities, including study abroad programs for students and faculty	250,000
York College, York, Nebraska to modernize technological capabilities, including acquisition of technology and equipment	100,000
York College, York, Pennsylvania, for technology upgrades and computers and community programming	350,000
Youngstown State University, OH, for faculty, equipment, student support, and other related expenses to expand a materials engineering/science program	500,000
University of Massachusetts-Boston to purchase research equipment and technology infrastructure	1,000,000

International Education and Foreign Language Studies

Domestic Programs

The conference agreement includes $93,850,000 for the domestic activities of the international education and foreign languages studies programs instead of $85,200,000 as proposed by H.R. 246 and $87,000,000 as proposed by the Senate. The conference agreement will sustain the investments made last year to train experts who have foreign language proficiency and cross-cultural skills in the targeted world areas of Central and South Asia, the Middle East, Russia, and the Independent States of the former Soviet Union, and provide new resources to build foreign language capacity and international expertise in these strategic world areas important to national security interests and other areas, including southeast Asia and Africa.

The conferees are aware that all national resource centers will compete for new awards in fiscal year 2003. The conference agreement includes sufficient funds to increase the average award for the existing number (118) of centers by at least nine percent. The conferees believe that restoring awards that have eroded over the years, thereby enabling each center to implement an effective, multifaceted program of advanced language training, research, technical assistance, and outreach, should be a priority over expanding the number of centers over current levels.

The conference agreement also includes sufficient funds for an additional 87 academic and 70 summer fellowships under the foreign language and area studies fellowships program over the request. These fellowships should be allocated across all world areas, with an emphasis on languages of strategic national importance.

The conference agreement includes sufficient funds for the language resource centers for new K–16 teacher training initiatives in the less commonly taught foreign languages critical to national security, including the development of a strategic plan for teacher training and resource development, a summit on teacher training, professional development through summer institutes for K–16 teachers of Arabic, Azeri, Persian/Dari, Pashto, Uzbek, Urdu and other languages of strategic importance, and assistance to K–16 teachers for the development of web-delivered instructional materials. The conference agreement includes sufficient funds to provide an increase for the centers for international business to address issues relating to homeland security and trade.

In conducting new competitions in all Title VI program areas in fiscal year 2003, the Department should continue to emphasize increased investments in areas of strategic national importance. The conference agreement continues language to allow up to one percent of funds to be used for program evaluation, national outreach, and information dissemination activities.

The conferees are disappointed that the Department has not fully addressed the staffing needs of the Title VI and Fulbright-Hays international education programs. The conferees note that the Department's full-time equivalent (FTE) staffing level will increase by 79 FTE in fiscal year 2003.

Overseas program

The conference agreement provides $13,000,000 for the overseas programs in international education and foreign language studies authorized under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 as proposed by the Senate instead of $11,800,000 as proposed by H.R. 246. Funding for these programs supports group projects abroad, faculty research abroad, special bilateral projects, and doctoral dissertation research abroad. The additional funding provided over the request should be used to expand research fellowships and group projects abroad in intermediate and advanced language training in newly strategic world areas, and enhance curriculum development and summer seminars abroad for K–12 teachers. The conference agreement continues language allowing section 102(b)(6) funds for individuals planning to apply their advanced language skills in the fields of government, the professions, or international development.

Institute for International Public Policy

The conference agreement includes $1,650,000 for the Institute for International Public Policy instead of $1,500,000 as proposed by both H.R. 246 and the Senate. This program provides a grant to the United Negro College Fund to operate the Institute through sub-grantees chosen among minority-serving institutions. The conferees encourage the Institute to continue a recent emphasis on helping students obtain foreign language competence and international expertise in areas important to national security.

Minority Science and Engineering Improvement

The conference agreement includes $9,000,000 for minority science and engineering improvement instead of $8,500,000 as proposed by H.R. 246 and $9,500,000 as proposed by the Senate.

TRIO

The conference agreement includes $832,500,000 for TRIO as proposed by the Senate instead of $810,000,000 as proposed by H.R. 246.

The conferees are concerned that the regulatory definitions of "different campus" and "different population of participants" in the Student Support Services Program regulations (34 CFR Part 646.7(c)) are so narrowly crafted that the definitions undermine Congressional intent and prohibit many geographically separate institutions from applying for TRIO funding and, thus, prohibit the expansion of educational opportunities for more low-income and minority students.

The conferees direct the Department to review these regulatory definitions and make the appropriate changes so that more institutions of higher education, particularly those that have large numbers of low-income students enrolled at various campuses, will have the ability to apply for TRIO grants and serve more eligible students who need TRIO services.

GEAR UP

The conference agreement includes $295,000,000 for GEAR UP as proposed by the Senate instead of $285,000,000 as proposed by H.R. 246.

Teacher Quality Enhancement Grants

The conference agreement also includes $90,000,000 for Teacher Quality Enhancement Grants as proposed by the Senate instead of $100,000,000 as proposed by H.R. 246.

Child Care Access Means Parents in School

The conference agreement includes $16,300,000 for the child care access program as proposed by the Senate instead of $15,000,000 as proposed by H.R. 246.

Other higher education programs

The conference agreement includes $7,000,000 for Demonstrations in Disability as proposed by the Senate. H.R. 246 did not include separate funding for this activity. The conference agreement includes $2,250,000 for the Underground Railroad Educational and Cultural Program instead of $2,500,000 as proposed by the Senate and $2,000,000 as proposed by H.R. 246. The conference agreement also includes $5,000,000 for Thurgood Marshall Scholarships as proposed by the Senate instead of $4,000,000 as proposed by H.R. 246 and $1,000,000 for Olympic Scholarships as proposed by H.R. 246. The Senate bill did not provide funding for this program.

HOWARD UNIVERSITY

The conference agreement includes $240,000,000 for Howard University as proposed by H.R. 246 instead of $239,974,000 as proposed by the Senate.

INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes $450,887,000 for the Institute of Education Sciences instead of $397,887,000 as proposed by H.R. 246 and $397,387,000 as proposed by the Senate.

The conferees provide $140,000,000 for research as proposed by H.R. 246 instead of $89,500,000 as proposed by the Senate. Within this total, the conference agreement includes $19,635,000 in continuation funding for comprehensive school reform evaluation, research, model development and dissemination activities as requested by the Department.

The conferees strongly support the premise that developing, identifying and implementing scientifically based research is critical to the success of the No Child Left Behind Act and to the increased effectiveness generally of education programs and interventions. In particular, the conferees believe that a greater focus must be placed on the use of randomized controlled trials, longitudinal studies, and other research that meets the standards set by the National Research Council. The development of an enhanced research infrastructure will help build a base of research-proven interventions that can be used by educational institutions to help improve the educational outcomes of our nation's student population. The conferees have provided an additional $18,183,000 above last year to continue building the nation's educational research infrastructure. The conferees note that there is a lack of scientifically based education research, such as randomized research trials.

The conferees provide $90,000,000 for statistics instead of $95,000,000 as proposed by H.R. 246 and $87,000,000 as proposed by the Senate.

The conference agreement also includes $58,000,000 to continue multi-year grants and contracts for Comprehensive Regional Assistance Centers, Regional Math and Science Education Consortia, the Math and Science Clearinghouse, and Technology-based technical assistance as proposed by the Senate. H.R. 246 did not include funding for these activities.

The conferees are concerned with recent statistics that show that more than 20 million children experience reading failure. According to the National Center for Education Statistics, almost 40% of America's fourth graders suffer with reading difficulties. It has been brought to the attention of the conferees that the Haan Reading Institute has developed a national research project to measure the effectiveness of selected remedial reading programs and their ability to normalize reading skills for children in the late elementary and early secondary grades. The information derived from this research will be used by parents, teachers and policymakers to understand the different reading profiles of children and to determine which instructional methods work best for whom. The conferees encourage the Department to give consideration to this research project.

DEPARTMENTAL MANAGEMENT

The conference agreement includes $412,545,000 for Departmental program administration instead of $412,093,000 as proposed by the Senate and $411,795,000 as proposed by H.R. 246.

The conferees are concerned about the delay applicants are experiencing in receiving awards under grant programs and therefore request that the Department provide a report within 60 days of enactment of this bill on the steps that it can take to reduce the delay in administering grant competitions.

The conferees have included $750,000 to provide all Title IV institutions that are eligible for funding with a handbook providing detailed instruction on compliance with section 485(f) of the Higher Education Act of 1965, relating to campus crime statistics.

GENERAL PROVISIONS

READING FIRST SUPPLEMENT NOT SUPPLANT

The conference agreement includes an amendment to the Elementary and Secondary Education Act of 1965 to insert a supplement not supplant requirement in the Reading First program as proposed by the Senate. H.R. 246 contained no similar language.

NEW YORK CITY TITLE I DISTRIBUTION

The conference agreement does not include language relating to a new distribution of Title I funding within New York City as proposed by the Senate. H.R. 246 contained no similar language.

ALASKA NATIVE PROGRAMS

The conference agreement does not include an amendment to the No Child Left Behind Act of 2001 to allow construction funding for Alaska Native programs as proposed by the Senate. H.R. 246 contained no similar language.

HAWAIIAN EDUCATION PROGRAMS

The conference agreement does not include an amendment to the No Child Left Behind Act of 2001 to allow construction, renovation and modernization funding for any school run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body. H.R. 246 contained no similar provision.

FUNDING FOR INNOVATIVE PROGRAMS

The conference agreement does not include an additional $5,000,000,000 to be distributed according to the formulas for the Innovative Education Block Grant program and to be used by States and school districts to carry out any activity authorized under the Elementary and Secondary Education Act, IDEA or the Higher Education Act as proposed by the Senate. H.R. 246 contained no similar provision.

IDEA FUNDING

The conference agreement does not include an additional $1,500,000,000 for IDEA through additional advance appropriations as proposed by the Senate. H.R. 246 contained no similar provision.

SENSE OF THE SENATE ON AFTER-SCHOOL FUNDING

The conference agreement deletes without prejudice a Sense of the Senate that every effort should be made to fund the after-school programs at the level authorized in the No Child Left Behind Act as proposed by the Senate. H.R. 246 contained no similar provision.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement includes $68,013,000 for the Armed Forces Retirement Home instead of $67,340,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

The conferees have also agreed to include provisions relating to contracts for development and construction as proposed by the Senate. H.R. 246 contained no similar provisions.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement includes $356,205,000 for the Domestic Volunteer Service programs instead of $350,331,000 as proposed by H.R. 246 and $351,063,000 as proposed by the Senate.

Volunteers in Service to America (VISTA)

The conference agreement includes $94,287,000 for VISTA as proposed by the Senate instead of $94,155,000 as proposed by H.R. 246.

Volunteers in Homeland Security

The conference agreement includes $10,000,000 for Volunteers in Homeland Security as proposed by the Senate instead of $5,000,000 as proposed by H.R. 246. Of this total, up to $5,000,000 is available to support the Parent Drug Corps program.

National Senior Volunteer Corps

The conference agreement includes $111,500,000 for the Foster Grandparent Program (FGP) as proposed by H.R. 246 instead of $106,700,000 as proposed by the Senate.

One-third of the increases provided for the FGP, SCP, and RSVP programs shall be used to fund Programs of National Significance expansion grants to allow existing FGP, RSVP and SCP programs to expand the number of volunteers serving in areas of critical need as identified by Congress in the Domestic Volunteer Service Act.

Sufficient funding has been included to provide an increase for administrative costs realized by all current grantees in the FGP, SCP and RSVP programs. Funds remaining above these amounts should be used to begin new FGP, RSVP and SCP programs in geographic areas currently unserved. The conferees expect these projects to be awarded via a nationwide competition among potential community-based sponsors.

The Corporation for National and Community Service shall comply with the directive that use of funding increases in the Foster Grandparent Program, Retired and Senior Volunteer Program and VISTA not be restricted to America Reads activities. The conferees further direct that the Corporation shall not stipulate a minimum or maximum amount for PNS grant augmentations.

The conference agreement includes $400,000 for senior demonstration activities as proposed by both the Senate. These funds are to be used solely to carry out evaluations and to provide recruitment, training, and technical assistance to local projects as described in the budget request. No new demonstration projects may be begun with these funds. None of the increases provided for FGP, SCP, or RSVP in fiscal year 2003 may be used for demonstration activities.

Funds appropriated for fiscal year 2003 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committees of jurisdiction specifying such changes.

Program Administration

The conference agreement includes $34,571,000 for program administration instead of $34,229,000 as proposed by both H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement provides $390,000,000 in funding for fiscal year 2005, instead of $380,000,000 as proposed by H.R. 246 and $395,000,000 as proposed by the Senate.

The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

The conferees strongly urge the CPB to allocate not less than $100,000 to the 14 public radio stations around the nation that provide the sole source of radio news and information in their communities. The additional funds would permit these stations to extend their broadcast hours and improve service to their listeners.

The conference agreement also includes $48,744,000 for equipment and facilities to enable public broadcasters to meet the statutory deadline for digital conversion as proposed by the Senate instead of $25,000,000 as proposed by H.R. 246.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $41,425,000 for the Federal Mediation and Conciliation Service (FMCS) instead of $40,718,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses. Included in the total appropriation is $300,000 to be used for FMCS to continue their work to prevent youth violence by teaching students mediation and conflict resolution techniques.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,178,000 for the Federal Mine Safety and Health Review Commission rather than $7,127,000 as proposed by both H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement provides $245,485,000 for the Institute of Museum and Library Services instead of $210,000,000 as proposed by H.R. 246 and $203,000,000 as proposed by the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses. Within the amount provided, $10,000,000 is available until expended for Recruiting and Educating Librarians for the 21st Century Initiative. The conference agreement also specifies funding for the following:

Abington Art Center, Jenkintown, PA, for a work-study program for at-risk junior and high school students	$25,000
Aleutian World War II Museum in Alaska for interactive media display	100,000
Allentown Art Museum, Allentown, PA, for educational programs for 25 school districts in 7 PA counties.	75,000
Alley Pond Environmental Center, Douglaston, NY, for environmental education programs	25,000
American Village Project in Montevallo, Alabama	500,000
Army Aviation Heritage Foundation in Ozark, Alabama for educational programs	100,000
Arts Council of New Orleans	175,000
Asian Art Museum, San Francisco, CA, for exhibits and education programs	500,000
Berkshire Museum, Pittsfield, MA, for climate control systems to preserve collections	575,000
Bishops Museum in Honolulu, Hawaii	400,000
Boston Public Library Foundation, Boston, MA, for preservation and enhancement of the John Adams Presidential Library and for related educational programs	400,000
Bowers Museum, City of Santa Ana, CA, for education programs, publications and technology	250,000
Brooklyn Children's Museum, Brooklyn, NY, for equipment and technology, exhibits and education programs	500,000
Butler Area Public Library, PA for program enhancements	100,000
California State University, San Marcos, to upgrade electronic catalog and to provide computer stations for the library	275,000
Cape Cod Maritime Museum to develop exhibits and academic programs	175,000
Carnegie Library of Pittsburgh, PA, to purchase library materials and upgrade technology at the East Liberty Branch Library	200,000
Carnegie Library, Union Springs, Alabama for program development	250,000
Chicago State University Gwendolyn Brooks Center to expand its repository of the literary works of Gwendolyn Brown	75,000
Chickasaw Cultural Center in Chickasaw, Oklahoma	100,000
Children's Museum of Manhattan, New York, NY, to establish early childhood education programs and exhibits	100,000
Children's Museum of Stockton, Stockton, California, for a Delta Region Exhibit	100,000
City of Abilene, TX, for the collection and display of artifacts, and for exhibits at the Texas Forts Trail Museum	100,000
City of Anatuvik Pass Museum in Alaska for museum exhibits	50,000
City of Dallas, TX, Dallas Public Library, to establish "Teen Wise Centers" for at-risk youth	200,000
Clark County Heritage Center, Springfield, Ohio, for technology upgrades and exhibit development	150,000
Cleveland Health Museum, Ohio, for exhibits	250,000
Commonwealth Zoological Corporation (Zoo New England), Boston, MA, for the "Living Classroom" science education program and for outreach	400,000
Davenport Music History Museum in Davenport, IA	800,000
Dayton Aviation Heritage National Historical Park in Ohio for education and cultural programs	300,000
Delaware and Lehigh National Heritage Corridor, Easton, PA, to establish a National Museum of Industrial History in Bethlehem, Pennsylvania, to display a repository of industrial machines, equipment and technology of the 19th and 20th centuries focusing on steel	75,000
Delaware County Historical Society, Media, PA, to develop and expand educational programs highlighting historical themes and sites relating to Delaware County	75,000
Discovery Center, Springfield, Missouri	2,200,000
Downtown Chambersburg, Inc., PA	250,000
Eleanor Roosevelt's Papers at George Washington University for related program development	50,000
Exploris Museum, for the Global Awareness Program, including exhibits, a film program, and educational programs	100,000
Fine Arts Museums of San Francisco to expand educational programming and technology improvements at the de Young Museum	100,000
Florida International Museum, St. Petersburg, Florida, Centennial Russian Museum Exhibit	1,000,000
Franklin Institute, Philadelphia, PA, for exhibits, professional development and educational programming to students to explore bioscience and biotechnology	200,000
Frederick C. Crawford Museum of Transportation Industry, Cleveland, Ohio, for educational programming, planning and exhibits	200,000

Fresno Metropolitan Museum of Art, History and Science, Fresno, CA, for technology, exhibits, educational and outreach programs and a science-based exhibition and learning center	900,000
Gadsden Museum of Art in Alabama for museum programs	100,000
George Eastman House, Rochester, NY, for the "Picture Link" project	278,000
Georgia Hall of Fame at Museum of Aviation in Warner Robins, Georgia for educational activities and programs	100,000
Glendale Public Library, Glendale, CA, for personnel, equipment and other expenses to implement the Homework AssisTeens program	62,000
Hesperia Community Library, Hesperia, California, to purchase library materials and upgrade technology	200,000
Historical Society of Western PA for exhibits in conjunction with the 250th anniversary of the French and Indian War	150,000
Holmdel Township Library, Monmouth County, NJ, for technology equipment and upgrades	250,000
Hudson Waterfront Museum, Brooklyn, NY, to expand exhibits, education, arts and outreach programs	25,000
Huntsville Museum of Art, Huntsville, AL, for exhibits and educational programs	200,000
Imaginarium Science Center in Anchorage, Alaska to develop science exhibits and distance delivery modules	50,000
Interboro Public Library, PA for library programs	150,000
International Wolf Center, Minneapolis, MN, for education, outreach, and teacher training programs	150,000
Iowa Radio Reading Information Service (IRRIS)	300,000
Italian-American Cultural Center of Iowa in Des Moines, IA for exhibits, multi-media collections, and displays	150,000
Kendall County Forest Preserve District, Yorkville, Illinois, for the consolidation and preservation of the collection at the Old Barn Museum	500,000
Kent State University, Kent, Ohio, for an Institute for Library and Information Literacy Education project	2,000,000
Kodiak Maritime Museum in Alaska	50,000
Lafayette College, Easton, PA, for technology updates to the Skillman Library	150,000
Leon County, FL, for purchase of equipment and books for the Ft. Braden Branch Library	375,000
Lewis and Clark College Bicentennial Hall in Portland, Oregon for program and equipment support	300,000
MacKay Library of Union County, Cranford, New Jersey	300,000
Magic Library in Kirkwood, Missouri for design and development of interactive exhibits and software	75,000
Marion County Library, Marion, SC, to establish a computer lab	50,000
McKinley Museum, Canton, Ohio, for equipment	45,000
Mexic-Arte Museum, Austin, Texas	200,000
Middletown Township Public Library, Monmouth County, NJ, for technology equipment and upgrades	250,000
Monterey County Youth Museum, Monterey, CA, for interactive mobile exhibits and educational programs	300,000
Museum of African Art, New York, NY, for exhibits and educational programs	250,000
National Baseball Hall of Fame and Museum, Cooperstown, New York for educational outreach using baseball to teach students through distance learning technology	750,000
National Civil War Museum, Harrisburg, PA, to develop and enhance educational exhibits and programs for area K–12 schools focusing on U.S. Civil War history	300,000
National Cowgirl Museum and Hall of Fame, Fort Worth, Texas, for creation of and equipment for an audio tour of the permanent exhibition	90,000
National Liberty Museum, Philadelphia, PA, to institute a teacher-training program which will assist educators in responding to classroom challenges and establish a pilot program to address violence in schools	325,000
National Mississippi River Museum and Aquarium in Dubuque, IA	650,000
National Museum of Women in the Arts, Washington, D.C.	1,500,000
Native American Cultural and Educational Authority, Oklahoma City, Oklahoma, for exhibits for the museum	775,000
Natural History Museum of Los Angeles, CA, for its "Earth Odyssey" environmental science program	75,000
Nevada State Historic Preservation Office	350,000
New York Botanical Garden's Virtual Herbarium imaging project in Bronx, New York	500,000
New York Hall of Science to develop, expand, and display science-related educational materials.	1,000,000
North Carolina State Museum of Natural Sciences, Raleigh, NC, for development of environmental exhibits and educational programs	300,000
North Dakota Lewis and Clark Bicentennial Foundation in Washburn, North Dakota, for exhibits and other interpretation	250,000
Ogden Museum of Southern Art in New Orleans, LA	250,000
Oneonta City Library, Blount County, Alabama, for books, internet, audiovisual and reading aids	90,000
Orangevale Library, Sacramento, California, for evaluation and analysis of existing library service, program and facilities	200,000
Pennsylvania Trolley Museum for exhibit development and educational programs	400,000
Pittsburgh Children's Museum, Pittsburgh, PA, to develop and enhance educational exhibits and programs for area K–12 schools	221,000
Please Touch Museum, Philadelphia, PA, to develop educational programs focusing on hands-on learning experiences.	725,000
Rivertownes PA USA	75,000
Rock and Roll Hall of Fame and Museum, Cleveland, OH, for music education programs for at-risk youth	350,000
Rutgers, the State University of New Jersey, New Brunswick, NJ, to catalog, organize and preserve collections at the Carey Library	250,000
San Bernardino County Museum, California, to develop the Inland Empire Archival Heritage Center and Web Module	500,000
Schoharie Free Library in Schoharie County, New York to purchase books and equipment	50,000
Science Center of Pinellas County, Inc., St. Petersburg, Florida for a planetarium project	155,000
Shaker Museum and Library, Old Chatham, New York	450,000

Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, CA, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation	100,000
Smith Robertson Museum in Jackson, Mississippi for the development of exhibits regarding civil rights	150,000
St. Paul Public Library, MN, to expand its School Work and Mentoring Place Program and its Small Business Resource Center	25,000
Standing Bear Museum and Learning Center in Ponca City, Oklahoma	200,000
State Historical Society of Iowa for Civil War flag restoration	75,000
State Historical Society of Iowa in Des Moines, Iowa for the development of exhibits for the World Food Prize	1,000,000
State Theater of Easton, Easton, PA, for technological infrastructure improvements and the development of educational programming	100,000
The International Storytelling Center in Jonesborough, Tennessee	125,000
The Museum of Science and Industry, Chicago, IL, for exhibits, education and outreach programs	250,000
Tillamook County Library, Oregon, for modernization of library services	70,000
Union City Public Library, NJ, for personnel, books and technology to improve library services for low-income individuals	200,000
Union County Historical Society & Heritage Museum in Mississippi for exhibit and program development	100,000
University of Idaho for digital archiving	400,000
University of Maine at Fort Kent to house the Acadian Archives which preserve, celebrate and disseminate information about the region's history	200,000
Vietnam Archive Center, Texas Tech University, Lubbock, Texas, for digitization	400,000
Virginia Living Museum for the expansion of its educational programs in its capital campaign project	150,000
Wayne Art Center, Wayne, PA, to develop programs in partnership with area K–12 schools for teacher training workshops and specialized workshops for students	50,000
Westchester Library System, Ardsley, NY, for its digital divide online services project	100,000
Whitney Museum of American Art to establish a touring exhibition program in Iowa	450,000
Whittier Public Library, City of Whittier, CA, to establish a children's homework center and family literacy center	300,000
Willet Memorial Library in Macon, Georgia for library enhancements	100,000
Witte Museum of San Antonio, TX, to develop the "American Originals" exhibit and educational programs	150,000
Zimmer Children's Museum of Jewish Community Centers of Greater Los Angeles, Los Angeles, CA, for the expansion of the YouThink program	100,000
Zoological Society of Philadelphia, PA, for educational programs for elementary and secondary students	100,000
St. Louis Children's Museum, MO	500,000

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $8,585,000 for the Medicare Payment Advisory Commission, instead of $8,250,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

The conference agreement provides $1,010,000 for the National Commission on Libraries and Information Science instead of $1,000,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

The conference agreement includes $2,858,000 for the National Council on Disability, instead of $2,830,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

The conference agreement provides $238,982,000 for the National Labor Relations Board instead of $226,618,000 as proposed by H.R. 246 or $238,223,000 as proposed by the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

The conference agreement includes $11,315,000 for the National Mediation Board, instead of $11,203,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $9,673,000 for the Occupational Safety and Health Review Commission instead of $9,577,000 as proposed by both H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

RAILROAD RETIREMENT BOARD LIMITATION ON ADMINISTRATION

The conference agreement includes $100,000,000 for the Railroad Retirement Board Limitation on Administration Expenses, as proposed by H.R. 246 instead of $97,720,000 as proposed by the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

Given that trust funds are collected from railroad workers for the specific purpose of maintaining and administering a retirement fund, the conferees believe that trust funds should not be used for the purpose of paying rent in excess of actual cost. Therefore, no funds have been included for that purpose.

RAILROAD RETIREMENT BOARD LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

The conference agreement includes a limitation on transfers from the railroad trust funds of $6,363,000 for administrative expenses of the Office of Inspector General instead of $6,300,000 as proposed by H.R. 246 and the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

The conferees do not include language proposed by the Senate that allows the Office of the Inspector General to conduct audits, investigations, and reviews of the Medicare programs. H.R. 246 contained no similar provision.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $24,025,392,000 for the Supplemental Security Income Program as proposed by the Senate instead of $24,017,392,000 as proposed by H.R. 246. Within the funds provided, the conference agreement includes $8,000,000 as proposed by the Senate for outreach efforts and assistance to homeless persons and other underserved populations.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

The conference agreement provides $16,362,000 for the United States Institute of Peace instead of $15,104,000 as proposed by H.R. 246 and $16,200,000 as proposed by the Senate. The conferees have included sufficient funds to offset the effects of the across-the-board cut on salaries and expenses.

TITLE V—GENERAL PROVISIONS

TRANSFER PROHIBITION

The conference agreement includes a provision prohibiting the transfer of any funds to any department, agency or instrumentality of the U.S. Government except by a transfer made in this or any other appropriation act as proposed by H.R. 246. The Senate bill contained no similar provision.

UNITED STATES INSTITUTE OF PEACE

The conference agreement includes a provision proposed by the Senate pertaining to the date on or before which an independent public accountant must be certified or licensed to perform the annual audit of the

United States Institute of Peace (USIP). The conference agreement does not include a provision proposed by the Senate that extends the authorization of the USIP for one additional year. H.R. 246 did not contain similar provisions.

ACROSS-THE-BOARD SALARIES AND EXPENSES REDUCTION

The conference agreement does not include a provision proposed by the Senate to reduce salaries and expenses of the Departments of Labor, Health and Human Services, and Education. The House bill contained no similar provision.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES										
Grants to States:										
Adult Training, current year	238,000	188,000	188,000	188,000	188,000	-50,000	---	---	D	FF
Advance from prior year	(712,000)	(712,000)	(712,000)	(712,000)	(712,000)	---	---	---	NA	
FY 2004	712,000	712,000	712,000	712,000	712,000	---	---	---	D	
Adult Training	950,000	900,000	900,000	900,000	900,000	-50,000	---	---		
Youth Training	1,127,965	1,000,965	1,045,465	1,000,965	1,000,965	-127,000	-44,500	---	D	FF
Dislocated Worker Assistance 1/	281,200	258,432	359,892	258,432	309,162	+27,962	-50,730	+50,730	D	FF
Advance from prior year	(848,000)	(848,000)	(848,000)	(848,000)	(848,000)	---	---	---	NA	
FY 2004	848,000	848,000	848,000	848,000	848,000	---	---	---	D	
Dislocated Worker Assistance	1,129,200	1,106,432	1,207,892	1,106,432	1,157,162	+27,962	-50,730	+50,730		
Federally Administered Programs:										
Dislocated Worker Assistance Nat'l reserve 1/	30,300	125,073	64,608	64,608	94,608	+64,308	+30,000	+30,000	D	FF
Advance from prior year	(212,000)	(212,000)	(212,000)	(212,000)	(212,000)	---	---	---	NA	
FY 2004	212,000	212,000	212,000	212,000	212,000	---	---	---	D	
Dislocated Worker Assistance Nat'l Reserve	242,300	337,073	276,608	276,608	306,608	+64,308	+30,000	+30,000		
Total, Dislocated Worker Assistance	1,371,500	1,443,505	1,484,500	1,383,040	1,463,770	+92,270	-20,730	+80,730		
Native Americans	57,000	55,000	55,000	57,000	56,000	-1,000	+1,000	-1,000	D	FF
Migrant and Seasonal Farmworkers	79,751	---	74,900	79,751	77,326	-2,425	+2,426	-2,425	D	FF
Job Corps:										
Operations	737,357	813,610	800,000	800,000	800,000	+62,643	---	---	D	FF
Advance from prior year	(591,000)	(591,000)	(591,000)	(591,000)	(591,000)	---	---	---	NA	
FY 2004	591,000	591,000	591,000	591,000	591,000	---	---	---	D	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs.				
						FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate		
Construction and Renovation	30,375	27,550	27,550	27,550	27,550	-2,825	---	---	D	FF
Advance from prior year	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---	---	---	NA	
FY 2004	100,000	100,000	100,000	100,000	100,000	---	---	---	D	
Subtotal, Job Corps, program level	1,458,732	1,532,160	1,518,550	1,518,550	1,518,550	+59,818	---	---		
National Activities:										
Pilots, Demonstrations and Research	130,149	35,000	35,000	55,161	76,351	-53,798	+41,351	+21,190	D	FF
Responsible Reintegration of Youthful Offender	55,000	---	---	55,000	55,000	---	+55,000	---	D	FF
Evaluation	9,098	9,098	9,098	9,098	9,098	---	---	---	D	FF
Youth Opportunity Grants	225,100	44,500	---	44,500	44,500	-180,600	+44,500	---	D	FF
Other	16,019	15,000	15,000	16,019	15,510	-509	+510	-509	D	FF
Subtotal, National activities	435,366	103,598	59,098	179,778	200,459	-234,907	+141,361	+20,681		
Subtotal, Federal activities	2,273,149	2,027,831	1,984,156	2,111,687	2,158,943	-114,206	+174,787	+47,256		
Current Year	1,370,149	1,124,831	1,081,156	1,208,687	1,255,943	-114,206	+174,787	+47,256		
FY 2004	903,000	903,000	903,000	903,000	903,000	---	---	---		
Total, Workforce Investment Act	5,480,314	5,035,228	5,137,513	5,119,084	5,217,070	-263,244	+79,557	+97,986		
Current Year	3,017,314	2,572,228	2,674,513	2,656,084	2,754,070	-263,244	+79,557	+97,986		
FY 2004	2,463,000	2,463,000	2,463,000	2,463,000	2,463,000	---	---	---		
Women in Apprenticeship	1,000	1,000	1,000	1,000	1,000	---	---	---	D	
Skill Standards	3,500	---	---	---	---	-3,500	---	---	D	
Subtotal, National activities, TES	439,866	104,598	60,098	180,778	201,459	-238,407	+141,361	+20,681		
Subtotal, Training and Employment Services	5,484,814	5,036,228	5,138,513	5,120,084	5,218,070	-266,744	+79,557	+97,986		
Current Year	(3,021,814)	(2,573,228)	(2,675,513)	(2,657,084)	(2,755,070)	(-266,744)	(+79,557)	(+97,986)		
FY 2004	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	445,100	440,200	440,200	440,200	445,200	+100	+5,000	+5,000	D	FF
WORKERS COMPENSATION PROGRAMS	175,000	---	---	---	---	-175,000	---	---	D	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES										
Trade Adjustment	349,500	871,250	972,200	972,200	972,200	+622,700	---	---	M	
NAFTA Activities	66,150	---	---	---	---	-66,150	---	---	M	
Total	415,650	871,250	972,200	972,200	972,200	+556,550	---	---		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation:									
State Operations	2,403,319	2,658,288	2,641,488	2,641,488	2,641,488	+238,169	---	---	TF
National Activities	10,000	10,000	10,000	10,000	10,000	---	---	---	TF
Emergency Repsonse Funds	4,100	---	---	---	---	-4,100	---	---	D
Subtotal, Unemployment Compensation	2,417,419	2,668,288	2,651,488	2,651,488	2,651,488	+234,069	---	---	
Employment Service:									
Allotments to States:									
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	773,283	773,283	773,283	773,283	773,283	---	---	---	TF
Subtotal	796,735	796,735	796,735	796,735	796,735	---	---	---	
ES National Activities	50,680	29,120	50,680	50,680	50,680	---	---	---	TF
Subtotal, Employment Service	847,415	825,855	847,415	847,415	847,415	---	---	---	
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	
Trust Funds	823,963	802,403	823,963	823,963	823,963	---	---	---	
One-Stop Career Centers/Labor Market Information	120,000	113,000	100,000	100,000	100,000	-20,000	---	---	D
Work Incentives Grants	20,000	20,000	20,000	20,000	20,000	---	---	---	D FF
Total, State Unemployment & Employment Srvcs	3,404,834	3,627,143	3,618,903	3,618,903	3,618,903	+214,069	---	---	
Federal Funds	167,552	156,452	143,452	143,452	143,452	-24,100	---	---	
Trust Funds	3,237,282	3,470,691	3,475,451	3,475,451	3,475,451	+238,169	---	---	
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	464,000	463,000	463,000	463,000	463,000	-1,000	---	---	M

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
PROGRAM ADMINISTRATION									
Adult Employment and Training	34,076	37,090	42,620	39,090	42,603	+8,527	-17	+3,513	D
Trust Funds	2,887	7,438	2,973	2,973	4,271	+1,384	+1,298	+1,298	TF
Youth Employment and Training	37,603	38,947	38,947	40,858	38,944	+1,341	-3	-1,914	D
Employment Security	5,867	6,051	6,051	6,051	6,048	+181	-3	-3	D
Trust Funds	44,216	45,586	45,586	51,586	47,907	+3,691	+2,321	-3,679	TF
Apprenticeship Services	21,406	20,836	20,836	22,036	20,834	-572	-2	-1,202	D
Executive Direction	7,526	8,286	8,286	8,286	8,284	+758	-2	-2	D
Trust Funds	1,404	2,051	2,051	2,051	2,050	+646	-1	-1	TF
Welfare to Work	5,903	4,711	4,711	4,711	4,711	-1,192	---	---	D
Subtotal, Program Administration	160,888	170,996	172,061	177,642	175,652	+14,764	+3,591	-1,990	
Federal Funds	112,381	115,921	121,451	121,032	121,424	+9,043	-27	+392	
Trust Funds	48,507	55,075	50,610	56,610	54,228	+5,721	+3,618	-2,382	
Total, Employment and Training Administration	10,550,286	10,608,817	10,804,877	10,792,029	10,893,025	+342,739	+88,148	+100,996	
Federal Funds	7,264,497	7,083,051	7,278,816	7,259,968	7,363,346	+98,849	+84,530	+103,378	
Current Year	(4,801,497)	(4,620,051)	(4,815,816)	(4,796,968)	(4,900,346)	(+98,849)	(+84,530)	(+103,378)	
FY 2004	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
Trust Funds	3,285,789	3,525,766	3,526,061	3,532,061	3,529,679	+243,890	+3,618	-2,382	
PENSION AND WELFARE BENEFITS ADMINISTRATION									
Enforcement and Compliance	85,140	92,125	92,125	92,125	92,125	+6,985	---	---	D
Policy, Regulation and Public Service	19,594	20,575	20,575	20,575	20,575	+981	---	---	D
Program Oversight	5,736	4,344	4,344	4,344	4,344	-1,392	---	---	D
Total, PWBA	110,470	117,044	117,044	117,044	117,044	+6,574	---	---	
PENSION BENEFIT GUARANTY CORPORATION									
Program Adm. subject to limitation (TF)	11,567	13,050	13,050	13,050	13,050	+1,483	---	---	TF
Termination services not subject to limitation (NA)	(178,924)	(179,844)	(179,844)	(179,844)	(179,844)	(+920)	---	---	NA
Total, PBGC (Program level)	(190,491)	(192,894)	(192,894)	(192,894)	(192,894)	(+2,403)	---	---	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	155,378	155,387	155,387	157,387	156,887	+1,509	+1,500	-500	D
Office of Labor-Management Standards	30,607	34,503	34,503	34,503	34,503	+3,896	---	---	D
Federal Contractor EEO Standards Enforcement	77,582	77,544	77,544	79,544	78,544	+962	+1,000	-1,000	D
Federal Programs for Workers' Compensation	91,213	96,975	96,975	97,675	97,325	+6,112	+350	-350	D
FECA Fees	---	-86,442	---	---	---	---	---	---	D
Trust Funds	1,970	2,029	2,029	2,029	2,029	+59	---	---	TF
Program Direction and Support	13,031	14,319	14,319	14,319	14,319	+1,288	---	---	D
Total, ESA salaries and expenses	369,781	294,315	380,757	385,457	383,607	+13,826	+2,850	-1,850	
Federal Funds	367,811	292,286	378,728	383,428	381,578	+13,767	+2,850	-1,850	
Trust Funds	1,970	2,029	2,029	2,029	2,029	+59	---	---	
SPECIAL BENEFITS									
Federal employees compensation benefits	118,000	160,000	160,000	160,000	160,000	+42,000	---	---	M
Longshore and harbor workers' benefits	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Total, Special Benefits	121,000	163,000	163,000	163,000	163,000	+42,000	---	---	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND									
Program Benefits	(769,000)	(758,000)	(758,000)	(758,000)	(758,000)	(-11,000)	---	---	NA
Administrative Expenses	130,665	104,867	104,867	104,867	104,867	-25,798	---	---	M

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances	981,283	979,371	979,371	979,371	979,371	-1,912	---	---	M
Employment Standards Adm. S&E	31,321	31,987	31,987	31,987	31,987	+666	---	---	M
Departmental Management S&E	22,590	22,952	22,952	22,952	22,952	+362	---	---	M
Departmental Management, Inspector General	328	334	334	334	334	+6	---	---	M
Subtotal, Black Lung Disablty	1,035,522	1,034,644	1,034,644	1,034,644	1,034,644	-878	---	---	
Treasury Adm. Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,035,878	1,035,000	1,035,000	1,035,000	1,035,000	-878	---	---	
Total, Employment Standards Administration	1,657,324	1,597,182	1,683,624	1,688,324	1,686,474	+29,150	+2,850	-1,850	
Federal Funds	1,655,354	1,595,153	1,681,595	1,686,295	1,684,445	+29,091	+2,850	-1,850	
Trust Funds	1,970	2,029	2,029	2,029	2,029	+59	---	---	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	15,567	14,237	14,237	18,000	16,119	+552	+1,882	-1,881	D
Federal Enforcement	161,998	161,080	161,080	166,998	164,039	+2,041	+2,959	-2,959	D
State Programs	89,747	89,747	89,747	92,531	91,139	+1,392	+1,392	-1,392	D
Technical Support	19,612	20,234	20,234	20,234	20,234	+622	---	---	D
Compliance Assistance: Federal Assistance	59,104	60,248	60,248	63,195	61,722	+2,618	+1,474	-1,473	D
State Consultation Grants	51,021	52,521	52,521	54,582	53,552	+2,531	+1,031	-1,030	D
Training Grants	11,175	4,000	11,175	11,175	11,175	---	---	---	D
Subtotal, Compliance Assistance	121,300	116,769	123,944	128,952	126,449	+5,149	+2,505	-2,503	D
Safety and Health Statistics	26,257	25,739	25,739	26,386	26,063	-194	+324	-323	D
Executive Direction and Administration	9,017	9,213	9,213	9,213	9,213	+196	---	---	D
Total, OSHA	443,498	437,019	444,194	462,314	453,256	+9,758	+9,062	-9,058	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	116,093	112,337	112,337	119,655	119,655	+3,562	+7,318	---	D
Metal/Non-Metal Enforcement	61,099	63,910	63,910	63,910	63,910	+2,811	---	---	D
Standards Development	2,357	2,328	2,328	2,428	2,378	+21	+50	-50	D
Assessments	4,807	4,836	4,836	4,936	4,886	+79	+50	-50	D
Educational Policy and Development	27,984	27,914	27,914	27,914	27,914	-70	---	---	D
Technical Support	28,085	28,675	28,675	28,675	28,675	+590	---	---	D
Program Administration	12,551	14,323	14,323	14,323	17,323	+4,772	+3,000	+3,000	D
Mine Mapping	---	---	---	10,000	10,000	+10,000	+10,000	---	D
Total, Mine Safety and Health Administration	252,976	254,323	254,323	271,841	274,741	+21,765	+20,418	+2,900	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	146,389	151,004	151,004	149,894	148,294	+1,905	-2,710	-1,600	D
Labor Market Information (Trust Funds)	69,132	72,029	72,029	72,029	72,029	+2,897	---	---	TF
Prices and Cost of Living	148,044	160,716	160,716	160,716	160,716	+12,672	---	---	D
Compensation and Working Conditions	74,221	76,422	76,422	76,422	76,422	+2,201	---	---	D
Productivity and Technology	9,605	9,925	9,925	9,925	9,925	+320	---	---	D
Executive Direction and Staff Services	27,090	28,068	28,068	28,068	28,068	+978	---	---	D
Total, Bureau of Labor Statistics	474,481	498,164	498,164	497,054	495,454	+20,973	-2,710	-1,600	
Federal Funds	405,349	426,135	426,135	425,025	423,425	+18,076	-2,710	-1,600	
Trust Funds	69,132	72,029	72,029	72,029	72,029	+2,897	---	---	
OFFICE OF DISABILITY EMPLOYMENT POLICY									
Office of Disability Employment Policy	35,048	47,015	42,500	47,015	47,487	+12,439	+4,987	+472	D
Task Force on Employment of Adults with Disabilities	2,640	---	---	---	---	-2,640	---	---	D
Total, Office of Disability Employment Policy	37,688	47,015	42,500	47,015	47,487	+9,799	+4,987	+472	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	26,967	26,468	26,468	29,468	26,468	-499	---	-3,000	D
Departmental IT Crosscut	50,000	74,000	55,000	55,000	55,000	+5,000	---	---	D
Departmental Management Crosscut	884	7,000	---	5,884	---	-884	---	-5,884	D
Legal Services	77,054	77,680	77,680	77,680	77,680	+626	---	---	D
Trust Funds	310	310	310	310	310	---	---	---	TF
International Labor Affairs	147,334	54,574	54,574	148,015	148,015	+681	+93,441	---	D
Administration and Management	35,503	30,191	32,670	30,191	33,893	-1,610	+1,223	+3,702	D
Adjudication	24,496	25,472	25,472	25,232	25,472	+976	---	+240	D
Women's Bureau	9,939	8,369	8,369	10,973	9,671	-268	+1,302	-1,302	D
Civil Rights Activities	5,807	5,969	5,969	5,969	5,969	+162	---	---	D
Chief Financial Officer	6,249	7,901	7,901	7,901	7,901	+1,652	---	---	D
Total, Salaries and expenses	384,543	317,934	294,413	396,623	390,379	+5,836	+95,966	-6,244	
Federal Funds	384,233	317,624	294,103	396,313	390,069	+5,836	+95,966	-6,244	
Trust Funds	310	310	310	310	310	---	---	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	81,615	81,615	81,615	83,615	82,615	+1,000	+1,000	-1,000	TF
Local Veterans Employment Program	77,253	77,253	77,253	79,253	78,253	+1,000	+1,000	-1,000	TF
Subtotal, State Administration	158,868	158,868	158,868	162,868	160,868	+2,000	+2,000	-2,000	
Federal Administration	27,848	26,669	26,669	28,669	27,669	-179	+1,000	-1,000	TF
Homeless Veterans Program	18,250	17,500	17,500	19,000	18,250	---	+750	-750	D
Veterans Workforce Investment Programs	7,550	7,300	7,300	7,550	7,425	-125	+125	-125	D FF
Total, Veterans Employment and Training	212,516	210,337	210,337	218,087	214,212	+1,696	+3,875	-3,875	
Federal Funds	25,800	24,800	24,800	26,550	25,675	-125	+875	-875	
Trust Funds	186,716	185,537	185,537	191,537	188,537	+1,821	+3,000	-3,000	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs.			
						FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
OFFICE OF THE INSPECTOR GENERAL									
Program Activities	51,807	56,659	56,659	56,659	56,659	+4,852	---	---	D
Trust Funds	4,951	5,597	5,597	5,597	5,597	+646	---	---	TF
Total, Office of the Inspector General	56,758	62,256	62,256	62,256	62,256	+5,498	---	---	
Federal funds	51,807	56,659	56,659	56,659	56,659	+4,852	---	---	
Trust funds	4,951	5,597	5,597	5,597	5,597	+646	---	---	
Total, Departmental Management	653,817	590,527	567,006	676,966	666,847	+13,030	+99,841	-10,119	
Federal Funds	461,840	399,083	375,562	479,522	472,403	+10,563	+96,841	-7,119	
Trust Funds	191,977	191,444	191,444	197,444	194,444	+2,467	+3,000	-3,000	
Total, Title I, Department of Labor	14,192,107	14,163,141	14,424,782	14,565,637	14,647,378	+455,271	+222,596	+81,741	
Federal Funds	10,631,672	10,358,823	10,620,169	10,749,024	10,836,147	+204,475	+215,978	+87,123	
Current Year	(8,168,672)	(7,895,823)	(8,157,169)	(8,286,024)	(8,373,147)	(+204,475)	(+215,978)	(+87,123)	
FY 2004	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
Trust Funds	3,560,435	3,804,318	3,804,613	3,816,613	3,811,231	+250,796	+6,618	-5,382	

Title I Footnotes:
1/ Funds rescinded in FY02 as required in FY01 suppl.
2/ Two year availability.

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Community health centers	1,343,175	1,457,864	1,457,864	1,533,570	1,514,651	+171,476	+56,787	-18,919	D
National Health Service Corps:									
Field placements	46,425	46,498	46,000	46,498	46,249	-176	+249	-249	D
Recruitment	98,952	142,918	109,000	142,918	125,959	+27,007	+16,959	-16,959	D
Subtotal, National Health Service Corps	145,377	189,416	155,000	189,416	172,208	+26,831	+17,208	-17,208	
Health Professions									
Training for Diversity:									
Centers of excellence	32,621	---	32,621	36,000	34,311	+1,690	+1,690	-1,689	D
Health careers opportunity program	34,778	---	34,778	38,000	36,389	+1,611	+1,611	-1,611	D
Faculty loan repayment	1,330	---	1,330	1,330	1,330	---	---		D
Scholarships for disadvantaged students	46,216	10,000	46,216	50,000	48,108	+1,892	+1,892	-1,892	D
Subtotal, Training for Diversity	114,945	10,000	114,945	125,330	120,138	+5,193	+5,193	-5,192	
Training in Primary Care Medicine and Dentistry	93,002	---	90,097	93,037	93,037	+35	+2,940	---	D
Interdisciplinary Community-Based Linkages:									
Area health education centers	33,346	---	27,138	33,358	33,358	+12	+6,220	---	D
Health education and training centers	4,400	---	4,400	4,402	4,400	---	---	-2	D
Allied health and other disciplines	9,495	---	15,500	9,499	12,000	+2,505	-3,500	+2,501	D
Geriatric programs	20,400	---	30,000	20,408	28,000	+7,600	-2,000	+7,592	D
Quentin N. Burdick pgm for rural training	6,996	---	4,000	6,999	6,999	+3	+2,999	---	D
Subtotal, Interdisciplinary Comm. Linkages	74,637	---	81,038	74,666	84,757	+10,120	+3,719	+10,091	
Health Professions Workforce Info & Analysis	824	1,000	---	824	824	---	+824	---	D
Public Health Workforce Development:									
Public health, preventive med. & dental pgms	10,473	---	8,000	10,477	10,473	---	+2,473	-4	D
Health administration programs	1,230	---	---	1,230	1,230	---	+1,230	---	D
Subtotal, Public Health Workforce Development	11,703	---	8,000	11,707	11,703	---	+3,703	-4	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.			
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
Nursing Programs:									
Advanced Education Nursing	60,018	61,041	61,041	47,596	50,502	-9,516	-10,539	+2,906	D
Nurse education, practice, and retention	16,283	16,289	16,289	10,855	27,000	+10,717	+10,711	+16,145	D
Nursing workforce diversity	6,170	6,172	6,172	25,051	10,000	+3,830	+3,828	-15,051	D
Loan repayment and scholarship program	10,235	15,000	15,000	15,000	20,000	+9,765	+5,000	+5,000	D
Nurse reinvestment act	---	---	---	20,000	---	---	---	-20,000	
Comprehensive geriatric education	---	---	---	---	3,000	+3,000	+3,000	+3,000	
Nursing faculty loan program	---	---	---	---	3,000	+3,000	+3,000	+3,000	
Subtotal, Nursing programs	92,706	98,502	98,502	118,502	113,502	+20,796	+15,000	-5,000	
Subtotal, Health Professions	387,817	109,502	392,582	424,066	423,961	+36,144	+31,379	-105	
Other HRSA Programs:									
Hansen's Disease Services	17,839	18,142	18,142	18,142	18,142	+303	---	---	D
Healthy Communities Innovation Initiative	---	20,000	10,000	20,000	---	---	-10,000	-20,000	D
Maternal & Child Health Block Grant	731,244	731,531	726,931	741,531	734,741	+3,497	+7,810	-6,790	D
Abstinence Education:									
Advance from prior year	(30,000)	---	---	---	---	(-30,000)	---	---	NA
Current Year	10,000	72,979	60,000	40,000	55,000	+45,000	-5,000	+15,000	D
Healthy Start	98,952	98,989	94,811	98,989	98,989	+37	+4,178	---	D
Universal Newborn Hearing	9,995	---	10,000	10,000	10,000	+5	---	---	D
Organ Transplantation	19,983	24,990	24,990	24,990	24,990	+5,007	---	---	D
Bone Marrow Program	21,989	22,034	22,034	22,034	22,034	+45	---	---	D
Rural outreach grants	52,098	37,852	38,385	51,472	58,500	+6,402	+20,115	+7,028	D
Rural Health Research	14,802	6,000	9,190	16,808	10,700	-4,102	+1,510	-6,108	D
Telehealth	37,177	5,609	4,000	39,192	27,062	-10,115	+23,062	-12,130	D
State Offices of Rural Health	7,996	4,000	4,000	10,000	8,500	+504	+4,500	-1,500	D
Denali Commission	20,000	---	---	30,000	27,500	+7,500	+27,500	-2,500	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs FY 2002 Comparable	Conference vs FY 2003 HR 246	Conference vs FY 2003 Senate	
Critical Care Programs:									
Emergency medical services for children 1/	18,984	---	18,000	20,000	19,500	+516	+1,500	-500	D
Poison control 1/	21,200	---	20,000	24,000	22,500	+1,300	+2,500	-1,500	D
Traumatic Brain Injury	7,496	7,499	10,000	9,000	9,500	+2,004	-500	+500	D
Subtotal, Critical Care Programs	47,680	7,499	48,000	53,000	51,500	+3,820	+3,500	-1,500	
Black lung clinics	5,998	6,000	6,000	6,000	6,000	+2	---	---	D
Trauma Care	3,499	- -	---	5,000	3,499	---	+3,499	-1,501	D
Payment to Hawaii, treatment of Hansen's	2,044	2,045	2,045	2,045	2,045	+1	---	---	D
Other HRSA programs - Current Year	1,101,296	1,057,670	1,078,528	1,189,203	1,159,202	+57,906	+80,674	-30,001	
Ryan White AIDS Programs:									
Emergency Assistance	619,381	619,514	619,381	622,100	622,741	+3,360	+3,360	+641	D
Comprehensive Care Programs	977,240	977,373	997,240	1,081,300	1,060,285	+83,045	+63,045	-21,015	D
AIDS Drug Assistance Program (ADAP) (NA)	(639,000)	(639,000)	(659,000)	(739,000)	(719,000)	(+80,000)	(+60,000)	(-20,000)	NA
Early Intervention Program	193,844	194,055	193,844	197,500	199,672	+5,828	+5,828	+2,172	D
Pediatric HIV/AIDS	70,964	70,990	70,964	74,100	74,032	+3,068	+3,068	-68	D
AIDS Dental Services	13,493	13,498	13,493	16,000	13,493	---	---	-2,507	D
Education and Training Centers	35,282	35,295	35,282	35,295	35,782	+500	+500	+487	D
Subtotal, Ryan White AIDS programs	1,910,204	1,910,725	1,930,204	2,026,295	2,006,005	+95,801	+75,801	-20,290	
Evaluation Tap Funding (NA)	---	---	---	(25,000)	(25,000)	(+25,000)	(+25,000)	---	
Subtotal, Ryan White AIDs program level	1,910,204	1,910,725	1,930,204	2,051,295	2,031,005	+120,801	+100,801	-20,290	
Family Planning	264,987	265,275	265,275	285,000	275,138	+10,151	+9,863	-9,862	D
Children's Hospitals Graduate Medical Educ	284,862	200,000	292,000	285,000	292,000	+7,138	---	+7,000	D
Health Care and Other Facilities	315,181	---	---	---	298,153	-17,028	+298,153	+298,153	D
Buildings and Facilities	250	250	250	250	250	---	---	---	D
Rural Hospital Flexibility Grants	39,985	25,000	30,000	45,000	40,000	+15	+10,000	-5,000	D
Rural Access to Emergency Devices	12,495	2,000	12,500	12,500	12,500	+5	---	---	D
Radiation Exposure Compensation Act	3,998	4,000	2,000	2,000	2,000	-1,998	---	---	D
National Practitioner Data Bank	16,600	19,500	19,500	19,500	19,500	+2,900	---	---	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.			
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
User Fees	-16,600	-19,500	-19,500	-19,500	-19,500	-2,900	---	---	D
Health Care Integrity and Protection Data Bank	5,100	5,600	5,600	5,600	5,600	+500	---	---	D
User Fees	-5,100	-5,600	-5,600	-5,600	-5,600	-500	---	---	D
Community Access Program	119,982	---	120,000	120,027	120,000	+18	---	-27	D
Program Management	145,840	143,702	149,294	143,354	156,562	+10,722	+7,268	+13,208	D
Total, Health resources and services	6,075,449	5,365,404	5,885,497	6,255,681	6,472,630	+397,181	+587,133	+216,949	
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:									
Liquidating account	(10,000)	(7,000)	(7,000)	(7,000)	(7,000)	(-3,000)	---	---	NA
Program management	3,791	3,914	3,914	3,914	3,914	+123	---	---	D
Total, HEAL	3,791	3,914	3,914	3,914	3,914	+123	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY 1988 claims	81,704	85,918	85,918	85,918	85,918	+4,214	---	---	M
HRSA administration	2,992	2,991	2,991	2,991	2,991	-1	---	---	D
Total, Vaccine Injury Compensation Trust Fund	84,696	88,909	88,909	88,909	88,909	+4,213	---	---	
Total, Health Resources and Services Admin	6,163,936	5,458,227	5,978,320	6,348,504	6,565,453	+401,517	+587,133	+216,949	
CENTERS FOR DISEASE CONTROL									
Birth Defects/Developmental Disabilities/Disability and Health	89,878	89,323	94,655	97,691	98,681	+8,803	+4,026	+990	D
Chronic Disease Prevention and Health Promotion	746,953	690,230	773,928	745,600	795,140	+48,187	+21,212	+49,540	D
Environmental Health	152,607	152,155	174,917	189,489	184,025	+31,418	+9,108	-5,464	D
Epidemic Services and Response	80,056	78,001	78,001	78,001	78,001	-2,055	---	---	D
Health Statistics	103,335	78,917	79,179	125,899	---	-103,335	-79,179	-125,899	D
Evaluation Tap Funding	(23,286)	(46,982)	(46,982)	---	(125,899)	(+102,613)	(+78,917)	(+125,899)	NA
Program level	126,621	125,899	126,161	125,899	125,899	-722	-262	---	
HIV/AIDS, STD and TB Prevention	1,159,680	1,235,000	1,175,000	1,183,532	1,194,150	+34,470	+19,150	+10,618	D
Immunization	627,453	627,601	634,601	638,895	640,751	+13,298	+6,150	+1,856	D
Evaluation Tap Funding	---	---	---	(14,000)	(14,000)	(+14,000)	(+14,000)	---	NA
Program level	627,453	627,601	634,601	652,895	654,751	+27,298	+20,150	+1,856	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs.			
						FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
Infectious Disease Control	344,103	334,471	353,961	334,471	345,471	+1,368	-8,490	+11,000	D
Injury Prevention and Control	149,380	144,764	148,464	149,385	149,385	+5	+921	---	D
Occupational Safety and Health 2/	275,737	247,318	275,161	232,999	232,999	-42,738	-42,162	---	D
Evaluation Tap Funding	---	---	---	(41,900)	(41,900)	(+41,900)	(+41,900)	---	NA
Program level	275,737	247,318	275,161	274,899	274,899	-838	-262	---	
Preventive Health and Health Services Block Grant	134,958	134,966	134,966	134,966	134,966	+8	---	---	D
Public Health Improvement	148,149	116,819	114,581	87,072	125,248	-22,901	+10,667	+38,176	D
Evaluation Tap Funding	---	---	---	(28,600)	(28,600)	(+28,600)	(+28,600)	---	NA
Program level	148,149	116,819	114,581	115,672	153,848	+5,699	+39,267	+38,176	
Buildings and Facilities	296,000	---	200,000	270,000	268,000	-28,000	+68,000	-2,000	D
Office of the Director	43,800	44,879	51,443	49,749	49,749	+5,949	-1,694	---	D
Emergency Response and Recovery	12,000	---	---	---	---	-12,000	---	---	D
ATSDR 3/	(78,203)	(77,388)	(77,388)	(77,388)	(77,388)	(-815)	---	---	NA
Total, Centers for Disease Control	4,364,089	3,974,444	4,288,857	4,317,749	4,296,566	-67,523	+7,709	-21,183	
Evaluation Tap Funding (NA)	(23,286)	(46,982)	(46,982)	(84,500)	(210,399)	(+187,113)	(+163,417)	(+125,899)	
Program level	4,387,375	4,021,426	4,335,839	4,402,249	4,506,965	+119,590	+171,126	+104,716	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	4,176,709	5,071,116	4,299,493	4,642,394	4,622,394	+445,685	+322,901	-20,000	D
National Heart, Lung, and Blood Institute	2,569,885	2,726,830	2,698,391	2,820,011	2,812,011	+242,126	+113,620	-8,000	D
National Institute of Dental & Craniofacial Research	342,293	362,029	360,528	374,067	374,067	+31,774	+13,539	---	D
National Institute of Diabetes and Digestive and Kidney Diseases	1,463,560	1,573,847	1,532,394	1,637,347	1,633,347	+169,787	+100,953	-4,000	D
National Institute of Neurological Disorders & Stroke	1,325,232	1,405,693	1,372,256	1,466,005	1,466,005	+140,773	+93,749	---	D
National Institute of Allergy and Infectious Diseases	2,428,279	3,843,368	2,674,213	3,627,473	3,630,973	+1,202,694	+956,760	+3,500	D
Global HIV/AIDS Fund Transfer 4/	100,000	100,000	---	100,000	100,000	---	+100,000	---	D
Transfer from HHS Secretary, PHHSEF (NA)	---	---	(250,000)	---	---	---	(-250,000)	---	
Subtotal, NIAID	2,528,279	3,943,368	2,674,213	3,727,473	3,730,973	+1,202,694	+1,056,760	+3,500	D
National Institute of General Medical Sciences	1,722,936	1,835,269	1,742,596	1,853,584	1,859,084	+136,148	+116,488	+5,500	D
National Institute of Child Health & Human Development	1,110,472	1,169,412	1,159,405	1,213,817	1,213,817	+103,345	+54,412	---	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs			
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
National Eye Institute	580,085	613,931	600,796	634,290	637,290	+57,205	+36,494	+3,000	D
National Institute of Environmental Health Sciences	564,086	596,898	589,701	617,258	618,258	+54,172	+28,557	+1,000	D
NIEHS/Superfund (NA) 3/	(80,725)	(74,441)	(76,074)	(76,074)	(76,074)	(-4,651)	---	---	NA
National Institute on Aging	891,302	939,606	939,608	1,000,099	1,000,099	+108,797	+60,491	---	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	447,763	475,708	474,392	489,324	489,324	+41,561	+14,932	---	D
National Institute on Deafness and Other Communication Disorders	341,306	358,164	351,376	372,805	372,805	+31,499	+21,429	---	D
National Institute of Nursing Research	120,236	127,117	130,044	131,438	131,438	+11,202	+1,394	---	D
National Institute on Alcohol Abuse and Alcoholism	383,200	406,783	401,933	418,773	418,773	+35,573	+16,840	---	D
National Institute on Drug Abuse	885,759	941,136	912,489	968,013	968,013	+82,254	+55,524	---	D
National Institute of Mental Health	1,245,292	1,316,885	1,290,274	1,350,788	1,349,788	+104,496	+59,514	-1,000	D
National Human Genome Research Institute	428,294	448,519	431,985	468,037	468,037	+39,743	+36,052	---	D
National Institute of Biomedical Imaging and Bioengineering	111,740	117,966	140,973	283,100	280,100	+168,360	+139,127	-3,000	D
National Center for Research Resources	1,010,169	1,071,424	1,015,395	1,161,272	1,146,272	+136,103	+130,877	-15,000	D
National Center for Complementary and Alternative Medicine	104,338	110,218	105,212	114,149	114,149	+9,811	+8,937	---	D
National Center on Minority Health and Health Disparities	157,393	177,285	151,062	186,929	186,929	+29,536	+35,867	---	D
John E. Fogarty International Center	56,798	62,188	57,064	60,880	63,880	+7,082	+6,816	+3,000	D
National Library of Medicine	275,792	301,380	277,273	302,099	302,099	+26,307	+24,826	---	D
Evaluation Tap Funding	---	---	---	(8,200)	(8,200)	(+8,200)	(+8,200)	---	NA
Program level	275,792	301,380	277,273	310,299	310,299	+34,507	+33,026	---	
Office of the Director	234,859	247,957	2,476,111	257,974	267,974	+33,115	-2,208,137	+10,000	D
Buildings and Facilities	295,879	769,100	296,100	607,800	632,800	+336,921	+336,700	+25,000	D
Total, N.I.H. appropriations	23,373,657	27,169,829	26,481,064	27,159,726	27,159,726	+3,786,069	+678,662	---	
Global HIV/AIDS Fund Transfer	-100,000	-100,000	---	-100,000	-100,000	---	-100,000	---	NA
Global HIV/AIDS Fund Transfer (HR 246)	---	---	-100,000	---	---	---	+100,000	---	
Transfer from HHS Secretary, PHHSEF	---	---	(250,000)	---	---	---	(-250,000)	---	
Evaluation Tap Funding	---	---	---	(8,200)	(8,200)	(+8,200)	(+8,200)	---	NA
Total, N.I.H., Program Level	(23,273,657)	(27,069,829)	(26,631,064)	(27,067,926)	(27,067,926)	(+3,794,269)	(+436,862)	---	NA

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES									
Mental Health:									
Programs of Regional and National Significance....	229,507	213,067	226,067	226,067	246,042	+16,535	+19,975	+19,975	D
Mental Health Performance Partnership............	433,000	433,000	438,000	433,000	440,000	+7,000	+2,000	+7,000	D
Children's Mental Health.........................	96,459	96,694	96,694	96,694	98,694	+2,235	+2,000	+2,000	D
Grants to States for the Homeless (PATH)..........	39,855	46,855	39,855	46,855	43,355	+3,500	+3,500	-3,500	D
Protection and Advocacy..........................	32,500	32,500	32,500	35,500	34,000	+1,500	+1,500	-1,500	D
Subtotal, Mental Health........................	831,321	822,116	833,116	838,116	862,091	+30,770	+28,975	+23,975	
Substance Abuse Treatment:									
Programs of Regional and National Significance....	290,567	357,994	296,314	310,000	319,354	+28,787	+23,040	+9,354	D
Substance Abuse Performance Partnership...........	1,725,000	1,785,000	1,745,000	1,722,800	1,702,800	-22,200	-42,200	-20,000	D
Evaluation Tap Funding	---	---	---	(62,200)	(62,200)	(+62,200)	(+62,200)	---	NA
Subtotal, Substance Abuse Treatment............	2,015,567	2,142,994	2,041,314	2,032,800	2,022,154	+6,587	-19,160	-10,646	
Program level..............................	2,015,567	2,142,994	2,041,314	2,095,000	2,084,354	+68,787	+43,040	-10,646	
Substance Abuse Prevention:									
Programs of Regional and National Significance....	197,479	152,815	202,000	183,379	198,401	+922	-3,599	+15,022	D
Program Management and Buildings and Facilities.......	89,807	75,161	91,467	74,467	74,467	-15,340	-17,000	---	D
Evaluation Tap funding (NA)......................	---	---	---	(12,000)	(12,000)	(+12,000)	(+12,000)	---	NA
Program level.................................	89,807	75,161	91,467	86,467	86,467	-3,340	-5,000	---	
St. Elizabeths......................................	---	---	---	955	955	+955	+955	---	D
Total, Substance Abuse and Mental Health........	3,134,174	3,193,086	3,167,897	3,129,717	3,158,068	+23,894	-9,829	+28,351	D
Total, Program level......................	(3,134,174)	(3,193,086)	(3,167,897)	(3,203,917)	(3,232,268)	(+98,094)	(+64,371)	(+28,351)	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY									
Research on Health Costs, Quality, and Outcomes:									
Federal Funds	---	---	---	252,645	---	---	---	-252,645	D
Evaluation Tap funding (NA)	(247,645)	(194,000)	(247,645)	---	(247,695)	(+50)	(+50)	(+247,695)	NA
Health Coverage Data Improvement (CPS)	---	(10,000)	---	---	---	---	---	---	NA
Portion for reducing medical errors (non-add)	(55,000)	(60,000)	(55,000)	(60,000)	(55,000)	---	---	(-5,000)	NA
Subtotal including Evaluation Tap funds	(247,645)	(194,000)	(247,645)	(252,645)	(247,695)	(+50)	(+50)	(-4,950)	
Health Insurance and Expenditure Surveys:									
Federal Funds	---	---	---	53,300	---	---	---	-53,300	D
Evaluation Tap funding (NA)	(48,500)	(53,300)	(48,500)	---	(53,300)	(+4,800)	(+4,800)	(+53,300)	NA
Program Support	2,585	---	2,600	2,700	---	-2,585	-2,600	-2,700	D
Evaluation Tap funding (NA)	---	(2,700)	---	---	(2,700)	(+2,700)	(+2,700)	(+2,700)	NA
Total, AHRQ	(298,730)	(250,000)	(298,745)	(308,645)	(303,695)	(+4,965)	(+4,950)	(-4,950)	
Federal Funds	2,585	---	2,600	308,645	---	-2,585	-2,600	-308,645	
Evaluation Tap funding (NA)	---	---	---	---	---	---	---	---	
Total, Public Health Service program level	37,257,872	39,992,568	40,411,865	41,356,241	41,701,307	+4,443,435	+1,289,442	+345,066	
Federal Funds	37,038,441	39,795,586	39,818,738	41,264,341	41,179,813	+4,141,372	+1,361,075	-84,528	
CENTER FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	134,308,100	148,726,168	148,726,168	148,726,168	148,726,168	+14,418,068	---	---	M
State and local administration	8,293,316	9,142,049	9,142,049	9,142,049	9,142,049	+848,733	---	---	M
Vaccines for Children	795,533	823,938	823,938	823,938	823,938	+28,405	---	---	M
Subtotal, Medicaid program level	143,396,949	158,692,155	158,692,155	158,692,155	158,692,155	+15,295,206	---	---	
Less Medicare Transfer (P.L. 105-33)	-70,000	---	---	---	---	+70,000	---	---	M
Less funds advanced in prior year	-36,207,551	-46,601,937	-46,601,937	-46,601,937	-46,601,937	-10,394,386	---	---	M
Total, request	107,119,398	112,090,218	112,090,218	112,090,218	112,090,218	+4,970,820	---	---	
New advance, 1st quarter	46,601,937	51,861,386	51,861,386	51,861,386	51,861,386	+5,259,449	---	---	M

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	81,332,000	80,905,000	80,905,000	80,905,000	80,905,000	-427,000	---	---	M
Hospital insurance for the uninsured	292,000	225,000	225,000	225,000	225,000	-67,000	---	---	M
Federal uninsured payment	150,000	168,000	168,000	168,000	168,000	+18,000	---	---	M
Program management	205,200	164,700	164,700	164,700	164,700	-40,500	---	---	M
Total, Payments to Trust Funds, current law	81,979,200	81,462,700	81,462,700	81,462,700	81,462,700	-516,500	---	---	
PROGRAM MANAGEMENT									
Research, Demonstration, Evaluation: Regular Program	117,201	28,400	33,510	68,400	74,194	-43,007	+40,684	+5,794	TF
Medicare Contractors	1,480,000	1,675,084	1,675,084	1,680,084	1,677,584	+197,584	+2,500	-2,500	TF
H.R. 3103 funding (NA)	(700,000)	(720,000)	(700,000)	(720,000)	(720,000)	(+20,000)	(+20,000)	---	NA
Medicare Plus Choice	52,000	---	---	---	---	-52,000	---	---	TF
Subtotal, Medicare Contractors limit'n on new BA	1,532,000	1,675,084	1,675,084	1,680,084	1,677,584	+145,584	+2,500	-2,500	
Subtotal, Medicare Contractors program level	(2,232,000)	(2,395,084)	(2,375,084)	(2,400,084)	(2,397,584)	(+165,584)	(+22,500)	(-2,500)	
State Survey and Certification	253,085	247,647	254,397	254,397	254,397	+1,312	---	---	TF
Federal Administration: Federal Administration	527,080	556,783	587,497	556,783	575,497	+48,417	-12,000	+18,714	TF
User Fees	-2,118	---	---	---	---	+2,118	---	---	TF
Subtotal, Federal Administration	524,962	556,783	587,497	556,783	575,497	+50,535	-12,000	+18,714	
Total, Program management lim on new BA	2,427,248	2,507,914	2,550,488	2,559,664	2,581,672	+154,424	+31,184	+22,008	TF
Total, Program management, program level	(3,127,248)	(3,227,914)	(3,250,488)	(3,279,664)	(3,301,672)	(+174,424)	(+51,184)	(+22,008)	
Total, Center for Medicare and Medicaid Services	238,127,783	247,922,218	247,964,792	247,973,968	247,995,976	+9,868,193	+31,184	+22,008	
Federal funds	235,700,535	245,414,304	245,414,304	245,414,304	245,414,304	+9,713,769	---	---	
Current year	(189,098,598)	(193,552,918)	(193,552,918)	(193,552,918)	(193,552,918)	(+4,454,320)	---	---	
New advance, 1st quarter, FY 2004	(46,601,937)	(51,861,386)	(51,861,386)	(51,861,386)	(51,861,386)	(+5,259,449)	---	---	
Trust Funds	2,427,248	2,507,914	2,550,488	2,559,664	2,581,672	+154,424	+31,184	+22,008	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES									
Prior year AFDC and related payments	50,000	---	---	---	---	-50,000	---	---	M
Payments to territories	23,000	23,000	23,000	23,000	23,000	---	---	---	M
Repatriation	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments	74,000	24,000	24,000	24,000	24,000	-50,000	---	---	
Child Support Enforcement:									
State and local administration 5/	3,452,313	3,541,800	3,541,800	3,541,800	3,541,800	+89,487	---	---	M
Federal incentive payments	450,000	461,000	461,000	461,000	461,000	+11,000	---	---	M
Hold Harmless payments	10,000	---	---	---	---	-10,000	---	---	M
Access and visitation	10,000	10,000	10,000	10,000	10,000	---	---	---	M
Subtotal, Child Support Enforcement	3,922,313	4,012,800	4,012,800	4,012,800	4,012,800	+90,487	---	---	
Total, Payments, FY 2003 program level	3,996,313	4,036,800	4,036,800	4,036,800	4,036,800	+40,487	---	---	
Less funds advanced in previous years	-1,000,000	-1,100,000	-1,100,000	-1,100,000	-1,100,000	-100,000	---	---	M
Total, payments, current request	2,996,313	2,936,800	2,936,800	2,936,800	2,936,800	-59,513	---	---	
New advance, 1st quarter, FY 2004	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---	---	---	M

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
LOW INCOME HOME ENERGY ASSISTANCE									
Current Year	1,700,000	1,400,000	1,700,000	1,700,000	1,700,000	---	---	---	D
Emergency allocation: Non-emergency funding	---	300,000	---	---	---	---	---	---	D
Contingent emergency funding	300,000	---	---	---	---	-300,000	---	---	D
Total, Low income home energy assistance	2,000,000	1,700,000	1,700,000	1,700,000	1,700,000	-300,000	---	---	
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and Medical Services	227,243	227,291	221,291	221,291	221,291	-5,952	---	---	D
Victims of Trafficking	10,000	10,000	10,000	10,000	10,000	---	---	---	D
Social Services	158,600	151,121	151,121	147,121	151,121	-7,479	---	+4,000	D
Preventive Health	4,835	4,835	4,835	4,835	4,835	---	---	---	D
Targeted Assistance	49,477	49,477	49,477	49,477	49,477	---	---	---	D
Victims of Torture	10,000	10,000	10,000	10,000	10,000	---	---	---	D
Total, Refugee and entrant assistance	460,155	452,724	446,724	442,724	446,724	-13,431	---	+4,000	
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,099,942	2,099,994	2,099,994	2,099,994	2,099,994	+52	---	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---	---	---	M
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth and Families: Head Start, current funded	5,136,977	5,267,533	5,267,533	5,267,533	5,267,533	+130,556	---	---	D
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---	---	---	NA
FY 2004	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---	---	---	D
Subtotal, Head Start, program level	6,536,977	6,667,533	6,667,533	6,667,533	6,667,533	+130,556	---	---	
Consolidated Runaway, Homeless Youth Prog	88,024	88,133	88,133	93,000	90,567	+2,543	+2,434	-2,433	D
Maternity Group Homes	---	10,000	---	---	---	---	---	---	D
Child Abuse State Grants	22,013	22,013	22,013	22,013	22,013	---	---	---	D
Child Abuse Discretionary Activities	26,081	26,351	26,351	26,351	34,066	+7,985	+7,715	+7,715	D
Abandoned Infants Assistance	12,194	12,205	12,205	12,205	12,205	+11	---	---	D
Child Welfare Services	291,986	291,986	291,986	291,986	291,986	---	---	---	D
Child Welfare Training	7,487	7,498	7,498	7,498	7,498	+11	---	---	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
Adoption Opportunities	27,335	27,405	27,405	27,405	27,405	+70	---	---	D
Adoption Incentive	20,000	---	---	---	---	-20,000	---	---	D
Adoption Incentive (no cap adjustment)	23,000	43,000	43,000	43,000	43,000	+20,000	---	---	D
Adoption Awareness	12,906	12,906	12,906	12,906	12,906	---	---	---	D
Compassion Capital Fund	29,949	100,000	30,000	45,000	35,000	+5,051	+5,000	-10,000	D
Social Services and Income Maintenance Research	30,918	6,000	6,000	---	28,937	-1,981	+22,937	+28,937	D
Evaluation tap funding	---	---	---	(6,000)	(6,000)	(+6,000)	(+6,000)	---	
Program level	30,918	6,000	6,000	6,000	34,937	+4,019	+28,937	+28,937	
Community Based Resource Centers	33,412	33,417	33,417	33,417	33,417	+5	---	---	D
Developmental Disabilities Program: State Councils	69,800	69,800	69,800	72,200	71,600	+1,800	+1,800	-600	D
Protection and Advocacy	35,000	35,000	35,000	37,000	36,500	+1,500	+1,500	-500	D
Developmental Disabilities Special Projects	11,684	11,734	11,734	12,734	12,484	+800	+750	-250	D
Developmental Disabilities University Affiliated	24,000	24,000	24,000	25,500	25,125	+1,125	+1,125	-375	D
Subtotal, Developmental disabilities	140,484	140,534	140,534	147,434	145,709	+5,225	+5,175	-1,725	
Native American Programs	45,826	45,196	45,196	45,912	45,754	-72	+558	-158	D
Community Services: Grants to States for Community Services	649,967	570,000	570,000	649,987	649,987	+20	+79,987	---	D
Community Initiative Program: Economic Development	32,476	32,517	32,517	33,000	32,759	+283	+242	-241	D
Individual Development Account Initiative	24,943	24,990	24,990	24,950	24,990	+47	---	---	D
Rural Community Facilities	7,000	6,161	7,000	7,500	7,250	+250	+250	-250	D
Subtotal, Community Initiative Program	64,419	63,668	64,507	65,490	64,999	+580	+492	-491	
National Youth Sports	17,000	---	17,000	17,000	17,000	---	---	---	D
Community Food and Nutrition	7,312	6,657	6,657	8,000	7,329	+17	+672	-671	D
Subtotal, Community Services	738,698	640,325	658,164	740,477	739,315	+617	+81,151	-1,162	
Runaway Youth Prevention	14,999	14,999	14,999	16,000	15,500	+501	+501	-500	D
Domestic Violence Hotline	2,157	2,157	2,157	3,000	2,579	+422	+422	-421	D
Battered Women's Shelters	124,459	124,459	124,459	130,000	127,230	+2,771	+2,771	-2,770	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
Early Learning Fund	24,988	---	---	38,000	34,000	+9,012	+34,000	-4,000	D
Faith-Based Center	1,497	1,500	1,500	1,500	1,500	+3	---	---	D
Promotion of Responsible Fatherhood & Healthy Marriage	---	20,000	---	---	---	---	---	---	D
Mentoring Children of Prisoners	---	25,000	---	12,500	10,000	+10,000	+10,000	-2,500	D
Independent Living Training Vouchers	---	60,000	39,769	60,000	42,000	+42,000	+2,231	-18,000	D
Program Direction	170,521	170,747	171,837	171,747	172,997	+2,476	+1,160	+1,250	D
Total, Children and Families Services Programs	8,425,911	8,593,364	8,467,062	8,648,884	8,643,117	+217,206	+176,055	-5,767	
Current Year	(7,025,911)	(7,193,364)	(7,067,062)	(7,248,884)	(7,243,117)	(+217,206)	(+176,055)	(-5,767)	
FY 2004	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---	---	---	
Rescission of permanent appropriations	-21,000	---	---	---	---	+21,000	---	---	D
PROMOTING SAFE AND STABLE FAMILIES	304,989	305,000	305,000	305,000	305,000	+11	---	---	M
Discretionary Funds	69,997	200,000	70,000	200,000	100,000	+30,003	+30,000	-100,000	D
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION									
Foster Care	5,055,492	4,884,500	4,884,500	4,884,500	4,884,500	-170,992	---	---	M
Adoption Assistance	1,426,000	1,584,500	1,584,500	1,584,500	1,584,500	+158,500	---	---	M
Independent living	140,000	140,000	140,000	140,000	140,000	---	---	---	M
Total, Payments to States	6,621,492	6,609,000	6,609,000	6,609,000	6,609,000	-12,492	---	---	
Less Advances from Prior Year	-1,735,900	-1,754,000	-1,754,000	-1,754,000	-1,754,000	-18,100	---	---	M
Total, payments, current request	4,885,592	4,855,000	4,855,000	4,855,000	4,855,000	-30,592	---	---	
New Advance, 1st quarter	1,754,000	1,745,600	1,745,600	1,745,600	1,745,600	-8,400	---	---	M
Total, Administration for Children & Families	25,775,899	25,688,482	25,426,180	25,734,002	25,632,235	-143,664	+206,055	-101,767	
Current year	(21,521,899)	(21,442,882)	(21,180,580)	(21,488,402)	(21,386,635)	(-135,264)	(+206,055)	(-101,767)	
FY 2004	(4,254,000)	(4,245,600)	(4,245,600)	(4,245,600)	(4,245,600)	(-8,400)	---	---	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	356,981	357,000	357,000	359,000	358,000	+1,019	+1,000	-1,000	D
Preventive Health	21,123	21,562	21,562	22,562	22,062	+939	+500	-500	D
Title VII	17,681	17,681	17,681	19,681	18,681	+1,000	+1,000	-1,000	D
Family Caregivers	135,992	136,000	150,000	150,000	150,000	+14,008	---	---	D
Native American Caregivers Support	5,500	5,500	6,000	6,500	6,250	+750	+250	-250	D
Subtotal, Caregivers	141,492	141,500	156,000	156,500	156,250	+14,758	+250	-250	
Nutrition:									
Congregate Meals 6/	491,699	491,699	491,699	390,000	387,108	-104,591	-104,591	-2,892	D
Home Delivered Meals 6/	222,525	224,525	224,525	182,000	182,169	-40,356	-42,356	+169	D
Nutrition Services Incentive Program 7/	---	---	---	149,670	149,670	+149,670	+149,670	---	
Grants to Indians	25,722	27,675	27,675	27,675	27,675	+1,953	---	---	D
Aging Research, Training and Special Projects	38,257	27,837	27,837	27,837	40,521	+2,264	+12,684	+12,684	D
Aging Network Support Activities	2,379	2,379	2,379	2,379	2,379	---	---	---	D
Alzheimer's Initiative	11,483	11,500	11,500	14,000	13,500	+2,017	+2,000	-500	D
Program Administration	18,053	17,986	17,986	17,986	17,986	-67	---	---	D
Total, Administration on Aging	1,347,395	1,341,344	1,355,844	1,369,290	1,376,001	+28,606	+20,157	+6,711	
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	166,544	177,272	157,634	168,263	150,779	-15,765	-6,855	-17,484	D
NAS study	499	---	---	---	---	-499	---	---	D
Trust Funds	5,851	5,851	5,851	5,851	5,851	---	---	---	TF
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	(21,552)	---	---	(+21,552)	NA
Subtotal	(194,446)	(204,675)	(185,037)	(174,114)	(178,182)	(-16,264)	(-6,855)	(+4,068)	
Adolescent Family Life (Title XX)	28,924	31,124	31,124	31,124	31,124	+2,200	---	---	D
Physical Fitness and Sports	1,136	1,223	1,223	1,223	1,223	+87	---	---	D
Minority health	49,546	46,329	43,057	46,329	56,592	+7,046	+13,535	+10,263	D
Office of women's health	26,738	28,795	26,761	28,795	28,845	+2,107	+2,084	+50	D
U.S. Surgeon General initiative	1,000	1,000	---	---	---	-1,000	---	---	D

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
Office of Emergency Preparedness	14,159	15,247	15,247	15,247	15,247	+1,088	---	---	D
Office of Human Research Protection	7,015	7,554	7,554	7,554	7,554	+539	---	---	D
Bioterrorism (PHSSEF) 8/	---	---	---	---	---	---	---	---	NA
Minority HIV/AIDS	49,991	50,000	50,000	50,000	50,000	+9	---	---	D
IT Security and Innovation Fund	21,960	20,000	20,000	20,000	20,000	-1,960	---	---	D
Total, General Departmental Management	373,363	384,395	358,451	374,386	367,215	-6,148	+8,764	-7,171	
Federal Funds	367,512	378,544	352,600	368,535	361,364	-6,148	+8,764	-7,171	
Trust Funds	5,851	5,851	5,851	5,851	5,851	---	---	---	
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	35,558	39,747	37,300	39,747	37,300	+1,742	---	-2,447	D
HIPAA funding (NA)	(150,000)	(160,000)	(160,000)	(160,000)	(160,000)	(+10,000)	---	---	NA
Total, Inspector General program level	(185,558)	(199,747)	(197,300)	(199,747)	(197,300)	(+11,742)	---	(-2,447)	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	28,492	30,328	30,328	30,328	30,328	+1,836	---	---	D
Trust Funds	3,314	3,314	3,314	3,314	3,314	---	---	---	TF
Total, Office for Civil Rights	31,806	33,642	33,642	33,642	33,642	+1,836	---	---	
POLICY RESEARCH:									
Federal Funds	2,494	2,499	2,499	2,499	2,499	+5	---	---	D
Evaluation Tap funding (NA)	(18,000)	(18,000)	(18,000)	(18,000)	(18,000)	---	---	---	NA
Total, Policy Research	20,494	20,499	20,499	20,499	20,499	+5	---	---	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs FY 2002 Comparable	Conference vs FY 2003 HR 246	Conference vs FY 2003 Senate	
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments	207,887	222,058	222,058	222,058	222,058	+14,171	---	---	M
Survivors benefits	12,115	12,904	12,904	12,904	12,904	+789	---	---	M
Dependents' medical care	40,780	14,668	14,668	14,668	14,668	-26,112	---	---	M
Military services credits	1,293	1,409	1,409	1,409	1,409	+116	---	---	M
Total, Retirement pay and medical benefits	262,075	251,039	251,039	251,039	251,039	-11,036	---	---	
HEALTH FACILITIES CONSTRUCTION AND MANAGEMENT FUND	---	184,000	---	---	---	---	---	---	D
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND									
Public Health/Social Service Emergency (P.L. 107-38)	2,418,314	---	---	---	---	-2,418,314	---	---	D
Public Health/Social Service Fund 9/	242,643	2,295,184	2,507,184	2,255,980	2,246,680	+2,004,037	-260,504	-9,300	D
Total, Office of the Secretary	3,366,253	3,190,506	3,190,115	2,957,293	2,938,375	-427,878	-251,740	-18,918	
Federal Funds	3,357,088	3,181,341	3,180,950	2,948,128	2,929,210	-427,878	-251,740	-18,918	
Trust Funds	9,165	9,165	9,165	9,165	9,165	---	---	---	
Total, Title II, Dept of Health & Human Services	305,655,771	317,938,136	317,855,669	319,298,894	319,122,400	+13,466,629	+1,266,731	-176,494	
Federal Funds	303,219,358	315,421,057	315,296,016	316,730,065	316,531,563	+13,312,205	+1,235,547	-198,502	
Current year	(252,363,421)	(259,314,071)	(259,189,030)	(260,623,079)	(260,424,577)	(+8,061,156)	(+1,235,547)	(-198,502)	
FY 2004	(50,855,937)	(56,106,986)	(56,106,986)	(56,106,986)	(56,106,986)	(+5,251,049)	---	---	
Trust Funds	2,436,413	2,517,079	2,559,653	2,568,829	2,590,837	+154,424	+31,184	+22,008	

Title II Footnotes:
1/ Requested in the Public Health and Human Services Emergency Fund.

2/ Includes Mine Safety and Health.
3/ Funds provided in VA/HUD Appropriations Bill.

4/ GP transfers $100M to Global HIV/AIDs fund.
5/ FY 2003 request is based on current law.

6/ FY 2002 and FY 2003 funding includes consolidation of USDA and AoA Nutrition programs.
7/ House includes funding under Congregate meals and Home delivered meals.

8/ Funds are provided in the Public Health and Social Service Emergency Fund.

9/ Funding transferred from Office of the Secretary and CDC to the PHSSEF.

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION FOR THE DISADVANTAGED										
Grants to Local Educational Agencies (LEAs)										
Basic Grants										
Advance from prior year	(5,394,300)	(4,011,272)	(4,011,272)	(4,011,272)	(4,011,272)	(-1,383,028)	---	---	NA	
Forward funded	3,158,199	4,158,199	4,158,199	2,914,199	2,914,199	-244,000	-1,244,000	---	D	FF
Current funded	3,500	3,500	3,500	3,500	3,500	---	---	---	D	
Subtotal, Basic grants current year approp.	3,161,699	4,161,699	4,161,699	2,917,699	2,917,699	-244,000	-1,244,000	---	D	
Subtotal, Basic grants total funds available	(8,555,999)	(8,172,971)	(8,172,971)	(6,928,971)	(6,928,971)	(-1,627,028)	(-1,244,000)	---		
Basic Grants FY 2004 Advance	4,011,272	3,011,272	3,011,272	4,255,272	4,255,272	+244,000	+1,244,000	---	D	
Subtotal, Basic grants, program level	7,172,971	7,172,971	7,172,971	7,172,971	7,172,971	---	---	---		
Concentration Grants										
Advance from prior year	(1,364,000)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(+1,031)	---	---	NA	
FY 2004 Advance	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	---	---	D	
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	---	---		
Targeted Grants										
Advance from prior year	---	(1,018,499)	(1,018,499)	(1,018,499)	(1,018,499)	(+1,018,499)	---	---	NA	
FY 2004 Advance	1,018,499	2,018,499	1,518,499	1,405,999	1,670,239	+651,740	+151,740	+264,240	D	
Subtotal, Targeted Grants program level	1,018,499	2,018,499	1,518,499	1,405,999	1,670,239	+651,740	+151,740	+264,240		
Education Finance Incentive Grants										
Advance from prior year	---	(793,499)	(793,499)	(793,499)	(793,499)	(+793,499)	---	---	NA	
FY 2004 Advance	793,499	793,499	793,499	1,405,999	1,541,759	+748,260	+748,260	+135,760	D	
Subtotal, Education Finance Incentive Grants	793,499	793,499	793,499	1,405,999	1,541,759	+748,260	+748,260	+135,760		
Funding for Innovative Programs	---	---	---	5,000,000	---	---	---	-5,000,000		
Subtotal, Grants to LEAs (program level)	10,350,000	11,350,000	10,850,000	16,350,000	11,750,000	+1,400,000	+900,000	-4,600,000		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
Even Start	250,000	200,000	250,000	200,000	250,000	---	---	+50,000	D	FF
Reading First:										
State Grants (forward funded)	705,000	805,000	805,000	805,000	805,000	+100,000	---	---	D	FF
Advance from prior year	---	(195,000)	(195,000)	(195,000)	(195,000)	(+195,000)	---	---	NA	
FY 2004 Advance	195,000	195,000	195,000	195,000	195,000	---	---	---	D	
Subtotal, Reading First State Grants	900,000	1,000,000	1,000,000	1,000,000	1,000,000	+100,000	---	---		
Early Reading First	75,000	75,000	75,000	75,000	75,000	---	---	---	D	
Literacy through School Libraries	12,500	12,500	12,500	15,000	12,500	---	---	-2,500	D	
State Agency Programs:										
Migrant	396,000	396,000	396,000	400,000	398,000	+2,000	+2,000	-2,000	D	FF
Neglected and Delinquent/High Risk Youth	48,000	48,000	48,000	50,000	49,000	+1,000	+1,000	-1,000	D	FF
Evaluation	8,900	8,900	8,900	8,900	8,900	---	---	---	D	
Comprehensive School Reform Demonstration	235,000	235,000	235,000	---	235,000	---	---	+235,000	D	FF
Dropout Prevention Programs	10,000	---	---	13,000	11,000	+1,000	+11,000	-2,000	D	
Ellender Fellowships/Close Up	1,500	---	1,500	1,500	1,500	---	---	---	D	
Advanced Placement Fees	22,000	22,000	22,000	25,000	23,500	+1,500	+1,500	-1,500	D	
Migrant Education:										
High School Equivalency Program	23,000	23,000	23,000	24,000	23,500	+500	+500	-500	D	
College Assistance Migrant Program	15,000	15,000	15,000	16,000	15,500	+500	+500	-500	D	
Subtotal, Migrant Education	38,000	38,000	38,000	40,000	39,000	+1,000	+1,000	-1,000		
Total, Education for the disadvantaged	12,346,900	13,385,400	12,936,900	18,178,400	13,853,400	+1,506,500	+916,500	-4,325,000		
Current Year	(4,963,599)	(6,002,099)	(6,053,599)	(9,551,099)	(4,826,099)	(-137,500)	(-1,227,500)	(-4,725,000)		
FY 2004	(7,383,301)	(7,383,301)	(6,883,301)	(8,627,301)	(9,027,301)	(+1,644,000)	(+2,144,000)	(+400,000)		
Subtotal, forward funded	(4,792,199)	(5,842,199)	(5,892,199)	(4,369,199)	(4,651,199)	(-141,000)	(-1,241,000)	(+282,000)		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
IMPACT AID										
Basic Support Payments	982,500	982,500	1,022,000	1,012,500	1,032,000	+49,500	+10,000	+19,500	D	
Payments for Children with Disabilities	50,000	50,000	50,000	52,000	51,000	+1,000	+1,000	-1,000	D	
Facilities Maintenance (Sec. 8008)	8,000	8,000	8,000	8,000	8,000	---	---	---	D	
Construction (Sec. 8007)	48,000	45,000	45,000	47,000	45,000	-3,000	---	-2,000	D	
Payments for Federal Property (Sec. 8002)	55,000	55,000	60,000	57,000	60,000	+5,000	---	+3,000	D	
Total, Impact aid	1,143,500	1,140,500	1,185,000	1,176,500	1,196,000	+52,500	+11,000	+19,500		
SCHOOL IMPROVEMENT PROGRAMS										
State Grants for Improving Teacher Quality	1,700,000	1,700,000	1,300,000	1,700,000	1,800,000	+100,000	+500,000	+100,000	D	FF
Advance from prior year	(1,150,000)	(1,150,000)	(1,150,000)	(1,150,000)	(1,150,000)	---	---	---	NA	
FY 2004	1,150,000	1,150,000	1,650,000	1,150,000	1,150,000	---	-500,000	---	D	
State Grants for Improving Teacher Quality, program level	2,850,000	2,850,000	2,950,000	2,850,000	2,950,000	+100,000	---	+100,000		
National Activities:										
School Leadership	10,000	---	10,000	15,000	12,500	+2,500	+2,500	-2,500	D	
Advanced Credentialing	10,000	---	10,000	10,000	10,000	---	---	---	D	
Early Childhood Educator Professional Development	15,000	15,000	---	15,000	15,000	---	+15,000	---	D	
Subtotal, National Activities	35,000	15,000	20,000	40,000	37,500	+2,500	+17,500	-2,500		
Mathematics and Science Partnerships	12,500	12,500	100,000	25,000	101,000	+88,500	+1,000	+76,000	D	
Troops-to-Teachers	18,000	20,000	30,000	20,000	29,000	+11,000	-1,000	+9,000	D	
Transition to Teaching	35,000	39,400	47,000	35,000	42,000	+7,000	-5,000	+7,000	D	
Transition to Teaching/Troops to Teachers/National Act	---	---	---	---	---	---	---	---	D	
State Grants for Innovative Education (Education Block Grant)	100,000	100,000	100,000	100,000	100,000	---	---	---	D	FF
Advance from prior year	(285,000)	(285,000)	(285,000)	(285,000)	(285,000)	---	---	---	NA	
FY 2004	285,000	285,000	285,000	285,000	285,000	---	---	---	D	
Education Block Grant, program level	385,000	385,000	385,000	385,000	385,000	---	---	---		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.				
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate		
Educational Technology:										
Educational Technology State Grants	700,500	700,500	700,500	700,500	700,500	---	---	---	D	FF
Ready to Learn	22,000	22,000	22,000	24,000	23,000	+1,000	+1,000	-1,000	D	
Preparing Tomorrow's Teachers to Use Technology	62,500	---	---	62,500	62,500	---	+62,500	---	D	
Subtotal, Educational Technology	785,000	722,500	722,500	787,000	786,000	+1,000	+63,500	-1,000		
21st Century Community Learning Centers	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---	---	---	D	FF
Safe and Drug Free Schools:										
State Grants, current funded	142,017	142,017	142,017	152,017	142,017	---	---	-10,000	D	FF
Advance from prior year	(330,000)	(330,000)	(330,000)	(330,000)	(330,000)	---	---	---	NA	
FY 2004	330,000	330,000	330,000	330,000	330,000	---	---	---	D	
State Grants, program level	472,017	472,017	472,017	482,017	472,017	---	---	-10,000		
National Programs	182,233	172,233	172,233	162,233	156,196	-26,037	-16,037	-6,037	D	
Subtotal, Safe and Drug Free Schools	654,250	644,250	644,250	644,250	628,213	-26,037	-16,037	-16,037		
Magnet Schools Assistance	110,000	110,000	110,000	110,000	110,000	---	---	---	D	
Charter Schools Grants	200,000	200,000	200,000	200,000	200,000	---	---	---	D	
Credit Enhancement for Charter School Facilities	---	100,000	50,000	---	25,000	+25,000	-25,000	+25,000	D	
Voluntary Public School Choice	25,000	25,000	25,000	27,584	26,000	+1,000	+1,000	-1,584	D	
Choice Demonstration Fund	---	50,000	---	---	---	---	---	---	D	
State Assessments/Enhanced Assessment Instruments	387,000	387,000	387,000	387,000	387,000	---	---	---	D	FF
Education for Homeless Children & Youth	50,000	50,000	55,000	54,000	55,000	+5,000	---	+1,000	D	FF
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	7,334	7,334	---	---	---	D	
Education for Native Hawaiians	30,500	18,300	18,300	32,500	31,000	+500	+12,700	-1,500	D	
Alaska Native Education Equity	24,000	14,200	14,200	32,500	31,000	+7,000	+16,800	-1,500	D	
Rural Education	162,500	---	162,500	175,000	168,750	+6,250	+6,250	-6,250	D	FF
Mentoring Programs	17,500	---	17,500	17,500	17,500	---	---	---	D	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
Fund for the Improvement of Education (FIE):									D	
Current funded	622,809	84,000	100,000	735,661	585,760	-37,049	+485,760	-149,901	D	FF
Forward funded	210,080	---	211,000	---	228,900	+18,820	+17,900	+228,900	D	FF
Subtotal, FIE	832,889	84,000	311,000	735,661	814,660	-18,229	+503,660	+78,999		
Community Service for Expelled or Susp'd Students	50,000	---	---	50,000	50,000	---	+50,000	---	D	FF
Alcohol Abuse Reduction	25,000	---	---	25,000	25,000	---	+25,000	---	D	
Teaching of Traditional American History	100,000	50,000	50,000	100,000	100,000	---	+50,000	---	D	
Civic Education	27,000	---	27,000	30,000	29,000	+2,000	+2,000	-1,000	D	
National Writing Project	14,000	---	14,000	18,000	17,000	+3,000	+3,000	-1,000	D	
Total, School improvement programs	7,837,473	6,784,484	7,347,584	7,788,329	8,052,957	+215,484	+705,373	+264,628		
Current Year	(6,072,473)	(5,019,484)	(5,082,584)	(6,023,329)	(6,287,957)	(+215,484)	(+1,205,373)	(+264,628)		
FY 2004	(1,765,000)	(1,765,000)	(2,265,000)	(1,765,000)	(1,765,000)	---	(-500,000)	---		
Subtotal, forward funded	(4,502,097)	(4,079,517)	(4,058,017)	(4,318,517)	(4,632,167)	(+130,070)	(+574,150)	(+313,650)		
Reading Excellence Act:									D	
Advance from prior year	(195,000)	---	---	---	---	(-195,000)	---	---	NA	
INDIAN EDUCATION										
Grants to Local Educational Agencies	97,133	97,133	97,133	97,133	97,133	---	---	---	D	
Federal Programs:										
Special Programs for Indian Children	20,000	20,000	20,000	20,000	20,000	---	---	---	D	
National Activities	3,235	5,235	5,235	5,235	5,235	+2,000	---	---	D	
Subtotal, Federal Programs	23,235	25,235	25,235	25,235	25,235	+2,000	---	---		
Total, Indian Education	120,368	122,368	122,368	122,368	122,368	+2,000	---	---		
ENGLISH LANGUAGE ACQUISITION										
Current funded	250,000	196,000	196,000	196,000	196,000	-54,000	---	---	D	
Forward funded	415,000	469,000	469,000	494,000	494,000	+79,000	+25,000	---	D	FF
Total, English Language Acquisition	665,000	665,000	665,000	690,000	690,000	+25,000	+25,000	---		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
SPECIAL EDUCATION										
State Grants:										
Grants to States Part B advance funded	5,072,000	5,072,000	5,072,000	7,572,000	5,672,000	+600,000	+600,000	-1,900,000	D	
Part B advance from prior year	(5,072,000)	(5,072,000)	(5,072,000)	(5,072,000)	(5,072,000)	---	---	---	NA	
Grants to States Part B current year	2,456,533	3,456,533	2,956,533	2,456,533	3,256,533	+800,000	+300,000	+800,000	D	FF
Grants to States, program level	7,528,533	8,528,533	8,028,533	10,028,533	8,928,533	+1,400,000	+900,000	-1,100,000		
Preschool Grants	390,000	390,000	390,000	390,000	390,000	---	---	---	D	FF
Grants for Infants and Families	417,000	437,000	437,000	437,000	437,000	+20,000	---	---	D	FF
Subtotal, State grants, program level	8,335,533	9,355,533	8,855,533	10,855,533	9,755,533	+1,420,000	+900,000	-1,100,000		
IDEA National Activities (current funded):										
State Program Improvement Grants	51,700	51,700	51,700	51,700	51,700	---	---	---	D	FF
Research and Innovation	78,380	78,380	78,380	70,000	77,715	-665	-665	+7,715	D	
Technical Assistance and Dissemination	53,481	53,481	53,481	53,481	53,481	---	---	---	D	
Personnel Preparation	90,000	90,000	90,000	95,000	92,500	+2,500	+2,500	-2,500	D	
Parent Information Centers	26,000	26,000	26,000	28,000	26,500	+500	+500	-1,500	D	
Technology and Media Services	37,710	32,710	32,710	37,710	38,210	+500	+5,500	+500	D	
Subtotal, IDEA special programs	337,271	332,271	332,271	335,891	340,106	+2,835	+7,835	+4,215		
Total, Special education	8,672,804	9,687,804	9,187,804	11,191,424	10,095,639	+1,422,835	+907,835	-1,095,785		
Current Year	(3,600,804)	(4,615,804)	(4,115,804)	(3,619,424)	(4,423,639)	(+822,835)	(+307,835)	(+804,215)		
FY 2004	(5,072,000)	(5,072,000)	(5,072,000)	(7,572,000)	(5,672,000)	(+600,000)	(+600,000)	(-1,900,000)		
Subtotal, Forward funded	(3,315,233)	(4,335,233)	(3,835,233)	(3,335,233)	(4,135,233)	(+820,000)	(+300,000)	(+800,000)		
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational Rehabilitation State Grants	2,481,383	2,533,492	2,533,492	2,533,492	2,533,492	+52,109	---	---	M	
Discretionary Supplement to Voc. Rehab. State Grants	---	82,833	---	---	---	---	---	---		
Vocational Rehabilitation Incentive Grants	---	30,000	---	---	---	---	---	---	D	
Client Assistance State grants	11,897	11,897	11,897	12,397	12,147	+250	+250	-250	D	
Training	39,629	42,629	39,629	42,629	39,629	---	---	-3,000	D	
Demonstration and training programs	21,238	17,492	17,492	21,238	21,032	-206	+3,540	-206	D	
Migrant and seasonal farmworkers	2,350	---	2,350	2,350	2,350	---	---	---	D	
Recreational programs	2,596	---	2,596	2,596	2,596	---	---	---	D	

LABOR HEALTH & HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
Protection and advocacy of individual rights (PAIR)	15,200	15,200	15,200	17,500	17,000	+1,800	+1,800	-500	D
Projects with industry	22,071	---	22,071	22,071	22,071	---	---	---	D
Supported employment State grants	38,152	---	38,152	38,152	38,152	---	---	---	D
Independent living:									
State grants	22,296	22,296	22,296	22,296	22,296	---	---	---	D
Centers	62,500	69,500	70,000	69,500	70,000	+7,500	---	+500	D
Services for older blind individuals	25,000	25,000	30,000	28,000	28,000	+3,000	-2,000	---	D
Subtotal, Independent living	109,796	116,796	122,296	119,796	120,296	+10,500	-2,000	+500	
Program Improvement	900	900	900	900	900	---	---	---	D
Evaluation	1,000	1,000	1,000	1,000	1,000	---	---	---	D
Helen Keller National Center for Deaf/Blind	8,717	8,717	8,717	8,717	8,717	---	---	---	D
National Inst. Disability and Rehab. Research (NIDRR)	110,000	110,000	110,000	110,000	110,000	---	---	---	D
Assistive Technology	60,884	30,884	30,884	27,000	27,000	-33,884	-3,884	---	D
Access to Telework Fund	20,000	---	---	---	---	-20,000	---	---	D
Subtotal, discretionary programs	464,430	468,348	423,184	426,346	422,890	-41,540	-294	-3,456	
Total, Rehabilitation services	2,945,813	3,001,840	2,956,676	2,959,838	2,956,382	+10,569	-294	-3,456	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND	14,000	14,000	15,500	15,500	15,500	+1,500	---	---	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID)									
Operations	50,000	49,414	50,900	53,000	52,450	+2,450	+1,550	-550	D
Endowment	---	1,000	1,000	---	---	---	-1,000	---	D
Construction	5,376	1,600	1,600	1,600	1,600	-3,776	---	---	D
Total, NTID	55,376	52,014	53,500	54,600	54,050	-1,326	+550	-550	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
GALLAUDET UNIVERSITY										
Operations	96,938	93,446	94,000	98,438	98,438	+1,500	+4,438	---	D	
Endowment	---	1,000	1,000	---	---	---	-1,000	---	D	
Total, Gallaudet University	96,938	94,446	95,000	98,438	98,438	+1,500	+3,438	---		
Total, Special Institutions for Persons with Disabilities	166,314	160,460	164,000	168,538	167,988	+1,674	+3,988	-550		
VOCATIONAL AND ADULT EDUCATION										
Vocational Education:										
Basic State Grants, current funded	389,000	389,000	409,000	389,000	409,000	+20,000	---	+20,000	D	FF
Advance from prior year	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---	NA	
FY 2004	791,000	791,000	791,000	791,000	791,000	---	---	---	D	
Basic State Grants, program level	1,180,000	1,180,000	1,200,000	1,180,000	1,200,000	+20,000	---	+20,000		
Tech-Prep Education State Grants	108,000	108,000	110,000	108,000	108,000	---	-2,000	---	D	FF
Tribally Controlled Postsec Voc/Tech Institutions	6,500	6,500	6,500	7,000	7,000	+500	+500	---	D	
National Programs	12,000	12,000	12,000	12,000	12,000	---	---	---	D	FF
Tech-Prep Education Demonstration	5,000	---	---	5,000	5,000	---	+5,000	---	D	FF
Occupational and Employment Information Program	9,500	---	---	10,000	9,500	---	+9,500	-500	D	FF
Subtotal, Vocational Education	1,321,000	1,306,500	1,328,500	1,322,000	1,341,500	+20,500	+13,000	+19,500		
Adult Education:										
State Grants, current funded	575,000	575,000	575,000	575,000	575,000	---	---	---	D	FF
National Programs										
National Leadership Activities	9,500	9,500	9,500	9,500	9,500	---	---	---	D	FF
National Institute for Literacy	6,560	6,560	6,560	6,560	6,560	---	---	---	D	FF
Subtotal, National programs	16,060	16,060	16,060	16,060	16,060	---	---	---		
Subtotal, Adult education	591,060	591,060	591,060	591,060	591,060	---	---	---		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate		
State Grants for Incarcerated Youth Offenders.........	22,000	---	---	25,000	23,500	+1,500	+23,500	-1,500	D	FF
Total, Vocational and adult education...........	1,934,060	1,897,560	1,919,560	1,938,060	1,956,060	+22,000	+36,500	+18,000		
Current Year...............................	(1,143,060)	(1,106,560)	(1,128,560)	(1,147,060)	(1,165,060)	(+22,000)	(+36,500)	(+18,000)		
FY 2004....................................	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---		
Subtotal, forward funded.......................	(1,136,560)	(1,100,060)	(1,122,060)	(1,140,060)	(1,158,060)	(+21,500)	(+36,000)	(+18,000)		
STUDENT FINANCIAL ASSISTANCE										
Pell Grants -- maximum grant (NA).....................	(4,000)	(4,000)	(4,000)	(4,100)	(4,050)	(+50)	(+50)	(-50)	NA	
Pell Grants -- Regular Program........................	11,314,000	10,863,000	11,200,110	11,180,000	11,439,000	+125,000	+238,890	+259,000	D	
Federal Supplemental Educational Opportunity Grants...	725,000	725,000	725,000	725,000	765,000	+40,000	+40,000	+40,000	D	
Federal Work Study....................................	1,011,000	1,011,000	1,011,000	1,011,000	1,011,000	---	---	---	D	
Federal Perkins Loans: Capital Contributions............................	100,000	100,000	100,000	100,000	100,000	---	---	---	D	
Loan Cancellations..............................	67,500	67,500	67,500	67,500	67,500	---	---	---	D	
Subtotal, Federal Perkins loans................	167,500	167,500	167,500	167,500	167,500	---	---	---		
LEAP program..	67,000	---	67,000	67,000	67,000	---	---	---	D	
Loan Forgiveness for Child Care.......................	1,000	1,000	1,000	1,000	1,000	---	---	---	D	
Total, Student Financial Assistance............	13,285,500	12,767,500	13,171,610	13,151,500	13,450,500	+165,000	+278,890	+299,000		
FEDERAL FAMILY EDUCATION LOAN PROGRAM										
Federal Administration................................	48,836	---	---	---	---	-48,836	---	---	D	
HIGHER EDUCATION										
Aid for Institutional Development: Strengthening Institutions........................	73,625	76,275	76,275	82,000	82,000	+8,375	+5,725	---	D	
Hispanic Serving Institutions....................	86,000	89,096	89,096	93,000	93,000	+7,000	+3,904	---	D	
Strengthening Historically Black Colleges (HBCUs).	206,000	213,415	213,415	215,415	215,415	+9,415	+2,000	---	D	
Strengthening historically black graduate insts...	49,000	50,764	50,764	53,764	53,764	+4,764	+3,000	---	D	
Strengthening Alaska & Hawaiian-Serving Insts.....	6,500	6,734	6,734	8,234	8,234	+1,734	+1,500	---	D	
Strengthening Tribal Colleges....................	17,500	18,130	18,130	23,000	23,000	+5,500	+4,870	---	D	
Subtotal, Aid for Institutional development.....	438,625	454,414	454,414	475,413	475,413	+36,788	+20,999	---		

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs			
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate	
International Education and Foreign Language:									
Domestic Programs	85,200	88,000	85,200	87,000	93,850	+8,650	+8,650	+6,850	D
Overseas Programs	11,800	13,000	11,800	13,000	13,000	+1,200	+1,200	---	D
Institute for International Public Policy	1,500	1,500	1,500	1,500	1,650	+150	+150	+150	D
Subtotal, International Ed & Foreign Lang	98,500	102,500	98,500	101,500	108,500	+10,000	+10,000	+7,000	
Fund for the Improvement of Postsec. Ed. (FIPSE)	180,922	39,138	39,138	126,926	172,737	-8,185	+133,599	+45,811	D
Minority Science and Engineering Improvement	8,500	8,500	8,500	9,500	9,000	+500	+500	-500	D
Interest Subsidy Grants	5,000	3,000	3,000	3,000	3,000	-2,000	---	---	D
Federal TRIO Programs	802,500	802,500	810,000	832,500	832,500	+30,000	+22,500	---	D
GEAR UP	285,000	285,000	285,000	295,000	295,000	+10,000	+10,000	---	D
Byrd Honors Scholarships	41,001	41,001	41,001	41,001	41,001	---	---	---	D
Javits Fellowships	10,000	10,000	10,000	10,000	10,000	---	---	---	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	31,000	31,000	---	---	---	D
Teacher Quality Enhancement Grants	90,000	90,000	100,000	90,000	90,000	---	-10,000	---	D
Child Care Access Means Parents in School	25,000	15,000	15,000	16,300	16,300	-8,700	+1,300	---	D
Demonstration in Disabilities / Higher Education	7,000	---	---	7,000	7,000	---	+7,000	---	D
Underground Railroad Program	2,000	---	2,000	2,500	2,250	+250	+250	-250	D
GPRA data/HEA program evaluation	1,000	1,000	1,000	1,000	1,000	---	---	---	D
Thurgood Marshall Scholarships	4,000	---	4,000	5,000	5,000	+1,000	+1,000	---	D
B.J. Stupak Olympic Scholarships	1,000	---	1,000	---	1,000	---	---	+1,000	D
Total, Higher education	2,031,048	1,883,053	1,903,553	2,047,640	2,100,701	+69,653	+197,148	+53,061	
HOWARD UNIVERSITY									
Academic Program	203,500	203,500	206,026	206,000	206,026	+2,526	---	+26	D
Endowment Program	3,600	3,600	3,600	3,600	3,600	---	---	---	D
Howard University Hospital	30,374	30,374	30,374	30,374	30,374	---	---	---	D
Total, Howard University	237,474	237,474	240,000	239,974	240,000	+2,526	---	+26	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
College Housing and Academic Facilities Loans Program: (CHAFL)	762	762	762	762	762	---	---	---	D
HBCU Capital Financing Program -- Federal Adm	208	208	208	208	208	---	---	---	D
INSTITUTE OF EDUCATION SCIENCES									
Research and Statistics:									
Research	121,817	175,000	140,000	89,500	140,000	+18,183	---	+50,500	D
Regional Educational Laboratories	67,500	67,500	67,500	67,500	67,500	---	---	---	D
Statistics	85,000	95,000	95,000	87,000	90,000	+5,000	-5,000	+3,000	D
Assessment:									
National Assessment	107,500	90,825	90,825	90,825	90,825	-16,675	---	---	D
National Assessment Governing Board	4,053	4,562	4,562	4,562	4,562	+509	---	---	D
Subtotal, Assessment	111,553	95,387	95,387	95,387	95,387	-16,166	---	---	
Subtotal, Research and statistics	385,870	432,887	397,887	339,387	392,887	+7,017	-5,000	+53,500	
Multi-year Grants and Contracts	58,000	---	---	58,000	58,000	---	+58,000	---	D
Total, IES	443,870	432,887	397,887	397,387	450,887	+7,017	+53,000	+53,500	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	418,798	411,795	411,795	412,093	412,545	-6,253	+750	+452	D
OFFICE FOR CIVIL RIGHTS	79,666	86,276	86,276	86,276	86,276	+6,610	---	---	D
OFFICE OF THE INSPECTOR GENERAL	38,588	41,000	41,000	41,000	41,000	+2,412	---	---	D
Total, Departmental management	537,052	539,071	539,071	539,369	539,821	+2,769	+750	+452	
STUDENT AID ADMINISTRATION									
Administrative Costs	---	932,000	105,388	105,388	105,388	+105,388	---	---	D
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	---	---	---	---	D
Total: Elementary and Secondary Education Act programs	22,222,794	22,133,139	22,292,239	28,043,984	24,005,612	+1,782,818	+1,713,373	-4,038,372	
Total, Title III, Department of Education	52,416,982	52,843,371	52,843,371	60,695,685	55,979,061	+3,562,079	+3,135,690	-4,716,624	
Current Year	(37,405,681)	(37,832,070)	(37,832,070)	(41,940,384)	(38,723,760)	(+1,318,079)	(+891,690)	(-3,216,624)	
FY 2004	(15,011,301)	(15,011,301)	(15,011,301)	(18,755,301)	(17,255,301)	(+2,244,000)	(+2,244,000)	(-1,500,000)	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
TITLE IV - RELATED AGENCIES ARMED FORCES RETIREMENT HOME									
Operations and Maintenance	61,628	61,628	61,628	61,628	62,244	+616	+616	+616	D
Capital Program	9,812	5,712	5,712	5,712	5,769	-4,043	+57	+57	D
Total, AFRH	71,440	67,340	67,340	67,340	68,013	-3,427	+673	+673	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 1/									
Volunteers in Service to America (VISTA)	85,287	94,287	94,155	94,287	94,287	+9,000	+132	---	D
Volunteers in Homeland Security	5,000	55,000	5,000	10,000	10,000	+5,000	+5,000	---	D
National Senior Volunteer Corps:									
Foster Grandparents Program	106,700	106,700	111,500	106,700	111,500	+4,800	---	+4,800	D
Senior Companion Program	44,395	46,563	46,563	46,563	46,563	+2,168	---	---	D
Retired Senior Volunteer Program	54,884	58,884	58,884	58,884	58,884	+4,000	---	---	D
Senior Demonstration Program	400	400	---	400	400	---	+400	---	D
Subtotal, Senior Volunteers	206,379	212,547	216,947	212,547	217,347	+10,968	+400	+4,800	
Program Administration	32,229	34,229	34,229	34,229	34,571	+2,342	+342	+342	D
Total, Domestic Volunteer Service Programs	328,895	396,063	350,331	351,063	356,205	+27,310	+5,874	+5,142	
CORPORATION FOR PUBLIC BROADCASTING:									
FY 2005 (current) with FY 2004 comparable	380,000	---	380,000	395,000	390,000	+10,000	+10,000	-5,000	D
FY 2004 advance with FY 2003 comparable (NA)	(365,000)	(380,000)	(380,000)	(380,000)	(380,000)	(+15,000)	---	---	NA
FY 2003 advance with FY 2002 comparable (NA)	(350,000)	(365,000)	(365,000)	(365,000)	(365,000)	(+15,000)	---	---	NA
Digitalization program, current funded	25,000	25,000	25,000	48,744	48,744	+23,744	+23,744	---	D
Subtotal, FY 2003 appropriation	25,000	25,000	25,000	48,744	48,744	+23,744	+23,744	---	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs FY 2002 Comparable	Conference vs FY 2003 HR 246	Conference vs FY 2003 Senate	
FEDERAL MEDIATION AND CONCILIATION SERVICE...........	39,982	40,718	40,718	40,718	41,425	+1,443	+707	+707	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION......	6,939	7,127	7,127	7,127	7,178	+239	+51	+51	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES 2/..........	224,501	210,000	210,000	203,000	245,485	+20,984	+35,485	+42,485	D
MEDICARE PAYMENT ADVISORY COMMISSION.................	8,250	8,500	8,250	8,250	8,585	+335	+335	+335	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,000	---	1,000	1,000	1,010	+10	+10	+10	D
NATIONAL COUNCIL ON DISABILITY.......................	2,830	2,830	2,830	2,830	2,858	+28	+28	+28	D
NATIONAL EDUCATION GOALS PANEL.......................	400	---	---	---	---	-400	---	---	D
NATIONAL LABOR RELATIONS BOARD.......................	226,618	233,223	226,618	238,223	238,982	+12,364	+12,364	+759	D
NATIONAL MEDIATION BOARD.............................	10,635	11,203	11,203	11,203	11,315	+680	+112	+112	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION......	8,964	9,577	9,577	9,577	9,673	+709	+96	+96	D
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account.......................	146,000	132,000	132,000	132,000	132,000	-14,000	---	---	D
Less Income Tax Receipts on Dual Benefits............	-9,000	-8,000	-8,000	-8,000	-8,000	+1,000	---	---	D
Subtotal, Dual Benefits..........................	137,000	124,000	124,000	124,000	124,000	-13,000	---	---	
Federal Payment to the RR Retirement Account.........	150	150	150	150	150	---	---	---	M
Limitation on Administration.........................	97,700	97,720	100,000	97,720	100,000	+2,300	---	+2,280	TF
Inspector General................................	6,261	6,300	6,300	6,300	6,363	+102	+63	+63	TF

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	434,400	20,400	20,400	20,400	20,400	-414,000	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	440,931	402,089	402,089	402,089	402,089	-38,842	---	---	M
Administration	5,909	6,088	6,088	6,088	6,088	+179	---	---	M
Subtotal, Black Lung, FY 2004 program level	446,840	408,177	408,177	408,177	408,177	-38,663	---	---	
Less funds advanced in prior year	-114,000	-108,000	-108,000	-108,000	-108,000	+6,000	---	---	M
Total, Black Lung, current request, FY04	332,840	300,177	300,177	300,177	300,177	-32,663	---	---	
New advances, 1st quarter FY 2004	108,000	97,000	97,000	97,000	97,000	-11,000	---	---	M
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	29,046,000	31,795,664	31,795,664	31,795,664	31,795,664	+2,749,664	---	---	M
Beneficiary services	37,412	45,728	45,728	45,728	45,728	+8,316	---	---	M
Research and demonstration	37,000	30,000	30,000	38,000	38,000	+1,000	+8,000	---	M
Administration	2,627,000	2,825,000	2,825,000	2,825,000	2,825,000	+198,000	---	---	D
Subtotal, SSI program level	31,747,412	34,696,392	34,696,392	34,704,392	34,704,392	+2,956,980	+8,000	---	
Less funds advanced in prior year	-10,470,000	-10,790,000	-10,790,000	-10,790,000	-10,790,000	-320,000	---	---	M
Subtotal, regular SSI current year	21,277,412	23,906,392	23,906,392	23,914,392	23,914,392	+2,636,980	+8,000	---	
Additional CDR funding 3/	200,000	---	---	---	---	-200,000	---	---	D
User Fee Activities	100,000	111,000	111,000	111,000	111,000	+11,000	---	---	D
Total, SSI, current request	21,577,412	24,017,392	24,017,392	24,025,392	24,025,392	+2,447,980	+8,000	---	
New advance, 1st quarter, FY 2004	10,790,000	11,080,000	11,080,000	11,080,000	11,080,000	+290,000	---	---	M

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate	
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	3,219,700	3,775,200	3,775,200	3,775,200	3,775,200	+555,500	---	---	TF
HI/SMI Trust Funds	1,194,000	1,223,000	1,223,000	1,223,000	1,223,000	+29,000	---	---	TF
Social Security Advisory Board	1,800	1,800	1,800	1,800	1,800	---	---	---	TF
SSI	2,627,000	2,825,000	2,825,000	2,825,000	2,825,000	+198,000	---	---	TF
Subtotal, regular LAE	7,042,500	7,825,000	7,825,000	7,825,000	7,825,000	+782,500	---	---	
User Fee Activities (SSI)	100,000	111,000	111,000	111,000	111,000	+11,000	---	---	TF
TOTAL, REGULAR LAE	7,142,500	7,936,000	7,936,000	7,936,000	7,936,000	+793,500	---	---	
Additional CDR funding 3/									
OASDI	233,000	---	---	---	---	-233,000	---	---	TF
SSI	200,000	---	---	---	---	-200,000	---	---	TF
Subtotal, CDR funding	433,000	---	---	---	---	-433,000	---	---	
TOTAL, LAE	7,575,500	7,936,000	7,936,000	7,936,000	7,936,000	+360,500	---	---	
OFFICE OF INSPECTOR GENERAL									
Federal Funds	19,000	21,000	21,000	21,000	21,000	+2,000	---	---	D
Trust Funds	56,000	62,000	62,000	62,000	62,000	+6,000	---	---	TF
Total, Office of the Inspector General	75,000	83,000	83,000	83,000	83,000	+8,000	---	---	
Adjustment: Trust fund transfers from general revenues	-2,927,000	-2,936,000	-2,936,000	-2,936,000	-2,936,000	-9,000	---	---	TF
Total, Social Security Administration	37,966,152	40,597,969	40,597,969	40,605,969	40,605,969	+2,639,817	+8,000	---	
Federal funds	33,261,652	35,535,969	35,535,969	35,543,969	35,543,969	+2,282,317	+8,000	---	
Current year	(22,363,652)	(24,358,969)	(24,358,969)	(24,366,969)	(24,366,969)	(+2,003,317)	(+8,000)	---	
New advances, 1st quarter	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)	---	---	
Trust funds	4,704,500	5,062,000	5,062,000	5,062,000	5,062,000	+357,500	---	---	

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate
UNITED STATES INSTITUTE OF PEACE	15,104	16,200	15,104	16,200	16,362	+1,258	+1,258	+162 D
Total, Title IV, Related Agencies	39,557,821	41,853,920	42,183,517	42,234,414	42,282,317	+2,724,496	+98,800	+47,903
Federal Funds	34,741,110	36,679,400	37,006,967	37,060,144	37,105,369	+2,364,259	+98,402	+45,225
Current Year	(23,463,110)	(25,502,400)	(25,449,967)	(25,488,144)	(25,538,369)	(+2,075,259)	(+88,402)	(+50,225)
FY 2004 Advance	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)	---	---
FY 2005 Advance	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)	(+10,000)	(-5,000)
Trust Funds	4,816,711	5,174,520	5,176,550	5,174,270	5,176,948	+360,237	+398	+2,678

Title IV Footnotes:

1/ Appropriations for Americorps are provided in the VA-HUD bill.

2/ FY 2002 and FY 2003 includes both Interior and

3/ Two year availability.

SUMMARY

	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	Conference vs. FY 2002 Comparable	Conference vs. FY 2003 HR 246	Conference vs. FY 2003 Senate
Federal Funds	401,009,122	415,302,651	415,766,523	425,234,918	420,452,140	+19,443,018	+4,685,617	-4,782,778
Current year	(321,400,884)	(330,544,364)	(330,628,236)	(336,337,631)	(333,059,853)	(+11,658,969)	(+2,431,617)	(-3,277,778)
2004 advance	(79,228,238)	(84,758,287)	(84,758,287)	(88,502,287)	(87,002,287)	(+7,774,049)	(+2,244,000)	(-1,500,000)
2005 advance	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)	(+10,000)	(-5,000)
Trust Funds	10,813,559	11,495,917	11,540,816	11,559,712	11,579,016	+765,457	+38,200	+19,304
Grand Total	411,822,681	426,798,568	427,307,339	436,794,630	432,031,156	+20,208,475	+4,723,817	-4,763,474

LABOR-HEALTH & HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.		
	FY 2002 Comparable	FY 2003 Request	HR 246	Senate	Conference	FY 2002 Comparable	FY 2003 HR 246	FY 2003 Senate
BUDGET ENFORCEMENT ACT RECAP								
Mandatory, total in bill	283,749,586	296,143,389	296,244,339	296,252,339	296,252,339	+12,502,753	+8,000	---
Less advances for subsequent years	-60,353,937	-65,883,986	-65,883,986	-65,883,986	-65,883,986	-5,530,049	---	---
Plus advances provided in prior years	49,527,451	60,353,937	60,353,937	60,353,937	60,353,937	+10,826 486	---	---
Total, mandatory, current year	272,923,100	290,613,340	290,714,290	290,722,290	290,722,290	+17,799,190	+8,000	---
Discretionary, total in bill	128,073,095	130,655,179	130,963,000	140,542,291	135,778,817	+7,705,722	+4,815,817	-4,763,474
Less advances for subsequent years	-19,254,301	-18,874,301	-19,254,301	-23,013,301	-21,508,301	-2,254,000	-2,254,000	+1,505,000
Plus advances provided in prior years	18,824,300	19,239,301	19,239,301	19,239,301	19,239,301	+415,001	---	---
Scorekeeping adjustments:								
Adjustment for leg cap on Title XX SSBGs	---	---	---	---	---	---	---	---
SSA User Fee Collection	-100,000	-111,000	-111,000	-111,000	-111,000	-11,000	---	---
Sec. 515 - SSA User Fee Collection	---	---	---	---	---	---	---	---
Emergency Appropriations in this bill	---	---	---	---	---	---	---	---
BLS Adjustment	---	---	---	---	---	---	---	---
AWIU contingency	374,374	330,000	---	---	---	-374,374	---	---
Title XX	---	---	---	---	---	---	---	---
TANF Transfer	---	---	---	---	---	---	---	---
Health Care Fraud and Abuse Limitation	---	---	-20,000	---	---	---	+20,000	---
OMB Retirement Accruals	---	708,000	---	---	---	---	---	---
Sec. 215 NIH delay in obligations	---	---	---	---	---	---	---	---
Title VI - Mark-to-Market	-354,000	---	---	---	---	+354,000	---	---
Rescission of CPB FY 2003 Advance	---	---	-15,000	---	---	---	+15,000	---
CPB FY 2003 S&E adjustment	---	---	---	---	183	+183	+183	+183
Across the Board Admin Expenses Reduction	---	---	---	-138,264	---	---	---	+138,264
Total, discretionary (FY02 comparable)	127,563,468	131,947,179	130,802,000	136,519,027	133,399,000	+5,835,532	+2,597,000	-3,120,027
Adjustment to balance with 2002 enacted	-373,394	---	---	---	---	+373,394	---	---
Total, discretionary (FY02 enacted)	127,190,074	131,947,179	130,802,000	136,519,027	133,399,000	+6,208,926	+2,597,000	-3,120,027
Grand total, current year (incl FY 2002 comparable)	400,486,568	422,560,519	421,516,290	427,241,317	424,121,290	+23,634,722	+2,605,000	-3,120,027
Grand total, current year (incl FY 2002 enacted)	400,113,174	422,560,519	421,516,290	427,241,317	424,121,290	+24,008,116	+2,605,000	-3,120,027

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates and the House and Senate bills for 2003 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$411,822,681
Budget estimates of new (obligational) authority, fiscal year 2003	426,798,568
House bill, fiscal year 2003	427,307,339
Senate bill, fiscal year 2003	436,794,630
Conference agreement, fiscal year 2003	432,031,156
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+20,208,475
Budget estimates of new (obligational) authority, fiscal year 2003	+5,232,588
House bill, fiscal year 2003	+4,723,817
Senate bill, fiscal year 2003	-4,763,474

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

LEGISLATIVE BRANCH WIDE MATTERS

The conferees direct the legislative branch entities to establish a legislative branch chief administrative officers council that will meet regularly on administrative issues of concern to the legislative branch. Such a council is to be modeled after the Legislative Branch Financial Managers Council. Wherever a chief administrative officer does not exist in a legislative branch entity, a senior-level employee should be designated to serve in this capacity. Through this council, representatives will be able to define, review and discuss policies, security issues, mail issues, personnel practices, procedures and systems for such areas as human resources, information technology, and general management. This will facilitate consistency in systems development wherever appropriate, sharing of "lessons learned," and the elimination of duplicative efforts. The conferees direct the General Accounting Office to work with the agencies of the legislative branch to establish the council and the council and GAO must be prepared to report to the Committees on Appropriations of the Senate and the House during the annual budget hearing process beginning with fiscal year 2005.

The conferees recognize the provisions of H.R. 5121 and House Report 107–576 and any instructions and detail included in such report are to be adhered to, unless amended or restated herein.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

Appropriates $667,788,000 for Senate operations. Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

HOUSE OF REPRESENTATIVES

Appropriates $956,086,000 for House operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

The managers on the part of the House encourage the Chief Administrative Officer (CAO) to contract with an organization that is very familiar with the House, the operations and activities of House offices, and the personnel that work in these offices, to assess the professional development needs of the House workforce. The CAO should report the findings to the Committee on Appropriations and the Committee on House Administration.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

Appropriates $3,658,000 for the Joint Economic Committee as proposed by the House and by the Senate.

JOINT COMMITTEE ON TAXATION

Appropriates $7,643,000 for the Joint Committee on Taxation instead of $7,323,000 as proposed by the House and the Senate.

OFFICE OF THE ATTENDING PHYSICIAN

Appropriates $3,000,000 for the Office of the Attending Physician as proposed by the House and by the Senate, of which $300,000 shall be available until expended. This amount includes $1,414,000 for reimbursement to the Department of Navy for expenses incurred as proposed by the House and by the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Appropriates $3,035,000 for the Capitol Guide Service and Special Services Office as proposed by the House and by the Senate.

STATEMENT OF APPROPRIATIONS

Appropriates $30,000 for Statement of Appropriations as proposed by the House and by the Senate.

CAPITOL POLICE

SALARIES

Appropriates $175,675,000 for salaries of officers, members, and employees of the Capitol Police. The conferees direct the Chief of the Capitol Police make retroactive to the first full pay period in October 2002 any comparability adjustment in pay.

The conferees direct that not later than 120 days after enactment of this Act, the Capitol Police Board report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration on a proposed new pay structure, the budgetary impact of the proposed structure, and a detailed plan of how the proposed structure would be implemented which is consistent with the requirements of P.L. 105–55.

The FY 2001 Legislative Branch Appropriations Act, as amended (P.L. 106–346), required the General Accounting Office (GAO) to participate in the selection of a Chief Administrative Officer (CAO) for the United States Capitol Police (USCP) and monitor the implementation of management improvements in budgeting, financial management, information technology, and human resources. The law required GAO to provide quarterly reports to the Chief of the Capitol Police, Capitol Police Board, and congressional appropriations and oversight committees having jurisdiction over the Capitol Police through September 30, 2002 on USCP's implementation efforts. Much progress has been made by the CAO to improve overall administrative operations of the Capitol Police. However, there are still some significant concerns on the part of the conferees about the need for the USCP to update their strategic plan to reflect post-September 11, 2001 changes, and to implement an effective management strategy in the agency, particularly with respect to human resources. Therefore, the conferees direct the GAO to continue monitoring all CAO operations of the USCP, with special attention to the strategic planning process and human resources management. GAO is directed to provide to the Capitol Police and congressional committees noted above semi-annual reports on the CAO's continued implementation of management improvements in budgeting, financial management, information technology, developing and implementing an effective overall strategic planning process and human resource management strategy. The conferees direct that these reports continue through FY 2006.

In the wake of September 11, 2001, security concerns led to the posting of signs prohibiting bicyclists on the Capitol grounds. The Capitol grounds have been a link to Capitol Hill, the National Mall and downtown for years and bicycling is a form of transportation that helps alleviate traffic congestion, promotes physical activity, and does not contribute to air pollution. The conferees urge the Capitol Police and the Architect of the Capitol to work with the District Department of Transportation to create safe routes for bicyclists in and/or around the Capitol grounds in a manner that encourages bicycling without sacrificing security concerns. The upcoming year is a critical time for this planning to take place as the construction of the Capitol Visitors Center progresses and the City of Washington updates its Bike Master Plan. The Capitol Police and the Architect of the Capitol should report to the Committees on Appropriations of the Senate and the House on a plan of action to coordinate with the District Department of Transportation on addressing this issue.

GENERAL EXPENSES

Appropriates $28,100,000, of which $1,400,000 shall remain available until expended for general expenses of the Capitol Police.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the Committees on Appropriations of the House and Senate. In addition, the conferees have included provisions that authorize the Capitol Police to: procure severable services; dispose of surplus or obsolete property; hire without regard to age; establish an educational assistance program; expand the current training program; centralize their disbursing authority; annualize premium pay limits; provide overtime compensation to Lieutenants and above; appoint special officers and establish specialty assignment pay. In addition, the conferees have included technical corrections to existing recruitment and relocation incentives, and for compensation of the Chief of Police, the Assistant Chief of Police, and the Chief Administrative Officer. Language is included which redefines the mission and the composition of the Capitol Police Board; provides for the merger of the Capitol Police with the Library of Congress Police; and, clarifies the authority of the Capitol Police to police the Botanic Garden. Language is also included which permits the Capitol Police to appoint employees at a rate of pay at or above step one of the pay grade in which the employee is appointed. In addition, language has been included which directs the regulations and approvals of various provisions be completed within sixty days of enactment of this Act. The conferees have also directed the development of a long-term strategic plan.

OFFICE OF COMPLIANCE

Appropriates $2,059,000 for the Office of Compliance as proposed by the House and the Senate. Authority has been provided for the Executive Director of the Office of Compliance to dispose of surplus or obsolete property.

The Office of Compliance was established as an independent office within the Legislative Branch to implement and enforce the provisions of the Congressional Accountability Act of 1995. The principal functions of the Office include enforcing 11 civil rights, labor, and workplace laws within the Legislative Branch, which entails administering a procedure to resolve disputes and to provide remedies if violations are found; carrying out an education program for congressional Members, employing entities of the Legislative Branch, and employees with regard to the provision of the laws applied to the Legislative Branch; and compiling and publishing statistics on the use of the Office by covered employees.

Federal standards of internal and management controls and prevailing best practices for governing call for periodically reviewing an organization's structure, functions (i.e., mission and roles), and processes to (1) determine whether they are functioning well, and ensure that they reflect changes in circumstances and (2) ensure sound governance, oversight, and accountability. Since its creation, no comprehensive review of the Office of Compliance and its operations has been conducted. Thus, the conferees direct the General Accounting Office to assess the overall effectiveness and efficiency of the Office of Compliance in fulfilling its responsibilities and role in achieving the overall intent and purposes of the Congressional Accountability Act. The review should include examining the effectiveness and efficiency of the Office's administration and enforcement of the Act and the administrative and judicial dispute-resolution procedures for considering alleged violations of the laws; the operations of the Board of Directors; and the assistance and services provided by the Office to employing offices of the Legislative Branch in fulfilling their responsibilities under the Act. The GAO should make recommendations, as appropriate, to enhance the overall effectiveness and efficiency of the Office of Compliance to achieve the purposes of the Act. The GAO should report its findings to the Committees on Appropriations of the House and Senate by March 31, 2003.

CONGRESSIONAL BUDGET OFFICE

Appropriates $32,101,000 for salaries and expenses of the Congressional Budget Office as proposed by the Senate instead of $32,390,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Language has been included authorizing employees of the CBO to engage in details or other temporary assignments to other government agencies for study and work experience. In addition, a provision has been included regarding the purchases and contracts made by the Congressional Budget Office.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

Appropriates $59,343,000 for Architect of the Capitol, general administration. Of the amount appropriated $450,000 shall remain available until September 30, 2007.

The conferees expect the Architect of the Capitol to continue to observe closely limitations on full-time equivalent (FTE) positions. It is noted, however, that funding was provided for various projects with no commensurate increase in the FTE ceiling. Accordingly, the conferees provide relief from the fiscal year 2003 FTE ceiling for delivery of those projects under the condition that the Committees on Appropriations of the House of Representatives and Senate be notified prior to the increase in the FTE ceiling.

The conferees have provided a new budget line item under various accounts for Design, Study and Condition Assessment of projects. The Architect of the Capitol is to notify the Committees on Appropriations of the House of Representatives and the Senate 21 days prior to moving forward with these projects.

The Architect of the Capitol is to report semi-annually to the Committees on Appropriations of the House of Representatives and the Senate on the expenditure of funds for attendance at meetings and conventions.

The conferees note the completion of the General Management Review (GMR) of the Architect of the Capitol (AOC) conducted by the General Accounting Office (GAO) and commend the Architect for his willingness to effect recommended changes in the AOC's management policies and practices. The conferees believe that the continued involvement of the GAO throughout the Architect's development and implementation of a plan that effects GMR recommendations will be of considerable value. Therefore, the conferees direct the GAO to monitor the Architect on the development and implementation of the required plan. In addition, the GAO is to monitor the establishment of various positions to implement the plan. The conferees also direct the GAO to evaluate implementation efforts as well as the results of management changes, including the timely accomplishment of the implementation plan milestones, and report the results of that evaluation semi-annually to the House and Senate Committees on Appropriations, and the Senate Committee on Rules and Administration. These reports should continue until all changes in the plan have been implemented.

Section 133 of the Legislative Branch Appropriations Act, 2002 (P.L. 107–68) generally prohibits the Architect of the Capitol from employing temporary workers for long periods without providing them eligibility for employee benefits. During the implementation of Section 133, questions arose concerning its application to temporary workers covered by collective bargaining agreements entered into by the Architect providing eligibility for private-sector employee benefits in lieu of federal benefits. The conferees direct the Architect to work with the General Accounting Office to determine the proper manner of completing the implementation of Section 133 and to consult with the Internal Revenue Service concerning the proper tax treatment of benefits and contributions. The Architect is directed to report to the House and Senate Appropriations Committees, and the Senate Committee on Rules and Administration on the results of his efforts by May 31, 2003.

With respect to the object class and projects, the conferees have agreed to the following:

Operating Budget	$55,275,000
Capital Projects:	
Implementation of Safety Programs	450,000
Security Project Support for AOC	125,000
Financial Management System (FMS)	1,627,000
Implementation of AOCNET	500,000
Computer-Aided Facility Management (CAFM)	1,366,000
Total, General Administration	$59,343,000

CAPITOL BUILDING

Appropriates $32,094,000 for maintenance, care and operation of the Capitol, by the Architect of the Capitol. Of the amount appropriated $19,065,000 shall remain available until September 30, 2007.

With respect to object class and project, the conferees have agreed to the following:

Operating Budget	$10,886,000
Capital Projects:	
ADA Requirements	75,000
Replacement of Minton Tile	200,000
Roofing Repair, around House and Senate Chambers	160,000
Elevator/Escalator Modernization Program	500,000
Door Refinishing/Restoration	289,000
Chandelier Restoration & Crystal Globe Replacement	319,000
Conservation of Wall Paintings	300,000
Replace High Voltage SWGR & Cables	2,000,000
Upgrade Air Conditioning, East Front Capitol	12,000,000
Computer, Telecom & Electrical Support	300,000
Design, Study and Condition Assessment	5,065,000
Total, Capitol Building	$32,094,000

CAPITOL GROUNDS

Appropriates $8,356,000 for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant, by the Architect of the Capitol. Of the amount appropriated $1,780,000 shall remain available until September 30, 2007.

With respect to object class and projects, the conferees have agreed to the following:

Operating Budget	$6,041,000
Capital Projects:	
Replace Truck	80,000
Wayfinding and ADA Compliant Signage	430,000
Maintenance of Outdoor Sculpture, Garfield & Peace	25,000
Power Requirements	1,200,000
Study, Design, and Condition Assessment	580,000
Total, Capitol Grounds	$8,356,000

SENATE OFFICE BUILDINGS

Appropriates $64,871,000 for the maintenance, care, and operation of the Senate office buildings to the Architect of the Capitol, of which $21,600,000 shall remain available until September 30, 2007. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

With respect to object class and projects, the Senate conferees have agreed to the following:

Operating Budget	$43,163,000
Capital Projects:	
Kitchen Exhaust and Kitchen Redesign, Webster Hall	108,000
Renovate Restrooms (ADA)	2,100,000
Bus Ducts and Switchgear Replacement	1,950,000
Repair Waterproofing under RSOB's South Steps	1,800,000
Modernize Elevators	3,060,000
Mechanical Renovations, DSOB	940,000
Minor Construction	10,000,000
Design, Study and Condition Assessment	1,750,000
Total, Senate Office Buildings	$64,871,000

House Office Buildings

Appropriates $60,960,000 for the maintenance, care, and operation of the House office buildings to the Architect of the Capitol, of which $25,610,000 shall remain available until September 30, 2007. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

With respect to object class and projects, the House conferees have agreed to the following:

Operating Budget	$32,650,000
Capital Projects:	
Egress Door Improvements	200,000
Sound Improvements, Committee Hearing Rooms	280,000
Elevator Modernization Program	1,460,000
Minor Construction	9,000,000
Upgrade Fire Alarm, E&W House Garages	880,000
Replace FP Low Voltage Switchgears, FHOB	750,000
Major Elevator Equipment Improvements, HOB	120,000
Design, Study and Condition Assessment	10,020,000
Wayfinding Signage	1,100,000
House Office Building Master Plan	1,000,000
Longworth Emergency Generator Project	3,500,000
Total, House Office Buildings	$60,960,000

Capitol Power Plant

In addition to the $4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates $102,286,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol power plant. Of this amount, $61,736,000 shall remain available until September 30, 2007.

With respect to object class and projects the conferees have agreed to the following:

Operating Budget	$39,967,000
Capital Projects:	
Implement Emergency Shoring and Repairs to Tunnels	100,000
Repair South Capitol Street Steam Line	10,289,000
Repair Constitution Avenue Tunnel	8,500,000
West Refrigeration Plant Expansion	41,000,000
Install Dual Low Nox Burners, Boilers 6 & 7	400,000
Procure Emergency Generator	1,500,000
Update CAD Drawings	80,000
Study, Design and Condition Assessment	450,000
Total, Capitol Power Plant	$102,286,000

LIBRARY BUILDINGS AND GROUNDS

Appropriates $37,521,000 for structural and mechanical care, Library buildings and grounds. Of this amount, $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

With respect to object class and projects the conferees have agreed to the following:

Operating Budget:	$11,754,000
Capitol Projects:	
Replace Partition Supports, JMMB	300,000
Additional Sprinklers, JMMB	1,383,000
Upgrade Emergency Generators, JAB & TJB	300,000
Repair Roof under East Parking Lot, TJB	2,180,000
Audio Visual Conservation Center	5,500,000
Modernize 4 Elevators	980,000
Design & Construction of Book Storage Module 2, Ft. Meade	9,566,000
HVAC NW Curtain, TJB	453,000
Study, Design & Conditions Assessment	2,905,000
Replace Compact Stack Safety, JMMB	300,000
Repair Life Safety Deficiencies	1,000,000
ADA Requirements, LB&G	100,000
Replace Sidewalks, TJB & JAB	100,000
Restore Decorative Painting, TJB & JAB	100,000
LOC Room & Partition Modifications	500,000
Preservations Environmental Monitoring	100,000
Total, Library Buildings and Grounds	$37,521,000

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates $23,900,000 for the maintenance, care, and operations of Capitol Police Buildings and Grounds to the Architect of the Capitol, of which $23,500,000 shall remain available until September 20, 2007.

The conferees direct the Architect of the Capitol to provide a fiscal year 2003 obligation plan, by April 30, 2003, to include personnel compensation and associated FTEs for Capitol Police Buildings and Grounds.

The conferees direct that the General Accounting Office, working with the United States Capitol Police and the Office of the Architect of the Capitol, prepare a report regarding the feasibility of transferring jurisdiction of the United States Capitol Police Buildings and Grounds to the Capitol Police, and that the study be provided to the Committees on Appropriations by May 15, 2003.

With respect to object class and projects the conferees have agreed to the following:

Operating Budget	$ 400,000
Capital Projects:	
Design Offsite Delivery/Screening Center, USCP	2,000,000
Offsite Delivery/Screening Center, USCP	5,000,000
Design, Tactical Training, Cheltenham, MD	1,500,000
Other Facility Improvements	15,000,000
Total, Capitol Police Buildings and Grounds	$23,900,000

BOTANIC GARDEN

Appropriates $6,103,000 for salaries and expenses, Botanic Garden, of which $120,000 shall remain available until September 30, 2007.

With respect to object class and projects the conferees have agreed to the following;

Operating Budget	$4,646,000
Capital Projects:	
Fire Alarm System Upgrades, DC Village	25,000
Shade Curtain Replacement	22,000
CAFM Data Capture—USBG	50,000
Interpretative Illustrations—Conservatory Garden Court	225,000
West Gallery Fabric, Audio Tour and Banners	652,000
Vehicle Replacement	43,000
Book on History of Botanic Gardens	20,000
Partnerships	300,000
Study, Design and Condition Assessment	120,000
Total, Botanic Garden	$6,103,000

ADMINISTRATIVE PROVISIONS

The conference agreement includes administrative provisions related to small purchase contracting authority; multi-year contract authority; establishment of a position of the Deputy Architect of the Capitol; delegation of authority by the Architect; compensation of the Assistant Architect of the Capitol; allocation of responsibility for Library buildings and grounds, and a technical correction.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $358,474,000 for salaries and expenses, Library of Congress, and authorizes 2,841 full time equivalents.

With respect to program/project increases the conferees have agreed to the following:

Mandatory Pay and Benefits	$10,747,000
Price Level Increases	2,163,000
Digital Futures	17,200,000
Central Financial Management System	4,250,000
Law Library GLIN Project	2,903,000
Culpeper Shelving	1,000,000
Collections Relocation	1,439,000
Arrearage Reduction	896,000
Mass Deacidification	895,000
Lewis and Clark Exhibition	989,000
Louisiana Purchase Bicentennial	500,000
Veterans History Project	476,000
Safety Services	308,000
Transfer of the Furniture and Furnishings Appropriation	6,554,000

Copyright Office

SALARIES AND EXPENSES

Provides $9,714,000, including $29,512,000 made available from receipts, for salaries and expenses, Copyright Office. The level provided supports 530 full time equivalents.

Congressional Research Service

SALARIES AND EXPENSES

Appropriates $86,952,000 for salaries and expenses, Congressional Research Service. The level provided supports 742 full time equivalents.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

Appropriates $50,963,000 for salaries and expenses, books for the blind and physically handicapped. The level provided supports 128 full-time equivalents. The conference agreement provides a one-time appropriation of $1 million dollars to defray telecommunications costs for the National Federation of the Blind "NEWSLINE," audio daily newspaper service. The conferees support continued use of this computerized telecommunications technology as part of the Library's conversion to digital media and direct the Librarian to seek cost advantages that may result from combining distribution of audio editions of magazines with newspapers using this technology.

Administrative Provisions

The conference agreement includes several routine administrative provisions and amendments related to Library programs.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

Appropriates $90,143,000 for Congressional Printing and Binding as proposed by the House and by the Senate.

Office of Superintendent of Documents

(SALARIES AND EXPENSES)

(INCLUDING TRANSFER OF FUNDS)

Appropriates $29,661,000 for salaries and expenses, Office of Superintendent of Documents as proposed by the House and the Senate.

GENERAL ACCOUNTING OFFICE

(SALARIES AND EXPENSES)

Appropriates $451,134,000 for salaries and expenses, General Accounting Office.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER

Trust Fund

Appropriates $13,000,000 to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center. The conferees want it clearly understood that the renaming of the trust fund in no way provides for the creation of a new trust fund within the Department of the Treasury.

ADMINISTRATIVE PROVISION

The conferees have included an administrative provision, which amends Section 313 of the Legislative Branch Appropriations Act, 2001 (P.L. 106–554) renaming the former "Center for Russian Leadership Development" to the "Open World Leadership Center." This name change reflects the expansion of the Center's program to eligible foreign states other than the Russian Federation. The conferees direct that prior to implementation of the FY 2003 program, an obligation plan be submitted to the Committees on Appropriations of the Senate and House reflecting the funding allocation and program objectives for existing and new program elements.

TITLE II—GENERAL PROVISIONS

In Title II, General Provisions, section numbers have been changed to conform to the conference agreement, provisions related to the John C. Stennis Center and the Congressional Award Act have been included, a provision related to electronic W-2's has been included, and a limitation regarding the transfer of funds has also been included. The conferees have also included, under Division P, language and funding regarding the U.S.—China Economic and Security Review Commission.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follows:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$3,252,423
Budget estimates of new (obligational) authority, fiscal year 2003	3,405,108
House bill, fiscal year 2003	2,671,900
Senate bill, fiscal year 2003	3,359,830
Conference agreement, fiscal year 2003	3,358,350
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+105,927
Budget estimates of new (obligational) authority, fiscal year 2003	−46,758
House bill, fiscal year 2003	+686,450
Senate bill, fiscal year 2003	−1,480

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

TITLE I

Department of Transportation

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. The committee of conference approves report language included by the House (House Report 107–722) or the Senate (as delineated materials accompanying Senate Amendment No. 1 to H.J. Res. 2 and printed in the Congressional Record of January 15, 2003) that is not changed by the conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

Office of The Secretary

(SALARIES AND EXPENSES)

The conference agreement provides $89,447,000 for the salaries and expenses of the office of the secretary instead of $82,474,000 as proposed by the House and $83,069,000 as proposed by the Senate. Bill language is included that specifies amounts by office, consistent with actions in prior years, and limits transfers among each office to no more than 5 percent. The bill language specifies that any transfer greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations. The following table summarizes the fiscal year 2003 appropriation for each office:

Immediate office of the Secretary	$2,211,000
Immediate office of the Deputy Secretary	809,000
Executive Secretariat	1,391,000
Under Secretary of Transportation for Policy	12,452,000
Office of the General Counsel	15,657,000
Office of the Assistant Secretary for budget and programs	8,375,000
Office of the Assistant Secretary for governmental affairs	2,453,000
Office of the Assistant Secretary for administration	29,071,000
Office of public affairs	1,926,000
Board of Contract Appeals	611,000
Office of small and disadvantaged business utilization	1,304,000
Office of the chief information officer	13,187,000

Within the amounts provided, the conferees have denied funding for FECA administrative increases (−$22,000), the security survey for the new building (−$165,000), and some of the new increases in the budget for information technology initiatives not related to security (−$2,800,000).

The conferees direct the office of the secretary to submit its congressional justification materials in support of the individual offices of the offices of the secretary at the same level of detail provided in the congressional justifications presented in fiscal year 2003.

Bill language, as proposed by both the House and the Senate, allows the Department to spend up to $60,000 for official reception and representation activities.

The conference agreement includes bill language that credits to this appropriation up to $2,500,000 in funds received in user fees.

Administrative directions.—The conferees direct the department to submit its annual congressional justifications for each modal administration to the House and Senate Committees on Appropriations on the date on which the President's budget is delivered officially to Congress.

Office of Intelligence and Security.—The fiscal year 2003 budget did not request any funding for the Office of Intelligence and Security because it had been transferred to the Transportation Security Administration, which will be part of the new Department of Homeland Security. The Secretary may make arrangements to have one staff detailed to him from this new Department so that he remains informed on intelligence and security matters pertaining to transportation. There is sufficient funding within the salaries and expenses account to pay for this detailee.

Aviation claims.—The conference agreement includes a rescission of $90,000,000 from funds enacted to compensate airlines for losses incurred in the aviation system disruption in the aftermath of the September 11, 2001 terrorist attacks. The conferees have been assured by the department that the rescinded funds are unnecessary to meet all of the outstanding or anticipated claims from air carriers. Such claims include applications that the department has not processed or that are involved in litigation. The conferees direct the Secretary to provide quarterly reports to the House and Senate Committees on Appropriations listing all remaining air carrier claims and all unprocessed applications for claims and the amounts requested, the names of air carriers with outstanding claims, and the steps taken to resolve those outstanding claims; to provide an anticipated timeline for resolution of outstanding claims and applications; and to list the remaining uncommitted funds and balances still available to pay those outstanding claims and applications.

Report distribution.—The conferees direct the department to adopt written procedures for report distribution similar to the standards in place and followed before February 28, 2002. The House Appropriations Committee has seen serious violations of the report distribution policy in 2002. In addition, the conferees direct the department to refrain from attaching miscellaneous documents, including reports, to Congressional testimony without prior consultation.

Outstanding reports.—The conference agreement continues a long standing policy directing the Office of the Assistant Secretary for Budget and Programs to report quarterly on the status of all outstanding reports and reporting requirements including how delinquent congressionally mandated or requested reports are and an estimated date for delivery.

Tier matching based on fiscal capability.—At present, federal grant programs administered by the Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration require an identical match of all communities without regard to their financial circumstances. Some have asserted that this policy places a disproportionate burden on lower-income jurisdictions and prevents these jurisdictions from fully participating in the very programs necessary to improve conditions. The conferees take no position on this assertion. However, for the purpose of information gathering, the conferees separately request the FHWA, FAA, and FTA to each provide reports covering the programs within each administration to the House and Senate Committees on Appropriations by March 15, 2003 which address this contention. Should the agencies believe that contention has merit, they may as part of these reports, propose a tiered matching system for non-federal contributions based upon the fiscal capability of the grantee and which does not increase over the existing grant programs each program's cumulative financial burden on each administration.

Alternatively fueled vehicles.—The conferees urge the Department of Transportation to adhere to the Federal mandates in the 1992 Energy Policy Act (P.L. 102–486) by purchasing alternatively fueled vehicles when feasible. The department should set an example for other government agencies by purchasing flexible fuel vehicles in order to help lessen our reliance on foreign oil.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $8,700,000 for the office of civil rights as proposed by the Senate instead of $8,500,000 as proposed by the House.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides $21,000,000 for transportation planning, research, and development as proposed by the Senate instead of $11,157,000 as proposed by the House. Adjustments to the budget request shall be available for the following activities:

Texas Transportation Institute	+$1,000,000
Bypass mail system computer software and hardware upgrades, AK	+500,000
Circumpolar infrastructure task force, Arctic Council and	+500,000
Northern Forum, AK	
Delaware Memorial Bridge collision avoidance project, DE	+1,000,000
DOT's privacy practices third party evaluation	+750,000
Northeast advanced vehicle consortium fuel cell, CT	+1,500,000
Office for Infrastructure Transportation and Logistics, AL	+1,000,000
Strategic freight transportation analysis, WA	+1,375,000
UAL fuel cell/hybrid electric research program, AL	+1,000,000
WestStart's vehicular flywheel project, WA	+1,375,000

WORKING CAPITAL FUND

The conference agreement includes a limitation of $131,766,000 for working capital fund activities instead of a limitation of $131,766,000 on the transportation administration service center (TASC) as proposed by the House and a limitation of $131,779,000 on the TASC as proposed by the Senate. The Department of Transportation abolished TASC at the end of calendar year 2002. In its place, DOT re-established a working capital fund to provide necessary services (e.g., printing, security, parking, etc.) to all modal entities within the department.

Modal usage of the working capital fund.—The conferees direct the department, in its fiscal year 2004 Congressional justifications for each modal administration, to account for increases and decreases in working capital fund billings based on planned usage requested or anticipated by the modes.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides an appropriation of $900,000 for the minority business resource center program and limits the loans to $18,367,000 as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides a total of $3,000,000 for minority business outreach as proposed by the House and the Senate.

NEW HEADQUARTERS BUILDING

The conference agreement denies funding for the new DOT headquarters building as proposed by the Senate. The House recommended $25,000,000 for tenant build outs related to the new building.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides a total of $113,000,000 for payments to air carriers. Of this total, $52,100,000 is in direct appropriations; $50,000,000 is to be derived from overflight user fees and, if necessary, unobligated balances from the Federal Aviation Administration; and $10,900,000 is to be derived from carryover balances. The House proposed a total program level of $113,000,000 for the payments to air carriers program, of which $50,000,000 was from overflight fees or other funds available for the Federal Aviation Administration; $50,000,000 was in direct appropriations; and $13,000,000 was in carryover balances. The Senate proposed a total program level of $128,000,000, of which $50,000,000 was from overflight fees or other funds available for the Federal Aviation Administration; $65,000,000 was in direct appropriations; and $13,000,000 was from carryover balances.

TRANSPORTATION SECURITY ADMINISTRATION

The conference agreement recommends $5,180,000,000 for the Transportation Security Administration instead of $5,140,000,000 as proposed by the House and $5,346,000,000 as proposed by the Senate. Funds are provided in four separate appropriations, similar to the approach proposed by the House, instead of a single lump-sum appropriation proposed by the Senate. The agreement specifies that $144,000,000 of the total shall be derived by reimbursement from "Federal Aviation Administration, Facilities and equipment" instead of $176,691,200 proposed by the House and $55,000,000 proposed by the Senate. Funds are available until expended, as proposed by the House instead of one year as proposed by the Senate. The bill includes a provision, proposed by the Senate, allowing any excess fees collected during fiscal year 2003 to be treated as offsetting collections during fiscal year 2004.

Staffing cap.—The conferees agree to continue the limitation on total agency staffing, as proposed by the House. This prohibits funds to recruit or hire more than 45,000 full-time permanent staff. The same provision has been in effect since fiscal year 2002. The agency believed it was critical to temporarily surge staffing last year, in order to meet the passenger and baggage screening deadlines in the Aviation and Transportation Security Act. Now that these deadlines are past, the conferees believe TSA should focus on eliminating unnecessary positions, generally through attrition.

AVIATION SECURITY

The conference agreement includes $4,516,300,000 for aviation security. Funds shall be distributed as follows:

	Conference agreement
Passenger screening	$1.602,000,000
Passenger screeners	1,327,000,000
Credentialing and registered traveler programs	35,000,000
CAPPS II	35,000,000
Checkpoint equipment	30,000,000
Electronic surveillance	10,000,000
Checkpoint equipment maintenance	10,000,000
Third party screening contracts	30,000,000
Planning and deployment	35,000,000
Human resource services	60,000,000
Training	30,000,000
Baggage screening	1,415,900,000
Baggage screeners	900,000,000
Detection equipment maintenance	75,000,000
Checked baggage data system	1,400,000
EDS/ETD systems—procurement	174,500,000
EDS/ETD systems—airport modifications	265,000,000
Cargo screening improvements	20,000,000
Airport support and enforcement presence	1.478,400,000
Airport support	340,000,000
Law enforcement	175,000,000
Reimbursable agreements	250,000,000
Cockpit door reimbursement	100,000,000
Commercial pilot firearms training	8,000,000
K–9 units	10,000,000
Federal air marshals	545,000,000
FAA internal security and hazmat	50,400,000
Total	4,516,300,000

Third party screening contracts.—The conference agreement provides $30,000,000 for third party screening contracts. Program savings are available due to the existence of contract recoveries, which the agency estimates will be available up to $100,000,000 in fiscal year 2003. These two sources of funds will provide sufficient resources to meet estimated contract payments.

Recruiting, assessment, and human resource services contract.—The conferees encourage the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to expeditiously review and, if compliant with Public Law 85–804 and other statutes, approve any application for liability protection for the services provided by the contractor awarded a contract by the Department of Transportation with an effective date of February 25, 2002 for recruiting, assessment and human resource services for federal employees of the Transportation Security Administration.

Credentialing and registered traveler programs.—The conference agreement includes $35,000,000 for the credentialing and aviation registered traveler programs. The conferees support the position of the House that TSA should include various transportation worker identification card (TWIC) technologies in the East Coast and West Coast credentialing pilot projects to result in a fair evaluation of all technology candidates, including card, reader, and database technologies. The conferees support TSA's current plan to evaluate the potential for a central card production, personalization, and issuance center. The conferees strongly encourage TSA to consider the benefits of consolidating regional centers into a centralized location, and the benefits of using existing government card issuance centers for this activity. The conferees agree it is essential to include multiple biometrics on these cards, to verify the identity of the individual carrying them. The conferees further agree that one card technology with great capacity for storing biometric information is the optical lasercard, such as that used by the Immigration and Naturalization Service for permanent resident cards and by the Department of State for border crossing cards. The conferees agree that TSA should not develop new technologies if existing ones, already developed by other federal agencies, are good enough. While approving funds for this program and deleting restrictive bill language proposed by the House, the conferees direct TSA not to obligate funds for the TWIC prototype phase until the House and Senate Committees on Appropriations are briefed on the results of the technical evaluation phase and agree that the program should move forward.

Letters of intent for installation of security systems.—The bill includes a provision authorizing TSA to sign letters of intent (LOIs) with airport authorities specifying long-term funding arrangements for the installation of explosive detection systems. This process is similar to the existing LOI process for airport capital improvement projects. While supportive of this concept, the conferees emphasize that the signing of such agreements do not obligate or commit the Federal Government to make future payments until approved by Congress in the annual budget process. In addition, the conferees want to ensure that the signing of LOIs do not upset the proper balance between funding for large, medium, and small airports. For this reason, the conferees direct TSA not to commit more than 50 percent of total available funding for modification of airports to LOIs. This will preserve funding for smaller airports. A similar restriction has been in place for many years for LOIs granted under FAA's Airport Improvement Program.

Use of state and local law enforcement officers.—The bill includes a provision allowing TSA to utilize the services of state and local officials as law enforcement officers at airports, including the authority to deputize such officials as federal law enforcement officers. The bill specifies that TSA shall reimburse state and local entities for all reasonable, allowable, and allocable costs for these services, and additional funding is provided in the bill to ensure appropriate payment. In addition, the bill provides that such officers may provide security services throughout the airport, and not solely at screening checkpoints, if such action is preferable for law enforcement purposes.

Fitness for duty requirements.—The conferees are concerned that the Under Secretary has yet to implement the fitness for duty requirements stipulated in the Aviation and Transportation Security Act. As such, the conferees concur in the initiative of the Senate in providing $250,000 to enable the Under Secretary to make expedited use of currently available fitness-for-duty technology to assess saccadic velocity to determine the potential impairment of airport security screeners at Seattle-Tacoma International Airport.

South Terminal Expansion Project, Seattle-Tacoma, WA.—The Supplemental Appropriations Act for fiscal year 2002 included $225,000,000 over and above the budget request for airport modifications to accommodate the installation of explosive detection systems. The statement of managers accompanying that bill instructed the Under Secretary to be attentive to the extraordinary needs of certain airports, such as the Seattle-Tacoma International Airport, that are facing extraordinary costs associated with redesigning airport terminal projects that are in mid-construction. While the conferees are pleased that the TSA and the relevant airport authorities have come to agreement on the total federal obligation associated with the reconfiguration of the South Terminal Expansion Project (STEP), the conferees remain concerned that an agreement has not yet been reached on the timetable under which these funds will be provided. This bill provides an additional $265,000,000 for airport modifications, bringing to just under $500,000,000 the amount of money that has been provided for airport modifications over and above the levels sought by the Administration. The conferees urge TSA to work cooperatively with the Seattle-Tacoma International Airport to address their unique needs for security-related airport modifications. The conferees believe that, when combined with unobligated prior year funds, the funding in this bill gives TSA sufficient resources to address the long-term security requirements of airports such as Seattle-Tacoma International.

MARITIME AND LAND SECURITY

The conference agreement includes $244,800,000 for maritime and land security. Funds shall be distributed as follows:

	Conference agreement
Port security grants	$150,000,000
Staff	21,000,000
Information technology projects	4,800,000
Nuclear detection and monitoring	4,000,000
Trucking industry grants	25,000,000
Trucking industry grants	(20,000,000)
Hazardous materials permit program	(3,500,000)
Trucking security pilot program	(1,500,000)
Intercity bus security	10,000,000
Operation safe commerce	30,000,000
Total	244,800,000

Trucking industry grants.—Funding provided for trucking industry grants are to be distributed as follows: $20,000,000 for activitiès in the budget amendment submitted in September 2002; $3,500,000 for a hazardous materials safety permit program; and $1,500,000 for a truck security pilot program.

Hazardous materials safety permit program.—The conferees include $3,500,000 to implement the permit program required by law for those motor carriers transporting the most dangerous hazardous materials. Given that this permit program is especially critical now in light of truck security concerns, TSA should ensure that it is implemented within one year from the date of enactment of this Act. The conferees would not oppose the conduct of this program by FMCSA on a reimbursable basis.

Truck security pilot program.—The conferees understand that technology exists from a number of manufacturers that allows trucks to be remotely tracked and controlled. So that TSA and FMCSA may completely understand the performance characteristics of such systems, the conference agreement includes $1,500,000 for a pilot program.

Nuclear detection and monitoring.—The agreement includes $4,000,000 to continue evaluation and procurement of portable nuclear radiation search tools. A similar appropriation was made in Public Law 107–206. The conferees direct TSA to provide a status report on this activity to the House and Senate Committees on Appropriations not later than March 15, 2003.

Operation Safe Commerce.—The conferees direct that the $30,000,000 provided in the bill for Operation Safe Commerce shall be distributed under the same terms and conditions governing the funding provided for this program for fiscal year 2002.

RESEARCH AND DEVELOPMENT

The conference agreement includes $110,200,000 for research and development. Funds shall be distributed as follows:

	Conference agreement
Laboratory space/research facility	$5,000,000
Next generation EDS	75,000,000
Applied R&D	15,000,000
Staffing	5,200,000
Port security R&D	10,000,000
Total	110,200,000

Security research.—The conferees do not agree with language proposed by the Senate specifying that research funds should be targeted toward detection of chemical, biological or similar threats. While the conferees agree that such research is a high priority for funding, the Under Secretary for Transportation Security has the flexibility to establish overall agency priorities in security research.

Port security research and development.—The conference agreement includes $10,000,000 for port security research and development activities at national laboratories, private non-profit organizations, institutions of higher education, and other entities. The conferees direct that, should any of these funds be allocatd to a Department of Energy laboratory, they shall be administered. This policy is consistent with section 309 of The Homeland Security Act of 2002.

ADMINISTRATION

The conference agreement includes $308,700,000 for administration. Funds shall be distributed as follows:

	Conference agreement
Headquarters staff (inc. ACS)	$106,000,000
Start-up and administrative support	10,000,000
Information technology core activities	179,251,000
Intelligence	13,449,000
Total	308,700,000

COAST GUARD

OPERATING EXPENSES

The conference agreement includes $4,322,122,000 for operating expenses of the Coast Guard, instead of $4,305,456,000 as proposed by the House and $4,318,456,000 as proposed by the Senate. Of the total amount provided, $340,000,000 is for defense-related activities, as proposed by the Senate, instead of $1,300,000,000 as proposed by the House.

The following table summarizes the House and Senate's proposed adjustments to the Coast Guard's budget request and the final conference agreement:

	House Bill	Senate Bill	Conference agreement
Budget estimate	$4,153,456,000	$4,153,456,000	$4,153,456,000
Adjustments to the budget estimate:			
Homeland security liaison billets	−4,094,000		−4,094,000
Polar icebreaking reimbursement	−3,149,000		−2,500,000
FECA/UCX	−933,000		−933,000
Response boat-small	+10,000,000		+7,000,000
Small boat station/command center readiness	+10,000,000		+8,000,000
Maritime SAR/personnel safety:			
FDRs/CVRs	−2,700,000		
SCBA	−1,115,000		
VTTS Corpus Christi	−3,600,000	−3,600,000	
High interest vessel control follow-on:			
Personnel support costs	−3,776,000		−3,776,000
Maritime safety/security teams:			
WLB/WLM staffing	−3,731,000		−3,731,000
New marine safety/security teams	−6,340,000		
Security readiness and planning:			
Attorneys/contract administrators	−2,162,000		−2,162,000
Incident command system:			
Public affairs specialists	−1,400,000		−1,400,000
Marine Fire and Safety Association		+312,000	+312,000
AMSEA		+350,000	+350,000
Maritime EO/IR sensors		+5,000,000	+4,000,000
Oil spill prevention, 13th District		+1,600,000	+1,600,000
Datum marker buoys		+1,000,000	+1,000,000
Unspecified reduction		−4,662,000	
Denial of new user fee proposal	+165,000,000	+165,000,000	+165,000,000
Total recommended	4,305,456,000	4,318,456,000	4,322,122,000

Small boat station and command center readiness.— The bill includes language specifying that not less than $15,686,000 of additional funding shall be used to address readiness problems at the nation's small boat stations and associated command centers. This is the second year of a multiyear effort to restore the readiness level of these critical facilities. The conferees direct the Coast Guard to submit a five year operating and capital plan to address the readiness problems, including elements which appropriately allocate billets to cover on-board and planned staffing levels. The conferees request the U.S. General Accounting Office to review and certify that the additional funding provided in this bill is being used to supplement, and not supplant, the level of effort in fiscal year 2002.

Limitation on flag officers.—The bill includes the limitation, proposed by the Senate, prohibiting the hire of more than 37 active duty flag officers during fiscal year 2003.

Pier safety study.—As proposed by the House, the conferees direct the Coast Guard, in consultation with the Army Corps of Engineers, to conduct a study of pier safety, to be submitted within six months of enactment of this Act.

Oil spill prevention, 13th District.—The conference agreement includes $1,600,000 for additional oil spill prevention activities in the Coast Guard 13th District, as proposed by the Senate. The Coast Guard is expected to consult fully with the Captain of the Port, Puget Sound, in making determinations on the scope and use of these funds.

Great Lakes pilotage.—The conferees understand that the Coast Guard has before it a proposal to change the pilotage system on the Great Lakes. The conferees urge the Coast Guard to ensure that this proposal receives all due consideration, including public comment as appropriate and full review by the Great Lakes Pilotage Advisory Committee.

Polar icebreaking reimbursement.—The conferees agree to a reduction of $2,500,000 assuming higher reimbursements for polar icebreaking activities, instead of $3,149,000 as proposed by the House. The conferees agree that the entire reduction is to be taken from costs related to activities in the Antarctic region.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $742,100,000 for acquisition, construction, and improvements instead of $725,000,000 as proposed by the House and $752,000,000 as proposed by the Senate. The agreement includes certain restrictions on the Integrated Deepwater Systems program, as proposed by the House and Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds by budget activity. Further, the bill includes a contingent rescission relating to submission of the Capital Investment Plan to the Congress, as proposed by the Senate.

A table showing the distribution of this appropriation by project, as included in the fiscal year 2003 budget estimate, House bill, Senate bill, and the conference agreement is as follows:

Program Name	Budget estimate	House bill	Senate bill	Conference agreement
Vessels	13,600,000	11,715,000	25,600,000	25,600,000
Survey and design—cutters and boats	400,000	400,000	400,000	400,000
Seagoing buoy tender (WLB) replacement	4,000,000	4,000,000	4,000,000	4,000,000
Polar class icebreaker reliability improvement program	2,200,000	2,200,000	2,200,000	2,200,000
41 foot utility boat replacement	4,000,000	4,000,000	4,000,000	4,000,000
Alex Haley conversion project	3,000,000	0	3,000,000	3,000,000
87-foot coastal patrol boat	0	0	12,000,000	12,000,000
Shipboard contained breathing apparatus (SCBA)	0	1,115,000	0	0
Aircraft	0	2,700,000	0	4,000,000
FDRs/CVRs	0	2,700,000	0	0
LTS–101 engine improvements	0	0	0	4,000,000
Other Equipment	117,700,000	114,200,000	132,700,000	121,300,000
Ports and waterways safety system (PAWSS)	5,000,000	8,600,000	5,000,000	4,000,000
National distress system modernization	90,000,000	90,000,000	90,000,000	90,000,000
Defense message system implementation	2,100,000	0	2,100,000	1,100,000
Global Maritime Distress and Safety System (GMDSS)	2,200,000	2,200,000	2,200,000	2,200,000
Thirteenth district microwave modernization project	3,000,000	3,000,000	3,000,000	3,000,000
Hawaii Rainbow communications system modernization	3,000,000	3,000,000	3,000,000	3,000,000
High frequency recapitalization and modernization	2,000,000	2,000,000	2,000,000	2,000,000
Prince William Sound WAN replacement, AK	1,000,000	1,000,000	1,000,000	1,000,000
Security surveillance and protection	0	0	15,000,000	10,000,000
Maritime domain awareness information management	9,400,000	4,400,000	9,400,000	5,000,000
Shore Facilities andj Aids to Navigation	28,700,000	31,385,000	48,700,000	50,200,000
Survey and design—shore projects	2,500,000	5,500,000	2,500,000	4,000,000
Minor AC&I shore construction projects	4,900,000	4,900,000	4,900,000	4,900,000
Housing	7,000,000	7,000,000	7,000,000	7,000,000
Waterways ATON projects	4,900,000	4,900,000	4,900,000	4,900,000
Consolidate Kodiak aviation support—Kodiak, AK	4,000,000	4,000,000	4,000,000	4,000,000
Rebuild ISC Seattle Pier 36—Phase 1	0	0	16,000,000	16,000,000
Vessel pier facility—Cordova, AK	0	0	4,000,000	4,000,000
Construct new station—Manistee, MI	5,400,000	5,085,000	5,400,000	5,400,000
Personnel and Related Support	65,000,000	65,000,000	65,000,000	63,000,000
Direct personnel costs	64,500,000	64,500,000	64,500,000	62,500,000
Retirement accrual costs[1]	0	0	0	0
Core acquisition costs	500,000	500,000	500,000	500,000

Program Name	Budget estimate	House bill	Senate bill	Conference agreement
Integrated Deepwater Systems	500,000,000	500,000,000	480,000,000	478,000,000
Aircraft	138,200,000	138,200,000	135,200,000	164,300,000
Surface ships	215,700,000	215,700,000	212,700,000	200,200,000
C4ISR	0	0	0	23,900,000
Logistics	71,600,000	16,600,000	66,600,000	19,900,000
Shore facilities	0	7,200,000	0	1,000,000
System engineering and integration	0	47,800,000	0	43,700,000
Other contracts	43,500,000	43,500,000	36,500,000	
Government program management	31,000,000	31,000,000	29,000,000	28,000,000
Total appropriation	725,000,000	725,000,000	752,000,000	742,100,000

[1] Excludes $10,846,000 in proposed retirement accural costs.

LTS–101 engine.—The conference agreement includes $4,000,000 to enhance the reliability of the HH–65 LTS–101 engine through the incorporation of FADEC system technology. The conferees continue to support continued evaluation of the Ariel engine by the Coast Guard, and do not intend that these funds undermine support or progress in that effort.

Integrated deepwater systems.—The conference agreement includes $478,000,000 for the integrated deepwater systems (IDS) program, to be distributed as follows:

Activity		Amount
Aircraft		$164,300,000
Maritime patrol aircraft	(147,300,000)	
VTOL unmanned air vehicle	(---)	
Other contracts/legacy sustainment	(17,000,000)	
Surface		200,200,000
National security cutter	(132,800,000)	
110–123 patrol boat upgrade	(60,800,000)	
Short range prosecutor	(2,800,000)	
Other contracts/legacy sustainment	(3,800,000)	
C4ISR		23,900,000
270 foot cutter C4ISR upgrade	(700,000)	
210 foot cutter C4ISR upgrade	(1,400,000)	
378 foot cutter C4ISR upgrade	(3,100,000)	
Shore sites	(5,400,000)	
Other contracts/legacy sustainment	(13,300,000)	
Logistics		17,900,000
Integrated logistics support	(16,900,000)	
Shore sites	(1,000,000)	
Systems Engineering and Integration		43,700,000
Government Program Management		28,000,000
Total		478,000,000

Maritime patrol aircraft.—Although the Coast Guard's budget request for the IDS program assumed the acquisition of 2 maritime patrol aircraft in fiscal year 2003, recently the service announced a restructure of its funding plan which defers that acquisition. The conferees are surprised that, after a detailed planning phase lasting several years, the service's operational requirements and asset replacement plans could be so radically changed this early in the IDS contract. The conferees are not yet convinced that this change is in the best interest of the Coast Guard, and provide funding for these assets in line with the original budget request. Before the Coast Guard effectuates a change of this nature, the service is required to seek Congressional approval through the reprogramming process.

IDS reprogramming procedures.—The conferees agree with reprogramming guidelines as proposed by the House except that programs, projects, and activities with a baseline of $5,000,000 or less may execute below threshold reprogrammings not to exceed 20 percent of the baseline amount. The baseline for all other PPAs shall be 10 percent. The distribution of funds table shown above shall serve as the reprogramming baseline for this program in fiscal year 2003.

IDS compliance with the Buy American Act.—The bill includes a provision, as proposed by the House, clarifying that the IDS procurement program is subject to the terms and conditions of the Buy American Act. The conferees do not seek to amend that Act to apply content standards to individual components of vessels. By letter to the House Committee on Appropriations dated October 1, 2002, the Assistant Commandant for Acquisition stated that this language is considered by the service to be "a restatement of [the Coast Guard's] obligations under existing law and not as an imposition of any additional legal requirements".

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

The conference agreement includes a rescission of unobligated balances from "Acquisition, construction, and improvements" of $17,000,000. The Secretary is directed to advise the House and Senate Committees on Appropriations on the distribution of this rescission prior to its implementation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $17,000,000 for environmental compliance and restoration, as proposed by both the House and Senate.

ALTERATION OF BRIDGES

The conference agreement includes $17,200,000 for alteration of bridges deemed hazardous to marine navigation, instead of $17,000,000 proposed by the House and $14,000,000 proposed by the Senate. The conference agreement distributes these funds as follows:

Bridge and location	*Amount*
New Orleans, LA, Florida Ave RR/HW Bridge	$3,500,000
Brunswick, GA, Sidney Lanier HW Bridge	2,500,000
Mobile, AL, 14 Mile Bridge	6,000,000
Charleston, SC, Limehouse Bridge	1,200,000
Morris, IL, EJ&E RR Bridge	1,000,000
Galveston Causeway, Galveston, TX	1,000,000
Chelsea Street Bridge, Boston, MA	2,000,000
Total	17,200,000

RETIRED PAY

The conference agreement includes $889,000,000 for retired pay, as proposed by both the House and Senate.

RESERVE TRAINING

The conference agreement includes $86,495,000 for reserve training.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement includes $22,000,000 for research, development, test, and evaluation as proposed by the Senate instead of $21,000,000 as proposed by the House. The conferees agree that, within the funds provided, $1,000,000 is for continued development, demonstration, and evaluation of engineered wood composites at Coast Guard facilities, including stations in Jonesport and Southwest Harbor, Maine, as proposed by the House, instead of $3,000,000 as proposed by the Senate. Further, within the funds provided, $1,000,000 is for a pilot project to test automatic search and rescue spectral imaging technology for Coast Guard C–130 aircraft, instead of $2,500,000 proposed by the Senate. The conference agreement includes $250,000 for a prototype observation system in the Lower Chesapeake Bay in Virginia, and $250,000 for research at the Coast Guard Fire Safety Test Detachment in Alabama, as proposed by the Senate.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement includes $7,069,019,000 for operations of the Federal Aviation Administration, instead of $7,060,203,000 proposed by the House and $7,047,203,000 proposed by the Senate. Of the total amount provided, $3,799,278,000 (53.7 percent) is to be derived from the airport and airway trust fund, as proposed by the Senate. Funds are distributed in the bill by budget activity, as proposed by the Senate. The bill maintains a prohibition on funds for aeronautical charting and cartography activities conducted by, or coordinated through, the Working Capital Fund, as proposed by the House.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

CONFERENCE AGREEMENT, FAA OPERATIONS, FY 2003

	House bill	Senate bill	Conference agreement
Air traffic services	$6,038,090,000	$6,038,090,000	$6,038,090,000
Accrual proposal	−340,553,000	−340,553,000	−340,553,000
Spring/summer 2003	−3,250,000		−1,750,000
Operational evolution plan	−11,116,000		−9,616,000
National airspace redesign	−5,357,000		−3,525,000
National park air tour management plans	−4,100,000		−4,100,000
Contract tower cost-sharing	6,000,000	6,000,000	6,000,000
MARC	2,000,000		2,000,000
Training	−10,405,000		−2,000,000
NAS handoff	70,000,000		30,000,000
Medallion program		1,500,000	1,500,000
Unspecified reduction		−43,000,000	
Amount recommended	5,741,309,000	5,662,037,000	5,716,046,000
Regulation and certification	867,174,000	867,174,000	867,174,000
Accrual proposal	−33,207,000	−33,207,000	−33,207,000
Safer skies	−6,887,000		−3,400,000
International harmonization staff	−250,000		−250,000
Drug/alcohol compliance testing	−810,000		−810,000
Non-precision GPS approaches		1,500,000	1,500,000
Inspector technical training		4,000,000	2,000,000
Alien species action plan		3,000,000	3,000,000
Amount recommended	826,020,000	839,467,000	836,007,000
Civil aviation security	6,064,000	6,064,000	6,064,000
Accrual proposal—former FAA employees	−6,064,000	−6,064,000	−6,064,000
Aviation Security Advisory Committee	−60,000		
Amount recommended	−60,000	0	0
Research and acquisitions	211,156,000	211,156,000	211,156,000
Accrual proposal	−3,556,000	−3,556,000	−3,556,000
Contract management efficiencies	0	0	−2,000,000
Amount recommended	207,600,000	207,600,000	207,600,000
Commercial space transportation	12,569,000	12,569,000	12,569,000
Accrual proposal	−244,000	−244,000	−244,000
Amount recommended	12,325,000	12,325,000	12,325,000
Regions and center operations	93,777,000	93,777,000	93,777,000
Accrual proposal	−11,585,000	−11,585,000	−11,585,000
Restore proposed cut to base programs	1,200,000		1,200,000
Amount recommended	83,392,000	82,192,000	83,392,000
Human resource management	84,073,000	84,073,000	84,073,000
Accrual proposal	−3,813,000	−3,813,000	−3,813,000
FECA administrative surcharge	−4,353,000		−4,353,000
HRIS deferral	−4,600,000		4,600,000
Strategic alliances	−5,499,000		−2,000,000
Amount recommended	65,808,000	80,260,000	69,307,000
Office of financial services	49,992,000	49,992,000	49,992,000
Accrual proposal	−1,210,000	−1,210,000	−1,210,000
Contracts management	−2,000,000		
Amount recommended	46,782,000	48,782,000	48,782,000
Staff offices	89,425,000	89,425,000	89,425,000
Accrual proposal	−4,535,000	−4,535,000	−4,535,000
Position review—assumed savings	−400,000		−400,000
Unspecified reduction	−900,000		
Freeze open positions in policy/planning office	−1,750,000		−1,750,000
Reduce office of system safety staffing	−500,000		−266,000
International aviation offices overseas	500,000		500,000
Amount recommended	81,840,000	84,890,000	82,974,000
Office of information services	29,650,000	29,650,000	29,650,000
Accountwide adjustments:			
Staffing adjustment	−10,000,000		−5,000,000
Contract maintenance	−21,258,000		−10,000,000
Travel	−1,064,000		−1,064,000
FAA/DOT Library TASC charges	−2,141,000		−1,000,000
Amount recommended	−34,463,000	0	−17,064,000
Total appropriation recommended	7,060,203,000	7,047,203,000	7,069,019,000

Administration of potential shortfall due to essential air service transfer.—The conferees agree that the FAA Administrator has the flexibility to propose the use of funds in either the "Operations" or "Facilities and equipment" appropriations to address any shortfalls in essential air service funding for which FAA resources are required under existing law. The Administrator is directed to advise the House and Senate Committees on Appropriations on the appropriations and programs from which these funds would be drawn.

Air traffic staffing budget.—The conferees agree that the report proposed by the House on allocation of the air traffic staffing shortfall is to be submitted to the House and Senate Committees on Appropriations no later than 30 days after enactment of this Act.

National Park air tour management plans.—In reducing this program by $4,100,000, the conferees do not intend to slow down the review and approval of air tour management plans. The reduction reflects a substantial delay in this program due to schedule slippage in issuance of the final rule.

Drug/alcohol compliance testing.—In agreeing to the House's proposed reduction to this activity, the conferees do not intend to diminish the agency's level of effort in employee drug and alcohol testing. However, the agency has not yet demonstrated a link between identified problems in administration of this program and the need for additional resources. The conferees believe the identified problems can largely be addressed without additional resources at this time.

Contract tower program.—The conference agreement includes $78,000,000 to fund the baseline contract tower program and $6,000,000 for the contract tower cost-sharing program. Consistent with current law and existing lease arrangements, the conferees direct FAA to continue reimbursing airports for space the agency utilizes at all contract tower locations previously staffed by the agency, including existing, newly constructed, and future replacement towers. The conferees commend those airports that are moving forward with replacing outdated towers. The conferees do not believe smaller airports should be compelled to provide FAA free space in replacement contract towers.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,981,022,000 for "Facilities and equipment", as proposed by both the House and Senate. Of the total amount available, $404,655,240 is available for one year, and $2,576,366,760 is available for three years. The bill deletes a provision proposed by the Senate that would have provided a contingent rescission relating to submission of the FY 2004 Capital Investment Plan. This provision is no longer necessary, as the report has been submitted to the Congress.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment Fiscal Year 2003

Note: all figures in thousands ($000)	Budget estimate	House bill	Senate bill	Conference
Category 1: Improve Aviation Safety	403,340.00	484,214.20	363,640.00	468,623.00
Terminal Business Unit	141,000.00	151,183.00	161,300.00	151,183.00
Aviation Weather Services Improvements	23,440.00	23,440.00	23,440.00	23,440.00
Low Level Windshear Alert System (LLWAS)—Upgrade	1,600.00	1,600.00	1,600.00	1,600.00
Aviation Safety Analysis System (ASAS)	21,700.00	15,000.00	21,700.00	15,000.00
Integrated Flight Quality Assurance (IFQA)	500.00	500.00	500.00	500.00
Safety Performance Analysis Subsystem (SPAS)	2,100.00	2,100.00	2,100.00	2,100.00
Performance Enhancement Systems (PENS)	2,600.00	2,600.00	2,600.00	2,600.00
Safe Flight 21	29,800.00	40,000.00	32,800.00	40,000.00
Advanced Technology Development and Prototyping	41,100.00	43,100.00	41,600.00	57,200.00
Aircraft Related Equipment Program	16,000.00	16,000.00	16,000.00	16,000.00
National Aviation Safety Data Analysis Center (NASDAC)	2,000.00	2,000.00	2,000.00	2,000.00
Louisville, KY technology demonstration	0.00	10,000.00	0.00	10,000.00
Explosive Detection Technology	121,500.00	176,691.20	55,000.00	144,000.00
Volcano Monitoring			3,000.00	3,000.00
Category 2: Improve Efficiency of the Air Traffic Control System	914,185.50	879,885.30	895,951.50	816,780.30
Terminal Business Unit	551,035.50	516,280.30	534,601.50	490,030.30
Aeronautical Data Link (ADL) Applications	33,200.00	33,200.00	29,700.00	29,700.00
Free Flight Phase 2	106,200.00	106,200.00	96,200.00	70,000.00
Air Traffic Management (ATM)	13,000.00	13,000.00	13,000.00	13,000.00
Free Flight Phase 1	39,900.00	36,600.00	39,900.00	36,600.00
Automated Surface Observing System (ASOS)	12,100.00	12,755.00	12,100.00	12,100.00
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	71,100.00	71,100.00	71,100.00	66,100.00
En Route Automation Program	71,050.00	71,050.00	75,250.00	71,050.00
Weather and Radar Processor (WARP)	13,600.00	13,600.00	13,600.00	13,600.00
Long Range Radar Sustainment			7,500.00	7,500.00
ATOMS Local Area/Wide Area Network	1,100.00	1,100.00	1,100.00	1,100.00
NAS Management Automation Program (NASMAP)	1,900.00	0.00	1,900.00	1,000.00
New York Integrated Control Complex	0.00	5,000.00	0.00	5,000.00
Category 3: Increase Capacity of the NAS	353,500.00	394,875.00	400,384.00	432,975.00
Navigation and Landing Aids	249,800.00	291,175.00	295,735.00	329,275.00
Oceanic Automation System	87,400.00	87,400.00	76,349.00	87,400.00
Gulf of Mexico Offshore Program	2,300.00	2,300.00	2,300.00	2,300.00
Voice Switching and Control System (VSCS)	14,000.00	14,000.00	14,000.00	14,000.00
Transponder Landing System			12,000.00	0.00
Category 4: Improve Reliability of the NAS	443,410.00	434,010.00	461,710.00	434,310.00
Guam Center Radar Approach Control (CERAP)—Relocate	5,000.00	5,000.00	5,000.00	5,000.00
Terminal Voice Switch Replacement/Enhanced TVS	6,200.00	6,200.00	17,200.00	14,200.00
Airport Cable Loop Systems—Sustained Support	4,000.00	4,000.00	5,500.00	5,500.00
En Route Automation Program	142,800.00	142,800.00	147,500.00	150,000.00
ARTCC Building Improvements/Plant Improvements	40,200.00	40,200.00	40,200.00	35,000.00
Air Traffic Management (ATM)	24,500.00	24,500.00	24,500.00	24,500.00
Critical Telecommunication Support	1,000.00	1,000.00	1,000.00	1,000.00
FAA Telecommunications Infrastructure	46,600.00	46,600.00	46,600.00	42,000.00
Air/Ground Communications Infrastructure	22,800.00	22,800.00	22,800.00	22,800.00
Voice Recorder Replacement Program (VRRP)	3,300.00	7,000.00	3,300.00	5,000.00
NAS Infrastructure Management System (NIMS)	29,100.00	16,000.00	29,100.00	16,000.00
Flight Service Station (FSS) Modernization	5,700.00	5,700.00	5,700.00	5,700.00
FSAS Operational and Supportability Implementation System (OASIS)	19,710.00	19,710.00	19,710.00	19,710.00
Weather Message Switching Center Replacement (WMSCR)	2,000.00	2,000.00	2,000.00	2,000.00
Flight Service Station Switch Modernization	13,200.00	13,200.00	13,200.00	13,200.00
Alaskan NAS Interfacility Communications System (ANICS)	2,900.00	2,900.00	4,000.00	4,000.00
Electrical Power Systems—Sustain/Support	50,700.00	50,700.00	50,700.00	45,000.00
NAS Recovery Communications (RCOM)	9,400.00	9,400.00	9,400.00	9,400.00
Aeronautical Center Infrastructure Modernization	11,700.00	11,700.00	11,700.00	11,700.00
Frequency and Spectrum Engineering	2,600.00	2,600.00	2,600.00	2,600.00
Category 5: Improve the Efficiency of Mission Support	444,019.50	436,919.55	436,769.51	413,678.51
NAS Improvement of System Support Laboratory	2,700.00	2,700.00	2,700.00	2,700.00
Technical Center Facilities	12,000.00	12,000.00	12,000.00	12,000.00
Technical Center Building and Plant Support	3,000.00	3,000.00	3,000.00	3,000.00
En Route Communications and Control Facilities Improvements	1,057.95	1,058.00	1,307.95	1,307.95
DOD/FAA Facilities Transfer	1,200.00	1,200.00	3,200.00	3,200.00
Terminal Communications—Improve	1,249.30	1,249.30	1,249.30	1,249.30
Flight Service Facilities Improvement	1,223.24	1,223.24	1,223.24	1,223.24
Navigation and Landing Aids—Improve	5,034.02	5,034.02	5,034.02	5,034.02
FAA Buildings and Equipment	11,000.00	11,000.00	11,000.00	11,000.00
Air Navigational Aids and ATC Facilities (Local Projects)	2,100.00	2,100.00	2,100.00	2,100.00
Computer Aided Engineering and Graphics (CAEG) Modernization	2,800.00	2,800.00	2,800.00	2,800.00
Information Technology Integration	1,600.00	1,600.00	1,600.00	1,600.00
Operational Data Management System (ODMS)	10,300.00	3,000.00	10,300.00	3,000.00
Logistics Support Systems and Facilities (LSSF)	9,300.00	5,000.00	5,000.00	5,000.00
Test Equipment—Maintenance Support for Replacement	1,700.00	1,700.00	1,700.00	1,700.00
Facility Security Risk Management	37,300.00	25,000.00	37,300.00	25,000.00
Information Security	13,291.00	13,291.00	13,291.00	8,000.00
Distance Learning	1,300.00	1,300.00	1,300.00	1,300.00
National Airspace System (NAS) Training Facilities	2,300.00	2,300.00	2,300.00	2,300.00
System Engineering and Development Support	25,800.00	25,800.00	25,800.00	23,800.00
Program Support Leases	38,400.00	38,400.00	38,400.00	36,400.00
Logistics Support Services (LLS)	7,500.00	7,500.00	7,500.00	7,500.00
Mike Monroney Aeronautical Center—Leases	14,600.00	14,600.00	14,600.00	14,600.00
In-Plant NAS Contract Support Services	2,900.00	2,900.00	2,900.00	2,900.00
Transition Engineering Support	39,000.00	37,000.00	37,000.00	35,000.00
FAA Corporate Systems Architecture	1,000.00	1,000.00	1,000.00	1,000.00
Technical Support Services Contract (TSSC)	46,700.00	46,700.00	44,700.00	41,700.00
Resource Tracking Program (RTP)	3,700.00	3,700.00	2,500.00	2,500.00
Center for Advanced Aviation System Development	81,364.00	81,364.00	81,364.00	81,364.00
Operational Evolution Plan	1,000.00	1,000.00	1,000.00	1,000.00
NAS Facilites OSHA and Environmental Standards Compliance	32,600.00	28,400.00	32,600.00	28,400.00
Fuel Storage Tank Replacement and Monitoring	8,500.00	8,500.00	8,500.00	8,500.00

Facilities and Equipment Fiscal Year 2003—Continued

Note: all figures in thousands ($000)	Budget estimate	House bill	Senate bill	Conference
Hazardous Materials Management	20,500.00	20,500.00	20,500.00	20,500.00
Research Aircraft Replacement	0.00	25,000.00	0.00	15,000.00
Unspecified	0.00	-2,000.00	0.00	0.00
Category 6: PCB&T Only	441,118.00	421,118.00	422,567.00	404,655.24
Personnel and Related Expenses	441,118.00	421,118.00	422,567.00	404,655.24
Category 7: Accountwide Adjustments	0.00	-70,000.00		10,000.00
NAS Handoff—Transfer to Operating Expenses	0.00	-70,000.00		10,000.00
Totals	2,999,573.00	2,981,022.05	2,981,022.01	2,981,022.05

Terminal business unit.—The conference agreement provides $641,213,304 for activities of the terminal business unit. The following table compares the conference agreement to the budget estimate and the House and Senate proposals:

	Budget estimate	House bill	Senate bill	Conference agreement
Budget line 1A01:				
NEXRAD upgrade	$9,100,000	$9,100,000	$9,100,000	$9,100,000
Terminal doppler weather radar	7,700,000	5,700,000	7,700,000	5,700,000
ASDE	10,000,000	10,000,000	10,000,000	10,000,000
AMASS	21,700,000	14,583,000	21,700,000	14,583,000
Weather systems processor	2,200,000	2,200,000	2,200,000	2,200,000
ASDE–X	90,300,000	109,600,000	104,600,000	109,600,000
Safety and security activities			6,000,000	
Total	141,000,000	151,183,000	161,300,000	151,183,000
Budget line 2A04:				
Terminal automation program (STARS)	166,000,000	151,200,000	158,700,000	155,000,000
ATCBI–6	47,100,000	35,000,000	35,000,000	28,000,000
ATC en route radar facilities improvements	3,000,000	3,000,000	3,000,000	3,000,000
Terminal ATC facilties replacement	108,600,000	124,100,000	103,566,000	119,550,000
ATC/TRACON facilities improvement	52,755,192	44,000,000	44,000,000	44,000,000
Potomac TRACON	2,700,000	2,700,000	2,700,000	2,700,000
Northern California TRACON	200,000	200,000	200,000	200,000
Dallas/Fort Worth TRACON	1,600,000	1,600,000	1,600,000	1,600,000
Terminal digital radar (ASR–11)	123,400,000	80,000,000	90,000,000	80,000,000
ASR–9 SLEP	23,000,000	23,000,000	15,500,000	20,000,000
Mode S provide	3,000,000	3,000,000	3,000,000	3,000,000
Terminal applied engineering	8,200,000	4,000,000	4,000,000	4,000,000
Precision runway monitors	1,000,000	19,000,000	18,000,000	18,500,000
Houston area air traffic system	6,000,000	6,000,000	6,000,000	6,000,000
Terminal ASR improvements	1,380,304	1,380,304	1,380,304	1,380,304
PCS moves	3,100,000	3,100,000	3,100,000	3,100,000
Transponder landing system (TLS)	0	15,000,000		
Unspecified			44,855,192	
Total	551,035,496	516,280,304	534,601,496	490,030,304

Terminal air traffic control facilities replacement.—The conference agreement provides $119,550,000 for this program. Funds shall be distributed as follows:

Location	*Conference agreement*
Las Vegas McCarran International, NV	$3,500,000
Provo Municipal, UT	800,000
St. Louis Downtown, MO	2,500,000
North Bend Municipal, OR	1,000,000
Reno/Tahoe International, NV	4,500,000
Chippewa Valley Regional, WI	6,000,000
Wittman Regional, WI	4,000,000
Double Eagle II, NM	1,900,000
Kalamazoo/Battle Creek, MI	1,500,000
Columbia Metropolitan, SC	1,500,000
Missoula, MT	1,500,000
Columbus, MS	1,250,000
Pago Pago, American Samoa	175,000
Baltimore, MD	2,088,581
Dulles International, VA	600,000
Deer Valley, AZ	803,196
Memphis, TN	1,147,000
Portland, OR (Tracon)	5,500,000
Addison Field, TX	5,700,000
Reno, NV	8,349,000
Fort Wayne, IN	3,539,000
Newport News, VA	6,400,000
LaGuardia, NY	9,460,000
St. Louis, MO (Tracon)	1,500,000
Corpus Christi, TX	700,000
Beaumont, TX	1,000,000
Seattle, WA	550,000
Seattle, WA (Tracon)	4,782,701
Salina, KS	500,000
Newark, NJ	3,000,000
Port Columbus, OH	2,100,000
Grand Canyon, AZ	255,898
Savannah, GA	919,190
Newburgh, NY	2,065,000
Richmond, VA	550,000
Vero Beach, FL	878,775
Everett, WA	925,000
Roanoke, VA	550,000
Merrimack, NH (BCT)	4,700,000
Phoenix, AZ	14,107,919
Manchester, NH	943,609
Wilkes Barre, PA	2,000,000
Topeka, KS	1,690,131
Billings, MT	2,120,000
Total	119,550,000

Precision runway monitors.—The conferees understand the City of Cleveland is seeking reimbursement of approximately $500,000 for costs related to installation of a precision runway monitor in this location. The conferees encourage FAA to place a high priority on the city's request in its allocation of funding provided in this bill.

Transponder landing system.—The conference agreement for this program shall be distributed as follows:

Location	*Conference agreement*
Minden-Tahoe Airport, NV	$2,000,000
Elko Airport, NV	2,000,000
Omak Airport, WA	2,000,000
Richland Airport, WA	2,000,000
Truckee Tahoe Airport, CA	2,000,000
Driggs Reed Memorial, ID	2,000,000
Sandpoint Airport, ID	2,000,000
LaGrande/Union County, OR	2,000,000
William H. Morse Airport, VT	2,000,000
Total	18,000,000

Safe flight 21.—The conference agreement includes $18,600,000 for the Ohio River Valley Project, $19,900,000 for Project Capstone, and $1,500,000 for the development of ADS-B standards, as proposed by the House.

Advanced technology development and prototyping.—The conference agreement includes $57,200,000 for advanced technology development and prototyping. The following table compares the conference agreement to the House and Senate bills by budget activity:

	House bill	Senate bill	Conference agreement
Runway incursion	$6,700,000	$6,700,000	$6,700,000
Aviation system capacity improvement	4,000,000	6,300,000	5,150,000
Separation standards	2,200,000	2,200,000	2,200,000
Airspace management laboratory	4,600,000	4,600,000	4,600,000
GA/vertical flight technology	1,000,000	1,000,000	1,000,000
Operational concept validation		2,500,000	1,250,000
Software engineering	1,000,000	1,000,000	1,000,000
NAS requirements development		3,000,000	
WAAS	3,100,000	3,100,000	3,100,000
LAAS	2,800,000	2,800,000	2,800,000

	House bill	Senate bill	Conference agreement
Domestic RVSM	4,200,000	2,200,000	4,200,000
Development system assurance		2,700,000	2,700,000
Safer skies		3,000,000	2,000,000
Alkali-silica reactivity study	1,000,000		1,000,000
ROWS—Gulfport-Biloxi Airport, MS		500,000	500,000
Airfield improvement program		2,000,000	2,000,000
Wind/weather research, Juneau, AK		5,500,000	5,500,000
Phased array radar technology	3,000,000		2,000,000
Airport research	7,500,000		7,500,000
Fogeye	2,000,000		2,000,000
Unspecified		−7,500,000	
Total	43,100,000	41,600,000	57,200,000

En route automation.—The conferees agree that, within the funds provided for this program, $15,000,000 is for the Initial Academy Training System. The Senate proposed $16,900,000 for this project.

Automated surface observing system.—The conferees agree that, within the funds provided for this program, $400,000 is for an automated weather sensor system at Driggs-Reed Memorial Airport, ID and $130,000 is for an automated weather observing system with thunderstorm protection at Springfield Municipal Airport, OH.

Navigation and landing aids.—The conferees provide $329,275,000 for navigation and landing aids.

The conference agreement includes $1,500,000 for navigation aids and equipment at Nikolski Airport in Alaska. The conferees encourage FAA to assist the local community and airort officials in determining the appropriate equipment to be installed. The following table compares the conference agreement to the House and Senate bills by budget activity:

	House bill	Senate bill	Conference agreement
Local area augmentation system	$55,800,000		$50,000,000
Wide area augmentation system	98,900,000	98,900,000	98,900,000
VOR/DME	2,200,000		2,200,000
ALSIP	17,575,000	29,755,000	33,375,000
ILS establishment	53,500,000	36,180,000	57,600,000
Runway visual range	13,000,000		13,000,000
DME sustain	2,100,000		2,100,000
NDB sustain	1,200,000		1,200,000
Visual navaids (PAPI/REIL)	8,900,000		8,900,000
VASI replace with PAPI	6,300,000		6,300,000
IAPA	3,700,000		3,700,000
Navigation & landing aids—SLEP	3,000,000		3,000,000
Loran-C	25,000,000	21,000,000	25,000,000
Nationwide differential GPS		6,000,000	6,000,000
Transponder landing system (TLS)		12,000,000	18,000,000
Unspecified		103,900,000	
Total	291,175,000	307,735,000	329,275,000

Approach lighting system improvement program.—The conference agreement for this program shall be distributed as follows:

Location	Item	Conference agreement
Items in budget estimate	Various	$3,200,000
Jackson Airport, KY	Lighting	175,000
Somerset Airport, KY	Runway lighting	500,000
Bowman Field, KY	Airfield lighting	500,000
MALSR acquisition	MALSR acquisition	5,000,000
MALSR installation (backlog)	MALSR installation	5,000,000
PAPI acquisition	PAPI acquisition	2,000,000
ALSF–2 acquisition	ALSF–2 acquisition	2,000,000
Newark Intl, NJ	PAPI installation runway 22L	100,000
Auburn-Opelika, AL	MALSR	1,500,000
Reno-Stead, NV	MALSR	2,000,000
Baton Rouge, LA	MALSR	600,000
Cleveland Hopkins Intl, OH	MALSR runway 24L	400,000
North Little Rock, AR	MALSR	400,000
Alaska statewide rural airports, AK		10,000,000
Total		33,375,000

Acquisition of precision approach path indicator lighting systems.—The conferees emphasize that funding provided under the Approach Lighting System Improvement Program for nationwide acquisition of precision approach path indicator (PAPI) lighting systems shall be used specifically for the purchase of additional PAPI systems, to keep the production line operational for future procurements.

Medium approach lighting system replacement.—The conferees agree with Senate language recommending that FAA continue to procure the latest equipment that has been approved for use in the national airspace system.

Alaska statewide rural airport lighting.—The conferees designate this as an item of special Congressional interest. The $10,000,000 in this line may not be reprogrammed without prior Congressional approval.

En route communications and control facilities improvements.—The conferees agree that, within the funds provided for this program, $250,000 shall be for a remote communications outlet at the Keokuk, IA Airport.

Instrument landing system establishment.—The conference agreement for this program shall be distributed as follows:

Location	Item	Conference agreement
Items in budget estimate	Various	$23,500,000
National ILS replacement program.	Various	6,650,000
Richard Arthur-Fayette Field, AR.	Install ILS	500,000
Stuttgart Municipal, AR	Purchase and install ILS	2,000,000
Plymouth Municipal, MA	Install ILS on runway 06	600,000
Lambert St. Louis Intl, MO	Navigation aids	3,000,000
Cincinnati/N. Kentucky	Navigation aids for new runway.	3,000,000
Pangborn Memorial, WA	Install ILS	2,000,000
Winder Barrow Airport, GA	Purchase and install ILS	3,000,000
LaGuardia International, NY.	Purchase/install glideslope.	800,000
Talladega Municipal, AL	Purchase/install ILS	1,500,000
Mena Intermountain Regional, AR.	Install,Localizer/Gldslp; NDB; OM.	750,000
Napa County Airport, CA	Install glideslope	800,000
Hawyard (Sawyer Cty), WI	Purchase/install ILS	2,000,000
Robert Gray AAF, TX	Purchase/install ILS	1,400,000
Olive Branch Airport, MS		500,000
Reno/Tahoe International, NV.		1,200,000
Wasilla Airport, AK		800,000
Central Illinois Regional, IL.	Upgrade ILS to cat II, runway 20.	3,000,000
Somerset Airport, KY	DME and glideslope	600,000
Total recommended		57,600,000

Runway visual range.—Of funds provided above the budget estimate for runway visual range, $5,000,000 is for the new generation RVR system and $800,000 is for installation of a runway visual range visibility instrument at Westchester County Airport in New York, as proposed by the House.

Gallatin Field Airport, MT.—The conferees are concerned about potential safety risks associated with the lack of radar coverage at Gallatin Field Airport in Bozeman, Montana, an airport whose enplanements and operations are growing. The conferees encourage the Administrator to expand the current multilateration surveillance evaluation to include airspace traffic activity at Gallatin Field and the surrounding areas. The conferees further encourage the Administrator to enter into a cost-sharing agreement with Gallatin Field to provide this evaluation.

Static transfer switches.—The conferees commend FAA for awarding a contract to procure static transfer switches for en route facilities. The static transfer switch enables air traffic control centers to switch to back-up power systems quickly enough to prevent computers from "crashing", and replaces equipment that lacks this important capability. The conferees direct the FAA to utilize expeditiously the funding provided for these switches.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of unobligated balances from "Facilities and equipment" of $20,000,000. The Secretary is directed to advise the House and Senate Committees on Appropriations on the distribution of this rescission prior to its implementation.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $148,450,000 for research, engineering, and development instead of $138,000,000 as proposed by the House and $124,000,000 as proposed by the Senate. The following table compares the conference agreement to the budget estimate and the House and Senate bills by budget activity:

Program	Budget Estimate	House Bill	Senate Bill	Conference agreement
Improve Aviation Safety:				
Reduce commercial aviation fatalities:				
Fire research and safety	$6,429,000	$5,500,000	$6,429,000	$6,429,000
Propulsion and fuel systems	3,998,000	5,998,000	4,998,000	5,998,000
Advanced materials/structural Safety	1,374,000	1,374,000	1,374,000	1,374,000
Flight safety/atmospheric hazards	3,101,000	6,000,000	4,101,000	5,000,000
Aging aircraft	20,974,000	19,131,000	20,974,000	20,974,000
Aircraft catastrophic failure Prevention	1,920,000	1,920,000	1,920,000	1,920,000
Flightdeck safety/systems Integration	8,411,000	8,411,000	8,411,000	8,411,000
Reduce general aviation fatalities:				
Propulsion and fuel systems	1,713,000	1,713,000	1,713,000	1,713,000
Advanced materials/structural Safety	1,679,000	1,679,000	1,679,000	1,679,000
Flight safety/atmospheric hazards	1,329,000	1,329,000	1,329,000	1,329,000
Aging aircraft	5,243,000	10,243,000	5,243,000	9,243,000
Flightdeck safety/systems Integration	2,000,000	2,000,000	2,000,000	2,000,000
Aviation System Safety:				
Aviation safety risk analysis	6,926,000	5,784,000	6,926,000	6,926,000
ATC/AF human factors	10,317,000	8,098,000	10,317,000	8,035,000
Aeromedical research	6,603,000	6,603,000	6,603,000	6,603,000
Weather research	19,406,000	19,406,000	19,406,000	21,906,000
Improve Efficiency of the ATC System:				
Weather research efficiency	9,099,000	6,000,000	12,099,000	12,099,000
Reduce Environmental Impacts:				
Environment and energy	7,698,000	22,100,000	2,698,000	22,100,000
Improve Mission Efficiency:				
System planning and resource Management	1,459,000	1,000,000	1,459,000	1,000,000
Technical laboratory facilities	6,455,000	6,455,000	6,455,000	6,455,000
Strategic partnerships	610,000	0	610,000	0
Accountwide Adjustments:				
CSRS/FEHBP accruals	-2,744,000	-2,744,000	-2,744,000	-2,744,000
Total	$124,000,000	$138,000,000	$124,000,000	$148,450,000

Propulsion and fuel systems.—Of the funds provided for propulsion and fuel systems, $1,000,000 is for the Specialty Metals Processing Consortium and $1,000,000 is for research into aviation grade ethanol fuels.

Aging aircraft.—Of the funds provided for aging aircraft, $4,000,000 is for flight safety research equipment at the National Institute for Aviation Research, instead of $5,000,000 as proposed by the House.

Weather research safety.—Of the funds provided for weather research safety, $4,000,000 is to continue research into wake turbulence using pulsed laser Doppler radar technology, instead of $5,000,000 as proposed by the Senate.

Weather research efficiency.—Of the funds provided for weather research efficiency, $4,000,000 is for wake turbulence research to expedite the development of new standards and procedures, instead of $5,000,000 as proposed by the Senate.

Environment and energy.—Of the funds provided for environment and energy, $850,000 is for a study of the effectiveness of current research in aircraft noise reduction technology, to be conducted by the Louisville Regional Airport Authority, as proposed by the House. In addition, $15,000,000 is provided to speed up the introduction of lower noise aircraft technologies, as proposed by the House. Within the funding provided, FAA is directed to conduct, in concert with an affected airport, a further study of low frequency aircraft noise. The flaws identified with the previous low frequency noise impact study should be corrected with this follow-on study.

Resistance-based polymer sensing—The conferees support the FAA's efforts to promote safety in all aspects of air transportation, and especially in such areas as leak detection, cargo monitoring, and discriminatory fire warning systems. The conferees are aware of ultra-lightweight, low-cost, low-power, accurate, and network-able sensing technology enabled by resistance-based polymer composites. The conferees encourage the FAA to review the potential of these new technologies for a variety of safety-related applications.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $3,100,000,000, as proposed by the House and the Senate.

Obligation limitation.—The conferees agree to an obligation limitation of $3,400,000,000 for the "Grants-in-aid for airports" program as proposed by the House and Senate. This is the amount mandated by Public Law 106–181.

Administration.—The conference agreement includes a limitation on administrative expenses of $63,620,000 instead of $62,820,000 as proposed by the House and $81,049,000 as proposed by the Senate. The conferees agree that airport-related research shall continue to be funded under "Facilities and equipment, advanced technology development and prototyping". The conference agreement distributes funding as follows:

Activity	*Amount*
FY02 base amount	$57,050,000
Mandatory adjustments	2,647,000
Discretionary adjustments:	
Advisory circular contract	1,350,000
Airport financial report. syst.	500,000
PFC program analysis	300,000
Environmental streamlining	1,773,000
Total	63,620,000

Small community air service development pilot program.—The bill includes $20,000,000 under the obligation limitation to continue the small community air service development pilot program, as proposed by the Senate. The House proposed a similar amount for this program in a separate appropriation. This is consistent with actions taken in fiscal year 2002.

Westchester County Airport improvements, NY.—In the Transportation and Related Agencies Appropriations Act, 2002, $5,000,000 was provided for the central deicing facility at Westchester County Airport in New York. The conferees agree that this funding shall be reprioritized for all eligible aviation projects at Westchester County Airport.

High priority projects.— Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available resources, for the following projects in the corresponding amounts. The conferees agree that state apportionment funds may be construed as discretionary funds for the purposes of implementing this provision, consistent with the practice begun in fiscal year 2001. To the maximum extent possible, the administrator is directed to ensure that the airport sponsors for these projects first use available entitlement funds to finance these projects. The conferees further direct that the specific funding allocated below shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

AIP HIGH PRIORITY PROJECTS

Airport	Project Description	Conference
Akutan Airport	Runway Improvements and access road	$4,000,000
Barter Island Dew Airport (Kaktovik)	Passenger Terminal	2,000,000
Juneau International Airport	Snow Removal and other improvements	3,000,000
Kodiak Airport	Various Improvements	2,000,000
Palmer Municipal Airport	Various Improvements	1,000,000
Petersburg Airport	Runway Apron & Various improvements	4,000,000
Blackwell Field Airport	Land Acquisition for Runway Extension	2,000,000
City of Hartselle (Roundtree Field)	Apron expansion	280,000
Fairhope Municipal	Runway replacement; convert runway to taxiway	1,500,000
Lawrence County Airport	Runway 13/31 rehabilitation	900,000
Madison County Executive Airport	Security fencing, drainage imps;; land acquis;; taxiway	1,500,000
Mobile Downtown (Brookley Field)	Runway Rehabilitation	2,000,000
Montgomery Regional (Dannelly Field)	Terminal Construction	2,500,000
Richard Arthur-Fayette Field	Improve and extend runway	1,000,000
Shelby County Airport	Land Acquisition, Runway & Taxiway	2,000,000
Centre-Piedmont-Cherokee Regional	Master Plan and land acquisition	2,000,000
Batesville Regional Airport	Install localizer, DME; runway lighting; relocate hangers	800,000
Northwest Arkansas Regional	Airport Expansion	2,500,000
Deer Valley Airport	Various improvements	800,000
Williams Gateway Airport	Construct north ramp taxiway	1,275,000
Fresno Yosemite International Airport	Runway rehabilitation; redesign; access control system	800,000
Imperial Valley Regional	Cargo airport feasibility study	400,000
Little River Airport Mendocino County	Land acquisition	175,000
Meadows Field Airport	Terminal master plan; runway extension	1,700,000
San Bernardino International	Runway repair and replacement	1,000,000
San Francisco International Airport	Various improvements	5,000,000
Southern California Logistics Airport	Engine run-up area	1,500,000
Stockton Metropolitan	Cargo apron on north side of runway 11L/29R	1,300,000
Georgetown Air Services Airport	Security Improvements	100,000
New Castle County Airport	Digital Video Recording System	150,000
Ft. Lauderdale-Hollywood International	Develop and design automated people mover	500,000
Inverness and Crystal River Airports	Security improvements	600,000
Miami International Airport	Apron replacement for parking; security enhancements	1,000,000
Orlando International Airport	Wildlife Attractants Project	4,000,000
Orlando Sanford Airport	Extension of runway 9R/27L	1,000,000
Bush Field Airport	New Terminal, Access & Parking	1,000,000
Cherokee County Airport	Runway extension and parallel taxiway	1,500,000
Glynco Jetport Terminal	Modernize facility for operations and security needs	2,000,000
Council Bluffs Airport	Land Acquisition, Runway	1,000,000
Eastern Iowa Airport	Rehabilitation of taxiways and general aviation apron	1,000,000
Fairfield Municipal Airport	Runway & Taxiway	500,000
Mason City Municipal	Reconstruct primary runway (17/35)	2,000,000
Ottumwa Industrial Airport	Partial parallel taxiway to runway end 31	1,000,000
Freeport Albertus Airport	Airport Improvement Projects	1,750,000
Greater Rockford Airport	Airport Improvement Projects	1,750,000
Quad City Airport/Moline	Airport Improvement Projects	750,000
Gary/Chicago Airport	Bituminous overlay for runway rehabilitation; apron expansion	1,100,000
Wichita Mid-Continent	Construct parallel runway and connecting taxiways	3,000,000
Barkley Regional Airport	Runway Extension, Various improvements	3,700,000
Blue Grass Field	Expansion of air carrier ramp	739,800
Bowman Field	Reconstruct taxiway and apron	1,500,000
Hawesville-Hancock County	Design/construct runway	1,000,000
Hazard Airport	Runway extension	2,000,000
Henderson City/County Airport	Taxiway relocation	850,000
Madison County Airport	Runway safety area improvement	450,000
Marion/Crittendon County Airport	Engineering for phase 1 development; escavation	800,000
Mt. Sterling-Montgomery Airport	Parallel taxiway	500,000
Princeton/Caldwell County Airport	Runway Extension	750,000
Rowan County Airport	Master plan, environmental, grade and drain	2,000,000
Somerset Airport	Runway extension and runway overlay	1,350,000
Tri-County Northern Regional Airport	Various improvements	350,000
Williamsburg/Whitley County Airport	Grade and pave for new airport	2,000,000
Armstrong International Airport	Airfield safety improvements; other improvements	1,000,000
Houma-Terrebone	Runway upgrades	2,000,000
Monroe Regional Airport	Terminal	725,000
Ryan Field Baton Rouge Airport	Various improvements, Language	1,000,000
Shreveport Regional Airport	Runway, Noise, Cargo	4,000,000
Slidell Municipal	Airport taxiway reconstruction	500,00
Cherry Capital Airport	Terminal Construction	2,000,000
Oakland International	Noise mitigation activities	2,000,000
Minneapolis St. Paul	Deicing pad for runway 12R	6,000,000
Joplin Airport	Environmental assessment and design—new terminal	810,000
Kennett Memorial Airport	New runway construction	2,000,000
Lewis County Airport	Hangar Projects	900,000
Springfield/Branson	Design for new midfield terminal	3,000,000
Washington Memorial Airport	Runway Project	150,000
Gulfport-Biloxi Airport	Terminal Expansion & Security	4,250,000
Houston Municipal Airport	Various improvements	600,000
Bert Mooney Airport	Various improvements	750,000
Great Falls International Airport	Category III Upgrades	2,000,000
Helena Regional Airport	Facility Modernization	1,250,000
Missuola International Airport	Master Plan, Runway, Land	4,000,000
Andrews-Murphy Airport	Runway extension; taxiway and RSA; land acquisition	1,200,000
Anson County	Various improvements	1,500,000
Concord Regional Airport	Runway Ext., Land Acquisition	2,000,000
Johnson County Airport	Wetland mitigation; construction of extended RSA	1,000,000
Macon County Airport	Runway extension EIS, design, and preliminary engineering	900,000
Monroe Municipal Lincoln County	Security fencing	300,000
Morgantown Lenoir Airport	Partial parallel taxiways; widen/overlay runway	1,000,000
Statesville Municipal Airport	Land acquisition; design/build runway extension; install ILS	1,000,000
Bismark Municipal Airport	Terminal Replacement	5,000,000
Central Nebraska Regional Airport	Taxiway & Runwawy	4,400,000
Newark International Airport	Engineering studies/EIS for installation of LDA w/glideslope	1,000,000
Dona Ana County Airport	Runway and Taxiway	1,000,000
Reno Stead Airport	Runway and Taxiway	2,000,000
Reno/Tahoe International Airport	Taxiway, Runway	2,000,000
Hancock International	Various equipment improvements	100,000
Niagara Falls International Airport	Rehabilitate apron; access improvements; hanger demolition	100,000
Niagara Falls International Airport	Rehabilitate apron; access improvements; hanger demolition	650,000
Plattsburgh International	Construct terminal; rehabilitate hangers	2,000,000
Akron-Canton Regional	Design and construction of terminal expansion	4,000,000
Cincinnati Municipal (Lunken Field)	Security fencing	150,000
Cleveland Hopkins	Install navaids; noise mitigation; security upgrades; lighting	1,000,000
Port Columbus International	Various improvements	1,150,000
Rickenbacker International	Rehabilitation/expansion of air cargo aircraft parking	4,000,000
Toledo Express Airport	Construction of aircraft parking apron; security enhancements	2,000,000
Bartlesville Municipal Airport	Runway, Safety Area	1,500,000

AIP HIGH PRIORITY PROJECTS—Continued

Airport	Project Description	Conference
Davis Field Airport	Rehabilitate runway 13–31	750,000
Connellsville Airport	Runway extension; acquisition; other improvements	2,000,000
Erie International	Runway Extension	2,000,000
Jimmy Stewart Airport	Construct new, longer runway	1,000,000
Lawrence County Airport	Various improvements	250,000
Lehigh Valley International Airport	Lighting	1,000,000
Philadelphia International Airport	Reconstruct terminal apron; extend RSA;; security; airfield	2,000,000
Fairfield County Airport	Runway Extension	375,000
Spartanburlg Downtown	Construct RSA; extend runway	1,000,000
Chan Gurney Airport	Runway Lighting System	4,400,000
Highmore Municipal Airport	Runway	200,000
Chattanooga Airport	West airfield access road	2,310,200
McGhee Tyson Airport, Knoxville	Construct new taxiway, public access road, and service road	1,500,000
Nashville International Airport	Security Enhancement	2,000,000
Upper Cumberland Regional	Extend runway and parallel taxiway; land acquisition	500,000
Abilene Airport	Various improvements	2,000,000
Del Rio International	Land acquisition for runway extension	2,000,000
Denton Municipal Airport	Improvements	2,000,000
Draughon-Miller Regional Airport	Extend runway; improve parallel taxiwawy; lighting; elect. Vault	2,000,000
Fort Worth Alliance Airport	Extension of two runways	3,000,000
Gainesville Municipal Airport	Extend and mark runway 71–35; extend parallel taxiway	1,000,000
San Antonio International Airport	Various improvements	1,700,000
Valley International Airport	Land acquisition; reconstruct/relocate road	550,000
Ogden Hinckley Airport	Runway Extension	4,500,000
Blue Ridge Airport	Construction of facility for CAP	100,000
Charlottsville-Albermarle Airport	Various improvements	100,000
Frnaklin County Airport	Airport study	410,000
Manassas Airport	Various improvements	3,000,000
Washington Dulles International	Various improvements	1,000,000
Rutland State Airport	Public Taxiway	1,000,000
Bremerton Airport	Various improvements	300,000
Spokane International Airport	Taxiway	4,000,000
Central Wisconsin Airport	Reconstruct primary air carrier runway & parallel taxiway	8,000,000
LaCrosse Municipal Airport	Parallel Taxiway	2,000,000
Upshur County Airport	Runway extension; obstruction removal; apron const.	1,000,000
WV Airports	Various improvements	8,000,000
Cheyenne Airport	Runway Safety Area & Taxiway	5,000,000

SMALL COMMUNITY AIR SERVICE DEVELOPMENT

The conference agreement deletes the separate appropriation for this program proposed by the House. Instead, this program is funded under "Grants-in-aid for airports" at the level proposed by both the House and Senate.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $316,126,000, instead of $370,042,000 as proposed by the House and $317,732,000 as proposed by the Senate.

The conference agreement provides that certain sums be made available under section 104(a)(1)(A) of title 23, U.S.C. to carry out specified activities as follows: $7,500,000 shall be available for child passenger protection education grants as authorized under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for border safety inspection facilities at the Southern border; $59,967,000 shall be available for the Federal Motor Carrier Safety Administration's border enforcement activities; $269,700,000 shall be available for surface transportation projects; and $7,000,000 shall be available for environmental streamlining.

The conferees recommend the following adjustments to the budget request by program and activity:

Employee development (including FECA administrative costs)	−$1,606,000

FHWA streamlining.—The conferees direct the Federal Highway Administration (FHWA) to provide the House and Senate Committees on Appropriations a report, not later than April 15, 2003, summarizing FHWA's streamlining efforts, as proposed by the House. The report should include specific examples of FHWA activities that help streamline the environmental process.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $31,800,000,000 as proposed by the Senate, instead of $27,653,143,000 as proposed by the House.

Performance based outcomes.—The conferees recognize the positive impact that performance based outcomes have on the road building industry by allowing contractors the freedom and flexibility to focus on quality long term performance and encourage the Department of Transportation to continue to explore their use.

Broughton Bridge improvements.—A total of $1,850,000 was provided to make improvements to Broughton Bridge, Kansas, in Public Laws 106–346 and 107–87. The conferees direct that the balance shall be available to make improvements to the access road to the bridge, including pavement overlay and related shoulder work.

Middle East-West Highway.—Of the funds provided for Middle East-West Highway, Maine, not less than $1,000,000 shall be used to study a potential East-West corridor in Maine and other ferry terminal facilities, as proposed by the Senate.

Large Project Management and Oversight.—As evidenced by the high profile difficulties that have plagued the Central Artery, Woodrow Wilson Bridge, and Springfield Interchange projects—including dramatic cost increases and significant schedule delays—the need for improvement of FHWA's financial oversight and accountability on large projects cannot be overemphasized. Although the FHWA has made notable progress in converting these difficulties into constructive catalysts for change, the conferees remain concerned about project management. The Inspector General has noted that FHWA's traditional engineering focus has inhibited the effective scrutiny of other major project drivers such as financing, cost controls, and schedule performance. To successfully refocus on the evaluation of each state's processes for managing and overseeing projects, the FHWA will need to evaluate the range of disciplines and skills within its staff. Specifically, the conferees direct the FHWA to develop a strategy for achieving a more multidisciplinary approach towards its oversight activities, to include: identification of staff with private sector management skills, such as financing and cost estimation; streamlining and delegation of project-level approvals to facilitate greater emphasis upon oversight of higher-level management and financial issues; and implementation of a planned data collection system for trend analysis. The conferees further direct FHWA to deliver this strategy no later than May 15, 2003.

Ambassador Bridge.—The conferees continue language directing the FHWA to ensure that funds provided for the Ambassador Bridge/Gateway Project in Public Law 105–178 are used only for that project.

Rural Road Safety.—The conference agreement retains language pertaining to rural road safety, requiring GAO to review federal funding of rural road safety improvements and to determine whether some interstate design characteristics could improve rural road safety. The report is to be submitted one year from the date of enactment of this Act.

Interstate 49 South, Louisiana.—The conferees have been informed of the decision of FHWA to sign a record of decision on the alignment of Interstate 49 south of Interstate 10. House Report 107–722 clearly directs the agency to evaluate alternative routes to this project, including the Teche Ridge route. The conferees direct FHWA to conduct a study of the feasibility of a supplemental roadway to evacuate motorists in the event of a natural disaster, which shall include the Teche Ridge route and other routes or corridors. The conferees agree that the review shall not prevent progress or delay the completion of this project.

Costa Mesa, California, Susan Street Project.—Regarding the Costa Mesa, California, Susan Street Project, the Director and the District 12 Director of the California State Department of Transportation are directed to certify to the House and Senate

Committees on Appropriations and the Secretary of the United States Department of Transportation within 90 days of enactment of this Act that all State operational and safety requirements have been met with regard to the execution of the New Harbor Boulevard North Off-Ramp project along the Route 405 Distributor Road in Costa Mesa, California. The Director of the California State Department of Transportation, after making such certification, may then approve the access point of the proposed off-ramp from the Interstate System in accordance with applicable State law and procedures.

Pennsylvania Avenue.—The conferees have included $6,100,000 for planning and design activities and for the initiation of construction of the improvement project at Pennsylvania Avenue in front of the White House. Of the funds provided, $2,800,000 is to complete the planning and design for the project and $3,300,000 is for conducting structural testing of streetscape components, initial surveying and utility relocation. In addition, $5,000,000 is provided for transportation studies to address traffic problems in the immediate vicinity of the White House, including an engineering design to alleviate congestion resulting from street closures in that area. The project is to be managed by the FHWA in consultation with the National Capital Planning Commission.

The Federal Highway Administration shall submit a report to the House and Senate Committees on Appropriations and the Office of Management and Budget within 6 months of enactment of this Act on the Pennsylvania Avenue enhancements, as well as the study that examines the impacts of street closures and traffic restrictions in the vicinity of the White House.

Limitation on Transportation Research

The conferees provide a general limitation on transportation research of $462,500,000, as proposed by both the House and the Senate.

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $103,000,000 for highway research and development for the following activities:

Environmental, planning, real estate	$16,700,000
Research and technology program support	8,500,000
International research	400,000
Structures	13,500,000
Safety	12,200,000
Operations and asset management	16,000,000
Pavements research	15,500,000
Long term pavement project (LTPP)	10,000,000
Advanced research	750,000
Policy research	8,700,000
R&T strategic planning and performance measures	750,000
Total	$103,000,000

Environmental, planning, and real estate.—The conference agreement provides $16,700,000 for environmental, planning, and real estate research. Within the funds provided for this research activity, the FHWA is encouraged to provide $800,000 for the completion of the dust and persistent particulate abatement demonstration study at Kotzebue, Alaska.

Research and technology.—The conference agreement provides $8,500,000 for research and technology program support. Within the funds provided for this activity, the FHWA is encouraged to provide $750,000 for the Center on Coastal Transportation Engineering Research at the University of South Alabama.

International research.—The conferees have provided $400,000, the level authorized under TEA-21, for international research activities. Further, FHWA is directed by the conferees to consult the House and Senate Appropriations Committees before any international agreements are consummated that are likely to require financial support.

Structures.—The conference agreement provides $13,500,000 for structures research. Within the funds provided for structures research, the conferees encourage the FHWA to provide: $1,000,000 for the deployment of lithium technologies to prevent and mitigate alkali silica reactivity; $1,000,000 for the New York City Bridge Corrosion Monitoring Project; $250,000 for a demonstration project to evaluate battery powered cathodic protection to extend the life of concrete bridges located in extreme cold climates; and $250,000 to support non-destructive structural evaluation technology at the New Mexico State University's Bridge Research Center. The conference agreement also directs the FHWA to continue its collaborative research effort with West Virginia University's Constructed Facilities Center on composite structure and related engineering research.

Safety.—The conference agreement provides $12,200,000 for safety research. Within the funds provided for this activity, the conferees encourage FHWA to provide: $600,000 to the University of Florida's Seniors Institute for Transportation and Communications; $1,200,000 to the National Transportation Research Center, University of Tennessee for heavy vehicle research; and $1,500,000 to conduct research into heavy vehicle safety and vulnerability assessments regarding security and safety in all modes of transportation at a not-for-profit, technology-oriented entity in the Pacific Northwest with demonstrated research capabilities to address issues of braking, vehicle electrification, and human factors.

Operations and asset management.—The conference agreement provides $16,000,000 for operations and asset management. Within the funds provided for this activity, the conferees encourage FHWA to provide $550,000 to South Carolina State University for the Southern Rural Transportation Center; $400,000 to the Orangeburg County Rural Transit Demonstration project at South Carolina State University; and $1,200,000 to analyze existing conditions and make recommendations that will enhance the freight mobility transportation system in Washington State.

The conference agreement does not provide funds for statistical analysis of the National Quality Initiative under any FHWA research program, as proposed by the House. Such analysis shall be performed by the Bureau of Transportation Statistics.

Pavements.—The conference agreement provides $15,500,000 for pavements research. Within the funds provided for this activity, the conferees encourage FHWA to provide: $1,000,000 to the Center for Portland Cement Concrete Pavement Technology at Iowa State University; $500,000 to support the Institute for Aggregate Research at Michigan Technological University; $750,000 to continue evaluation of GSB–88 emulsified binder treatment application; $1,000,000 for the National Center for Asphalt Technology (NCAT) at Auburn University, Alabama; and $500,000 to continue research related to silica fume high performance concrete.

Policy.—The conference agreement provides $8,700,000 for policy research. Within the funds provided for this activity, FHWA shall provide $2,200,000 to the University of Kentucky's Academy for Community Transportation Innovation for transportation research on integrating public involvement technology and environmental issues.

Pavement Testing. FHWA is currently conducting research to study, select, build, and test up to twelve lanes of newly constructed asphalt pavement. The conferees are concerned that the current Superpave system does not effectively characterize the performance of modified asphalt binders. Therefore, the conferees direct FHWA to add unmodified binders to the Accelerated Load Frame ("ALF") tests that are currently being undertaken, specifically the Full-Scale Accelerated Performance Testing for Superpave and Structural Validation testing being performed at the Turner Fairbanks Highway Research Facility. Unmodified asphalt binders shall be tested to serve as a comparison to the modified asphalt binders. FHWA shall also measure emissions during application and report the findings as a part of this study.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement provides a limitation on Intelligent Transportation Systems of $232,000,000, as proposed by the Senate. Of the total, $110,000,000 is for intelligent transportation systems (ITS) research and development, as proposed by the Senate, for the following activities:

Research and development	$50,701,000
Operational tests	10,782,000
Evaluations	6,739,000
Architecture and standards	18,686,000
Integrations	11,455,000
Program support	11,455,000
Total	110,000,000

Research.—The conference agreement provides $50,701,000 for research and development. Within the funds provided for this activity, the conferees encourage FHWA to provide $6,800,000 for commercial vehicle research.

Joint Program Office.—In the early 1990s, the Appropriations Committees expressed strong support for the formulation of a Joint Program Office (JPO) within the DOT to oversee the federal role in the National Intelligent Transportation system (ITS) effort. This office, which is located within the Federal Highway Administration, now provides overall program direction and budget coordination among the multiple DOT offices conducting ITS activities. The success of the federal investment in ITS has been due partly to the effective functioning of the JPO. For example, the JPO's close association with FHWA's research, headquarters staff, and regional offices has ensured a unified approach to providing training, implementing and testing standards, and adhering to a national systems architecture. The conferees maintain that the JPO's positive working relationship with the FMCSA and FTA has facilitated progress in advancement of technologies and the deployment of activities.

The appropriation for ITS provided by the conferees is predicated on the continuation of the JPO conducting the functions identified previously. Maximum efficiencies are most likely to be obtained by retaining the current administrative structure of the JPO within the FHWA with a reporting function to the Deputy Secretary. If there is any change in the administrative structure or responsibilities of the JPO, the Secretary is directed to inform the House and Senate Committees on Appropriations and to justify in detail such changes.

Intelligent transportation systems deployment projects.—Within the funds available for intelligent transportation systems deployment, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Project Name	*Conference Total*
Advance Traveler Information System & Smart Card System, Ohio	$1,000,000
Advance Traffic Analysis Center, North Dakota State University	1,000,000
Alaska Statewide: Smart Emergency Medical Access System	1,000,000
Automated Vehicle Location (AVL) and Mobile Data Terminals—Palm Tran, Palm Beach, Florida	850,000
Baton Rouge, Louisiana	750,000
Bozeman Pass Wildlife Channelization Study, Montana	250,000
Capital District Transportation Authority, Customer Information ITS Project, New York	800,000
CCTA Burlington Multimodal Transit Center, Vermont	500,000
C-DOT ITS for I-70 Tunnels, Colorado	3,700,000
Center for Injury Sciences UAB Crash Notification, Alabama	3,000,000
Central Florida Regional Trans. Authority Orange/Seminole ITS	1,500,000
Chapel Hill Transit, North Carolina, real time passenger information system and vehicle location system	750,000
Chattanooga (CARTA) ITS, Tennessee	1,875,000
Cicero Avenue travel information system, Illinois	300,000
City of Austin, Texas ITS Deployment Program, Texas	500,000
City of Boston intelligent transportation system, Massachusettes	1,000,000
City of Inglewood, California intelligent transportation system deployment project	500,000
CVISN, New Mexico	525,000
DelDOT Integrated Transportation Management System, DelTrac, Statewide Transit Passenger Information System, Delaware	1,000,000
Elkorn Boulevard Project, Sacramento, California	125,000
Emergency Vehicle Access Program, Antrim, Pennsylvania	60,000
Emergency Vehicle Optical Pre-Emption, Town of Islip, New York	595,000
Flint Mass Transportation Authority ITS program, Michigan	1,000,000
Fog Detection Improvements and Traffic Monitoring, Rural Mountain Region, North Carolina	200,000
Gettysburg Borough Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania	1,500,000
GMU ITS Research, Virginia	1,000,000
Great Lakes ITS program, Michigan	1,500,000
Harrison County Sheriff's Department ITS, Mississippi	750,000
HART Bus Tracking & Communication, Florida	4,000,000
Hoosier SAFE-T, Indiana	500,000
Houma, Louisiana	1,250,000
Huntsville, Alabama	1,500,000
I-80 Dynamic Message Signs Southern, Wyoming	3,000,000
I-90 Truck Wind Warning System, Columbia River, Washington	125,000
Idaho Commercial Vehicle Systems and Networks (CVISN)	750,000
Illinois Statewide	2,500,000
Intelligent transportation, Autonomous dial-a-ride transit (ADART) phase IV implementation, Corpus Christi, Texas	500,000
Intermodal ITS center, Orleans Parish, Louisiana	500,000
Interstate 95/Interstate 40 travel information improvements, Johnston County, North Carolina	500,000
Iowa Statewide ITS, Iowa	1,400,000
Kansas City Scout Advanced Traffic Management System, Missouri	1,500,000
Kansas City, Kansas Smart Port	500,000
Kent Intracity Transit Project, Washington	1,500,000
Law Enforcement Communications for Security, Biometrics, Iowa	2,550,000
Lynnwood ITS, Washington	2,000,000
Macomb County ITS Integration, Michigan	250,000
Maine Statewide Rural Advanced Traveler Info. System	1,000,000
Maryland Statewide ITS	1,000,000
Metrolina Traffic Management Center Communication, North Carolina	2,000,000
MetroLink Los Angeles Union Station (LAUS) passenger information delivery system project, California	500,000
Minnesota Guidestar	9,100,000
Missouri Statewide Rural ITS	2,150,000
Montachusett Area Regional Transit (MART) advanced vehicle located system, Massachusettes	200,000
Monterey-Salinas Transit, intelligent transportation system, California	750,000
Nebraska statewide ITS	3,000,000
New Bedford ITS Port Information Center, Massachusettes	1,000,000
New York Metropolitan Area enhanced operations, New York	655,000
Northern Virginia ITS, Virginia	750,000
Oklahoma Statewide ITS	2,750,000
Pennsylvania Turnpike Commission, Pennsylvania	2,000,000
Program of Projects, Washington	5,000,000
Providence Transportation Information Center ITS, Rhode Island	1,500,000
Richmond Highway intelligent transportation system project, Virginia	400,000
Round Rock, Texas, Williamson County, Communications Integration	500,000
Rural Highway Information System, Kentucky	6,000,000
Sacramento Area Council of Governments, Sacramento region intelligent transportation system projects, California	1,000,000
Salem, New Hampshire ITS	900,000
San Diego Joint Transportation Operations Center, California	2,000,000
Santa Teresa Border Tech Center, New Mexico State University	1,000,000
Shreveport ITS, Louisiana	1,000,000
Sierra Madre Intermodal Transportation Center, California	1,500,000
South Carolina DOT Statewide ITS	1,500,000
South Com Regional Dispatch Trauma Center, Matteson, Olympia Fields, and Richton Park, Illinois	100,000
SR-68/Riverside Dr. ITS Espanola, New Mexico	500,000
State of Wisconsin, deployment of commercial vehicle information system and networks, level one capability	500,000
Statewide Transportation Operations Center, Kentucky	1,365,000
Surface Transportation Institute, University of North Dakota	1,000,000
Surveillance Camera and Transportation Management Center, Des Moines, Iowa	400,000
The Rapid, Grand Rapids, Michigan Public Transportation	1,000,000
Traffic Corridor Communications System—Lake County, Illinois	2,000,000
Tri-Cities Advanced Traffic Management System, Washington	500,000
Tucson ER-LINK ITS project, Arizona	625,000
UALR intelligent transportation system, Little Rock, Arkansas	250,000
Univ. of Nebraska Lincoln SMART Transportation	1,000,000
University of Kentucky Transportation Center	1,500,000
US-395 Columbia River Bridge Traffic Operations and Traveler Information System, Washington	250,000
Utah ITS Commuter Link Davis and Utah Counties	1,000,000
Vermont Statewide Rural Advanced Traveler System	1,500,000

Project Name	*Conference Total*
Vermont Variable Message Signs	1,000,000
Washington, DC Metro ITS	2,000,000
Wisconsin State Patrol Mobile Data Communications Network Upgrade	2,000,000

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project Name	*Conference Total*
Beacon and Newburgh cities ferry boat and ferry facilities, New York	900,000
Beale Street Landing/Docking Facility Memphis, Tennessee	500,000
Coffman Cove/Wrangell/Petersburg Ferries & Ferry Facility, Alaska	1,850,000
Curtis ferry boat replacement, Maine State Ferry System	250,000
Ferry Boat Replacement for Rockland and Vinalhaven, Maine	1,000,000
Ferry Service, Dutchess and Orange County, New York	750,000
Fire Island Ferry Terminal, Saltaire, New York	250,000
Fishers Island Ferry District, Connecticut	2,500,000
Friday Harbor Ferry Terminal Preservation, Washington	2,000,000
Golden Gate ferry berth facility, San Francisco Terminal, California	500,000
Jacksonville Ferry Stations (formerly St. Johns River Ferry Terminal), Florida	500,000
Middle Bass Ferry Dock, Phase II, Ohio	500,000
Plaquemines Parish ferry, Louisiana	500,000
Port of Galveston, intermodal improvement program, Texas	250,000
San Francisco Bay Area Water Transit Authority Ferry Purchase Project, California	2,500,000
Savannah Water Ferry, Georgia	500,000
Ship Island Terminal, Gulfport, Mississippi	500,000
Stamford High Speed Ferry, Connecticut	500,000
Toledo Hovercraft service development, Ohio	750,000
Vallejo Baylink Ferry Intermodal Center, California	1,000,000

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and development program, funds are to be available for the following projects and activities:

Project Name	*Conference Total*
12 Mile Road, Orchard Lake Road to Middlebelt Road, Michigan	1,275,000
Alameda Corridor East, Los Angeles County, California	1,495,000
Appalachian North-South Corridor Planning Study, Maryland	500,000
Appalachian North-South Corridor Study on US Route 220, West Virginia	1,500,000
Arkansas-Tennessee River Crossing Projects	1,000,000
Barton River Port Industrial Park, US Highway 72, Colbert County, Alabama	1,500,000
Billings Bypass Development, Montana	3,000,000
Bomber Road, Fort Worth, Texas	1,500,000
Charlotte/Mechlenburg County N/S Transitway, North Carolina	2,000,000
Coalfields Expressway McDowell County, West Virginia	9,000,000
Continental–1 Hwy Corridor Cambria County, Pennsylvania	1,500,000
County Road 222 Bridge, Cullman County, Alabama	1,000,000
Cross Harbor Freight Movement Project Environmental Impact Statement, New York	2,000,000
Dempster Commercial Corridor Improvements, Village of Morton Grove, Illinois	450,000
Donna-Rio Bravo International Border Crossing, Texas	750,000
East-West Highway, Maine	1,500,000
Everett Development 41st Street Interchange, Washington	1,000,000
Fairmont Gateway Connector (1–79 Connector), West Virginia	2,000,000
Ft. Wainwright Alternative Access & Chena River Crossing, Alaska	1,500,000
Gateway Corridor Initiative, Indiana	600,000
Granite Falls Alternate Route Project, Washington	750,000
Heartland Expressway (SD79), South Dakota	500,000
Highway 100 (Collins Road), Cedar Rapids, Iowa	1,000,000
Highway 15 Bridge Replacements, Jasper County, Bay Springs, Mississippi	1,500,000
Highway 231 Glover Carey Bridge and Owensboro intersection, Kentucky	800,000
Highway 412 Springdale Bypass, Springdale, Arkansas	2,278,000
Highway 55 Corridor Preservation, I–494 in Hennepin County to Annadale, Wright County, Minnesota	1,500,000
Highway 71 Texarkana South, Arkansas	600,000
Highway US 12 Phase II, between Burbank and Walla Walla, Washington	1,900,000
Hot Springs Bypass, Highway 270 to Highway 5/7, Arkansas	1,000,000
Hwy 412 Widening Paragould Hwy 141, Arkansas	5,500,000
Hwy-28 Expansion Vernon Parish, Louisiana	3,000,000
I–10/LA–1 Interchange Bypass West Baton Rouge Parish, Louisiana	500,000
I–15 Widening Project North Las Vegas, Nevada	1,000,000
I–35 expansion, Hill County, Texas	1,500,000
I–35/127th Street Overpass, Olathe, Kansas	2,000,000
I–39 (Stevens Point-Mosinee), Wisconsin	2,000,000
I–5 SR 542 Widening Sunset Drive Orleans to Britton Rd., Washington	2,000,000
I–5 Trade Corridor, Oregon	3,500,000
I–65 and County Road 24 interchange, Limestone County, Alabama	1,500,000
I–66, Pike County, Kentucky	2,000,000
I–69 Connector from I–530 in Pine Bluff, Arkansas	700,000
I–69/Great River Bridge: Highway 65, Mississippi Highway 1, Mississippi	4,000,000
I–74 Bridge Project, Iowa	3,000,000
I–75, Laurel County, Kentucky	2,000,000
I–80 Colfax Narrows Project, Placer County, California	249,500
I–85 Extension from Montgomery to I–20/59, Alabama	500,000
IH 35–FM 2484 Amity Road, Shankin Road Overpass, Bell County, Texas	2,000,000
Illinois Pioneer Parkway and Growth Cell Infrastructure Improvements, Peoria, Illinois	1,000,000
Illinois Route 29, Berry and Edinburg, Illinois	1,200,000
Intermodal Transportation for corridor from Atlanta to Chattanooga, Tennessee	1,500,000
Kenai Penninsula Borough Road Improvements, Alaska	1,000,000
KY61 Greensburg to Columbia, Kentucky	4,000,000
LA 1 Embankment Stabilization Improvements, Louisiana	3,000,000
LA–11 St. Tammany Parish, Louisiana	300,000
Lakeland In-Town Bypass, Florida	500,000
Lincoln Bypass, SR 65/Westwood Interchange Construction, California	2,000,000
Lincoln Highway 65 Widening (The Gap) Project, California...	2,000,000
Martel Road Underpass, Loudon County, Tennessee	1,400,000
Meridian Bridge Replacement, US 81 Missouri River, Yankton, South Dakota	500,000
Mill Plain Boulevard at I-205, Washington	3,000,000
Missisquoi Bay Bridge Reconstruction, Vermont	2,000,000
Monticello Street Overpass, Kentucky	7,750,000

Project Name	Conference Total
New Corridor Land Acquisition; Westlake—North Olmstead/Crocker—Stearns Connection, Ohio	400,000
New Route 905 Otay Mesa to I–5/I–85m, California	4,000,000
New York Avenue Between 11th Street and Nassau Road, Huntington Station, New York	500,000
North Country Trans. Study Plattsburgh/Watertown, New York	2,000,000
North Street Corridor, Fitchburg, Massachusetts	800,000
Northern Bypass Around Somerset, Kentucky	2,500,000
Old Highway 471, Rankin County, Mississippi	1,500,000
Polk County Highway 22 Project, Oregon	3,000,000
Port Connector Road, Pine Bluff/Jefferson County, Arkansas	600,000
Railroad Avenue Extension, Berkeley County, South Carolina	1,000,000
Ranchero Road/Cajon Line Grade Separation, California	1,500,000
River Road from Beargrass Creek to Zorn Avenue, Kentucky	1,250,000
Route 1/9, 35 Interchange, New Jersey	850,000
Route 106 Mansfield, Massachusetts	500,000
Route 116 planning and design, Amherst, Massachusetts	800,000
Route 12, Auburn Veteran's Memorial Corridor, Auburn, Massachusetts	250,000
Route 2 Improvements in Erving, Orange, Massachusetts	4,400,000
Route 334/Derr Road, Ohio...	1,600,000
Route 422 East, between New Castle and Rose Point, Pennsylvania	1,000,000
Route 67, St. Francois County, Missouri	500,000
Route 7 Bypass West of Leesburg (Loudon County/Town of Leesburg), Virginia	2,188,000
Route 72 Relocation, Bristol, Connecticut	1,500,000
Route 79 Relocation and Harbor Enhancement, Fall River, Massachusetts	500,000
Rt–403 Relocation East Greenwich/North Kingstown, Rhode Island	1,000,000
South Avis Industrial Access Road, Pennsylvania	600,000
Southern Bypass Around Somerset, Kentucky	1,500,000
Southern Mahoning County US 62/SR 14 Bypass, Ohio	1,000,000
SR 247 and SR 2008, Moosic Mountain Business Park, Lackawanna County, Pennsylvania	1,000,000
SR–130 Right of Way Williamson Guadalupe Travis and Caldwell, Texas	10,000,000
State Highway 158—US 87 to 4.75 miles west, Sterling County, Texas	850,000
Sterns Road Fox River Bridge Crossing, Illinois	7,000,000
STH 29 (Chippewa Falls I-94), between I–94 and CTH J, Wisconsin	2,000,000
Sunland Park Dr. Border Rd. Extension, New Mexico	4,000,000
Thomas Cole House Access, Catskill, New York	22,000
Trunk Highway 23 (TH 71 to CSAH 31), Minnesota	1,000,000
Tuscaloosa Eastern Bypass, Alabama	10,000,000
U.S. 24 Corridor Improvement Study and Implementation, Ohio	2,000,000
U.S. 319 Expansion, Florida...	3,000,000
U.S. Route 35 Improvements (upgrade road to I-64/US Route 35), West Virginia	4,115,000
US 17/521 Improvements Georgetown, South Carolina	2,000,000
US 20 relocation and right of way, Webster, Iowa	2,500,000
US 22 Reconstruction, Export to Delmont, Pennsylvania	1,000,000
US 278 Cullman County, Alabama	500,000
US 280/US 27 Intersection Improvement, Chattahoochee County, Georgia	250,000
US 41 A, Hopkins County, Kentucky	660,000
US 60 Carter & Butler Counties, Missouri	10,000,000
US 87 Relief Route, Lamesa, Texas	850,000
US Route 422 Transportation Improvement Project, Pennsylvania	1,000,000
US–23 Buford Hwy Pedestrian Safety Project, Georgia	625,000
US–26 Widening SB–Heartland Expressway, Nebraska	1,500,000
US–287 Corridor Development, Oklahoma	1,500,000
US–287 Wiley Junction Improvements, Colorado	3,000,000
US–412, Arkansas	6,000,000
US–51 to MS–43 Connector Road Canton, Mississippi	1,000,000
US–85/C–470 Santa Fe Interchange, Colorado	2,000,000
US–95 Milepost 536 Stage 2 Construction Boundary County, Idaho	1,000,000
US–95, Worley to Mica, Stage 2, Idaho	7,000,000
USH 10 (Stevens Point-Waupaca), Wisconsin	2,000,000
USH 53 Bypass of Eau Claire, Wisconsin	3,000,000
Veteran's Drive from Broadway to I–474, Pekin, Illinois	500,000
West End Bypass, Johnstown, Pennsylvania	1,000,000
West Laredo Multimodal Trade Corridor, Texas	3,500,000
Western Hamilton County Corridor Study, Ohio	762,500
Whatcom County, Cascade Gateway Mobility and Security Improvements, Washington	750,000
Whitley County emergency access road off US 25 W. Kentucky	380,000
Yakima Grade Separation, Washington	3,500,000

Arkansas-Tennessee River Crossing Projects.—The conference agreement includes $1,000,000 to study the costs and benefits of constructing a bridge across the Mississippi River in the Memphis, Tennessee, metropolitan area. Within the amounts provided, the conferees expect that not less than $375,000 shall be used by the Great River Economic Development Foundation to study a potential 25-mile toll parkway from Osceola, Arkansas to Millington, Tennessee, including a new bridge across the Mississippi River.

TRANSPORTATION AND COMMUNITY AND SYSTEM PILOT PRESERVATION PROGRAM

Within the funds made available for the transportation and community and system pilot preservation program, funds are to be distributed to the following projects and activities:

Project Name	Conference Total
10th Street South Project St. Cloud, Minnesota	750,000
14th Street Bridge Corridor, Virginia	2,000,000
19th Ave. North Extension/Reconstruction Clinton, Iowa	750,000
Aberdeen Downtown Revitalization, Washington	100,000
Alexandria Third St. Downtown Reconnect Project, Louisiana	250,000
American Tobacco Trail Project, Wake County, North Carolina	600,000
Amsterdam Revitalization Waterfront, New York	500,000
Antelope Valley Overpass Lincoln, Nebraska	750,000
Arlington Boulevard design enchancements, Virginia	100,000
Atchinson Riverfront Access Parkway Project, Kansas	1,000,000
Bagley Road Pedestrian Project Berea, Ohio	1,300,000
Bellingham Central Avenue Pedestrian Corridor, Washington	250,000
Billings Railroad Separation Study, Montana	100,000
Boston Medical Center Pedestrian and Public Access Improvements, Massachusetts	200,000
Bowling Green Riverfront Project, Kentucky	4,500,000
Bronx Center Transportation Project—E 161st Section II: between Grand Concourse/Sherman Avenue and Park, New York	700,000
Bronx Center Transportation Project (East 161st Street), streetscape improvement between Park & 3rd Avenue, New York	300,000
Bronx River Greenway, Bruckner to Hunts Point Riverside Park, New York	700,000
CalTrain train tracking information system (SamTrans), San Mateo County, California	250,000
Camp Gorsuch Road & Related Improvements, Alaska	500,000
Campaign to Save Oatland's Scenic Vistas, Virginia	500,000

Project Name	*Conference Total*
Center City/University City bike and pedestrian bridge improvements, Philadelphia, Pennsylvania	100,000
Centredale Village revitalizations, Rhode Island	300,000
Charles Town Gateway Revitalization Project, West Virginia	450,000
Charleston Renaissance Gateway Project, West Virginia	950,000
City of Baltimore public waterfront promenade, Maryland	1,000,000
City of Forth Worth corridor redevelopment program, Texas	795,000
Comprehensive transportation impact study for Ohio, Kentucky, Indiana Regional Council of Governments	300,000
Concord 20/20 Vision initiative, New Hampshire	500,000
Congestion improvements to East Passaic Street, New Jersey	100,000
Connaught Avenue Street Drainage Project, West Amwell Township, New Jersey	100,000
Copeland Covered Bridge, Saratoga County, New York	28,000
Corpus Christi Ferry Terminal, Texas	500,000
David L. Lawrence Convention Center Riverfront Park Pittsburgh, Pennsylvania	1,200,000
Detriot Streetscape Improvements, Michigan	350,000
Detroit Area Regional Transportation Authority (DARTA), Michigan	500,000
Dover Lincoln Park Center Project, Delaware	400,000
Downeast Heritage Center, Parking & Access, Maine	1,000,000
Eisenhower Avenue Greenway Phase II, Virginia	100,000
Elkins Railroad Bridge Visitors Center, West Virginia	600,000
Eugene Federal Courthouse Area Concept Development, Oregon	500,000
Fairbanks Street Improvements & Bike Path, Alaska	300,000
Five Point Improvement Project, Huntsville, Alabama	400,000
Flandreau Santee Sioux Tribe Bicycle and Walking Path, South Dakota	200,000
Fort Campbell Improvements, Kentucky	750,000
Frink Park Pier Project Clayton, New York	250,000
Gasholder House and Underground Railroad Museum, Oberlin, Ohio	200,000
Girdwood Road Culvery Improvement, Alaska	600,000
Grade Separation at intersection of Hamilton Boulevard over the CSX rail line near US 90, Mobile, Alabama	500,000
Grand Illinois Trail bike connections, Illinois	100,000
Greater Yuma Port Authority, Arizona	500,000
Greeno Road (US98) pilot program, Fairhope, Alabama	1,000,000
Greer Master Plan Rail Relocation Study—Greer, South Carolina	250,000
Gulf of Maine Research Laboratory Park/Ped., Maine	1,000,000
Haleyville, Alabama downtown revitalization	600,000
Hamilton Township Pedestrian Overpass, New Jersey	250,000
Highway-79 Corridor Greenway Project, Alabama	500,000
Historic Fort Mitchell, Alabama	1,000,000
I-40 and Avenue 'F' City Ramp Project, Oklahoma	500,000
I-55/Main St. Intersection, Missouri	100,000
I-93 Corridor Improvements, New Hampshire	1,000,000
Intermodal Urban Transit Village, North Hollywood, California	1,000,000
James H. Quillen VA Medical Center—Construction of VA-Indian Ridge Road—Mountain Home, Tennessee	852,000
Jasper, Alabama downtown revitalization	400,000
Johnsontown Road, Kentucky	1,000,000
Kansas City East/West Connector, Missouri	400,000
Kentucky Trimodal Transpark access road and I-65 interchange connector planning, Kentucky	1,700,000
Lewis and Clark Bicentennial Interpretive Trail Mobridge, South Dakota	250,000
Lewis and Clark Interpretive Center to Fort Mandan Shared Use Path, North Dakota	700,000
Living Wall project Farmington Hills, Michigan	200,000
Louisville Waterfront/Franfort Avenue historical entryway, Kentucky	530,000
Lower Second Creek Greenway, Knoxville, Tennessee	2,000,000
Main Ave. Bridge & Pedestrian/Bicycle Amenities Fargo, North Dakota	2,500,000
Marlboro Township traffic improvement project, New Jersey	100,000
Massachusetts Wood in Transportation, Mount Wachusett Community College, Gardner, Massachusetts	200,000
MD-404 Shore Highway Phase II, Maryland	1,000,000
Monroe Township intersection signalization project, New Jersey	100,000
Morgan, Menifee, Rowan County Regional Business Park Access Road, Kentucky	250,000
Multimodal Transportation Plan, Wisconsin	325,000
Multi-use Equestrian and Hiking Trail, Holmes County, Ohio	520,000
Museum Campus Trolleys Chicago, Illinois	500,000
Nashville Rolling Mill Hills, Tennessee	500,000
Newberg-Dundee Transportation Improvement Project, Oregon	775,000
Northside Drive Corridor Design Clinton, Mississippi	500,000
North-south connect between Glassboro High Street commercial corridor and Rowan University, New Jersey	588,000
Odessa Transportation Plan, Delaware	100,000
Ohio River Trail—Salem to Downtown Cincinnati, Ohio	150,000
Oklahoma Transportation Center improvements	350,000
Old Route 66 Streetscape Phase I Moriarity, New Mexico	400,000
Olympic Discovery Trail, Washington	1,000,000
Orange County Congestion Program, California	1,000,000
Owensboro Waterfront Development Project, Kentucky	750,000
Paintsville Lake Access Road, Kentucky	400,000
Pedestrian Bridge, 36th Avenue, Robbinsdale, Minnesota	750,000
Pennyrile Parkway Improvements, Kentucky	800,000
Pine Creek Bridge and Rail-Trail, Pennsylvania	200,000
Pine Mountain Industrial Park Access Road, Kentucky	1,500,000
Port of Anchorage Road Improvements, Alaska	600,000
Providence Road Trail Project Virginia Beach, Virginia	150,000
Revere, Massachusetts Wonderland Station	200,000
Route 50 traffic calming, Loudoun and Fauquier counties, Virginia	700,000
Route 79 Relocation and Harbor Enhancement, Fall River, Massachusetts	100,000
Ruffner Mountain Nature Center, Alabama	500,000
San Gabriel Valley Council of Governments/LA to Pasedena Metro Gold Line Construction Authority, California	2,900,000
San Luis Obispo City to Sea Bikepath, California	500,000
Selma Riverfront Project, Alabama	500,000
Shoreline Interurban Trail Construction Project, Washington	400,000
Simon Kenton Trail, Springfield to Urbana, Ohio	1,500,000
Somerset downtown revitalization, Kentucky	1,800,000
Somerset Pedestrian Overpass, Kentucky	1,200,000
South Bend Studebaker Corridor Industrial Park, Indiana	500,000
South Suburban Commuter Rail Service (Metra), Illinois	100,000

Project Name	*Conference Total*
Southwick, North Central and Canalside Bike Trails, Massachusetts	1,000,000
Springfield Downtown Redevelopment Project, Vermont	1,000,000
SR202/I–70 Interchange improvement, Ohio	750,000
St. Petersburg, Florida, Bike/Pedestrian Master Plan	600,000
State of New Jersey Department of Motor Vehicle Services (NJ MVS)	1,000,000
Syracuse Lakefront Project, New York	1,400,000
Thea Foss Waterway Environmental Protection and Transportation Impact Study, Washington	500,000
Tiverton Stone Bridge abutment repairs and beautification, Rhode Island	100,000
Toulon Township, Illinois	200,000
Tower Bridge Pedestrian/Bikeway Improvements, California	900,000
Traffic calming devices and pedestrian streetscape improvements, Windemere, Florida	500,000
Traffic Calming Devices, Winter Park, Florida	500,000
Traffic Study on the New Smithsonian Air and Space Museum Annex at Washington Dulles Int'l Airport, Virginia	50,000
Trinity River Visions, Texas	500,000
Tulsa Trail System Broken Arrow, Oklahoma	1,250,000
Ulster County Visitor Center, New York	1,000,000
Union City NJ Traffic Signalization Project, New Jersey	1,000,000
US 441/State Road 7 Corridor Revitalization Plan, Florida	1,000,000
US–50 Reconstruction Dodge City, Kansas	500.000
VA Cemetary Road, Mobile, Alabama	1,000,000
Vanderbilt Children's Hospital, Tennessee	250,000
Village of Morton Grove, Illinois	1,000,000
Virginia Corridor Greenway Pilot Project Modesto, California	400,000
Wakulla County Florida US–319 Expansion	150,000
Watertown Community Trail Extension, South Dakota	100,000
Wichita Riverwalk on Arkansas River, Kansas	687,000
Yorktown Waterfront Revitalization & Streetscape, Virginia	500,000

Charles Town Gateway Revitalization Project, WV.—The conference agreement includes $400,000 for the Charles Town Gateway Revitalization Project in West Virginia. Within the amounts provided, the conferees expect that up to $200,000 shall be available for streetscape improvements on Washington Street with the remainder being available for the related gateway improvements.

Bridge Discretionary Program

Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

Project Name	*Conference Total*
12th Street Viaduct, Kansas City, Missouri	$ 900,000
Batchellerville Bridge replacement, New York	3,000,000
Bull Slough Bridge Repair, Alabama	1,000,000
Canvas Bridge Nicholas County, West Virginia	4,500,000
Chattahoochee River Bridge, Roswell, Georgia	3,000,000
Chouteau Bridge, Kansas City, Missouri	1,000,000
City of El Paso, Texas, Ysleta Port of entry dedicated commuter lane	300,000
Covered Bridges including $2M for Vermont	6,000,000
CR 528 Mantoloking Bridge, Brick Township, New Jersey	1,500,000
Gilmerton Bridge Replacement, Chesapeake, Virginia	2,000,000
Golden Gate Bridge Seismic Retrofit, San Francisco, California	4,250,000
Grand Lagoon Bridge Replacement, Florida	1,000,000
Highway 3364 bridge replacement at College Road, Bourbon County, Kentucky	200,000
Highway 82, Greenville Bridge, Arkansas	1,050,000
Historic Woodrow Wilson Bridge Flowood, Mississippi	750,000
Hood River/White Salmon Bridge and toll plaza resurfacing, Oregon	1,350,000
I–195 Washington Bridge, Rhode Island	4,500,000
I–30 replacement bridge, Dallas, Texas	1,750,000
I–40/Louisiana Interchange, New Mexico	750,000
Indian River Inlet Bridge Repair and Planning, Sussex County, Delaware	3,500,000
Interstate 74 Mississippi River Bridge between Moline, Illinois and Bettendorf, Iowa	1,000,000
Iowa/Nebraska Missouri River Bridge—#DPS–34–7 (114), near Plattsmouth, Nebraska	2,200,000
Leeville Bridge, Lafourche Parish, Louisiana	1,000,000
Lincoln County bridge renovation, Kentucky	1,000,000
Martin Luther King, Jr. Bridge rehabilitation, Ohio	3,750,000
Monroe Street Bridge rehabilitation, Spokane, Washington	3,000,000
Pearl Harbor Memorial Bridge Reconstruction, New Haven, Connecticut	3,000,000
Pearl River Bridge Connector I–55 to SR 475 Jackson, Mississippi	7,750,000
Red Cliff Arch Bridge (US 24), Minturn, Colorado	1,500,000
Route 72 Manahawkin Bay Bridges, New Jersey	1,500,000
Sauvie Island Bridge Replacement Project, Oregon	2,000,000
Snake River Crossing, Twin Falls, Idaho	1,500,000
Wacker Drive Reconstruction Chicago, Illinois	3,500,000

Federal Lands

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

Project Name	*Conference Total*
KS–115 and KS–911 Interchange, Kentucky	$ 750,000
14th Street Bridge Corridor, Virginia	5,600,000
17-mile Road on Wind River Indian Reservation, Fremont County, Wyoming	650,000
206 Stokes State Park, New Jersey	740,000
Abraham Lincoln's birthplace, national historic site, Kentucky	780,000
Access roads to Beale Air Force Base, California	500,000
Arches National Park Main Entrance Relocation, Utah	837,500
BIA Route 1281 (Snake Road Realignment & Repair), Florida	500,000
Blackstone River Valley Bikeway, Rhode Island ...	3,000,000
Cattle Point Road (San Juan Island)—erosion remediation, Washington ..	350,000
Chilatchee Creek Park Access Road Improvements, Alabama	475,000
City of Boston—Boston Harbor Islands National Park/Long Island Pier Planning and design, Massachusetts	250,000
CN3852 FHP 45–1(5), Sunspot Road, New Mexico ...	1,000,000
Cold Hill Road, Laurel County, Kentucky	1,600,000
Colonial Historic Park—Jamestown 400th Anniversary Transportation Improvements, Virginia	2,000,000
Construct Regional Tourism Center and Transportation Hub, Hyde Park, New York	1,500,000
Council Grove Lake Embankment Roadway, Kansas	1,125,000
CTG G Road and Bike Route, Taylor County, Wisconsin	2,000,000
Daniel Boone Parkway, Kentucky	1,000,000
Forest Highway 87 (FM 201), Sabine National Forest, Sabine County, Texas	750,000
Fort Drum Road Improvements, New York	500,000
Freemont County Project, Wyoming	1,100,000
Frog Level Road Improvement, Mississippi	4,640,000
Gateway Trail Grand Canyon National Park, Arizona	842,500
GBH Soloman National Cemetery Access, Saratoga, New York	40,000
Glacier National Park Going-to-the-Sun Road, Montana	3,000,000
Hawaii Statewide Improvements	4,000,000

Project Name	*Conference Total*
Highway 26, Oregon	1,235,000
Highway 93 Expansion Project, Montana	1,000,000
Homochitto National Forest access road, Lincoln County, Mississippi	2,000,000
Hoonah Road (FM), Alaska	1,400,000
Hoover Dam Bypass, Arizona	6,500,000
Hwy 2 Highline EIS Project, Montana	500,000
I-215 Widening, Nevada	2,000,000
Iditarod Historic National Trail Project, Alaska	250,000
Kenai River Trail, Alaska	500,000
Lake Mead National Recreation Area gateway improvements, Nevada	400,000
Land Between the Lakes Roads, Trigg and Lyon counties, Kentucky	100,000
Lewis and Clark Gates of the Mountains Road Project, Montana	600,000
Louisiana Highway (LA 117), 4-lane expansion study, Louisiana	250,000
Lowell Canalway and Riverwalk Design, Massachusetts	500,000
Mammoth Cave Parkway (KY 101), Edmonson County, Kentucky	450,000
Marin Parklands/Muir Woods visitor access, California	1,000,000
Marysville Road, Montana	500,000
Needles Highway, CA/NV Improvements, California	2,000,000
Presidio Trust/Crissy Field transit access improvement, California	1,000,000
Preston North and South Project, Nebraska	600,000
Rocks Back Country Byway, Stage 2, Cassia County, Idaho	1,000,000
Shotgun Cove Road, Alaska	2,500,000
Southeast Alaska Seatrails	500,000
Spirit Lake Tribe Shared Use Path Fort Totten, North Dakota	520,000
SR-149 Resurfacing Rio Grand National Forest, Colorado	1,500,000
SR-164 Muckleshoots, Washington	420,000
Timucuan Preserve bike route, Florida	1,000,000
Traffic abatement study at highway 98 and entrance to Hurlbert Field, Florida	250,000
Tualatin River NWR Turn Lanes, Oregon	745,000
US 95 Widening Laughlin Cut-off to Railroad Pass, Nevada	8,000,000
USMC Heritage Center Access Improvements, Virginia	2,000,000
Western Maryland Low Impact Welcome Center at Byron Overlook, Maryland	400,000
Woonsocket Depot rehabilitation, Rhode Island	1,000,000
Yakama Signal Peak Road, Washington	4,150,000

The conferees direct that funds allocated to FHWA's public lands discretionary program be derived from that program and not from funds allocated to the National Park Service's regions. In addition, the conferees direct that these funds not come from funds allocated to the Fish and Wildlife Service's regions, as proposed by the House.

SCENIC BYWAYS

Within the funds available for the scenic byways program, funds are to be available for the following projects and activities:

Berkshire/Franklin Mohawk Trail Scenic Byway & Berkshire Jacobs Ladder Trail Scenic Byway, Massachusetts	$ 1,000,000
Delsea Scenic Byway—Salem, Cumberland, Cape May Counties, New Jersey	149,000
High Street Revitalization, Lawrenceburg, Indiana	1,200,000
Intervale Scenic Vista Project, New Hampshire	500,000
Kentucky Scenic Byways	1,425,000
Mt. Greylock Reservoir Road Improvements, North Adams, Massachusetts	1,100,000
Multi-Colored Scenic Byways Signs for Idaho's Scenic, Historic, and Back County Byways	382,000
New York State Scenic Byways Project: Statewide	1,600,000
U.S. Route 40 and National Road, Garrett County, Maryland	233,600
Ventura Freeway Scenic Corridor Initiative, California	1,000,000
Washington DOT Scenic Byways Statewide Program	1,000,000

INTERSTATE MAINTENANCE DISCRETIONARY

Within the funds available for the interstate maintenance discretionary program, funds are to be available for the following projects and activities:

Project	*Conference Total*
Grandview Triangle, Kansas City, Missouri	$1,000,000
I-10 interchange at Grand Prairie Highway, Rayne, Louisiana	1,000,000
I-10 Riverside Avenue Interchange, California	1,800,000
1-12 at Essen Lane, Louisiana	250,000
I-15 Reconstruction 10800 South to 600 North, Utah	9,000,000
I-16 and Dean Forest Road Interchange, Georgia	250,000
I-16/I-95 Interchange Reconstruction Concept Study, Chatham County Georgia	250,000
I-182/SR-240 Interchange Reconstruction, Washington	3,000,000
I-195 Relocation Project, Rhode Island	3,000,000
I-235 Reconstruction, Polk County, Iowa	1,800,000
I-25 Broadway & Alameda Interchange Rebuilding, Colorado	4,500,000
I-26 Little Mountain Interchange improvements, South Carolina	500,000
I-29 Madison Street interchange, Sioux Falls, South Dakota	4,000,000
1-295 & Route 38 Missing Moves—Mount Laurel, New Jersey	250,000
I-295 Via Duct to I-76, New Jersey	1,000,000
I-30/I-35 Dallas Construction of Bridges for Trinity River, Texas	5,000,000
I-35/Turkey Creek Reconstruction Project, Kansas	3,000,000
I-40 and Paseo del Volcan Interchange and Access Road to Double Eagle II, Albuquerque, New Mexico	2,075,000
I-44 & US 65 Interchange, Missouri	2,000,000
I-44 Fenton Industrial Corridor—Fenton, Missouri	250,000
I-44 Interchanges at SH-51 and US-169, Tulsa, Oklahoma	750,000
1-49 North to the Arkansas Line (Access Improvements to I-220 @ US 71/LA1 & LA 172), Louisiana	1,000,000
I-55-/US-49 Flyover Near Jackson, MS	5,000,000
I-64, Vanderburgh and Posey counties, Indiana	1,000,000
I-69/SR 304 (construction Odom Road to I-55), Mississippi	2,000,000
I-74 Reconstruction, Mississippi River Bridge Replacement, Scott County, Iowa	950,000
I-75 Exits 49 and 52, McMinn County, Tennessee	500,000
I-75 Improvements South West Florida	1,125,000
I-75, Rockcastle County, Kentucky	6,000,000
I-77/Shuffel Road interchange, Canton, Ohio	1,500,000
I-80 Truck Climbing Lane—Reno, Nevada	500,000
I-81—Exit 44 Interchange/PA 465 Imrpovemenets—Cumberland County, PA	250,000
I-81 Interchange, Syracuse, New York	1,500,000
I-84/Exit 17 at Routes 63 and 64, Middlebury/Waterbury, Connecticut	1,000,000
I-84/I-87 Interchange, New York	1,500,000
I-84/Route 2 East Hartford, operational improvements, Connecticut (flyover access)	750,000
I-90 Joint Port of Entry Project, Wyoming	2,000,000
I-90 two-way transit operations, Washington	750,000
Interstate 40: Mississippi River Bridge Seismic Retrofit, Arkanasa	900,000
Interstate 5, Rush Road to Maytown widening, Washington	1,000,000
Interstate 5, Salem, Oregon (Boone Road Bridge replacement	800,000
Interstate Highway 30 in Texarkana from FM 989 (Kings Highway) in Bowie County, Texas, to the Arkansas state line (US71)	1,000,000
Interstate Highway 35 perpetual pavement testing section, LaSalle County, Texas	1,000,000
Interstate Highway 45 frontage road and ramp system improvements, Huntsville, Texas	1,000,000

Project	Conference Total
Laval Road Interchange Upgrade at I–5, California	750,000
Louisville-Southern Indiana Ohio River Bridges Project, Kentucky	5,000,000
Marquette Interchange Reconstruction, Milwaukee, Wisconsin	4,500,000
New York State Thruway Authority, Westchester County, Bryam Bridge rehabilitation & pavement reconstruction, New York	1,000,000
Reconstruction of I–95/I–91/CT 34 Interchange, New Haven, Connecticut (Pearl Harbor Memorial Bridge—I–95 New Haven East Approach to Q-Bridge)	1,500,000
Rehabilitation of I–20, Erath, Palo, Pinto, and Parker counties, Texas	3,350,000
Right of way acquisition, Paterson, New Jersey interchange improvements	200,000
State Route 79/SR 3025 missing ramps, Jackson Township, Pennsylvania	500,000
SW First-NW Lake Road Project, Washington	3,000,000
US–12 Burbank to Walla Walla, Washington	2,500,000

BUREAU OF TRANSPORTATION STATISTICS

The conferees provide $31,000,000 for the Bureau of Transportation Statistics. Under the FHWA appropriations, the accompanying bill provides $31,000,000 for the Bureau of Transportation Statistics (BTS), the amount authorized in TEA–21. The conferees note that BTS has undergone significant increases in staffing since 1993, the year BTS was established. In fiscal year 1993, on-board positions totaled 5; in 2001, total staff stood at 101; and BTS estimates on-board staff to total 146 by the end of 2002. In fiscal year 2003, BTS requests a level of 157 full-time positions (FTP). The conferees are very concerned about these staff increases, particularly when the staffing level has exceeded the Administration's request to Congress. Therefore, the conference committee directs BTS to fill no more than 146 full-time positions, or if lower, the number of on-board positions upon enactment of this Act.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $32,000,000,000 for the federal-aid highways program as proposed by Senate.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement provides $188,000,000 for the Appalachian Development Highway System (ADHS) instead of $200,000,000 as proposed by the Senate and $100,000,000 as proposed by the House. Within the amount provided, $88,000,000 shall be allocated in accordance with the ADHS most recent cost-to-complete study and the remaining $100,000,000 shall be allocated as follows: $35,000,000 for Kentucky Corridors; $5,000,000 for Tennessee Corridor S; $8,000,000 for Tennessee Corridor K; $2,000,000 for Corridor V, Mississippi; $20,000,000 for West Virginia Corridors; and $30,000,000 for Alabama Corridor X.

FEDERAL-AID HIGHWAYS

(RESCISSIONS)

The conference agreement includes a rescission of $5,609,337 of funds in unobligated balances associated with completed projects contained in prior appropriations and authorizing Acts, as proposed by the House. In addition, $250,000,000 of contract authority balances from the five core programs are rescinded. These resources can not be obligated by the states as they were apportioned at levels over and above annual statutory obligation limitations. The conferees direct FHWA not to rescind the authority on a proportional basis by program and instead to administer the rescission by allowing each state maximum flexibility the five programs in making these adjustments.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

The conference agreement includes $117,464,000 for administrative expenses of the Federal Motor Carrier Safety Administration under the FMCSA limitation on administrative expenses account, as proposed by the Senate. Of the funds provided, $110,464,000 is for operating expenses and $7,000,000 is for research and technology initiatives. The following adjustments are made to the budget request:

FECA administrative costs	−$20,000
Hazardous materials safety and security	+500,000
Share the road safely	−100,000
Safety is good business program	−250,000
Research and technology information dissemination	−150,000
Undistributed reduction	−500,000

FECA administrative costs.—The conference agreement denies $20,000 for FECA administrative costs, as proposed by the House.

Share the road program.—Statistics for 1999 show that 78 percent of all fatal truck crashes are collisions between large trucks and other vehicles. Data from 1998 indicate that approximately 81 percent of all large truck and other vehicle fatal crashes are the result of action initiated by passenger vehicle drivers. The conferees believe that the share the road program needs to be retargeted and broader than its main campaign that focused on warning noncommercial drivers to avoid truck blind spots. The conferees provide $100,000 for FMCSA's share the road program and encourage the agency to coordinate its share the road efforts with NHTSA, as proposed by the Senate. Further, the conferees direct the General Accounting Office to evaluate the effectiveness of the share the road program, make recommendations to strengthen the program, and submit the study to the House and Senate Committees on Appropriations by July 15, 2003, as proposed by the House.

Commercial drivers license program.— The conference agreement retains language recommending that more work needs to be done to address deficiencies in the CDL program. As proposed by the House, within the funds provided for the CDL program, FMCSA should continue working with the American Association of Motor Vehicle Administrators, the Commercial Vehicle Safety Alliance, lead MCSAP agencies and licensing agencies to improve all aspects of the CDL program. In addition, FMCSA should consider sponsoring another pilot project involving law enforcement and driver licensing agencies to explore new and innovative ways to ensure that drivers who have been convicted of a disqualifying offense do not operate during the period of suspension or revocation. Finally, FMCSA should continue to support the judicial and prosecutorial outreach effort.

Furthermore, as proposed by the Senate, the conferees encourage FMCSA to adopt a CDL-related standard that includes monitoring, consistent with OIG recommendations in the menu of oversight activities for state and third-party CDL examiners.

Untethered truck trailer tracking and security.—The conference agreement has provided $2,000,000 to leverage existing technology and develop an untethered trailer tracking and control system that will provide real-time trailer identification, location, geofensing, unscheduled movement notification, door sensors, and alarms, as proposed by the House.

Solid waste shippers.—The conferees direct the FMCSA to work with the Commonwealth of Virginia's MCSAP agency to conduct 3 one-day concentrated roadside inspection strike forces on interstate waste haulers. The results shall be compiled in a letter submitted to the House and Senate Committees on Appropriations by September 31, 2003.

Crash causation study.—The conference agreement includes language proposed by the Senate urging FMCSA to make available the preliminary results of the crash causation study as soon as a representative data set is analyzed and to submit a letter to the House and Senate Committees on Appropriations by May 15, 2003, indicating the study's progress, the response to and status of the Transportation Research Board's recommendations, and a time schedule for the release of the initial results. In addition, the conferees direct NHTSA to request that the Centers for Disease Control's National Center for Injury Prevention and Control evaluate the adequacy of the crash causation research design. CDC's evaluation is to be provided to the House and Senate Committees on Appropriations.

Hazardous materials transportation.—The conference agreement includes an additional $500,000 above the budget request for hazardous materials safety and security, as proposed by both the House and the Senate. The conferees urge FMCSA to enforce compliance with Federal hazardous materials regulations and to encourage states to use the motor carrier safety assistance program for hazardous materials safety and security research. In addition, the conferees recommend that FMCSA develop innovative strategies to minimize the risks of transporting hazardous materials.

"Safety is Good Business" Program.—The conferees have deleted funding for the Safety is Good Business program from the Motor Carrier Safety Account, as proposed by the Senate. The conferees believe that this funding should come from FMCSA's high priority initiative program within the Motor Carrier Safety Assistance Program.

Younger driver pilot program.—The conference agreement includes language as proposed by the Senate directing the FMCSA administrator to conduct an analysis of the safety ramifications associated with the younger driver pilot program. The conferees include a provision, as proposed by the House, prohibiting the DOT from implementing a pilot program allowing commercial drivers 18 to 20 years of age to operate commercial motor vehicles in interstate commerce. This provision does not prohibit

FMCSA from studying the younger driver pilot program; the prohibition only applies to the development or implementation of such a program.

Driver record improvements.—The conferees include language as proposed by the Senate regarding improvements to the issuance or renewal of a motor vehicle operator's license. The conferees direct NHTSA and FMCSA to conduct an analysis of the costs associated with the development of the one driver, one record pointer system and the steps necessary for implementation, and to report its findings to the House and Senate Committees on Appropriations by August 1, 2003.

Driver research.—Within the funds provided for research and technology, the conference agreement provides $700,000 for the Transportation Research Institute at the George Washington University Virginia campus, as proposed by the Senate. The conferees also provide $250,000 to initiate a separate multidisciplinary driver research program, as proposed by the Senate.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $190,000,000 for the national motor carrier safety program as proposed by the House and the Senate.

(LIMITATION ON OBLIGATIONS)

The conference agreement includes a limitation on obligations of $190,000,000 for motor carrier safety grants as proposed by the House and the Senate.

Truck driver training program.—Within the funds provided for FMCSA's high priority initiative program, the conference agreement provides $700,000 for the development of a concrete skid pad at Lewis-Clark State College North Lewiston Training Facility.

Highway watch program.—The Senate proposed funding $1,000,000 for the continuation of the Highway Watch program. The conference agreement denies this funding.

Operation respond.—Also within funds provided for FMCSA's high priority initiative program, the conference agreement provides $1,000,000 to design, build and demonstrate the benefits of a hazardous materials incident detection, management, and response system, including the expansion of the Operation Respond network. The conferees urge that these funds be used to establish a national first responders emergency services network and to accelerate deployment of Operation Respond software.

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

The conference agreement provides a total of $59,967,000 for the Border Enforcement program under the Federal Highway Administration's 104(a)(1)(A) administrative takedown, as proposed by the Senate. Within this amount, the conferees provide $41,967,000 for Federal border enforcement staffing and operations and $18,000,000 for state operations grants to the southern border states, as proposed by both the House and the Senate.

U.S. Southern border.—The conference agreement extends a provision from the fiscal year 2002 appropriations Act regarding the safety of cross-border trucking between the United States and Mexico. Further, the conferees direct the Secretary to report annually on the safety and security of the U.S. Southern border with regard to motor carrier transportation into the U.S. by Mexican-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $138,288,000 from the general fund for highway and traffic safety activities instead of $131,433,000 as proposed by the House and $141,000,000 as proposed by the Senate. A total of $98,161,131 shall remain available until September 30, 2005 as proposed by the House and the Senate.

The agreement includes a provision carried since fiscal year 1996 that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are not related to safety performance. This provision was contained in both the House and Senate bills.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides $72,000,000 from the highway trust fund to carry out provisions of 23 U.S.C. 403 as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

Salaries and benefits	$63,316,000
Travel	1,324,000
Operating expenses	22,834,000
Contract programs:	
Safety performance	10,393,000
Safety assurance	15,760,000
Highway safety programs	48,463,000
Research and analysis	60,691,000
General administration	657,000
Grant administration reimbursements	−11,150,000
Total	$212,288,000

FECA administrative costs.—The conference agreement deletes $12,000 proposed in the budget for FECA administrative costs. This action is consistent across all modal administrations.

Workforce planning and development activities.—The conference agreement provides a total of $300,000 for workforce planning and development activities as proposed by the Senate in its explanatory language delineated in the Congressional Record of January 15, 2003. This is a reduction of $115,000 from the budget request.

Contracting procedures.—The conferees urge NHTSA to review its contracting procedures and take appropriate steps to eliminate unnecessary delays. Too often, contract recipients have had to wait for several months before Federal funds are granted after a contract is awarded.

National occupant protection program.—The conference agreement provides $3,000,000 above the budget request to bolster the national occupant protection program. The additional funds shall be used to continue outreach activities to increase seat belt use by minority populations, teens, and rural populations.

Passenger vehicle tire traction.—The conferees encourage NHTSA to include standards for tire performance on wet road surfaces when the agency prepares its final rule on tire safety performance, as discussed in the Senate's explanatory statement. Absent such inclusion, NHTSA shall send a letter to the House and Senate Committees on Appropriations explaining why wet road tire performance standards were not included.

Ejection prevention measures.—NHTSA has identified both occupant ejection and upgraded roof crush resistance as "near term" regulatory priorities that the agency plans to undertake in 2003. Consistent with this proposal, the conferees support the adoption of measures to improve ejection prevention performance of motor vehicles no later than December 31, 2004, and recognize that the agency may need to develop new test procedures.

Early warning reporting system.—The conferees direct NHTSA to submit a report to the House and Senate Committees on Appropriations detailing the methods the agency will adopt to ensure that all tires imported and sold in the United States comply with the early warning report system, as outlined in NHTSA's final regulations. This report should be issued by July 1, 2003.

Defects information system.—The Inspector General raised concerns about whether the new defects information system can be successfully implemented on time and within the estimated $5,000,000 budget. Since the issuance of this report, NHTSA has concurred with the IG's concerns. The conferees direct NHTSA to provide a letter to the House and Senate Committees on Appropriations that details the current schedule and cost estimate for this system, explain any cost increases, and indicate how these new costs will be paid for.

Impaired driving.—The conference agreement provides $4,000,000 above the budget request for the impaired driving program. Of this total: $1,000,000 shall be used for judicial and prosecutorial initiatives; $2,000,000 shall be used on the repeat offender tracking model; and $1,000,000 shall be used on target population outreach efforts.

Within the funding provided for judicial and prosecutorial outreach, NHTSA, in conjunction with the Attorney General, should identify and report on the best strategies for reducing obstacles to obtaining impaired driving convictions and strategies to help prosecutors and judges apply sanctions in a consistent manner. The report should also emphasize strategies to reduce plea bargaining, diversion, or deferral programs, and other means used by offenders to avoid any permanent record. This report must be submitted to the House and Senate Committees on Appropriations by October 1, 2003.

NHTSA shall detail to the House and Senate Committees on Appropriations, in letter format, the concept behind the repeat offender tracking model, the total cost to develop the model, the anticipated yearly costs to enact the model, and the schedule to develop and enact this program. NHTSA should develop this model with input from the states and the highway safety community.

As part of the impaired driving program, the conferees suggest that NHTSA evaluate point of sales training as proposed by the House.

Alcohol ignition interlock devices.—The conferees have not provided any funding for research to advance the alcohol ignition interlock devices proposed by the Senate.

Drugs, driving and youth.—The conference agreement funds the drugs, driving and youth program at the 2003 budget request as proposed by the House.

Motorcycles.—A total of $945,000 has been provided for motorcycle programs, an increase of $300,000 above the budget request. This additional funding shall be used for strategies to enhance motorcycle rider's crash avoidance skills and improve conspicuity. In addition, as directed by the House, $500,000 shall be used for demonstration projects related to motorcycle training.

Crash causation study.—The conferees have included $2,000,000 to update a 23-year-old crash causation study, as proposed by the House.

Highway safety data and traffic records.—The conference agreement does not provide funding for NHTSA to continue working with the states to improve highway safety data and traffic records, similar to activities funded previously under the section 411 grant program. The conferees understand the agency has carryover funding available for these efforts from other grant programs, such as section 410.

Emergency medical services head injury research.— A total of $2,189,000 has been provided for emergency medical services. Of this amount, $750,000 shall be used to continue training emergency medical service personnel in delivering prehospital care to patients with traumatic brain injuries.

Biomechanics.—The conference agreement provides a total of $14,950,000 for biomechanics research, $1,000,000 more than the budget request, to continue research of the CIREN program. Also, within the funds provided, $2,000,000 shall be used to continue research related to traumatic brain and spinal cord injuries at the Southern Consortium for Injury Biomechanics.

National Automotive Sampling System.—The conference agreement has provided $795,000 above the budget request so that NHTSA can expand the National Automotive Sampling System database with a particular focus on child safety seat and tire-related data, as proposed by the Senate.

Built-in child booster systems.—The conference agreement does not include funding, proposed by the Senate, to study the effectiveness of built-in child booster systems with other systems. The built-in technology is not advanced enough to warrant a study at this time.

Heavy vehicle research.—Within the funds provided for heavy vehicle research, $500,000 is for the National Transportation Research Center in Tennessee to continue to conduct broad-based laboratory-to-roadside research in heavy vehicle safety issues.

Pneumatic tire research.—The conference agreement includes $375,000 in the pneumatic tire program for Mercer Engineering Research Center, as proposed in the Senate's explanatory statement of January 15, 2003.

National Driver Register

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by both the House and the Senate.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $225,000,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

Highway Traffic Safety Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $225,000,000 as proposed by both the House and the Senate. The bill includes separate obligation limitations with the following funding allocations:

Highway safety programs ..	$165,000,000
Occupant protection incentive grants	$20,000,000
Alcohol incentive grants ...	$40,000,000

A total of $11,150,000 has been provided for administration of the grant programs as proposed by both the House and the Senate. Of this total, not more than $8,150,000 of the funds made available for section 402; not more than $1,000,000 of the funds made available for section 405; and not more than $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to ensure that each grant program does not contribute more than five percent of the total administrative costs.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to states from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

The conference agreement provides $117,363,000 for safety and operations as proposed by the House instead of $118,264,000 as proposed by the Senate. Within this total, the conferees have funded four new positions. The conference agreement includes language that permits $6,636,000 of the total funding to remain available until expended as proposed by both the House and the Senate.

FECA administrative costs.—The conference agreement deletes $65,000 proposed in the budget for FECA administrative costs. This action is consistent across all modal administrations.

Study on grade crossings.—As directed by the Senate in its explanatory statement in the Congressional Record of January 15, 2003, the Secretary of Transportation shall submit with the fiscal year 2005 budget request an action plan outlining specific efforts to be pursued by FRA, FHWA, FMCSA, NHTSA, and the ITS Joint Program Office to improve safety at both public and private grade crossings.

Positive train control.—The conferees direct FRA to submit an updated economic analysis of the costs and benefits of positive train control and related systems that takes into account advances in technology and system savings to carriers and shippers as well as other cost savings related to prioritized deployment of these systems, as proposed by the Senate. This analysis must be submitted as a letter report to the House and Senate Committees on Appropriations by October 1, 2003.

Safety assurance and compliance program (SACP).—By April 1, 2003, FRA must provide a status report on the utilization of the safety assurance and compliance program, which summarizes the SACP activities in fiscal year 2002 and the agency's audit plans for fiscal year 2003 as proposed by the Senate.

Railroad threat assessment.—The conferees are concerned over the targeting of railroad facilities, structures, terminals and operations posed by terrorist entities and urge the FRA to work with the new Department of Homeland Security and the Association of American Railroads to develop a comprehensive assessment of the threats and vulnerabilities nationwide, and identify ways to enhance passenger safety and infrastructure protection.

Railroad Research and Development

The conference agreement provides $29,325,000 for railroad research and development as proposed by the Senate instead of $27,325,000 as proposed by the House. None of this funding is to be offset from user fees.

Integrated railway remote information service.—The conference agreement does not provide any funding for the integrated railway remote information service proposed by the Senate. Last year funding was provided for this program; however, FRA was directed to evaluate this initiative before additional funding was provided. To date, no evaluation has been conducted.

Marshall University/University of Nebraska.—The conference agreement includes $1,400,000 to support Marshall University and the University of Nebraska to conduct safety studies in any of the following areas: track and structures, human factors, equipment, train control, grade crossing and digital communications.

Transportation Technology Center.—The conference agreement provides a total of $675,000 for site improvements at the Transportation Technology Center, as proposed by the House.

Freight congestion study.—The conferees direct FRA to work with the Chicago Transportation Coordination Office and communities in the Chicago region consistent with the Senate's explanatory statement of January 15, 2003. Reports must be submitted quarterly to the House and Senate Committees on Appropriations.

Railroad Rehabilitation and Improvement Program

The conference agreement includes a provision, proposed by both the House and the Senate, specifying that no new direct loans or loan guarantee commitments shall be made using federal funds for the payment of any credit premium amounts during fiscal year 2003. No federal appropriation is required since a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a credit risk premium. Once received, statutorily established investigation charges are immediately available for appraisals and necessary determinations and findings.

The conference agreement includes a further provision mandating that no payment of principal or interest shall be collected during fiscal year 2003 for the direct loan made to the National Railroad Passenger Corporation.

Next Generation High-Speed Rail

The conference agreement provides $30,450,000 for the next generation high-speed rail program as proposed by the House instead of $30,000,000 as proposed by the Senate. The following table summarizes the conference agreement by budgetary activity:

Train control systems	$6,500,000
Non-electric locomotives ..	9,300,000
ALPS	(1,800,000)
Prototype locomotive	(3,000,000)
Diesel multiple units compliance and demonstration	(4,000,000)
Grade crossings and innovative technologies:	3,250,000
N.C. sealed corridor	(500,000)
Illinois rail grade crossing safety program	(500,000)
State of Vermont hazard elimination	(250,000)
Mitigating hazards and low-cost technologies ..	(2,000,000)
Track and structures	1,000,000
Corridor planning activities	5,900,000
California corridor	(1,250,000)
Gulf Coast corridor	(800,000)
Southeast corridor	(500,000)
Florida corridor	(2,150,000)

Seattle to Everett corridor	(750,000)
Las Vegas to Los Angeles high-speed rail study	(200,000)
Northern New England corridor, VT	(250,000)
Magnetic levitation	4,500,000
Washington-Baltimore	(500,000)
Nevada-California	(1,500,000)
Greensburg-Pittsburgh	(2,000,000)
Southern California	(500,000)
TOTAL	$30,450,000

Diesel multiple units.—The conference agreement provides $4,000,000 to validate the compliance of diesel multiple units with existing passenger car safety standards and to make a grant to a public body for the purpose of initiating a demonstration in daily revenue service of a compliant DMU during calendar years 2003 and 2004. Federal funding shall only be made available if funds are matched on a dollar-for-dollar basis from non-federal sources and shall only be used for activities related to establishing the compliance of the DMU design with passenger safety standards and for the acquisition of DMUs (through a conventional competitive procurement process) and service facilities necessary for revenue service demonstration. All other expenses, including the cost of passenger facilities and any net operating expenses are not eligible for funding under this appropriation.

State of California.—Funds made available for high-speed rail in California should supplement, not replace, state funding for this same program.

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 is made available each year for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds, the following allocations are made:

	Conference
High-speed rail corridor between Mobile, AL and New Orleans, LA	$1,800,000
Pacific Northwest high-speed rail corridor	1,000,000
High-speed rail corridor between New York City and Albany, NY	850,000
High-speed rail corridor in South Carolina	500,000
High-speed rail corridor between Milwaukee and La-Crosse, WI	450,000
High-speed rail corridor between Staples Mill Station and Main Street Station in Richmond, VA	200,000
High-speed rail corridor between Minneapolis/St. Paul, MN and Chicago, IL (TEA21)	250,000
High-speed rail corridor between Chicago, IL and St. Louis, MO	200,000

ALASKA RAILROAD REHABILITATION

The conference agreement provides $22,000,000 for the Alaska Railroad instead of $25,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $1,050,000,000 for grants to the National Railroad Passenger Corporation (Amtrak) instead of $762,476,000 as proposed by the House and $1,200,000,000 as proposed by the Senate. Within these funds: $522,000,000 shall be for operating expenses; $295,000,000 shall be for capital expenses along the Northeast Corridor Mainline; and $233,000,000 shall be for general capital improvements. Funding is provided to the Secretary of Transportation, who shall allocate these funds quarterly through the grant making process. Funding is available until September 30, 2003.

The Secretary of Transportation shall approve funding to cover operating losses on a long distance train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route. Each request must be accompanied by detailed financial analysis and revenue projections justifying federal support. Language, proposed by the House, that limited operating expenses of long distance trains to $150,000,000, has been deleted.

The Secretary of Transportation and Amtrak's Board of Directors shall ensure that sufficient funds are reserved to satisfy the Railroad's contractual obligations with commuter and intercity passenger rail service.

The conference agreement slightly modifies a number of reporting requirements proposed by the House. These requirements include directing Amtrak to transmit to the House and Senate Committees on Appropriations and the Secretary of Transportation capital and operating plans, which must be used as the base for expenditures in 2003. Funding may not be spent on projects not included on the business plan. Beginning on June 1, 2003, Amtrak shall submit supplemental reports regarding the changes to the business plan and a justification for such changes.

The conferees recognize that Amtrak has the authority to transfer capital funds for operating expenses, such as progressive overhauls, preventive maintenance, and maintenance of way activities. This permission was granted in 1999. However, the conferees expect that the Secretary of Transportation shall notify the House and Senate Committees on Appropriations of any such transfer of capital funds to eligible operating expenses over and above those stipulated in the original business plan.

As proposed by the House, the Secretary is prohibited from obligating or expending any funds until Amtrak agrees to continue abiding by certain direct loan provisions as agreed to on June 28, 2002. Included in these provisions is a requirement for Amtrak to identify $100,000,000 in cost savings options.

Accuracy of financial information.—The Secretary of Transportation must vouch for the accuracy of financial information that Amtrak provides to Congress. This must be in the form of a signed letter that would accompany the operating and capital plans. In doing so, the Secretary must certify in writing, that based on his knowledge, the financial statements and other financial information prepared by Amtrak for Congress fairly presents in all material respects the financial condition of the Corporation. Specific requirements are discussed in the House report.

Reprogramming guidelines.—As detailed in the House report, Amtrak must abide by the Department's reprogramming guidelines. However, the conferees are willing to provide Amtrak flexibility for increases and decreases in their operating and capital plans of under $10,000,000 without submitting a reprogramming request.

Short distance trains.—Amtrak shall establish a more uniform methodology for cost sharing on short distance routes. To do so, Amtrak should analyze current state funding for operating expenses and capital improvements, review the contractual terms under which this funding is provided, and consult with states served by these routes to establish new cost sharing procedures and increase state support on these routes. Amtrak shall report to the House and Senate Committees on Appropriations on the status of these efforts by April 1, 2003.

Cost of long distance trains.—The conferees direct Amtrak to report on the measures it undertakes, beginning in fiscal year 2003, to reduce the financial burden of long distance trains on the federal treasury. This report should include specific estimates of cost savings to be achieved in 2003 and over a five-year period. This report is due to the House and Senate Committees on Appropriations no later than April 1, 2003.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $73,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $14,600,000 from the general fund.

The conference agreement includes a provision, contained in both bills, that would reimburse the Department of Transportation's Inspector General $2,000,000 for costs associated with audits and investigations of transit-related issues. The conference agreement also includes a provision that limits the amount of funding available for the National transit database to $2,600,000.

Full-time equivalent staff.—The conference agreement approves the budget request for 12 new staff; however, funding has been reduced for these positions by $549,000. The reduction reflects half-year funding for these new positions, which is consistent with hiring practices in other modes and by FTA last year.

FECA administrative costs.—The conference agreement deletes $15,000 proposed in the budget for FECA administrative costs. This action is consistent across all modal administrations.

Project and financial management oversight activities.—The conferees direct that savings from funding new staff positions at a half-year level and the denial of FECA administrative costs should be used to increase funding for project and financial management oversight activities (+$564,000). The conferees further direct that the FTA submit to the House and Senate Committees on Appropriations, the Inspector General and the General Accounting Office the quarterly FMO and PMO reports for each project with a full funding grant agreement.

Full funding grant agreements (FFGAs).—TEA21, as amended, requires that the FTA notify the House and Senate Committees on Appropriations as well as the House Committee on Transportation and Infrastructure and the Senate Committee on Banking 60 days before executing a full funding grant agreement. In its notification to the House and Senate Committees on Appropriations, the conferees direct the FTA to include therein the following: (a) a copy of the proposed full funding grant agreement; (b) the total and annual federal appropriations required for that project; (c) yearly and total federal appropriations that can be reasonably planned or anticipated for future FFGAs for each fiscal year through 2004; (d) a detailed analysis of annual commitments for current and anticipated FFGAs against the program authorization; and (e) a financial analysis of the project's cost and sponsor's ability to finance, which shall be conducted by an independent examiner and shall include an assessment of the capital cost estimate and the finance plan; the source and security of all public- and private-sector financial instruments, the project's operating plan which enumerates the project's future revenue and ridership forecasts, and planned contingencies and risks associated with the project.

The conferees also direct the FTA to inform the House and Senate Committees on Appropriations before approving scope changes in any full funding grant agreement. Correspondence relating to scope changes shall include any budget revisions or program changes that materially alter the project as originally stipulated in the full funding grant agreement, and shall include any proposed change in rail car procurements.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $3,839,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $767,800,000 from the general fund. The general fund appropriation shall be available until expended.

The conference agreement provides that funding made available under the clean fuels formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

Distribution of formula funding.—Within the total funding level, the conferees anticipate that formula grants will be distributed as follows:

Urbanized area formula (sec. 5307)	$3,428,709,908
Elderly and individuals with disabilities (sec. 5310)	90,652,801
Nonurbanized area formula (sec. 5311)	239,404,605
Clean fuels programs (sec. 5308)	50,000,000
Alaska Railroad[1]	4,850,000
Over-the-road bus accessibility	6,950,000
Oversight	18,432,736

[1] Includes $24,300 for oversight activities

Within the funding provided for the over-the-road bus accessibility program: $5,250,000 for intercity fixed route projects and the remainder is to be made available for other services, such as local fixed route service, commuter service and charter service.

Salaries and benefits.—No funds herein appropriated may be used by the New York Metropolitan Transit Authority, any affiliated agency or entity to pay either salary, benefits, or expenses to the elected or appointed officers of the Association of Commuter Rail Employees.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides a total of $6,000,000 for the university transportation research program as proposed by both the House and the Senate. Of this amount, $1,200,000 is from the general fund and shall be available until expended.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total of $122,000,000 for transit planning and research, as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $24,200,000 from the general fund. The general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for the transit cooperative research program; $60,385,600 is provided for metropolitan planning; $12,614,400 is provided for state planning; and $31,500,000 is provided for the national planning and research program.

National planning and research.—Within the funding provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

Project Action (TEA–21)	$3,000,000
Calstart/Westart bus rapid transit	1,000,000
Clean mobility and transit enhancements	2,000,000
Electric Transit Vehicle Institute, TN	500,000
University of South Florida for urban transit research	250,000
Santa Barbara Electric Transit Institute, CA	425,000
Hennepin County community transportation, MN	1,000,000
Joblinks/Community Transportation Association	500,000
North Dakota transit center	400,000
PVTA electric bus project MA	750,000
Auburn University campus. transit system, AL	375,000
Center for Composites Manufacturing, AL	900,000
Detroit airport rail project, MI	200,000
Detroit area regional transportation authority studies, MI	350,000
National bio-terrorism civilian medical response center, PA	750,000
Rich Passage passenger ferry project, WA	800,000
Rockford-Belvidere transit feasibility study, IL	200,000
Transit usage, home interview survey study, UT	300,000
Washington state ferries wireless connection project, WA	800,000
WVU exhaust emissions testing, WV	1,000,000
Zinc-air zero emission bus, NV	750,000
National deployment of ITN America, ME	300,000

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $5,781,000,000 in liquidating cash for the trust fund share of transit expenses as proposed by both the House and the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $3,036,000,000 to remain available until expended for capital investment grants as proposed by the House and the Senate. Within the total, the conference agreement appropriates $607,200,000 from the general fund as proposed by both the House and the Senate.

Within the total program level, $1,214,400,000 is provided for fixed guideway modernization; $607,200,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $1,214,400,000 is provided for new fixed guideway systems.

In addition to the $607,200,000 for buses, the conference agreement transfers $50,000,000 from formula funds to capital investment grants for the replacement, rehabilitation, and purchase of buses and related equipment and for the construction of bus-related facilities, as proposed by the House. The Senate also proposed the transfer of $50,000,000; however, the bill language was slightly different.

In the new fixed guideway program, the conference agreement supplements the $1,214,400,000 provided in this Act by transferring $45,000,000 from the job access and reverse commute grant program to the capital investment grant program. The Senate proposed a transfer of $25,000,000 whereas the House had no similar bill language. In addition, the conference agreement transfers all in unobligated 1999 job access and reverse commute program funds to capital investment grants and makes this funding available for new fixed guideway systems.

Three year availability of section 5309 discretionary funds.—The conferees direct the FTA to reprogram funds from recoveries and previous appropriations that remain available after three years and are available for reallocation to only those new starts that have full funding grant agreements in place on the date of enactment of this Act, and with respect to bus and bus facilities, only to those bus and bus facilities projects identified in the accompanying reports of the fiscal year 2003 Department of Transportation and Related Agencies Appropriations Act. The FTA shall notify the House and Senate Committees on Appropriations 15 days prior to any such proposed reallocation. The conferees, however, direct the FTA not to reallocate funds provided in the 1998, 1999, and 2000 Department of Transportation and Related Agencies Appropriations Acts for the following projects:

Washington County intermodal facilities, buses, and bus facilities, 2000

Foothills Transit, California buses and HEV vehicles, 2000

Chatham, Georgia area transit buses and transfer center, 2000

Fair Lakes league, Virginia, 2000

Dulles Corridor, Virginia park-and-ride express bus program, 2000

Fayette County, Pennsylvania intermodal parking facility, 2000

Swampscott, Massachusetts buses, 2000

Ithaca, New York intermodal transportation center, 2000

Wilkes Barre, Pennsylvania intermodal facility, 1998, 1999, 2000

Dulles, Virginia corridor project, 2000

Kenosha-Racine-Milwaukee, Wisconsin rail extension project, 2000

Roaring Fork Valley, Colorado project, 2000

Twin Cities, Minnesota, Transitways project, 2000

Altamount, California commuter rail project, 2000

Santa Fe/El Dorado, New Mexico rail link project

Albuquerque, New Mexico light rail project

Tuscaloosa, Alabama intermodal center

Northern New Mexico park and ride facilities

State of New Mexico buses and bus-related facilities

Birmingham, Alabama transit corridor project

Harrisburg, Pennsylvania Capital Area Transit/Corridor One commuter rail project

Charleston, South Carolina monobeam corridor project

King County, Washington park and ride expansion

Sequim, Washington-Clallam Transit multimodal center

Birmingham-Jefferson County, Alabama buses

Roaring Fork Transportation Authority, Colorado

Dothan Wiregrass, Alabama vehicles and transit facility

Jefferson/Montevallo, Alabama pedestrian walkway

Montgomery, Alabama Union Station intermodal center

Pritchard, Alabama bus transfer center

West Virginia statewide intermodal facility and buses

Port Mackenzie/Upper Cook Inlet intermodal facility

The conferees agree that when the Congress extends the availability of funds that remain unobligated after three years and would otherwise be available for reallocation at the discretion of the administrator, such funds are extended only for one additional year, absent further congressional direction.

Bus and bus facilities.—The conference agreement provides $607,200,000, together with $50,000,000 transferred from "Federal Transit Administration, formula grants" and merged with funding under this heading, for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities. No funding in this Act is made available to carry out the clean fuels program. In addition, funds made available for bus and bus facilities are to be supplemented with $4,567,156 from the following projects included in previous appropriations Acts:

Essex Junction, Vermont multimodal station	$490,547
Towamencin Township, Pennsylvania intermodal center (1999)	1,488,750
Towamencin Township, Pennsylvania intermodal center (2000)	1,471,643
Folsom, California multimodal facility	992,500
Georgetown University fuel cell program	123,716

Funds provided for buses and bus facilities are distributed as follows:

Project Name	*Conference total*
Alabama:	
Alabama A&M University bus & bus facilities	$500,000
Alabama State Docks Intermodal Facility	8,000,000
Alabama Statewide Replacement of Senior Center Vans	1,000,000
Bevill State Community College Transit Project	300,000
Cullman County Commission (CARTS)	150,000
Hoover & Vestavia Hills Diesel Hybrid Electric Buses	1,000,000
Hunstville Intermodal Center	3,000,000
Jefferson County, Diesel Hybrid Electric buses ..	750,000
Martime Center of the Gulf	4,000,000
Troy State University Bus Shuttle Program ..	1,500,000
Union Station/Molton Street Multimodal Facility, Montgomery	5,000,000
University of North Alabama Transit Projects	2,000,000
Alaska:	
Anchorage Int'l Airport Intermodal Facility	2,000,000
Anchorage ship creek intermodal facility (AK)	4,000,000
Coffman-Cove Inner-island Ferry/Bus Terminal	2,000,000
Fairbanks Intermodal Facility	250,000
Fairbanks Rail/Bus Transfer	2,000,000
Port Mackenzie Intermodal Facility	2,000,000
Port of Anchorage Intermodel Facility	3,000,000
Seward Buses & Bus Facility	200,000
Skagway Municipal and Regional Transit	350,000
Wasilla Intermodal Facility	900,000
Arizona:	
City of Phoenix (RPTA) replacement buses	3,835,000
Coconino County Buses ..	1,000,000
RPTA Bus Facilities (Mesa, Scottsdale, Tempe, Phoenix)	4,200,000
Sun Tran Replacement Buses, including alternatively fueled	1,000,000
Sun Tran Bus Storage & Maintenance Facility ..	1,750,000
Tucson Intermodal Center (Union Pacific Depot)	4,000,000
Arkansas:	
Fort Smith Bus	750,000
State of Arkansas Bus & Bus Facilities	4,500,000
California:	
Alameda Contra Costa Transit—Bus and Bus Facilities	1,050,000
Anaheim Resort Transportation (ART) Project	500,000
Antelope Valley Transit Authority—Operations and Maintenance Facility	500,000
BART Fruitvale Transit Village, parking structure	250,000
Chino, Transcenter, Omnitrans	330,000
City of Salinas—Intermodal Transportation Center	1,250,000
City of Sierra Madre Buses and Natural Gas Vehicle Fueling Station	300,000
East County Bus Maintenance Facility	1,600,000
El Garces Intermodal Station	1,500,000
Fairfield/Suisun Transit Alternative Fueled Buses	500,000
Folsom Railroad Block Project	1,000,000
Foothill Transit—Bus Purchase	1,500,000
Fresno Area Express (FAX) Bus Expansion ..	600,000
Golden Empire Transit District	750,000
Los Angeles (MTA) Bus and Bus Facilities	3,500,000
Los Angeles to Pasadena Construction Authority Bus Program	3,000,000
Modesto, Bus Maintenance Facility	1,700,000
Monterey-Salinas Transit Bus Facility & Buses	2,400,000
MUNI Bus & Facility Upgrade, San Francisco ...	5,000,000
Municipal Transit Operators Coalition—Bus and Bus Facilities	1,750,000
Omnitrans, City of Yucaipa—the Yucaipa Transit Advancement Project	950,000
Palmdale intermodal facility	1,000,000
Redondo Beach, Bus Transfer Station	500,000
Riverside Transit Agency (RTA) Transit Centers—Corona, Riverside	1,000,000
Roseville Multitransit Center	1,500,000
Sacramento Hydrogen Bus Technology (University of California at Davis)	600,000
Sacramento Regional CNG Bus & Bus Facility	1,250,000
San Diego Bus Rapid Transit	500,000
San Fernando Valley East and Ventura Boulevard, Park and ride facilities	500,000
San Mateo County Transit District (SamTrans) Zero-Emission Buses ...	1,385,000
Santa Barbara Metropolitan Transit District (MTD) Hybrid Bus BRT Project	750,000
Santa Clara Valley Transportation Authority Clean Fuel Bus Program	1,500,000
Solano Transportation Authority—Fairfield/Vacaville Intermodal Station	500,000
Sonoma County CNG Fueling Facility Upgrade	500,000
South Pasadena Circulator Bus	150,000
Sun Line Transit Hydrogen Refueling Station	1,250,000
Yolubus and Unitrans CNG Buses	1,300,000
Yosemite (YARTS)	400,000
Colorado:	
Colorado Transit Coalition—Statewide Bus and Bus Facilities	12,000,000
Connecticut:	
Bridgeport High Speed Ferry Terminal Project	1,000,000
Connecticut State-wide Buses	1,000,000
Hartford Downtown Circulator	1,500,000
Hartford-New Britain Busway Project	7,500,000
Hollyhock Station/Intermodal Transportation Center, Norwich	2,650,000

Project Name	*Conference total*
New Haven, Bus Maintenance Facility	1,000,000
New Haven, Fuel Cell and Electric Bus Project	1,000,000
West Haven Intermodal	1,000,000
Delaware:	
Delaware Transit Corporation	3,000,000
District of Columbia:	
Georgetown University Fuel Cell Transit Bus Program	4,850,000
WMATA—Buses in D.C., Maryland, and Virginia	2,000,000
Florida:	
Broward County Buses and Bus Facility	200,000
Collier Area Transit, Transit Facility	750,000
DeLand Intermodal Center (VOTRAN)	1,750,000
East Central Florida Transit Coalition Bus and Facilities	6,000,000
Ft. Lauderdale, Transit Shuttle Vehicles	1,500,000
Gainesville, Multimodal Transportation Center	1,000,000
Hillsborough Area Regional Transit (HART)	500,000
Jacksonville Transit Authority (JTA)—Buses	1,250,000
Key West Buses and Bus Facilities	1,000,000
Lakeland, Citrus Connection	500,000
Lee County, Bus Facility	750,000
LYNX buses, bus facilities, and passenger amenities	750,000
Miami Beach Intermodal Transit Center	1,500,000
Miami-Dade Buses	3,000,000
Pinellas County Bus Replacement	4,200,000
SunTran Transit Maintenance Facility—City of Ocala	800,000
Tallahassee (TALTRAN) buses	1,250,000
Tallahassee (TALTRAN) Intermodal Center	500,000
West Coast Florida Bus Coalition	8,000,000
West Palm Beach, Trolley Buses	1,250,000
Winter Haven Transit Terminal	500,000
Georgia:	
Atlanta, Multimodal Terminal	2,000,000
Chatham Area Transit	2,700,000
Georgia Regional Transportation Authority—Regional Express Bus and Facilities	4,436,000
Georgia Statewide Bus Replacement Program	1,500,000
Gwinnett County Operations & Maintenance Facility	1,500,000
Macon Intermodal Center	2,000,000
MARTA buses, clean fuel buses and facilities	2,500,000
Hawaii:	
BRT Systems, Appurenances & Facilities	8,000,000
Bus Transit Centers—Waianae, Mililani, Wahiawa	750,000
Hawaii Statewide Bus and Bus Facilities	5,000,000
Maui County Buses	1,100,000
Idaho:	
Idaho Transit Coalition Bus and Bus Facilities	2,500,000
Illinois:	
Illinois Statewide Buses and Facilities	12,200,000
Normal Multi-modal Facility	750,000
Indiana:	
Cherry Street Multimodal Facility	500,000
Fort Wayne Public Transportation Corporation (Fort Wayne Citilink)	600,000
Indiana Transit Consortium—Bloominton Public Transportation	500,000
Indianapolis Downtown Transit Facility	4,500,000
Wabash Landing Transit Bus and Bus Facility	250,000
Iowa:	
Cedar Falls Multimodal Facility	1,100,000
Des Moines MTA Bus Purchase	800,000
Iowa City Intermodal Transit Facility	6,000,000
State of Iowa, Buses, Facilities, Equipment	6,500,000
Kansas:	
City of Wichita, Mini-Transfer Station	400,000
Johnson County Transit Programs	500,000
Kansas City Area Transportation Authority (KCATA)	250,000
Kansas, Buses and Bus Facilities	3,000,000
Lawrence Transit System Transfer Center	500,000
Topeka Transit Buses	1,500,000
Unified Government Transit Bus Replacement—Wyandotte County/Kansas City	350,000
Wichita Transit Authority	1,200,000
Kentucky:	
Fulton County Transit Authority R V Cutaways	180,000
Henderson Area Rapid Transit Bus	96,000
Henderson County Facility	500,000
KY Statewide, Bus and Bus Facilities	7,500,000
KY Transportation Cabinet—Community Action groups	1,425,000
Laurel County intermodal facility	5,000,000
Paducah Area Transit Authority Buses	480,000
Pennyrile Allied Community Services Transit Facility	372,000
Pikesville parking and transit facility enhancements	1,000,000
Red Cross Wheels	2,000,000
Transit Authority of Northern Kentucky (TANK)	1,500,000
Transit Authority of River City	2,000,000
Louisiana:	
LA Public Transit Association, Buses and Bus Facilities	10,000,000
LSU Health Sciences Center Shreveport Intermodal Facility	250,000
St. Bernard intermodal facility	500,000
Maine:	
Maine Statewide Bus & Bus Facility	1,000,000
Oceangateway Development Project	500,000
Westbrook, Intermodal Facility	1,000,000
Maryland:	
Maryland Statewide Bus and Bus Facilities	8,000,000
Montgomery County FDA Transit Center	250,000
Massachusetts:	
Attleboro Intermodal Mixed—Use Garage Facility	750,000
Brockton Area Transit, Intermodal Transportation Center	1,000,000
Cape Ann Transit Authority, buses and trolleys	150,000
Cape Cod Intermodal Facilities (Cape & Island Transit Ctrs)	300,000
Cities of Beverly and Salem, Intermodal Facility Improvements	250,000
CTS Northern Tier Buses—MA	300,000
Essex County, City of Lynn, MA, buses and senior citizen vans	140,000
Essex County, City of Peabody, MA, buses	48,000
Essex County, Town of Danvers, MA, buses and senior citizen vans	66,000
Lowell-Gallagher Intermodal Facility	1,000,000
Merrimack Valley Regional Transit Authority (MVTRA), facility improvements	250,000
Montachusett Area Regional Transit (MART) Commuter Park and Ride Facility—Leominster	750,000
Montachusett Area Regional Transit (MART) Passenger and Handicap Vans	425,000
Montachusett Commuter Facilities in Fitchburg	1,600,000
Northern Tier Intermodal Center—Athol	300,000
Springfield Union Station Intermodal Redevelopment Project	6,000,000
Worcester Regional Transit Authority (WRTA) Maintenance Facility	200,000
Michigan:	
Ann Arbor Transportation Authority Bus & Bus Facilities	250,000
Battle Creek	300,000
Bay Area Transportation Authority Buses, Traverse City	500,000
Blue Water Area Transportation	1,000,000
Branch County Transit Authority	300,000
City of Alma, intermodal facility and buses	775,000
Detroit Department of Transportation Transit Facility	5,150,000

Project Name	*Conference total*
Flint Mass Transportation Authority bus and bus facilities	2,000,000
Grand Rapids, bus and bus facilities	500,000
Ionia Area Transportation Authority Dial-a-Ride	304,000
Jackson Transportation Authority, Bus Maintenance Facility	500,000
Kalamazoo Metro Transit—Transfer Center	2,900,000
Lansing, Capital Area Transit Authority	1,000,000
Livingston Essential Transportation Service	220,000
Ludington Mass Transportation Authority (LMTA) Transit Facility	525,000
Marquette County Transit Authority bus and bus facilities	2,000,000
Michigan Statewide Bus and Facilities	1,000,000
Milan Public Transit	180,000
Saginaw Transit Authority Regional Service buses	500,000
Suburban Mobility Authority for Regional Transit (SMART)	3,500,000
Washtenaw County, Chelsa Area Transportation System (CATS)	264,000
Yates Township Transit System	450,000
Minnesota:	
Dakota County, Cedar Avenue Project	1,000,000
Duluth Transit Authority Bus and Bus Facilities	500,000
Greater Minnesota Transit Authority Bus & Bus Facilities	2,000,000
La Crescent—Public Transfer Hub	60,000
Metro Transit	11,585,000
Metropolitan Light Rail Transit Joint Powers Board—Rush Line Corridor	500,000
Minneapolis downtown circulator	2,000,000
Minneapolis, 63rd Ave N. Park and Ride	1,000,000
Northwest Corridor Busway	2,500,000
Rochester—Bus Purchase	507,000
St. Cloud Metropolitan Transit Commission Facilities	500,000
STEELE—Bus Purchase	48,000
Two Harbors Bus and Bus Facilities	200,000
Mississippi:	
Brookhaven, Multimodal Center	2,000,000
Harrison County multimodal facilities and shuttle service	500,000
Hattiesburg Intermodal Facility	750,000
Missouri:	
Bi-State Development Agency Bus Replacement	3,000,000
Ferguson Van Replacement	45,000
Hazelwood Van Expansion	80,000
Houston buses	100,000
Jefferson City Transit Bus and Van	500,000
Kansas City KCATA Buses	200,000
Missouri Bus & Bus Facilities—Dunklin County, City of Houston, Southeast Missouri Transportation Service, Scott County, SE Missouri State University	2,250,000
Missouri Statewide Bus and Bus Facility Projects	5,500,000
OATS Bus and Bus Facilities	1,500,000
Southeast Missouri Trans. Services Bus and Bus Facilities	500,000
Southwest Missouri State University Intermodal Transfer Facility	3,000,000
Springfield Public Utilities Buses	1,300,000
St. Charles Buses and Equipment	245,000
St. Joseph Buses	1,000,000
Stoddard County Van	30,000
Montana:	
Billings bus and bus facilities	1,000,000
District IX—Bozeman Galavan	250,000
Mountain Line Buses Missoula	500,000
Nebraska:	
Metro Area Transit—Intermodal Facility	1,000,000
Metro Area Transit South Omaha/Stockyard Center	750,000
Nebraska Statewide	750,000
Nevada:	
Bus Rapid Transit on South Virginia Street—Reno	2,450,000
Bus Rapid Transit Project Las Vegas Blvd	5,000,000
Las Vegas Downtown Transportation Center	2,250,000
Regional Transportation Commission (RTC) BRT—North Las Vegas CIVIS Bus Stops	325,000
Reno and Sparks Bus and Bus Facilities	2,700,000
Rural Transit Buses & Facilities	750,000
New Hampshire:	
New Hampshire Statewide Bus Acquisition	750,000
New Jersey:	
Bergen County Intermodal Facilities and Park-n-Ride	2,250,000
Central New Jersey Raritan Valley Line Park-n-Ride	1,000,000
Gloucester Co Sr. Buses	200,000
Harrison New Jersey PATH Station Rehabilitation	250,000
Montclair Community Wide Bus System	1,000,000
Morris County, Intermodal Park-n-Rides Facilities	1,500,000
Newark Penn Station Intermodal Access Enhancements	2,000,000
Route 80 Howard Boulevard NJ Transit Park and Ride	500,000
Trenton Station Intermodal	6,500,000
New Mexico:	
Albuquerque Buses and Bus Facility	1,000,000
Alvorado Transportation Center—Phase II	300,000
Espanola ADA van & Compressed Gas Equipment	75,000
Rio Rancho Buses and Facilities	250,000
Santa Fe Bus Facility Renovation	200,000
New York:	
Albany, NY—Capital District Transportation Authority (CDTA), Bus and Bus Facilities	2,700,000
Brooklyn, downtown intermodal transit district	500,000
Broome County, Binghamton Intermodal Terminal	1,000,000
Buffalo Intermodal Transportation Center	5,000,000
Central New York Regional Transportation Authority	3,000,000
City of Schenectady, bus and bus facilities	500,000
Jamaica Intermodal Facilities	1,500,000
Lower Hudson Intercounty Bus Program	800,000
Mobile Health Service Buses, NYC	500,000
Nassau County's Long Island Bus	250,000
New Rochelle Intermodal Center	750,000
Niagara Transportation Authority Buses and Bus Facilities	3,250,000
Oneonta Public Transit Buses	750,000
Orange County, Buses	750,000
Rensselaer Intermodal Station and related community enhancements	800,000
Rochester-Genesee Regional Transportation Authority (RGRTA)—Rochester Central Station	3,000,000
Ulster County Rural Bus Facility	900,000
Utica Transit Authority Buses	900,000
Westchester County Bee-Line Buses	1,750,000
North Carolina:	
City of Charlotte Bus and Bus Facilities	1,500,000
North Carolina Bus and Bus Facilities	8,000,000
Piedmont Authority for Regional Transportation (PART)—Bus Purchase	1,000,000
Triangle Transit Authority (TTA) Maintenance Facility	350,000
North Dakota:	
North Dakota Statewide Capital Transit	2,901,000
Ohio:	
Cincinnati Government Square Transit Transfer Center	4,000,000
Greater Triskett Bus Garage Rehabilitation	1,000,000

Project Name	*Conference total*
Lorain Renovation Train Depot in a Multi-modal Hub	1,000,000
Ohio Public Transportation Association—Bus and Bus Facilities for the State of Ohio	8,500,000
Oklahoma:	
Central Oklahoma Transportation & Parking Authority (COPTA)	2,500,000
Metropolitan Tulsa Transit Authority (MTTA)	1,000,000
Oklahoma Transit Association—Bus and Bus Facilities	5,000,000
OSU Multimodal Transportation Facility	3.000,000
Oregon:	
Albany, Buses	220,000
Canby Transit	200,000
Eugene Lane Transit District	2,000,000
Portland, Tri-Met Buses	2,000,000
Rogue Valley Transit District	1,000,000
Salem Area Mass Transit Bus and Bus Facility	500,000
Wilsonville, South Metro Area Rapid Transit (SMART)	250,000
Pennsylvania:	
Adams Transit Authority Buses and Bus Facility	400,000
Allentown Intermodal Transportation Center	2,000,000
Altoona Metro Transit Buses	500,000
AMTRAN Bus and Transit System Improvements	750,000
Area Transportation Authority Buses, North Central Pennsylvania	2,000,000
Beaver County Transit Authority Buses	150,000
Berks Area Reading Transportation Authority—Buses and Facilities	1,000,000
Bucks County, SEPTA Intermodal facility improvement	1,000,000
Butler Township/City Joint Municipal Transit Multi-Modal Transfer Center	425,000
Cambria County Operations and Maintenance Facility	500,000
Capital Area Transit Buses	500,000
Easton Intermodal Terminal	2,000,000
Endless Mountain Transportation Authority	300,000
Fayette County Transit Facility	900,000
Hershey Intermodal Transportation Center	2,000,000
Indiana County Transit Authority	410,000
Mid-County Transit Authority, Facilities and Equipment	500,000
Port Authority of Allegheny County Buses (including clean fuels)	1,775,000
Pullman Multi-modal Center	500,000
SEPTA—Paratransit Vehicles	500,000
SEPTA Norristown Intermodal Facility	1,000,000
Somerset County Transportation System	160,000
TEA-21 Altoona, PA	3,000,000
Westmoreland County Transit Authority	1,450,000
Wilkes-Barre Intermodal Facility	250,000
Williamsport Bureau of Transportation City Bus—Lycoming County	1,250,000
York County Transit Authority Buses	500,000
Puerto Rico:	
Puerto Rico Metropolitan Bus Authority (MBA), bus and bus facilities	250,000
Rhode Island:	
Newport Trolley Project	500,000
Premium Commuter Service Pilot Program	1,000,000
Rhode Island Buses and Alternatively Fueled Infrastructure	3,000,000
University of Rhode Island Student Transportation Services	750,000
South Carolina:	
Intermodal/Inland Port Terminal	1,000,000
Myrtle Beach Regional Multimodal Transit Center	1,125,000
North Charleston Regional Intermodal Transportation Center	500,000
South Carolina Vehicles and Facilities	7,000,000
Sumter Intermodal Transportation Center (Union Station)	3,000,000
South Dakota:	
Rosebud Sioux Tribe Bus Facility	200,000
South Dakota Statewide—Bus and Bus Facilities	750,000
Tennessee:	
Knoxville Electric Transit Intermodal Center	3,400,000
Memphis Airport Intermodal Facility Improvements	3,000,000
Tennessee Bus Replacements & Bus Facilities	9,500,000
Texas:	
Abilene Bus Replacement—Citylink	600,000
Austin Bus Projects	5,000,000
Beaumont Buses	100,000
Brownsville Buses	100,000
Corpus Christi Regional Transportation Authority (RTA) Bus & Bus Facilities	500,000
El Paso Bus Projects	1,500,000
Fort Worth Transportation Authority	3,000,000
Galveston Buses	1,000,000
Houston Advanced Transit Program	2,000,000
Laredo, Administrative/Operations/Maintenance Facility	1,750,000
Lubbock Buses	150,000
Odessa & Midland, TX—Alternative Fuel Buses	1,000,000
San Antonio VIA Metropolitan Transit Authority	1,500,000
Texas Tech University Park & Ride; Buses	1,850,000
Waco Transit, Buses, Maintenance and Administration Facilities	1,900,000
Woodlands District Park & Ride	1,200,000
Utah:	
State of Utah—Buses and Facilities	1,000,000
UTA and Park City Transit Buses	4,000,000
Utah Statewide Regional Intermodal Transportation Centers	500,000
Vermont:	
Chittenden County Transit Authority Bus and Facility	2,000,00
Montpelier Multimodal Center	2,000,000
St. Johnsbury Transit Center Rehabilitation	250,000
Winooski Falls Downtown Multimodal Transportation Center	500,000
Virginia:	
Arlington Bus Transfer Stations	500,000
Greater Roanoke Transit Company (GRTC) Buses	1,050,000
Hampton Roads Bus and Bus Facilities	1,525,000
Petersburg Area Transit	750,000
Potomac & Rappahannock Transportation Commission	2,100,000
Potomac Yard Transitway	800,000
Richmond Multi-modal Facility	2,950,000
Virgin Islands:	
Virgin Islands Transit (VITRAN)	500,000
Washington:	
Clark County, WA C-TRAN Vancouver Mall Transit Center	2,600,000
Aurora Avenue Bus Rapid Transit	1,500,000
Burien transit center transit oriented development	2,000,000
Edmonds Crossing multimodal project	3,500,000
Intercity Transit (Thurston County) Fare Collection Equipment	250,000
Issaquah Highlands Park & Ride	1,400,000
Jefferson Transit Facilities	1,000,000
King Street Station Multimodal Facility	250,000
Lakewood SR 512 Park-n-Ride Expansion	1,500,000
Mason County Transportation Authority Facilities	300,000
Mercer Island Transit Center, Park and Ride	500,000
Mount Vernon multimodal facility and buses	2,000,000
Pierce County bus and bus facilities	3,000,000
Port Angeles International Gateway project	1,500,000
Small Bus System Program of Projects	2,140,000
Snohomish County Community Transit park and ride	3,000,000
Sound Transit regional transit hubs	4,000,000
Spokane bus and bus facilities	2,500,000
West Virginia:	
Huntington, Tri-State Transit Authority (TTA) buses and vans	1,800,000

Project Name	*Conference total*
Monongalia Courthouse Annex in Morgantown—Intermodal Parking Facility	3,500,000
West Virginia Statewide	4,000,000
Wisconsin:	
Wisconsin Statewide Bus & Bus facilities	16,300,000
Wyoming:	
Wyoming Department of Transportation	2,500,000

Bevill State Community College.—Funding provided to Bevill State Community College may also be made available to Jasper, Alabama.

Dulles Corridor park and ride.—Funds provided in fiscal year 2000 for the Dulles Corridor park and ride shall also be made available for the Reston East park and ride project in Virginia.

Fort Worth intermodal center park and ride.—Funding provided in fiscal year 2002 for the Fort Worth intermodal center park and ride facility shall be used to facilitate the finish out of the intermodal connections into downtown Fort Worth and to enhance the linkage of the TRE with the T's bus operation and park and ride elements occurring at two sites: the ITC (and geographically related areas like the 7th Street parking lot and Alarm Supply Building) and a larger facility at the Texas and Pacific Station.

State of Illinois.—Within the funding provided to the State of Illinois, $1,000,000 shall be for the refurbishment of the Dan Ryan station.

Ithaca, New York.—Funds made available in fiscal year 2000 to the Ithaca intermodal transportation center shall also be made available for the Binghamton intermodal transportation center.

Kansas buses.—Funding provided for Wyandotte County buses and Kansas City joblinks in fiscal year 2001 shall be made available to the Unified Government of Wyandotte County/Kansas City.

Commonwealth of Kentucky.—The conference agreement provides $7,500,000 for bus and bus facilities needs statewide. Of this funding, $4,000,000 shall be provided to southern and eastern Kentucky. The remainder shall be allocated to: Bluegrass Community Action Services, City of Frankfort, Kentucky Foothills Development Council, Community Action Council of Fayette/Lexington, Lexington Red Cross, East Kentucky Independent Service Organization, and Lexington Transit Authority.

State of Michigan.—Within the funding provided, the state should strongly consider requests from Alger County, Charlevoix County, Delta Area Transit Authority, Houghton, Ontonogan County, City of Sault Ste. Marie, and Schoolcraft County.

Mt. Sinai intermodal center.—Funding provided to the Mt. Sinai intermodal center in fiscal year 1992 shall also be made available to the Miami Beach intermodal facility in Florida.

Plaquemines Parish ferry.—Funds provided in fiscal year 2001 for Louisiana's Plaquemines Parish Ferry shall also be made available to the New Orleans Regional Planning Commission for vans, buses and related facility construction in Plaquemines, St. Bernard, St. John and St. Charles parishes.

State of Ohio.—Within the funds provided, the state should strongly consider requests from Kent, and the East Side transit center.

Sierra Madre Villa intermodal center.—Funding provided for the Sierra Madre Villa intermodal center in fiscal year 2002 shall also be made available to the Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus related facilities in the LACMTA's service area.

Swampscott buses.—Funding provided for the Swampscott buses in fiscal year 2000 may also be made available to Lynnfield, Massachusetts to replace buses.

Tompkins consolidated transit center, NY.—Funds made available in fiscal year 2002 for the Tompkins consolidated area transit center shall be made available for the City of Middletown buses and bus facilities ($320,000) and City of Kingston buses ($240,000), and the remainder shall be made available for Tompkins County bus and bus facilities.

Tompkins County intermodal facility.—Funds made available in fiscal year 2001 for the Tompkins County intermodal facility shall also be made available for the Ulster County, New York rural bus garage.

State of Washington.—Of the $2,140,000 provided to the small bus system program of projects in the State of Washington: $432,000 is for Grant Transit Authority, $144,000 is for Grays Harbor Transportation, $288,000 is for Island Transit, $96,000 is for Pacific Transit, and $1,180,000 is for Pullman Transit.

New fixed guideway systems.—In total, the conference agreement provides $1,260,415,648 for new fixed guideway systems, of which $1,214,400,000 is from new appropriations, $45,000,000 is from funds transferred from the access to jobs and reverse commute grant program, and $1,015,648 is from unobligated funds provided under Public Law 105–277 under the job access and reverse commute grant program.

Houston.—With regard to Full Funding Grant Agreement TX–03–0119 the Secretary shall remove "Steubner Airline Park and Ride" from the agreement and insert "Barker Cypress Park and Ride, Fuqua Park and Ride and Clear Lake Park and Ride."

Miami-Dade transit metromover stage I.—The conference agreement permits FTA to reprogram $5,384,000 in new starts funds, originally obligated for the Miami-Dade transit metromover stage I project, to the Metrorail Palmetto extension project.

The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project Name	*Conference*
Alaska-Hawaii Setaside	$10,296,000
Altamont, CA, Commuter Express Maintenance Facility San Joaquin Rail Commission	1,000,000
Atlanta North Springs, GA (North Line Extension)	16,110,000
Baltimore, MD, Central LRT Double Tracking Project	18,000,000
Birmingham, AL, Transit Corridor Study	2,000,000
Boston, MA, North Shore Corridor Project	338,000
Boston, MA, South Boston Piers Transitway	681,000
Bridgeport, CT, Intermodal Transportation Center Project	2,500,000
Burlington-Middlebury, VT, Commuter Rail	1,500,000
Central Phoenix/East Valley, AZ, Light Rail	12,000,000
Charlotte, NC, South Corridor Light Rail Transit Project	11,000,000
Chicago Transit Authority, IL, Douglas Branch Reconstruction	55,000,000
Chicago Transit Authority, IL, Ravenswood Reconstruction	3,000,000
Cleveland, OH, Euclid Corridor Transportation Project	6,000,000
Dallas, TX, North Central Light Rail Extension	60,000,000
Denver, CO, Southeast Center LRT (T-REX)	70,000,000
Fort Lauderdale, Tri-County Commuter Rail Upgrades	29,250,000
Houston, TX, Advanced Metro Transit Plan	11,000,000
Las Vegas, NV, Resort Corridor Fixed Guideway	7,000,000
Little Rock, AR, River Rail Streetcar Project	1,700,000
Los Angeles, CA, Eastside Corridor LRT	4,000,000
Los Angeles, CA, North Hollywood Red Line	40,490,000
Lowell, MA to Nashua, NH, Commuter Rail Extension	3,000,000
Maryland, MARC Commuter Rail Improvements	11,750,000
Memphis, TN, Medical Center Rail Extension	15,610,000
Metra Commuter Rail and Line Extension Projects (North Central, Union Pacific West, SouthWest)	52,000,000
Metro North Rolling Stock, CT	4,000,000
Minneapolis, MN, Hiawatha Corridor LRT	60,000,000
Minneapolis, MN, Northstar Corridor	5,000,000
Nashville, TN, East Corridor Commuter Rail	4,000,000
New Jersey, Hudson-Bergen Light Rail—MOS1	19,200,000
New Jersey, Hudson-Bergen Light Rail—MOS2	50,000,000
New Orleans, LA, Canal Street Streetcar Project	22,000,000
New York, Long Island Railroad East Side Access Project	13,500,000
New York, Second Avenue Subway	2,000,000
Newark-Elizabeth, NJ, Rail Link	60,000,000
Northern Indiana South Shore Community Rail Project	2,500,000
Oceanside-Escondido, CA, Rail Corridor	13,600,000
Ogden to Provo, UT, Commuter Rail Corridor	5,000,000
Orange County, CA, Centerline Light Rail Project	1,500,000
Pawtucket, RI, Layover Facility	4,500,000
Pittsburgh, PA, North Shore Connector	7,025,000
Pittsburgh, PA, Stage II LRT Reconstruction	26,250,000
Portland, OR, Interstate MAX Light Rail Extension	70,000,000
Puget Sound, WA, Sounder Commuter Rail	30,000,000
Raleigh, NC, Triangle Transit Regional Rail Service	9,000,000
Salt Lake City, UT, CBD to University LRT	68,760,000
Salt Lake City, UT, Medical Center LRT	12,000,000

Project Name	Conference
Salt Lake City, UT, North/South LRT	720,000
San Diego, CA, Trolley Mission Valley East LRT Extension	65,000,000
San Francisco, CA, BART Extension to San Francisco Airport	100,000,000
San Francisco, CA, Third Street Light Rail Extension (Phase II)	1,500,000
San Jose, CA, Silicon Valley Rapid Transit Corridor Project	250,000
San Juan, PR, Tren Urbano	40,000,000
Scranton, PA to New York City, NY, Passenger Rail Service	2,000,000
SEPTA, PA, Schuylkill Valey Metro Line	9,000,000
St. Louis, MO, Metrolink, St. Clair Extension	3,370,000
Stamford, CT, Urban Transitway	10,000,000
Vermont Transportation Authority Rolling Stock	500,000
Virginia Railway Express project	2,000,000
Washington, DC, Dulles Corridor Rapid Transit Project	26,500,000
Washington DC/MD, Largo Extension	60,000,000
Wilmington, DE, Train Station improvements	2,000,000
Wilsonville-Beaverton Commuter Rail Line, OR	2,500,000

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $150,000,000 for the job access and reverse commute grants as proposed by both the House and the Senate. Within this total, $30,000,000 is derived from the general fund. The conference agreement includes a provision that waives the cap for small urban and rural areas and provides that up to $300,000 of the funds appropriated under this heading may be used for technical assistance, technical support, and performance reviews of the job access and reverse commute grants program.

Of the total funding provided to the job access and reverse commute grants program, $45,000,000 has been transferred to the capital investment grants program instead of a transfer of $25,000,000 as proposed by the Senate. The House bill proposed no similar transfer. In addition, bill language has been included that transfers the 1999 unobligated balances from this program to the capital investment grants program.

Southeast Missouri Council.—Funding provided for fiscal year 2002 for the Southeast Missouri Council shall also be made available to the Mid-American Regional Council in Kansas City, Missouri.

Funds appropriated for the job access and reverse commute grants program are to be distributed as follows:

Project Name	Conference Total
Alaska:	
Alaska Mobility Coalition	$500,000
Kenai Peninsula Transit Planning	500,000
MASCOT Matanuska-Susitna Valley	200,000
Alabama:	
Jefferson County	3,000,000
Arizona:	
AJO to Phoenix Rural Express Bus Service	200,000
Maricopa County Worklinks Project	250,000
Southwest Transit Assessment & Review Team Bus Route 131	300,000
Valley Metro (RPTA), City of Phoenix	1,100,000
California:	
AC Transit—CalWORKS	2,000,000
County of Santa Clara Guaranteed Ride Home Program	500,000
East Palo Alto Shuttle Service	700,000
LA County UTRANS	500,000
Los Angeles County, MTA Ride Share program	875,000
Low-Income LIFT Program SF MTC	1,000,000
SACOG Sacramento Region	750,000
Sacramento Area	1,500,000
Southern California Regional Rail Authority, Metrolink double tracking	1,000,000
Colorado:	
Colorado Statewide—Colorado Association of Transit Agencies (CASA)	800,000
Connecticut:	
Connecticut statewide	3,500,000
District of Columbia:	
Georgetown Metro Connection—Washington, DC	1,100,000
WMATA (D.C., Maryland and Virginia)	2,125,000
Delaware:	
Delaware Welfare to Work Initiative	750,000
Florida:	
HART Access to Jobs Program	700,000
Jacksonville Trans. Authority Choice Ride Program	1,625,000
Key West	1,000,000
LYNX Central Florida Regional	200,000
Georgia:	
Chatham	438,000
Macon-Bibb County Reverse Commute Program	775,000
Iowa:	
Iowa Statewide	1,000,000
Illinois:	
DuPage County Coordinated Paratransit Program	500,000
Illinois Ways to Work	500,000
Rock Island County Mass Transit District (MetroLink)	180,000
Ways-to-Work—IL-MO	1,000,000
Indiana:	
Fort Wayne's Hanna Creighton Transit Center	750,000
IndyGo Service	1,000,000
Kansas:	
KW Paratransit Vehicle	30,000
Mid America Regional Council (MARC)	500,000
Wyandotte County	1,150,000
Louisiana:	
Lafayette Ways to Work Program	100,000
Massachusetts:	
Brockton Area Transit Authority	225,000
Community Transportation Association of America	1,000,000
Northern Tier Dial-A-Ride	400,000
Transportation Services of Northern Berkshire, Inc.	400,000
Maryland:	
Maryland Statewide (Montgomery County, $600,000)	5,000,000
Michigan:	
Flint Mass Transportation Authority	1,050,000
Grand Rapids/Kent County Job Access Plan	938,000
Minnesota:	
Minneapolis/St. Paul, Met Council	1,000,000
Missouri:	
Metrolink Corridor Access to Jobs	3,000,000
Metropolitan Kansas City Job Access Partnership	1,000,000
Missouri Statewide	1,400,000
Ways to Work Missouri	225,000
North Carolina:	
Community Transportation Association of America's Joblinks Employment Transportation Initiative	1,000,000
Wake County Coordinated Transportation System	775,000
New Hampshire:	
Lancaster-Littleton Transit Project	50,000
New Jersey:	
New Jersey statewide	5,000,000
New York:	
Broome County Transit—Binghamton, NY	250,000
Capital District Transportation Authority Albany	275,000
Central NY Regional Transportation Authority	500,000
Chautauqua Area Rural Transportation System	50,000
Chemung County Transit	75,000
Columbia County	100,000
Franklin County Expansion of Hour Service	75,000
Hornell Trans. Alternatives for NY	50,000
Ithaca service	75,000
MTA—Long Island Bus	250,000
New York State DOT	500,000
Orange County	100,000
Rochester-Genesee Regional Transportation Authority (RGRTA)	600,000
Tompkins Consolidated Area Transit, Tompkins County	300,000
Ohio:	
Central Ohio Transit Authority (COTA)—Mobility Management	600,000
Greater Cleveland Regional Transit Authority	500,000
Northwest Ohio Commuter LINK Toledo	375,000
STEP-UP Job Access Project Dayton	125,000
Oklahoma:	
Oklahoma Transit Association	5,000,000
Oregon:	
Jackson-Josephine County	200,000
Oregon Ways to Work Loan Program	250,000

Project Name	*Conference Total*
Portland Metropolitan Region	2,150,000
Salem Area Transit	500,000
Pennsylvania:	
Port Authority of Allegheny County Access to Jobs	4,000,000
SEPTA	5,570,000
Rhode Island:	
Rhode Island Deployment of Flexible Services	750,000
Rhode Island Public Transit	2,000,000
Tennessee:	
Chattanooga	500,000
Knoxville	750,000
State of Tennessee	1,500,000
Texas:	
Abilene Citylink Program	100,000
Austin Capital Metros Access	2,500,000
Citibus, Lubbock	230,000
Corpus Christi	1,225,000
East Texas Just Transportation Alliance (ETJTA): Tyler Transit	200,000
El Paso	250,000
Galveston	600,000
San Antonio Access to Jobs Program	1,088,000
Virginia:	
City of Charlottesville	375,000
Fairfax County, Short-Term Transit Improvements	1,600,000
Virginia Regional Transportation Association, Route 7 service/Dulles corridor	200,000
Washington:	
Community Transportation Association of America	150,000
WA WorkFirst Initiative	4,750,000
Ways to Work—EPIC Yakima	500,000
Wisconsin:	
Wisconsin Statewide	5,200,000
West Virginia:	
West Virginia Statewide	1,000,000

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $14,086,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation.

Security—The conferees applaud the initial security efforts of the corporation and encourage the corporation to continue the development of a high risk vessel assessment protocol with assistance from the U.S. Coast Guard and Transportation Security Administration.

FECA administrative costs—The conferees have denied funding proposed in the budget for FECA administrative costs. This is consistent with actions taken DOT-wide.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $40,980,000 for research and special programs instead of $40,677,000 as proposed by the House and $43,725,000 as proposed by the Senate. Within this total, $3,250,000 is available until September 30, 2005, as proposed by the House, instead of $3,342,000 as proposed by the Senate. The following adjustments are made to the budget estimate:

Reduce funding for prior year budget decisions	–$265,000
Reduce funding for emergency transportation detailee	–107,000
Reduce funding for new program support decisions	–790,000
Reduce funding for new IT infrastructure	–2,239,000
Reduce funding for FECA administrative costs	–3,000

The conference agreement permits up to $1,200,000 in fees be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, the conference agreement includes language that permits funds received from states, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. The House and Senate proposed both of these provisions.

Prior year funding decisions.—The budget included $265,000 for reimbursement of salary and administrative funding that Congress did not provide in the fiscal year 2002 appropriations Act. The conference agreement deletes funding for this purpose, as proposed by the House.

New positions.—The budget requested a total of fourteen new positions for RSPA's information management program. The conference agreement has provided a total of two of these new positions, one security officer and one network administrator/computer analyst, as proposed by the House.

Emergency transportation detailee.—RSPA requested $100,000 to pay for an existing detailee position from the Department of Defense to serve as a liaison officer in the office of emergency transportation. Because this position is filled by an employee of the Department of Defense, not RSPA, and detailees are customarily paid for by the sponsoring department, the conferees delete funding for this purpose, as proposed by the House. An additional $7,000 is also denied for FECA-related costs.

Information technology infrastructure.—The conference agreement has reduced funding by $2,239,000 from the request for computer infrastructure, for a total funding level of $1,500,000, as proposed by the House. The conferees direct RSPA to focus its information technology investment funding on safety and security related mission critical areas, such as pipeline safety and hazardous materials areas, as well as on addressing the internal and external computer-related security threats identified by the March 2002 security posture assessment report.

The conference committee further directs that no additional funds shall be expended for consulting costs for RSPA's business modernization initiative until a new Strategic Information Technology Plan is submitted, as proposed by the Senate. Further, RSPA shall provide this new Strategic Information Technology Plan, of no more than fifteen pages, to the House and Senate Committees on Appropriations by May 15, 2003, also proposed by the Senate. The report should identify a detailed infrastructure spending plan, including an itemization of resources and the sequence in which RSPA addresses security and infrastructure needs.

Operation Respond.—The conferees agree to provide an additional $1,500,000 to further accelerate the establishment of a national first responder emergency services network. Funds should be used for pilot programs at the Ports of Los Angeles and Long Beach, California, the Port of New York/New Jersey, the Port of Mobile, Alabama, and the Port of Valdez, Alaska, to provide chemical content verification and response information for containers entering and exiting ports. Within the funds provided, Operation Respond is also expected to address the unique security concerns of rural America by developing model first responder deployment programs in Eastern Kentucky.

FECA benefits.—The conference agreement has reduced funding by $3,200 from the budget request for workers compensation administrative costs, as proposed by the House.

User fees.—The conferees disagree with the budget request to begin funding the hazardous materials safety program from user fees, as proposed by both the House and Senate, and deny this request.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of $63,842,000 for the pipeline safety program, instead of $58,697,000 as proposed by the House and $63,857,000 as proposed by the Senate. Within this total, $24,823,000 is available until September 30, 2005, as proposed by the Senate, instead of $22,786,000 as proposed by the House.

Of this total, the conference agreement specifies that [$56,370,000] shall be derived from the Oil Spill Liability Trust Fund and [$7,472,000] from the Pipeline Safety Fund. The House bill allocated $7,472,000 from the Oil Spill Liability Trust Fund and $51,225,000 from the Pipeline Safety Trust Fund. The Senate bill provided $7,472,000 from the Oil Spill Liability Trust Fund and $56,385,000 from the Pipeline Safety Fund. The following adjustments are made to the budget estimate:

Reduce funding for FECA administrative costs	–15,000

Research and development.—Within the funds provided, $600,000 shall be used for airborne environmental laser mapping technology research and engineering to support improved leak detection, analysis, and response by federal, state, and industry pipeline safety officials.

FECA benefits.—The conference agreement has reduced funding by $15,000 from the budget request for workers compensation administrative costs, as proposed by the House.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. The conference agreement includes a limitation on obligations of $14,300,000, consistent with both the House and Senate proposals.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $57,421,000 for the office of inspector general, as proposed by the House and Senate.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides a funding level of $19,450,000 for the Surface Transportation Board to fund salaries and expenses from a direct appropriation, as proposed by the House. The conference agreement includes language as proposed by both the House and the Senate that allows the Board to offset $1,000,000 of its appropriation from fees collected during the fiscal year, for a total program level of $18,450,000.

FECA administrative costs.—The conference agreement has reduced funding by $9,100 from the budget request for workers compensation administrative costs, as proposed by the House.

Union Pacific/Southern Pacific merger.—On December 12, 1997, the Board granted a joint request of Union Pacific Railroad Company and the City of Wichita and Sedgwick County, KS (Wichita/Sedgwick) to toll the 18-month mitigation study pending in Finance Docket No. 32760. The decision indicated that at such time as the parties reach agreement or discontinue negotiations, the Board would take appropriate action.

By petition filed June 26, 1998, Wichita/Sedgwick and UP/SP indicated that they had entered into an agreement, and jointly petitioned the Board to impose the agreement as a condition of the Board's approval of the UP/SP merger. By decision dated July 8, 1998, the Board agreed and imposed the agreement as a condition to the UP/SP merger. The terms of the negotiated agreement remain in effect. If UP/SP or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $5,194,000 for salaries and expenses of the Architectural and Transportation Barriers Compliance Board as proposed by both the House and the Senate.

FECA administrative costs—The conferees have denied funding proposed in the budget for FECA administrative costs. This is consistent with actions taken DOT-wide.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $72,450,000 for the salaries and expenses of the National Transportation Safety Board instead of $71,270,000 as proposed by the House and $72,500,000 as proposed by the Senate. This funding level is $1,970,000 above the budget request and shall be used to annualize 25 new positions, pay for true overtime costs for investigators, and implement financial management control initiatives that were recommended by an audit firm. No funding has been provided for FECA administrative costs.

TITLE III

GENERAL PROVISIONS

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance; uniforms; or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by both the House and Senate.

Sec. 304 prohibits funds in this Act for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation, instead of 107 as proposed by the House and 105 as proposed by the Senate. Sec. 304 also includes a provision that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation or an independent agency funded in this Act as proposed by the House. The Senate proposed no similar provision.

Sec. 305 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 306 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 307 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 308 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 309 exempts previously made transit obligations from limitations on obligations as proposed by both the House and Senate.

Sec. 310 modifies the distribution of the Federal-aid highway program proposed by the Senate. The House proposed no similar provision.

Sec. 311 prohibits recipients of funds made available in this Act to release personal information, including a social security number, medical or disability information, and photographs from a driver's license or motor vehicle record without express consent of the person to whom such information pertains; and prohibits the Secretary from withholding funds provided in this Act for any grantee if a state is in noncompliance with this provision as proposed by both the House and Senate.

Sec. 312 prohibits funds to establish a vessel traffic safety fairway less than five miles wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 313 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 314 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2005, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by both the House and Senate.

Sec. 315 allows transit funds appropriated before October 1, 2002, that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 316 prohibits funds to compensate in excess of 350 technical staff years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development as proposed by the House. The Senate included no similar provision.

Sec. 317 provides funding of administrative expenses for the Federal Motor Carrier Safety Administration and the Federal Highway Administration.

Sec. 318 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited to each agency's respective accounts as proposed by both the House and Senate.

Sec. 319 allows funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities or to improve existing vessels and facilities, and for repair facilities as proposed by the Senate. Sec. 319 also includes a provision proposed by the Senate that allows not more than $3,000,000 of the funds made available for ferry boats to be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project and waives U.S.C. 5302(a)(7). The House contained no similar provision.

Sec. 320 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for Federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 321 exempts a general aviation airport with more than 300,000 annual operations from having to accept scheduled passenger service provided that the airport meets specific conditions, as proposed by the Senate. The House included no similar provision.

Sec. 322 prohibits the use of funds in this Act for activities designed to influence Congress or a state legislature on legislation or appropriations except through proper, official channels as proposed by both the House and Senate.

Sec. 323 permits funds from Public Law 106–69 and Public Law 106–346 for the Wilmington, Delaware, downtown corridor project to be available for Wilmington, Delaware, commuter rail improvements, as proposed by both the House and Senate. In addition, Section 323 permits funds from Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses to be available for Missoula Ravalli Transportation Management Administration buses and bus facilities, as proposed by the Senate.

Sec. 324 requires compliance with the Buy American Act as proposed by the Senate. The House included no similar provision.

Sec. 325 transfers the operation and maintenance of the localizer instrument landing system at Walnut Ridge Regional Airport, Arkansas, to the Federal Aviation Administration, as proposed by the Senate. The House included no similar provision.

Sec. 326 transfers the operation and maintenance of the air traffic control tower at Williams Gateway Airport, Arizona, to the Federal Aviation Administration, as proposed by both the House and the Senate.

Sec. 327 is a provision regarding a highway in Alaska, as proposed by the Senate. The House included no similar provision.

Sec. 328 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by both the House and Senate.

Sec. 329 prohibits funds in this Act unless the Secretary notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administration, and $500,000 for the Transportation Security Administration, as proposed by both the House and Senate.

Sec. 330 appropriates $90,600,000 to the Secretary of Transportation to make grants for surface transportation projects as proposed by the Senate.

Project Name	*Conference Total*
1000 North Road—Toole City, Utah	$500,000
14th Street Bridge Corridor, Virginia	2,500,000

Project Name	Conference Total
236 Claggett Hill Road Construction with Lewis & Clark Ferry Boat Facilities, Missouri River Montana	1,500,000
3RD Street North—St. Cloud, Minnesota	500,000
Aberdeen SD to Geneseo ND Rail Repair, South Dakota	650,000
Adrian's Landing Urban Development Roadway Realignment Project, Hartford, Connecticut	5,000,000
Alameda-Contra Costa transit district (SatCom), California	1,000,000
Albany waterfront development Corning Preserve, New York	250,000
Alcove Road Relocation Project—Morrisville, North Carolina	750,000
American Tobacco Trail Project, Wake County, North Carolina	500,000
Analysis and improvements on consistent shoulder width on Route 9, Virginia	500,000
Analysis for new bridge to relieve congestions at US Highway 175 in Kaufman County, Texas	600,000
Anderson County South Carolina Transit, South Carolina	3,000,000
Anderson Economic Thoroughfare, Illinois	500,000
Ann Arbor transit center, Michigan	1,000,000
Anniston East Bypass—Anniston, Alabama	1,000,000
Arkwright Connector Spartanburg, South Carolina	1,000,000
Aroostook County North-South Highways, Maine	4,500,000
Artesia traffic enhancement, City of Artesia, California	1,200,000
Assembly Street railroad consolidation and grade crossing elimination, South Carolina	600,000
Atlantic Avenue Extension, Jamaica, New York	1,500,000
ATMS/ATIS Hutchinson River Parkway, New York	2,000,000
Austin Road Interchange, Ohio	250,000
Baldwin County, Georgia, greenway development	100,000
Baseline Road Project, Isabella County, Michigan	1,475,000
Bashford Manor Lane, Kentucky	300,000
Bay County Area Wide Traffic Signal System, Florida	1,000,000
Bettes Corner Bridge, Ohio	1,500,000
BIA Route 13/Route 1 Project,Makah, Vermont	5,400,000
Black Narrows & Chinoteague Bridge, Virginia	650,000
Boston Long Island Pier ADA Compliance, Massachusetts	200,000
Bremerton Ferry Exit Tunnel, Washington	1,500,000
Bridgeport High Speed Ferry Terminal Improvements, Connecticut	500,000
Broomsfield Wadsworth Interchange, Colorado	3,750,000
Brown Road Bridge, Anderson County, South Carolina	1,500,000
Brownsville Railroad Relocation, Texas	2,000,000
Canal Streetcar Project, New Orleans, Louisiana	4,000,000
Cape Flattery Tribal Scenic Byway paving project, Washington	2,500,000
Capitol Circle widening, Leon County, Florida	1,000,000
Caraway Road Overpass Project Jonesboro, Arkansas	1,000,000
Cass Lake Interpretive Center, Minnesota	600,000
Chinatown Intermodal Station, California	1,500,000
Chinese Community Center, Chinatown Study, New York	750,000
Citizen's Block/Historic Vernon Downtown Revitalization, Connecticut	500,000
City of Alexandria, Virginia, intelligent transportation system (Alexandria ITS, King/Braddock/Quaker)	750,000
City of Baltimore public waterfront promenade, Maryland	500,000
City of Madison Railroad Relocation Project, Mississippi	100,000
City of Madison, Wisconsin State Street Strategic Plan Revitalization Project	2,000,000
City of Pico Rivera, Rosemead Blvd Improvements, California	400,000
City of Rochester harbor and ferry terminal improvements, New York	2,000,000
City-wide automobile insurance feasibility study, Philadelphia, Pennsylvania	100,000
Ciay/Leslie Industrial Park Access, Kentucky	1,750,000
Coast Transit Authority, Harrison County, Mississippi	500,000
Compton Willow Creek ITS project, California	500,000
Concord Parkway Traffic Signals System Integration, Concord, North Carolina	1,400,000
Continental 1, New York	1,500,000
Coronado Tunnel, California	750,000
Council Bluffs US–6 Study/Preliminary Design, Iowa	1,424,000
CR–1133 in Monroe County—Kettle Creek Bridge, Kentucky	130,000
Cuyahoga Scenic Rail Line (Canton-Akron-Cleveland Commuter Rail Project), Ohio	3,000,000
Detroit city center study, Michigan	300,000
Detroit Department of Transportation Transit Facility, Michigan	2,000,000
Develop of Elyria Downtown Waterfront Walk, Elyria, Ohio	500,000
Dothan, I–10 Freeway Connector, Alabama	5,000,000
Dubuque Southwest Arterial, Iowa	2,000,000
Dynamic Message Sign (DMS) camera deployment and integration program, Monroe County, New York	1,000,000
East Chicago Railroad Ave. Grade Crossing Separation, Indiana	2,435,000
Elkhart Underpass, Indiana	4,000,000
Englewood Interstate Connector—Sarasota County, Florida	1,000,000
Enhanced fencing, lighting, and security cameras at Port of Milwaukee, Wisconsin	250,000
Extension of Sallee Street from Washington to Historic Route 66—LItchfield, Illinois	664,000
Fall River-Route 79 Improvements, Massachusetts	1,000,000
Farrington Highway, Hawaii	1,000,000
FAST Corridor Project, Washington	10,000,000
Feasability study, Granbury, Hood County, Texas	650,000
Ferry Facilities, Key West, Florida	1,000,000
Ferry service from Rockaway Peninsula to Manhattan (Jamaica Bay Transportation Hub), New York	400,000
Franklin Park Rail-Grade Separation, Illinois	500,000
Freedom Road Corridor Improvements—Butler County, Pennsylvania	250,000
Freeway Interchange at Lammers Road and I–205, Tracy, California	1,000,000
Freight Enhancement KY Highlands, Kentucky	3,000,000
GA SR 316 Improvements—Gwinnett, Barrow, Oconee Counties, Georgia	2,000,000
Garden Parkway Bypass (US 321/740), North Carolina	750,000
General Mitchell International Airport Passenger Rail Station, Wisconsin	4,000,000
Girdwood Road Improvements, Alaska	10,000,000
Grade separations at Front Street and Bagley Road, Berea Ohio	500,000
Granite Street Bridge Project, New Hampshire	8,000,000
Gravina Bridge, Ketchikan, Alaska	2,000,000
Great River Economic Development Foundation, Arkansas study of Osceola, Arkansas, to Millington, Tennessee parkway, include new bridge crossing Mississippi River	250,000
Greenwood Rail Relocation, Greenwood, Mississippi	1,000,000
Harden Street improvements Columbia, South Carolina	500,000
Harlingen Railroad Relocation Project, Texas	200,000

Project Name	*Conference Total*
Hatteras Inlet ferry connecting Ocracoke Island and North Carolina Outer banks, North Carolina	400,000
Hawkins Crossing, I–20/59 Interchange, Meridian, Mississippi	4,500,000
Hiawatha pedestrian/bicycle crossing, 28th Street, Minneapolis, Minnesota	2,900,000
High Street Revitalization, Lawrenceburg, Indiana	1,000,000
Highway 21, Missouri	340,000
Highway 212 between Norwood Young America and Cologne in Carver County, Minnesota	500,000
Highway 30, Kentucky	3,000,000
Highway 52 Corridor Plan, Intersection of US Hwy 52 at Dakota City, Road 47, Minnesota	1,000,000
Highway 537—Cane Ridge Road, Kentucky	675,000
Highway 71, Alma-Greenwood, Arkansas	1,000,000
Highway Improvements along T.H. 13 corridor near Ports of Savage, Minnesota	1,000,000
Highway 19 Bridge Replacement, Hermann, Missouri	2,000,000
Honeybranch Regional Business Park Access Road, Kentucky	1,650,000
Hoover Dam Bypass New Bridge downstream of Dam, Nevada	5,000,000
Hot Metal Bridge, Pennsylvania	250,000
Hotze Road—Salem, Illinois	1,000,000
Houston, Texas Main Corridor Revitalization Project	1,000,000
HUB Business District Project, New York	2,000,000
Hunt County, Texas	1,000,000
Huntsville Federal Building, Alabama	600,000
"I" Road from FM 495 to US281, Hidalgo County, Texas	1,250,000
I–10 Freeway/Cypress Ave. Grade Separation Project, California	500,000
I–10 Irvington Interchange, Alabama	4,000,000
I–12/Northshore Boulevard-Airport Road Interchange Improvements, St. Tammany Parish, Louisiana	1,000,000
I–12/US 190 West Covington Bypass, St. Tammany Parish, Louisiana	1,050,000
I–15 Layton Interchange Project, Utah	1,500,000
I–16/I–516 Interchange design and reconstruction, Georgia	1,000,000
I–20 Garrett Road Monroe, Louisiana	500,000
I–235/Harrison Avenue offramp and Walnut Avenue Relocation, Oklahoma	1,200,000
I–26 Little Mountain interchange improvements, South Carolina	500,000
I–295 Interchange @ Meadowville Road—Chesterfield County, Virginia	1,700,000
I–35—Comal County, Texas	500,000
I–35 East/I–635 interchange, Texas	1,000,000
I–35–E Widening Dallas and Ellis Counties, Texas	3,000,000
I35W Lake Street Access, Minnesota	9,000,000
I–40 Crosstown Expressway realignment, Oklahoma City, Oklahoma	3,000,000
I–405 Corridor Tukwila to Lynnwood, Washington	2,000,000
I–44 Yake Avenue to Arkansas River, Oklahoma	500,000
I–44, Phelps County, Missouri	2,250,000
I–49 Northern Extension, Louisiana	3,000,000
I–49 Southern Extension, Louisiana	3,000,000
I–5 Widening at Del Mar Heights Road, San Diego, California	2,000,000
I–5/SR 56 Connectors, California	1,500,000
I–5/SR 78 Interchange, Oceanside, California	500,000
I–540 and Perry Road Interchange, Rogers, Arkansas	1,600,000
I–55 Church Rd. to TN State Line DeSoto County, Mississippi	10,000,000
I–59 & FM 2919, Isleib, Texas	3,000,000
I–65 Connector, Florida	250,000
I–65/70 Market Square Redesign/Replace ramp, Indiana	4,500,000
I–66/Rt 29 Interchange, Prince William County, Virginia	1,500,000
I–69 Anderson to Flagship Park Center, Indiana	1,000,000
I–69 Construction, Texas	2,500,000
I–69 Corridors 18 and 20, Texas	4,000,000
I–69 Evansville to Indianapolis, Indiana	500,000
I–70/MD85/MD355 intersection reconstruction, Maryland	1,000,000
I–73 North Carolina State line to Myrtle Beach, South Carolina	3,000,000
I–75 noise barrier—Lexington, Kentucky	750,000
I–75, Lee County, Florida	500,000
I–75/I–475 Systems Interchange Upgrade at North Cove, Ohio	1,100,000
I–80 from Delaware Water Gap to Blakeslee, Pennsylvania	850,000
I–90 Exit 32 Interchange at Sturgis, South Dakota	3,000,000
I–91 North ITS from Northhampton to Bernardston, Massachusetts	600,000
I–95 Harbor Access, New Haven, Connecticut	2,000,000
I–96/Cedar/Pennsylvania Interchange, Michigan	700,000
I–99 Frankstown Road, Pennsylvania	1,000,000
IL 6 Extension to Chillicothe, Illinois	750,000
Image-based toll collection system project, California	750,000
Improved access to Dyess Air Force Base, Texas	850,000
Indiana Dunes National Lakeshore (IDNL) hike/bike trail and pedestrian bridge/overpass, Indiana	25,000
INDOT US–31 Environmental and Design study, Indiana	500,000
Industrial park access improvements, Escambia County, Atmore, Alabama	1,250,000
Infrastructure Improvements, Sunnybrook Neighborhood, Bay Shore, New York	175,000
Installation of a TL–2 warning/positive protection gate at Railroad/Grade crossing projects, Alabama	2,000,000
International Airport Intermodal Facility, Harrisburg, Pennsylvania	1,500,000
Intersection of KY 3 and 40, Kentucky	4,000,000
Isleta Boulevard Project, Bernaslillo, New Mexico	1,500,000
Japonski Island Road, Alaska	1,000,000
Jefferson Boulevard, Kentucky	500,000
Johnsontown Road, Kentucky	1,000,000
Juneau Heliport, Alaska	1,000,000
Kannapolis Parkway & I–85 Interchange—Kannapolis, North Carolina	500,000
Kansas Lane Connector Road alignment project, Monroe, Louisiana	500,000
King Coal Highway Mercer County, West Virginia	9,000,000
Kitsap Transit, Sidney Landing Terminal, Washington	2,000,000
Knob Creek Road and Mountain View Road—Washington County, Tennessee	1,270,000
LA 18 Widening—Jefferson Parish, Louisiana	750,000
LA 37/US 190 Centrual Thruway Connector, Louisiana	3,000,000
LA–820 Lincoln Parish, Louisiana	500,000
Lawrence Connector, Illinois	750,000
Lee Highway & Chain Bridge Road intersection improvements—(Rt 29/50 & 123), Virginia	2,000,000
Lenexa Prairie Star Expressway, Kansas	2,750,000
Lexington Bridge Cowlitz-Wahkiaakum, Washington	6,000,000
Libertyville Traffic Management Center, Illinois	1,000,000
Long Branch Road, Meade County, Kentucky	1,000,000
Louisville-Southern Indiana Ohio River Bridges Project, Indiana	3,000,000
Lyndale Avenue Bridge, Richfield, Minnesota	3,000,000
Mahoning River Corridor of Opportunity Industrial Park Roadway Improvement, Ohio	50,000
Manhattan Bridge Physical Security Assessment, New York	850,000
Maricopa County, AZTech integrated emergency and transportation communication network, Arizona	3,000,000

Project Name	*Conference Total*
Marquette Interchange Reconstruction, Milwaukee, Wisconsin	1,500,000
Marsh-Billings-Rockefeller Park Pedestrian Walkway, Vermont	380,000
Martin Luther King Jr. Parkway Des Moines, Iowa	3,000,000
Matanuska-Susitna Borough Road Improvements, Alaska	3,500,000
McCleary, Bridge, Wausau, Wisconsin	6,000,000
Melrose Park Rail-Grade Separation, Illinois	750,000
Memphis Airport, Plough Boulevard Access Road Project, Tennessee	2,700,000
Metlakatla/Walden Point Road, Alaska	2,000,000
Miami-Dade County 7th Avenue Bus Transfer Center, Florida	500,000
Mission Trails Project Packages 4 and 5, San Antonio, Bexar County, Texas	750,000
Missouri River Trail, North Dakota	1,000,000
Missouri River Two State Bridge Project, Nebraska	750,000
Missouri-Kansas Bistate I-35 Commuter Rail project-Johnson County, Kansas	400,000
Mobile Port, Waterfront & Transportation Initiative/Maritime Center of the Gulf of Mexico, Alabama	1,000,000
Monroe Township Intersection Signalization Project, New Jersey	500,000
Monticello Street Overpass, Kentucky	7,750,000
Montpelier Downtown Redevelopment Project, Vermont	1,500,000
Mt. Vernon Veterans Memorial Overpass, Mt. Vernon, Illinois	1,000,000
Naknek Lake Camp Road, Alaska	3,400,000
Needs assessment study of the I-84/Route 8 interchange, Waterbury, Connecticut	1,000,000
New Luke Road Trade Corridor Access Project, Texas	250,000
New Orleans/E. 101st South Widening from Elm Place to State Hwy, 51—Broken Arrow, Oklahoma	500,000
New road through former Kelly Air Force Base, Texas	850,000
Newport Harbor water shuttles, Newport, Rhode Island	450,000
North Carolina Division of Motor Vehicles, Hillsborough weigh station Orange County	1,000,000
North Carolina State University Transportation Center	2,000,000
North Memphis Street District Redevelopment and Revitalization Project, Mississippi	500,000
North Salina Street Corridor—Syracuse, New York	750,000
Northeast Illinois Rail Capacity Initiative, Illinois	5,000,000
Northern Forum, Alaska	500,000
Norwestern Highway Extension, Michigan	1,500,000
Oakland County Smart Corridor and Emergency Routing System, Michigan	4,800,000
Ogden Avenue Improvement/Renovation, Missouri	1,000,000
Ohio Valley Children's Home South Industrial Park (Greene County) Xenia, Ohio	1,000,000
Old Dominion University Maglev Project Norfolk, Virginia	2,000,000
Ole Town Niporno Pedestrian Enhancements, California	100,000
Palm Beach County Water Taxi Facilities Project, Florida	1,000,000
Panama City Beach Florida West Bay Bridge Project, Florida	2,000,000
Patuxent River Naval Air Station Museum and Visitor Center, Maryland	3,400,000
Peach Street Corridor Improvement Project, Pennsylvania	2,000,000
Pedestrian circulation study & improvements in town of Hillsboro Route 704/Route 9 intersection, Virginia	1,500,000
Pennsylvania Avenue Improvement Project, Washington, DC	11,100,000
Phalen Boulevard, Minnesota	1,000,000
Pierre Rail Bypass, South Dakota	4,000,000
Pomeroy-Mason Bridge Mason County, West Virginia	4,500,000
Ponce De Leon Inlet Water Taxi, Volusia County, Florida	750,000
Port Everglades-Fort Lauderdale/Hollywood Airport Return Loop, Florida	1,500,000
Port Knik Bridge, Alaska	5,000,000
Port of Garfield Road & Bridge Road, Washington	500,000
Portland Safety Enhancement, Maine	1,000,000
Ports to Plains Corridor development management plan, Texas	2,000,000
Queens Plaza Roadway rebuilding project, Long Island City, New York	500,000
Rail Crossing Safety Project (OK DOT)—Edmund, Oklahoma	1,500,000
Railroad Avenue Extension, Berkeley County, South Carolina	1,000,000
Ramsey Street extension, Banning, California	1,750,000
Reconstruction of Dakota Street—Aberdeen, South Dakota	500,000
Reconstruction of I-135, Sedgwick County, Kansas	1,000,000
Rehabilitation of County Route 37 and Alternate Route 37, Jefferson County, New York	750,000
Rehabilitation of the Waldo-Hancock Bridge, Maine	4,000,000
Road/trail/bikeway along Delaware River, Pennsylvania	550,000
Rockville, Maryland pedestrian access	150,000
Roosevelt Connector, Pinellas County, Florida	10,000,000
Route 1 Corridor Program, American Samoa	500,000
Route 11—Connecticut Greenway Commission	1,000,000
Route 123 Ox Road—widening (Davis Dr to county line), Fairfax, Virginia	3,500,000
Route 14 Truck Bypass Project Huron, South Dakota	1,500,000
Route 15 Safety Improvements, Virginia	3,000,000
Route 20 North and Camden Ave Bypass, Buckhannon, West Virginia	235,000
Route 24 / I-40 Interchange, Massachusetts	1,000,000
Route 28/ Westfield Circle, New Jersey	200,000
Route 39 Widening—West Hanover Township Interchange, Pennsylvania	1,000,000
Route 52 Causeway Replacement and Somers Point Circle Elimination, New Jersey	1,000,000
Route 80 Paterson Interchange, New Jersey	400,000
Rt. 12 Corridor Improvement Project, NY	5,000,000
Russell St. Viaduct Replacement (MD295) Baltimore, Maryland	5,000,000
Saddle Road improvement, Hawaii	4,000,000
Safety Enhancement on Sherman Way between De Sota and Topanga Canyon, California	250,000
San Francisco, Muni, automatic vehicle location/GPS, California	2,000,000
Santa Cruz Branch Rail Line Acquisition, California	1,500,000
Santa Fe/El Dorado Commuter Rail Line, New Mexico	1,000,000
Sayville, New York, pedestrian improvements	100,000
SC Inroads ITS (SCDOT), South Carolina	1,500,000
Schuylkill Transportation System, Pennsylvania	500,000
Seward loading facility, Alaska	9,600,000
SH 6 at Waco, South Bosque River Bridge, McLennan County, Texas	4,000,000
SH121/Grandview Grade Separation—Jefferson County, Colorado	500,000
SH24 across Delta County, Texas	750,000
South & East Beltway System Construction, Nevada	3,000,000
Southbound Hurstbourne Lane, Kentucky	1,000,000
Southeast Main Avenue/20th/21st Street Railroad Grade Separation Project, Minnesota	1,000,000

Project Name	*Conference Total*
Southern Beltway (I–215) upgrade project from Pecos Road to Stephanie Street and from Interstate 15 to Pecos Road, Clark County, Nevada	750,000
Southern Kentucky Intermodal Park, Kentucky ...	2,000,000
Southport and Fort Fisher Ferry Terminals, North Carolina	500,000
Southwestern Minnesota Regional Railroad Rehabilitation Project (MVRRA), Minnesota	2,000,000
Springfield Regional ITS, Missouri	1,500,000
SR 138 GA Hwy 20 Beautification Initiative, Rockdale County, Georgia	1,000,000
SR 67/605 In Saucier, Mississippi	3,000,000
SR 93/US 22 Connector Route (relocation), Ohio	1,000,000
SR104/Hood Canal Bridge east half replacement, Washington	3,000,000
SR–332 Reconstruction at I–69, Delaware County, Indiana	1,000,000
SR–99/Alaskan Way Viaduct & Seattle Seawall Replacement, Washington	2,000,000
State Highway 128, Carlsbad, New Mexico	1,200,000
State of Vermont, construction of Allen Point Ferry and ferry terminal facilities, Vermont	200,000
State Route 905, San Diego, California	1,000,000
Stillman College, Alabama	4,500,000
Suffolk Bike Trails, Virginia	500,000
Sumnter Intermodal Center, South Carolina	2,000,000
Sunnyside South First St. Reconstruction, Washington	1,500,000
Tank Destroyer Boulevard, Fort Hood, Texas	2,000,000
Tate's Bluff Arkansas Replacement Bridge, Arkansas	1,125,000
Tippecanoe/I–10 Interchange and medical center access, San Bernardino, California	3,000,000
Toll Road Repayment of Bonds, Kentucky	13,000,000
Trail Extension at Mount Vernon Circle, Virginia ..	400,000
TRANSCOM regional architecture and TRANSMIT and IRVN projects, New Jersey	400,000
Tri-County Industrial Access Road—Corbin, Kentucky	850,000
Tri-State Highway/Rail Container Transfer Facility Study, West Virginia	75,000
Tucson Railroad Grade Crossing Project, Arizona	1,000,000
Tuscaloosa Downtown Revitalization Project, Alabama	5,000,000
Tuscaloosa Eastern Bypass, Alabama	10,000,000
Two Medicine River Bridge, Montana	2,000,000
U.S. Route 33, West Virginia	453,000
Umatilla Intermodal Facility, Oregon	2,800,000
Union Gap Valley Mall Blvd., Washington	1,500,000
University of Alabama at Huntsville	20,000,000
Urban Education Development Research and Retreat Center, Transportation Education and Career Institute, Pennsylvania	100,000
US 15 Market Street Bridge Replacement, Williamsport, Lycoming County, Pennsylvania	3,475,000
US 278 Corridor—Beaufort, South Carolina	2,000,000
US 287 Wiley Junction—Wiley, Connecticut	4,000,000
US 30—Mississippi River Bridge Study—Clinton County, Iowa	800,000
US 41 Upgrade—Henderson County, Kentucky	150,000
US 441/SR 7 Corridor Study—Broward County, Florida	1,000,000
US 45—Lake County, Illinois	1,500,000
U S 67—Rushville, Illinois	500,000
US 77/177 Four Lane, Oklahoma	900,000
US Highway 29 Singal Integration—Kannapolis, North Carolina	500,000
US route 200 Upgrade—Pendelton County, West Virginia	128,000
US Route 42 & US Route 35 Upgrade Study, Wilberforce, Ohio	250,000
US–14 Expansion and Improvements, Minnesota ..	1,500,000
US–231 Southbound Tennessee River Bridge Replacement, Alabama	6,000,000
US–395 North Spokane Corridor, Washington	4,000,000
US–412, AR between Mount Home and Viola, Arkansas	1,500,000
US–412, Arkansas	1,750,000
US–5 Improvements from Derby to Barton, Vermont	1,000,000
US–63/I–70 Interchange Improvements, Missouri	10,000,000
US–81 & Highway 30 Arterial Improvements, Columbus, Nevada	2,461,000
US–93 Westside Kalispell Bypass Project, Montana	2,250,000
Valdez, Alaska, ferry and dock facilities	500,000
Ventura County Highway Video Camera Monitoring Project, California	500,000
Village of Newberry, downtown roadway improvement project, Michigan ..	500,000
Waipol Road, Hawaii	1,000,000
Waukee/West Des Moines I–80 Interchange, Iowa	2,500,000
Wayne County Road Information Management System (RIMS), Wayne County, Michigan	2,500,000
West Broadway Bridge, Paterson, New Jersey	350,000
Widening and rehabilitation of FM 2500, Polk County, Texas	850,000
Willow Road, Town of Lynn, Wisconsin	1,000,000
Winthrop commuter ferry project, Massachusetts ...	500,000
Wisconsin 29 and Marathon County Y intersection, Wisconsin	1,000,000
Wichita ITS (ITS Traffic/Emergency Operations Ctr and transit ITS), Kansas	4,000,000
Woodland Avenue Bridge Repair, Cleveland, Ohio ..	750,000
WSU Composite Applications for Ferries, Washington	1,000,000
WV Route 10 Logan County, West Virginia	8,000,000
WV Route 9 Jefferson and Berkeley Counties, West Virginia	10,000,000

Sec. 331 prohibits funds for engineering work related to an additional runway at New Orleans International Airport, as proposed by the House. The Senate proposed no similar provision.

Sec. 332 prohibits funds for the design or construction of a light rail system in Houston, Texas, as proposed by the House. The Senate proposed no similar provision.

Sec. 333 rescinds $90,000,000 of funds provided in section 101(a)(2) of Public Law 107–42, as proposed by the Senate. The House included no similar provision.

Sec. 334 requires a National Academy of Sciences study regarding the shipment of spent nuclear fuel from research nuclear reactors, as proposed by the Senate. The House included no similar provision.

Sec. 335 prohibits funds in this Act to be used to adopt guidelines or regulations requiring airport sponsors to provide the Transportation Security Administration or the Federal Aviation Administration "without cost" buildings, maintenance, or space for TSA or FAA services as proposed by both the House and Senate. The prohibition does not apply to negotiations between TSA or FAA and airport sponsors concerning "below market" rates for such services or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

Sec. 336 designates the city of Norman, Oklahoma, to be considered part of the Oklahoma City Transportation Management Area for fiscal year 2003, as proposed by both the House and the Senate.

Sec. 337 allows the FAA to accept funds from an airport sponsor for specific staffing purposes to expedite the environmental review process, as proposed by the Senate. The House included no similar provision.

Sec. 338 allows grants for the construction of an air traffic control tower and the acquisition or installation of equipment to be used in the tower at Double Eagle II Airport, New Mexico, as proposed by the Senate. The House contained no similar provision.

Sec. 339 allows States to use funds provided under section 402 of title 23, U.S.C. to produce and place highway safety public service messages related to seat belt usage and impaired driving. The provision allocates: $10,000,000 for innovative seat belt projects under Section 157, $10,000,000 for use by the States to purchase advertising for national mobilizations under Section 163, and $1,000,000 for evaluation of alcohol-impaired driving program messages under Section 163. The House and Senate bills contained similar provisions.

Sec. 340 modifies a provision from the fiscal year 2002 appropriations Act regarding the Coast Guard Yard at Curtis Bay, Maryland, and other Coast Guard specialized facilities, as proposed by the Senate. The House proposed no similar provision.

Sec. 341 prohibits funds for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification as proposed by both the House and the Senate.

Sec. 342 prohibits funds from being used to issue, implement, or enforce a regulation that diminishes or revokes an exemption authorized under section 345 of the National Highway System Designation Act of 1995, as proposed by the House. The Senate included no similar provision.

Sec. 343 rescinds unexpended balances of the Local Rail Freight Assistance program of $690,287 and makes $690,287 available to the State of Iowa for a rail rehabilitation project on the Iowa Northern Railway.

Sec. 344 appropriates funding and enables the Secretary of Transportation to make grants for surface transportation projects.

Sec. 345 amends section 1602 of TEA–21 (112 Stat. 272) to allow changes to projects in Louisiana, Pennsylvania, New York, Alabama and Texas; authorizes an eligibility change for Alaska under FTA's section 5309 program; transfers funds in California and Texas contained in P.L.103–331; amends P.L. 97–468 relating to the Alaska Railroad; and modifies agreements in California relating to the financing of toll roads, as proposed by the House. The Senate included no similar provisions.

Sec. 346 prohibits the Federal Motor Carrier Safety Administration from developing or implementing a pilot program to allow commercial drivers 18 to 20 years old to operate the trucks and buses of motor carriers in interstate commerce, as proposed by the House. The Senate included no similar provision.

Sec. 347 amends the Intermodal Surface Transportation Efficiency Act of 1991 to extend the exemption from the federal axle weight restrictions to include over-the-road buses, as proposed by both the House and the Senate.

Sec. 348 extends a provision from the fiscal year 2002 appropriations Act regarding the safety of cross-border trucking between the United States and Mexico, including the annual report on the safety and security of Mexico-domiciled motor carriers operating in the United States, as proposed by the House. The Senate included a similar provision.

Sec. 349 prohibits funds in this Act from being transferred without express authority, as proposed by the House. The Senate included no similar provision.

Sec. 350 requires Amtrak to submit an annual report to the appropriate Congressional Committees detailing their per passenger operating loss for each rail line, as proposed by the House. Amtrak's grant request shall include the following appendices: (1) per passenger operating loss by route; and (2) each route's net loss when comparing the route's revenues opposite its full operating costs, capital costs, and depreciation costs using Generally Accepted Accounting Principles (GAAP).

Sec. 351 modifies House language amending language in the Aviation and Transportation Security Act, to allow the use of State and local law enforcement officers to fulfill Federal responsibilities at airports. The Senate included no similar provision.

Sec. 352 modifies a House provision relating to stadium overflights. The Senate included no similar provision. The conferees note that, under the modified House provision, the Secretary may issue waivers to certain aircraft including blimps subject to the conditions specified in the provision.

Sec. 353 restricts procurement of Coast Guard ships unless they are in compliance with the Buy American Act, as proposed by the House. The Senate included no similar provision.

Sec. 354 amends section 13703 of title 49, United States Code, by allowing the Surface Transportation Board to approve applications from truck rate bureaus seeking to publish national rates, as proposed by the House. The Senate included no similar provision.

Sec. 355 restricts funds to apply or enforce a regulatory requirement for strengthening flight deck doors until further review by the Transportation Security Administration, as proposed by the House. The Senate included no similar provision.

Sec. 356 amends the non-Federal match requirements for the Alaska Railroad, as proposed by the Senate. The House included no similar provision.

Sec. 357 is a provision regarding the Hoover Dam Bypass Bridge, as proposed by the Senate. The House contained no similar provision.

Sec. 358 prohibits funds in the Act to any person or entity convicted of violating the Buy American Act, similar to that proposed by the Senate. The House contained no similar provision.

Sec. 359 retains a provision proposed by the Senate allowing discretionary bridge funding to be used for historic covered bridges. The House contained no similar provision.

Sec. 360 modifies a provision requiring quarterly reports on major Coast Guard acquisitions and the agency's mission hour emphasis, as proposed by the Senate. The House contained no similar provision.

Sec. 361 amends Section 1503 of P.L. 105–178 relating to Section 1101(a)(9) and Section 1221, similar to that proposed by the Senate. The House contained no similar provision.

Sec. 362 reduces the funds provided for the Working Capital Fund, similar to that proposed by the Senate. The House contained no similar provision.

Sec. 363 grants discretionary authority to the Secretary of Transportation to waive certain requirements included in a conveyance for an airport in Gadsden, AL, similar to that proposed by the Senate. The House contained no similar provision.

Sec. 364 rescinds funds for the Value Pricing Pilot Program.

Sec. 365 modifies 101 Stat. 194; 109 Stat. 607 and 105 Stat. 2038 to allow changes to projects in Port of Lake Charles, Louisiana, as proposed by both the House and the Senate.

Sec. 366 allows funds from the surface transportation grants to be available to the Secretary to make grants to the Kentucky Turnpike Authority to pay the debt on bonds issued by the Kentucky Turnpike Authority before January 1, 2003, for the Daniel Boone Parkway, Kentucky, and the Cumberland Parkway, Kentucky.

Sec. 367 authorizes the issuance of letters of intent for airport security improvements.

Sec. 368 amends section 342 in the Department of Transportation and Related Agencies Appropriations Act, 2002 to redesignate the "passenger only ferry to serve Kitsap County-Seattle" to "ferry/tunnel project in Bremerton, Washington" as proposed by the Senate. The House contained no similar provision.

Sec. 369 amends section 343 in the Department of Transportation and Related Agencies Appropriations Act, 2002 to redesignate the "Passenger only ferry to serve Kitsap and King Counties to Seattle" to "ferry/tunnel project in Bremerton, Washington" as proposed by the Senate. The House contained no similar provision.

Sec. 370 amends House language to make construction of contract towers an eligible expense of the Airport Improvement Program.

Sec. 371 appropriates $3,500,000 to maintain operations at Midway Island airfield for not less than one year, as proposed by the Senate. The House included no similar provision.

Sec. 372 amends Section 145 (c) of P.L. 107–71, similar to that proposed by the Senate. The House contained no similar provision.

Sec. 373 amends Section 1602 of TEA–21 (112 Stat. 316) to allow changes to projects in Susquehanna Greenway, Maryland, as proposed by the Senate. The House included no similar provision.

Sec. 374 modifies section 1602 of TEA–21 (112 Stat. 305) to allow changes to projects in New York City, NY.

Sec. 375 modifies a project in Public Law 101–516 to allow changes to a project in Pennsylvania.

Sec. 376 modifies a project in Public Law 102–143 to allow changes to a project in Pennsylvania.

Sec. 377 transfers $2,000,000 to the Federal Transit Administration's Formula Grant account for the Jersey City Pier redevelopment and terminal construction project.

The conference agreement deletes the House provision that ensures that emergency rail service is continued if Amtrak should cease operation. The Senate included no similar provision.

The conference agreement deletes the House provision regarding the purchase of explosive detection systems. The Senate included no similar provision.

The conference agreement deletes the House provision that encourages the Secretary of Transportation and the FAA to implement a plan between the State of Illinois and the City of Chicago for the purpose of modernizing O'Hare International Airport, continuing operation of Meigs Field, and utilizing existing airports to help relieve congestion. The Senate included no similar provision.

The conference agreement deletes the Senate provision that directs the Secretary of the Department of Transportation to approve the use of national highway system and surface transportation funds for construction of noise barriers in Georgia. The House included no similar provision.

The conference agreement deletes the House provision relating to Medicare eligible retiree health care funds, as it is contained elsewhere in the bill. The Senate included no similar provision.

The conference agreement deletes the House provision relating to a proposed rule on statewide and metropolitan transportation planning. The Senate included no similar provision.

The conference agreement deletes the House provision that amended the Air Transportation Safety and System Stabilization Act. The Senate included no similar provision.

The conference agreement deletes the Senate provision relating to a municipal dock in Escanaba, Michigan. The House included no similar provision.

The conference agreement deletes the Senate provision relating to rebates, refunds, incentive payments and fees received by the Department of Transportation. The House included no similar provision.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates and the House and Senate bills for 2003 follow:

[In the thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$24,376,970
Budget estimates of new (obligational) authority, fiscal year 2003	21,345,680
House bill, fiscal year 2003	21,797,930
Senate bill, fiscal year 2003	22,576,162
Conference agreement, fiscal year 2003	22,159,095
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	−2,217,875
Budget estimates of new (obligational) authority, fiscal year 2003	+813,415
House bill, fiscal year 2003	+361,165
Senate bill, fiscal year 2003	−417,067

DIVISION J

Treasury and General Government Appropriations, 2003

The conference agreement on the Treasury and General Government Appropriations Act, 2003, incorporates some of the language and allocations set forth in House Report 107–575 and some of the language and allocations set forth by the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S765–S794. The language in House Report 107–575 and the Congressional Record of January 15, 2003, pages S765–S794, should be complied with unless specifically addressed in the accompanying statement of managers.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

In a number of instances, House Report 107–575 and the explanatory statement in the Congressional Record of January 15, 2003, pages S765–S794, require agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided by the committee of conference, agencies are directed to provide these reports to the House and Senate Committees on Appropriations not later than 60 days after enactment of this Act.

Reprogramming and Transfer of Funds Guidelines

The conference agreement includes the following reprogramming guidelines that shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2003:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action that would result in a major change to the program or item that is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $189,201,000 instead of $187,241,000 as proposed by the House and $191,887,000 as proposed by the Senate. The conferees agree to non-recur $2,854,000 of fiscal year 2002 costs, to transfer $446,000 out of this account to the Financial Crimes Enforcement Network, and to a business strategy adjustment of $599,000 as proposed by the House. The conferees agree to provide $747,000 for overseas inflation costs as proposed by the Senate and $1,213,000 for full funding of fiscal year 2003 operations. The conferees agree to include a provision as proposed by the Senate establishing minimum funding and personnel levels for the Office of Foreign Assets Control ($21,206,000 and 120 full time equivalent positions), and agree to provide a minimum of $8,500,000 for the Office of Enforcement. The conferees agree to a new general provision (Section 124) as proposed by the Senate regarding the Office of Foreign Assets Control that requires all travel license applications to be resolved within 90 calendar days and all travel license denials to include written notification.

CERTIFICATE-BASED INTERNET SECURITY

The conferees are aware of the need for security in permitting secure Internet communication for Customs, Secret Service, and other Treasury law enforcement agents to prevent cyber attacks and protect against identity theft in key information systems. The conferees therefore strongly support developing capability for certificate-based Internet security projects to provide standards-based e-mail encryption and digital signature capabilities; permit interoperability with the Federal Bridge and other government public key infrastructure systems and applications; demonstrate proven scalability; support multiple platforms; and include automated, secure key and certificate management. The conferees understand that the Department of the Treasury believes this is a vital priority. If funds become available in other Treasury accounts during fiscal year 2003, the conferees are likely to look favorably on a reprogramming request that would provide funding for this critical initiative.

COUNTERFEIT CURRENCY TECHNOLOGY

The conferees agree that anti-counterfeiting measures for currency are a critical component in the war on terrorism and in promoting homeland security. The conferees strongly concur with Senate guidance that directs the Department of the Treasury to test the utility of using new technologies to help identify the size of the universe of counterfeit currency and better understand the circulation patterns of currency and report back within 120 days of the enactment of this Act. The conferees also encourage the Treasury Department to consider, for future currency changes, the best available anti-counterfeiting technology and security devices for currency, including such features as optically variable devices, alternative substrates, distinctive fibers, high-technology inks, and new offset printing techniques.

Department-Wide Systems and Capital Investments Programs

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $65,628,000 instead of $68,828,000 as proposed by the House and the Senate. The reduction from the requested level is to be applied to the integrated Treasury (wireless) network. The conferees agree to include a provision as proposed by the Senate restricting the use of funds to supplement the Internal Revenue Service.

Office of Inspector General

SALARIES AND EXPENSES

The conferees agree to provide $35,736,000 instead of $35,424,000 as proposed by the House and the Senate. The conferees agree to include a provision regarding reception and representation expenses as proposed by the Senate and to include $312,000 for full funding of fiscal year 2003 operations.

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

The conferees agree to provide $125,011,000 instead of $123,962,000 as proposed by the House and the Senate. The conferees agree to include $1,049,000 for full funding of fiscal year 2003 operations.

Air Transportation Stabilization Program

The conferees agree to provide $6,041,000 as proposed by the House and the Senate.

Treasury Building and Annex Repair and Restoration

The conferees agree to provide $28,932,000 instead of $32,932,000 as proposed by the House and $30,932,000 as proposed by the Senate.

Expanded Access to Financial Services

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide, subject to authorization, $2,000,000 as proposed by the Senate instead of $4,000,000 as proposed by the House. The conferees also agree to include the other provisions as proposed by the Senate and not those proposed by the House. The conferees direct that none of these funds are to be used for projects that (1) provide real property, automated teller machines, or any other equipment for use by any financial institution, (2) incur costs in excess of $100 for each participant who is expected to establish an account, or (3) does not provide at least $0.50 in non-federal matching funds for each $1.00 received from the Expanded Access to Financial Services account.

Counterterrorism Fund

The conferees agree to provide $10,000,000 instead of $33,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The conferees note that this fund currently carries a balance in excess of $40,000,000.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

The conferees agree to provide $51,752,000 instead of $51,444,000 as proposed by the House and $50,517,000 as proposed by the Senate. This includes $481,000 to cover non-pay inflation, $308,000 to fully fund fiscal year 2003 operations, and $446,000 to reflect the adjustment of Foreign Terrorist Asset Tracking Center support from the Office of Foreign Assets Control to the Financial Crimes Enforcement Network.

USA PATRIOT Act Implementation

The Financial Crimes Enforcement Network (FinCEN) is tasked with implementing a number of critical mandates under the USA PATRIOT Act aimed at thwarting terrorists from financing their activities, and preventing criminals from laundering criminal profits. These include establishing the PATRIOT Act Communications System (PACS), providing expanded access for federal agencies to the Gateway system; and implementing information exchanges between government and financial institutions. Although the Administration did not request funding for these, the conferees direct the Department to provide $2,500,000 from the super surplus of the Treasury Forfeiture Fund to FinCEN for these activities to cover fiscal year 2003 costs.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

The conferees agree to provide $134,986,000 instead of $152,951,000 as proposed by the House and $126,660,000 as proposed by the Senate. This includes: $595,000 for non-pay inflation; $631,000 to fully fund fiscal year 2003 operations; $5,500,000 to fund increased training workload for homeland security; $2,700,000 for the Cheltenham training center; $1,000,000 for the National Center for State and Local Training and $1,000,000 for the Rural Crime and Justice Center at Minot State University to expand on the current Small Town and Rural Law Enforcement training series in the Northern Plains States and related rural law enforcement research; $500,000 to Minot State University to assess the effectiveness of the Federal Law Enforcement Training Center vehicle pursuit training program; and $750,000 to work with the Southwest Texas State University ALERRT program.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $36,000,000 instead of $31,800,000 as proposed by the House and $32,029,000 as proposed by the Senate. This includes: $71,000 for non-pay inflation; $5,000,000 for acquisition and modification of facilities for the Glynco campus to address increased homeland security training workload; $3,400,000 to complete the vehicle training course at the Cheltenham campus; and $4,200,000 for a new classroom building at the Artesia campus.

Interagency Law Enforcement

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $107,576,000 as proposed by the Senate instead of $110,594,000 as proposed by the House.

Financial Management Service

SALARIES AND EXPENSES

The conferees agree to provide $222,078,000 instead of $220,664,000 as proposed by the House and the Senate. The conferees agree to include $1,414,000 for the full funding of fiscal year 2003 operations.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

The conferees agree to provide $886,430,000 instead of $888,430,000 as proposed by the Senate and $891,034,000 as proposed by the House. This includes $3,000,000 for an explosives enforcement initiative.

Management and Technological Enhancements

The conferees endorse the Senate explanatory language regarding management and technological enhancements at the Bureau of Alcohol, Tobacco and Firearms (ATF) National Licensing Center, Imports Branch, and National Firearms Act Branch. The conferees also note that $2,500,000, which was provided in fiscal year 2002, will continue to be available for this ongoing effort.

United States Customs Service

SALARIES AND EXPENSES

The conferees agree to provide $2,527,155,000, instead of $2,496,865,000 as proposed by the House and $2,501,488,000 as proposed by the Senate. This includes: $18,377,000 for non-pay inflation; $15,115,000 to fully fund fiscal year 2003 operations; $150,000 for the Vermont World Trade Center, and $750,000 for the Center for Agricultural Policy and Trade Studies. The conferees also include: $3,000,000 for port and nonintrusive inspection technology research and development; $1,250,000 for steel tariff enforcement; $1,000,000 for a curriculum for canine detection of chemical and biological threats; $12,000,000 for the container security initiative; $1,000,000 for a bulk outbound currency initiative; $1,400,000 to expand the intellectual property rights initiative; $200,000 for a University of Texas border protection management program; and $125,000 for a smart border technology program at the Texas Transportation Institute.

NORTHERN BORDER SECURITY

The conferees recognize that the process of strengthening the Northern Border is not complete and that further adjustments in personnel assignments and resource allocations will be necessary. There have been long-standing concerns about the condition and infrastructure needs of the ports of entry along the Northern Border. The conferees direct the Customs Service to work closely with GSA in the development of its construction plans and budgets, and to ensure that all current and prospective requirements, particularly those recently identified, will be met.

The conferees commend the actions of the United States Customs Service to strengthen America's border with Canada. The conferees support the full implementation of the 30-point "Smart Border Accord," and other ongoing initiatives in furtherance of securing the flow of people and goods, hardening our infrastructure, and in sharing mutual enforcement objectives with Canada. Implementation of programs such as pre-clearance of U.S.-bound traffic, "reverse inspections," hardening of remote ports, and expanded information sharing promises increased security and important trade benefits on the Northern Border. Additionally, the conferees encourage Customs to expand use of "smart" processing and inspection technologies such as the NEXUS program. This joint United States-Canadian pilot is a dedicated commuter lane system that allows Customs and the Immigration and Naturalization Service to rapidly identify and clear pre-registered frequent travelers. The conferees urge Customs to implement an expansion of the program expeditiously as an integral part of a layered security framework that both secures our mutual border and facilitates this unique trade relationship.

INTELLECTUAL PROPERTY RIGHTS INITIATIVE AND CUSTOMS CYBERSMUGGLING CENTER

The conferees have included funding for the continued operation of the Intellectual Property Rights (IPR) Center, which received $5,000,000 in fiscal year 2002, as well as to annualize the costs of 13 additional full-time equivalent positions. The conferees also continue funding for the Customs Cybersmuggling Center (C3). The conferees have also included an additional $1,400,000 to expand the IPR Center for domestic and international programs, staffing, as well as continued operation of the IPR Coordination Center. The conferees expect the Customs Service will enhance the operations of the C3 and the IPR Center to combat intellectual property rights violations, and support law enforcement training of host country officials by Customs overseas attachés. The conferees encourage the IPR Center to use a portion of its funds to establish a clearinghouse for intellectual property rights information gathered from other federal as well as State and local agencies.

STRENGTHENED ENFORCEMENT OF U.S. TRADE LAWS PERTAINING TO STEEL

The conferees support Customs enforcement of U.S. trade laws, to include the President's steel 201 proclamation of March 5, 2002, and all antidumping and countervailing duty orders related to steel. The conferees also understand that Customs is responsible for enforcing and monitoring imports of wire rods and certain line pipe products previously covered by a 201 remedy decision. The conferees are aware that Customs personnel assigned to enforce antidumping and countervailing duty orders, including import specialists, inspectors and agents, have been increasingly burdened, and many have been reassigned to meet homeland security priorities. The conferees understand that Customs would require additional positions to fully enforce this set of trade laws, and that there are serious deficiencies in the level of training and specialized knowledge of Customs inspectors and import specialists who deal with steel tariff matters. The conferees therefore provide $1,250,000 to permit Customs, working with the steel manufacturing and trading community, to identify and apply the resources and training required to carry out these responsibilities. Such efforts may include utilizing steel industry experts through a series of national training seminars, which could be made available to members of the trade and brokerage community who play a key role in classifying imported goods for Customs processing. The funding may also be used to assign more import specialists, inspectors, or agents to steel trade enforcement. The conferees recommend that new steel import specialists be assigned to ports with the greatest volume of steel imports. In addition, the conferees urge that the U.S. Customs Service enforce all steel-related laws and regulations, including the President's steel 201 Proclamation and all existing antidumping and countervailing duty orders, to the fullest extent of the law. The conferees therefore direct Customs to report not later than 60 days after enactment of this Act on steps it has taken to improve training for steel tariff implementation and to enhance enforcement efforts and manpower, including data on types and value of illegal imports seized and penalties imposed.

CONTAINER SECURITY INITIATIVE

The Customs Service announced its Container Security Initiative (CSI) on January 17, 2002, a critical effort to protect U.S. seaports and maritime commerce. CSI will allow targeting and screening of potentially dangerous cargo prior to its arrival at U.S. ports. In March 2002 Customs began to implement CSI in three Canadian ports; to date, 21 foreign ports, including 18 of the world's top "mega-ports", have agreed to participate. The CSI will entail staffing at each site, as well as investments in non-intrusive inspection technology or networking technology. The conferees include $12,000,000 to continue this effort in fiscal year 2003.

The conferees are aware that CSI will require a data system that permits the transfer of container images, other sensor data, and relevant manifest data from foreign seaports of origin to Customs offices at the U.S. port of destination and to the Customs container management center. The conferees would expect this network to be linked with the Treasury Secure Data Network and capable of processing and sharing similar domestic data as well. The conferees direct Customs to report to the Committees on Appropriations not later than 60 days after enactment of this Act on its plans for developing and implementing such a network.

NON-INTRUSIVE INSPECTION TECHNOLOGY

The Administration's request includes $45,700,000 in new investments in non-intrusive inspection and other security technology, in addition to annualizing costs for investments made in fiscal year 2002 to close gaps in land and seaport security identified after September 11th. The conferees include an additional $3,000,000 for these efforts, to be used for technology acquisition and support of related research and development, and to evaluate and prototype next-generation technology to screen and detect contraband, explosives, radioactive materials, and potential chemical and biological weapons, with a focus on applications at major ports of entry. The conferees strongly encourage the Customs Service to maintain its policy of seeking to apply the most advanced and cost-effective technology possible, and build into its planning a life-cycle approach to replacing and upgrading such capability to meet ever-increasing needs for greater performance.

In general, the conferees expect Customs to regularly review technologies that might have applications to Customs' inspection needs, and evaluate the value for Customs' mission that might be offered by technology, such as computed tomography (CT), which is being employed for airport security by the Transportation Security Administration (TSA); the Total Asset Visibility Network employed by the Defense Department; or neutron analysis technology. Customs should emphasize evaluating inspection technologies that do not require human evaluation and analysis, and work closely with the Departments of Defense and Energy agencies such as the Defense Threat Reduction Agency and the National Nuclear Security Administration on placement of systems to detect nuclear, biological and chemical threats. The conferees direct Customs to report not later than 120 days after enactment of this Act on its implementation of this program.

PEACE BRIDGE JOINT BORDER FACILITY

The conferees endorse the Senate explanatory language calling for the U.S. Customs Service, in consultation with the Immigration and Naturalization Service and the Department of Homeland Security to report within 180 days of enactment of this Act detailing how a joint United States/Canadian border inspection facility could be established on the Canadian side of the Peace Bridge in Fort Erie, Ontario.

CHILD PORNOGRAPHY

The conferees direct the Customs Service to continue providing $100,000 of available funds to promote public awareness for the child pornography tipline, including ongoing efforts to make children aware of the tipline, in fiscal year 2003. The conferees recommend that the Customs Service continue to coordinate this effort with the National Center for Missing and Exploited Children and the U.S. Postal Service to ensure that the publicity is diversified and effective.

FORCED CHILD LABOR

The conferees are pleased with the work of the Customs Service to enforce section 307 of the Tariff Act of 1930 as it relates to forced and indentured child labor. The conferees believe that continued focus on enforcement of the ban on importation of goods made by forced child labor is critical and that Customs needs to continue this effort through aggressive investigation and enforcement of the applicable laws. The conferees direct Customs to expend an additional $4,000,000 on this important enforcement effort.

DAIRY PROTEIN BLENDS

The conferees are concerned with the impact of imported milk protein concentrates on domestic milk use, resulting in historically low milk prices paid to dairy producers. The Customs Service is encouraged to make their final decision on reclassification of dairy protein blends within 30 days of the enactment of this Act and report the results to the Committees on Appropriations.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $3,000,000 as proposed by the House and the Senate.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $181,829,000 instead of $190,000,000 as proposed by the House and $177,829,000 as proposed by the Senate. This includes $7,000,000 for the Customs National Aviation Center and $4,000,000 to support other critical operational and maintenance needs and modernization requirements such as the Air and Marine Interdiction Coordination Center, development of tactical data link and display capability, enhanced electro-optical and infrared capability, and replacement of critical fixed wing and helicopter platforms.

AIR AND MARINE PROGRAM MODERNIZATION AND ORGANIZATION REVIEW

The conferees are aware that Customs had been conducting a comprehensive review of the missions, operations, structure, and resources of the Air and Marine Interdiction Division (AMID). As Customs conducts this review, the conferees strongly urge it to take full account of the impact of its various and expanding missions in order to achieve an optimal level of readiness and operational effectiveness. Particular attention should be paid to organization, infrastructure, aircraft, vessels, equipment, staffing and funding.

The conferees also expect Customs to make the most effective use of existing resources to carry out its missions. Replacement or other modernization of Customs assets is expensive and must be carried out in the context of an orderly program to assess requirements for necessary platforms based on mission and operational needs, including operating and maintenance costs. The conferees expect Customs to carefully evaluate the impact of maintenance contracts on meeting mission needs, and how the form such contracts take affects such goals: to maximize operational availability and capability of aircraft and marine vessels; to rationalize time and logistics required for system maintenance and support; and to achieve cost effectiveness. The conferees direct the Customs Service to submit the findings of its review upon its completion, including those relating to maintenance and support, but in any event not later than 60 days after enactment of this Act.

In the course of preparing the report, the conferees request that Customs describe how its modernization plan will address (1) implementing airborne law enforcement surveillance and support capabilities along the Northern Border; (2) acquiring platforms for Northern Border Surveillance Aircraft; (3) replacing or modifying existing Citation aircraft; and (4) meeting its requirements for light enforcement and medium-lift helicopters. Customs will continue to implement the Western Hemisphere Drug Elimination Act (WHDEA) and the conferees include the $35,764,000 requested by the Administration. The conferees provide an additional $4,000,000 that may be used for system acquisition and support, and expect plans for use of this funding to be included in the modernization plan and detailed in the above mentioned report.

AUTOMATION MODERNIZATION

The conferees agree to provide $435,332,000 as proposed by the Senate instead of $439,332,000 as proposed by the House.

AUTOMATED COMMERCIAL ENVIRONMENT

The conferees believe that strong oversight of the Automated Commercial Environment (ACE) program is essential to ensure that Customs fulfills its expenditure and development plans. Periodic review of investment increments associated with capital planning and architecture development is consistent with best practices for information technology procurement. The conferees therefore direct that Customs provide quarterly reports to the Committees on Appropriations until ACE becomes functional.

The conferees also direct Customs to submit requests for release of funds, including a cost-benefit analysis, in a timely manner, but in no case less than 30 days before the anticipated need for the funds.

WEST COAST SECURED CORRIDOR INITIATIVE

The conferees are aware of efforts by the Washington State Office of Trade and Economic Development, the Washington State Department of Transportation, and the Cascadia Project of the Discovery Institute to establish a West Coast Secured Corridor Initiative. This initiative will establish a forum for coordinating the development and implementation of practices vital to the enhancement of homeland security and the secured mobility of goods and people along the West Coast, and that will ensure interoperability of Customs and other regulatory protocols for transport between Mexico, the United States, and Canada. The conferees strongly support collaborative efforts between Federal, State and local governments and non-profit organizations that can facilitate both security and the smooth flow of commerce along our borders. The Customs Service should evaluate the benefits of ensuring that development and deployment of ACE and the International Trade Data System (ITDS) takes into account the efforts of the Initiative to ensure homeland security and secured mobility of goods and people along the West Coast.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

The conferees agree to provide $34,900,000 for capital investments for circulating coinage and protective services as proposed by the House and the Senate.

Bureau of The Public Debt

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $190,068,000 instead of $168,673,000 as proposed by the House and $191,073,000 as proposed by the Senate. The conferees agree to a reduction of $2,000,000 to the savings bond marketing program; the funds that remain for savings bond marketing are to provide for the orderly termination of this effort during fiscal year 2003 consistent with the plans of the Department of the Treasury. The conferees direct the Department to report to the Committees on Appropriations within 30 days of the enactment of this Act with details of how they will conduct this orderly termination of the savings bond marketing program. The conferees further agree to include a provision to assist with the termination of the savings bond marketing program; this provision extends the availability of $4,000,000 for two years in order to cover certain costs such as severance requirements and workman compensation payments that will extend beyond fiscal year 2003. The conferees also agree to provide $995,000 for the full funding of fiscal year 2003 operations not associated with the savings bond marketing program.

Internal Revenue Service

The conferees recognize the fiscal challenges that face the Internal Revenue Service and direct that base operations be funded before embarking upon any new initiatives.

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,955,777,000 as proposed by the Senate instead of $3,955,077,000 as proposed by the House. The conferees agree to include a provision that provides $7,000,000 for low-income taxpayer clinic grants, as proposed by the Senate.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,729,072,000 as proposed by the House and the Senate. The conferees agree to include a provision modified from one proposed by the Senate that not less than $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

The conferees agree to provide $146,000,000 as proposed by the House and the Senate.

INFORMATION SYSTEMS

The conferees agree to provide $1,632,444,000 as proposed by the House and the Senate.

BUSINESS SYSTEMS MODERNIZATION

The conferees agree to provide $366,000,000 instead of $436,000,000 as proposed by the House and the Senate.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

The conferees agree to provide $70,000,000 instead of no appropriation as proposed by the House and the Senate. This new account is to be used to implement the health insurance tax credit program included in the Trade Act of 2002 (Public Law 107–210).

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conferees agree to continue a provision that allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conferees agree to continue a provision that requires the IRS to maintain a training program in taxpayers' rights, dealing courteously with taxpayers, and cross-cultural relations.

Section 103. The conferees agree to continue a provision that requires the IRS to institute and enforce policies and practices that will safeguard the confidentiality of taxpayer information.

Section 104. The conferees agree to continue a provision with respect to the IRS 1–800 help line service.

United States Secret Service

SALARIES AND EXPENSES

The conferees agree to provide $1,029,150,000 instead of $1,017,892,000 as proposed by the House and $1,010,817,000 as proposed by the Senate. This includes $6,824,000 for non-pay inflation, $6,475,000 to fully fund fiscal year 2003 operations, and $4,200,000 to fund annualization of the costs of the workload rebalancing and retention initiative. The conferees also provide $1,633,000 for forensic support to the National Center for Missing and Exploited Children (NCMEC), and $4,583,000 for grants to NCMEC, including $300,000 for support of the Web-Wise Kids program.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $3,519,000 as proposed by the House and the Senate.

General Provisions—Department of the Treasury

Section 110. The conferees agree to continue a provision that requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities.

Section 111. The conferees agree to continue a provision that allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for health and medical services for Treasury employees in overseas locations.

Section 112. The conferees agree to continue a provision that requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conferees agree to continue a provision that authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conferees agree to continue a provision that authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of Public Debt appropriations under certain circumstances.

Section 115. The conferees agree to continue a provision that authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 116. The conferees agree to continue a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees agree to continue a provision that prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue a provision that provides for transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 119. The conferees agree to continue and modify a provision that extends the pilot project for designated critical occupations for one additional year.

Section 120. The conferees agree to continue a provision that requires the approval of the authorizing committees for the construction and operation of any museum by the U.S. Mint.

Section 121. The conferees agree to continue the provision limiting the use of funds for the production of Customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

Section 122. The conferees agree to a new provision that directs the Federal Law Enforcement Training Center to establish an accrediting body to set standards for measuring and assessing the quality and effectiveness on Federal law enforcement training.

Section 123. The conferees agree to a new provision that extends the Treasury Franchise Fund through October 1, 2004.

Section 125. The conferees agree to a new provision that allows funds in the Stennis Fund to be invested in certain par-value securities.

Section 126. The conferees agree to a new provision that allows funds in the Madison Funds to be invested in certain par-value securities.

Section 127. The conferees agree to a new provision regarding Customs Service reverse inspections as proposed by the Senate, with technical modifications.

TITLE II—POSTAL SERVICE

Payment to the Postal Service Fund

The conferees agree to provide $60,014,000, as proposed by the House and Senate. Of this amount $31,014,000 is provided as an advance appropriation for free mail to the blind and overseas voters, as proposed by the House and Senate. The conferees include an additional $29,000,000 for prior year reimbursement shortfalls.

Postal Service Marketing Efforts

The conferees are aware that the Postal Service has entered into a four-year

$25,000,000 contract to sponsor a cycling team to provide the Postal Service with marketing exposure. This expenditure comes at a time when the Postal Service is suffering from long-term declines in mail volume and net income, as well as the huge added costs of guarding against biological terrorist attacks through the U.S. mail system. The conferees are concerned that the Postal Service has incurred this $25,000,000 obligation even though no proof has been offered that this sponsorship will result in increased revenues. The conferees urge the Postal Service to exercise far better judgment in making future investment decisions in favor of those efforts that can provide tangible results.

POSTAL SERVICE PRINTING

The conferees are aware that significant cost savings can be achieved by utilizing electronic commerce technology in the ordering and procurement of supporting goods and services, such as printing requirements. The conferees encourage the Postal Service to use e-commerce means in the purchasing of its printing, including testing the feasibility of procuring printing through e-commerce means after assessing the market and conducting a test or limited pilot project, if the test or project can include a guaranteed cost savings feature and acceptable return on investment (ROI). If this test or limited pilot yields a cost savings and acceptable ROI for the Postal Service, the conferees encourage the Postal Service to expand its use of e-commerce means in the procurement of its printing needs. The conferees request a report from the Postal Service on any such test or pilot project undertaken no later than six months after the date of enactment of this Act.

HOUSTON, TEXAS

The conferees are concerned by the quality of service at the Jensen Drive Postal Station in Houston, Texas. The conferees are specifically concerned with the adequacy of the facility at this postal station. The station currently has only eight available parking slots, of which one is for disabled customers and two are for senior citizens who represent a large portion of this station's customers, leaving only five available slots for all other customers. This lack of adequate parking creates traffic and safety problems. The conferees direct the Postal Service to evaluate the options for addressing the parking situation and other problems at Jensen Drive and report to the Committees on Appropriations on steps being taken to address the problem no later than 90 days after enactment of this Act.

BRONX, NEW YORK

The conferees are very concerned by the repeated reports of poor quality service to postal customers in the Bronx, including missing mail, wrongly delivered mail, and late delivery. The House Committee on Appropriations earlier directed the Postal Service to investigate the situation at the Morris Park post office and report its recommendations for corrective action to the Committee, and the Postal Service provided this report in January 2003. The conferees direct the Postal Service to expand its investigation to the Highbridge, Stadium, Morrisania, and Tremont stations, as well as the General Post Office, and report its findings and recommendations for corrective action and a plan of implementation to the Committees on Appropriations no later than 120 days following enactment of this Act.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

The conferees agree to provide $450,000 as proposed by the House and the Senate.

SALARIES AND EXPENSES

The conferees agree to provide $50,715,000 as proposed by the House instead of $59,735,000 as proposed by the Senate. The conferees agree to transfer $9,020,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services.

WHITE HOUSE TOURS

The conferees are aware that, because of the tragic events of September 11, 2001, public visitation of the White House has been severely restricted. The conferees would like to see a resumption of public White House tours as soon as safely possible. In light of this goal, within 30 days of enactment of this Act, the White House Office should provide a report to the Committees that details the status of efforts underway to safely reopen public tours of the White House.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

The conferees agree to provide $19,398,000 instead of $24,061,000 as proposed by the House and $24,844,000 as proposed by the Senate. The conferees agree to transfer $783,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services. The conferees do not include $4,663,000 in funds proposed for various costs associated with the operations of the Nebraska Avenue complex. The conferees are aware of an unobligated balance of $3,745,200 in fiscal year 2002 supplemental appropriations for Nebraska Avenue; and the conferees also note that funds were transferred through the authority provided in Public Law 107–294 for various Nebraska Avenue operations. The conferees note that detailed justification materials related to the funds transferred under the authority of Public Law 107–294 have not yet been provided to the Committee. Given the availability of these other funding sources, the conferees defer consideration of the $4,663,000 proposed for Nebraska Avenue operations.

EXECUTIVE OFFICE OF THE PRESIDENT MAIL PROCESSING

The conferees are concerned by ongoing difficulties associated with mail processing for the Executive Office of the President (EOP) complex. The conferees are further concerned by the absence of a business case analysis for mail processing efforts, including a precise definition of both user and system requirements. The conferees are aware of proposed plans to transfer $9,000,000 of fiscal year 2003 funds from the Office of Homeland Security to the Department of Homeland Security for EOP mail processing. The conferees support this transfer of responsibilities and encourage the Office of Administration to move expeditiously toward this goal. The Office of Administration is directed to report back to the Committees on all efforts to transfer funds and responsibilities for this effort to the Department of Homeland Security no later than 60 days after enactment of this Act.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conferees agree to provide $12,228,000 as proposed by the House and the Senate.

WHITE HOUSE REPAIR AND RESTORATION

The conferees agree to provide $1,200,000 as proposed by the House and the Senate.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

The conferees agree to provide $4,066,000 as proposed by the Senate instead of $3,160,000 as proposed by the House.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $324,000 as proposed by the House and the Senate.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

The conferees agree to provide $3,763,000 as proposed by the House instead of $4,405,000 as proposed by the Senate. The conferees agree to transfer $642,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

The conferees agree to provide $3,251,000 as proposed by the House instead of $4,221,000 as proposed by the Senate. The conferees agree to transfer $970,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

The conferees agree to provide $7,821,000 instead of $7,803,000 as proposed by the House and $9,525,000 as proposed by the Senate. The conferees agree to transfer $1,704,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $91,505,000 instead of $92,681,000 as proposed by the House and $70,128,000 as proposed by the Senate. The conferees agree to transfer $21,377,000 from the White House Office, the Office of Homeland Security, the Office of Management and Budget, the Office of Policy Development, the National Security Council, and the Council of Economic Advisers to the Office of Administration to establish a pilot project for centralized procurement and management of information technology, rent, printing and reproduction, supplies and materials and equipment. The conferees expect that the Office of Administration will achieve economies of scale using centralized procurement practices and directs the Office of Administration to identify these savings within 120 days of enactment of this Act. The conferees direct the Office of Administration to submit a description of this pilot project, including a description of the standards established for the procurement of each commodity included in this project, no later than 60 days after enactment of this Act.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees agree to provide $62,394,000 instead of $61,492,000 as proposed by the House and $70,752,000 as proposed by the Senate. The conferees agree to transfer $8,258,000 to the Office of Administration in support of a pilot program to centralize the procurement of certain common goods and services. The conferees are aware that the Office of

Management and Budget (OMB) has achieved savings in excess of $100,000 through the use of the Government Printing Office to print the President's fiscal year 2004 budget. The conferees have reduced OMB's appropriation by this amount and direct OMB to apply this reduction to OMB-Wide Offices. The conferees further encourage OMB to apply this reduction to those functions and activities that have no direct impact on the formulation or execution of the President's fiscal priorities, such as the Communications Office.

CONTRACTING OUT QUOTAS

The conferees agree to a Senate provision prohibiting the use of funds to establish, apply, or enforce any numerical goal, target, or quota for contracting out unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Although the Senate provision was somewhat different than the provision adopted by the House, the conferees want to emphasize the strong opposition in both chambers to the establishment of arbitrary goals, targets, and quotas. If any goals, targets, or quotas are established following "considered research and sound analysis" under the terms of this provision, the conferees direct the Office of Management and Budget to provide a report to the Committees on Appropriations no later than 30 days following the announcement of those goals, targets, or quotas, specifically detailing the research and sound analysis that was used in reaching the decision.

ELECTRONIC GOVERNMENT (E-GOV) FUND

The conferees agree to include funds for the Electronic Government Fund within the General Services Administration, as proposed by the Senate.

ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees address this issue in a separate Division of this Act.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $26,456,000 as proposed by the Senate instead of $24,458,000 as proposed by the House. The conferees include $1,000,000 for the National Alliance for Model State Drug Laws. The conferees have included a provision that withholds $2,000,000 from obligation until the Director submits, and the Committees on Appropriations approve, a human capital strategy for the Office of National Drug Control Policy (ONDCP).

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $48,000,000 instead of $40,000,000 as proposed by the Senate and $55,800,000 as proposed by the House. This includes $22,000,000 for counternarcotics Technology Research and Development and $26,000,000 for the Technology Transfer Program. The conferees have included continued funding for neuroimaging studies and genomic research into the relationship between genetic predisposition and environmental factors bearing upon drug addiction in the amount for counternarcotics Technology Research and Development.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $226,350,000 as proposed by the Senate instead of $246,350,000 as proposed by the House. The conferees provide that existing HIDTAs shall be funded at no less than the fiscal year 2002 levels prior to the obligation of the $20,000,000 in additional funds provided for fiscal year 2002, unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness. The conferees also provide that no funds in excess of the fiscal year 2003 budget request shall be obligated without the prior approval of the Committees.

HIDTA PERFORMANCE MANAGEMENT

The conferees remain concerned by ONDCP's lack of progress in developing performance measures of effectiveness (PMEs) for the HIDTA program. The conferees believe that the ability to evaluate the effectiveness of individual HIDTAs, and to rationally match funding needs against budgets, depends on a reliable and consistent methodology for performance measurement and management. The conferees provide, under the Salaries and Expenses account, that $5,000,000 shall not be obligated until the Director of ONDCP submits PMEs for the HIDTA program to the Committees. The conferees further direct ONDCP to provide a justification, based on PMEs, of the fiscal year 2004 budget request for each individual HIDTA, as well as an optimal spending allocation for each individual HIDTA based upon PMEs, to the Committees when PMEs for the HIDTA program are submitted.

SOUTHWEST BORDER HIDTA

The conferees are concerned by the repeated reports of the conflict within the Southwest Border HIDTA between the five regional partnerships and the central office. The Southwest Border HIDTA was created in 1990 and is unique among HIDTAs in that it is structured into five partnerships—Arizona, California Border Alliance Group, New Mexico, South Texas, and West Texas—plus an Executive Director's office based in El Paso, Texas. The conferees believe that this regional structure has worked effectively to cover a very large multi-State geographical area that is crucial to anti-drug law enforcement. At the same time, the conferees believe that the HIDTA program needs coordination and rationalization to ensure that scarce resources can be targeted to those areas demonstrating both the greatest need and the greatest programmatic impact. The conferees believe that these goals can be met without altering the basic structure of the Southwest Border HIDTA. The conferees agree to provide that no funds shall be used for the further or additional consolidation of the Southwest Border HIDTA, except for the operation of an office with a coordinating role, until ONDCP provides a report on the Southwest Border HIDTA. The conferees direct ONDCP to investigate the situation in the Southwest Border HIDTA and provide this report to the Committees on Appropriations within 120 days of enactment of this Act. This report shall include ONDCP's recommendations for resolving conflicts related to management and budgeting within the Southwest Border HIDTA, and shall include written statements from each of the partnerships expressing that partnership's views of the situation.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $223,200,000 instead of $240,800,000 as proposed by the House and $172,700,000 as proposed by the Senate. This includes $150,000,000 for the National Youth Anti-Drug Media Campaign, $60,000,000 for the Drug-Free Communities Support Program, $3,000,000 for the Counterdrug Intelligence Executive Secretariat, $2,000,000 for Performance Measures Development, $6,400,000 for the US Anti-Doping Agency, $1,000,000 for the National Drug Court Institute, and $800,000 for dues to the World Anti-Doping Agency. The conferees provide that $2,000,000 of Drug-Free Communities funds shall be used to make a grant directly to the Community Anti-Drug Coalitions of America to establish and maintain the National Community Anti-Drug Coalition Institute as proposed by the Senate, instead of no provision as proposed by the House.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

The conferees are deeply disturbed by the lack of evidence that the National Youth Anti-Drug Media Campaign has had any appreciable impact on youth drug use. With the funds provided for fiscal year 2003, expenditures on the Media Campaign will be over $1,000,000,000 since the program's inception in fiscal year 1998. While the evaluation conducted under the auspices of the National Institute for Drug Abuse (NIDA) has shown that the Media Campaign has had a slight and sporadic impact on the attitudes of parents, it has had no significant impact on youth behavior. While the conferees are aware of surveys, such as Monitoring the Future, that show recent declines in youth drug use, the NIDA study was undertaken to measure the specific impact of the Media Campaign, not simply to gauge general trends. The conferees have not included a provision requiring ONDCP to spend a certain amount on media buys for the Media Campaign as proposed by the House. The conferees expect ONDCP to allocate not less than the amount provided in fiscal year 2002 to support the non-advertising public communication activities of the Media Campaign.

The Director has inaugurated certain changes in the direction of the Media Campaign, such as producing new ads demonstrating the link between drug use and terrorism and other criminal activity, as well as an intensive anti-marijuana campaign launched in fall of 2002 and a shift in the youth age group focus of the campaign. The conferees are hopeful that these and other changes will result in the achievement of the campaign's goal of reducing youth drug use. The conferees intend to rely on the scientifically rigorous NIDA study to gauge the ultimate impact of the campaign. If the campaign continues to fail to demonstrate effectiveness, then the Committees will be compelled to reevaluate the use of taxpayer money to support the Media Campaign.

US ANTI-DOPING AGENCY

The conferees include $6,400,000 for the US Anti-Doping Agency (USADA). Within this amount, the conferees include $500,000 for the development of a school-based program for educating young athletes on the risks associated with dietary supplements. Not only are certain supplements banned from use by USADA, many supplements contain steroid precursors (which the body metabolizes into testosterone), such as androstenedione, androstendiol, and DHEA. Studies have shown that these steroid precursors are being used by young athletes as performance-enhancing drugs at an alarming rate, even as early as the grade school level. The conferees believe that an education program is therefore necessary to make our young athletes aware of the risks associated with certain dietary supplements.

UNANTICIPATED NEEDS

The conferees agree to provide $1,000,000 as proposed by the House and Senate.

TITLE IV—INDEPENDENT AGENCIES

Committee for Purchase from People Who Are Blind or Severely Disabled

SALARIES AND EXPENSES

The conferees agree to provide $4,658,000 instead of $4,629,000 as proposed by the House and the Senate. This includes $29,000 to fully fund fiscal year 2003 operations.

Federal Election Commission

SALARIES AND EXPENSES

The conferees agree to include $49,866,000 instead of $49,426,000 as proposed by the House and $45,244,000 as proposed by the Senate. This includes $4,198,000 to implement the Bipartisan Campaign Reform Act and $424,000 to fully fund fiscal year 2003 operations. The conferees do not include a $16,000 general reduction, as proposed by the House.

Federal Labor Relations Authority

SALARIES AND EXPENSES

The conferees agree to provide $28,950,000 instead of $28,677,000 as proposed by the House and the Senate. This includes $273,000 to fully fund fiscal year 2003 operations.

General Services Administration

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $7,006,033,000 in new obligational authority instead of $6,961,930,000 as proposed by the House and $7,006,518,000 as proposed by the Senate. The conferees directly appropriate $375,711,000 into the Fund to cover a portion of the new obligational needs of the Fund.

CONSTRUCTION AND ACQUISITION

The conferees agree to provide $717,488,000 instead of $646,385,000 as proposed by the House and $631,663,000 as proposed by the Senate. The conferees agree with the direction pròposed by the Senate with respect to the Rosenn Federal Courthouse in Wilkes-Barre, PA. The conferees concur with the direction provided in House Report 107–575 on the new courthouse in Chattanooga, TN, and urge the General Services Administration (GSA) to keep this project on schedule (site acquisition and design for fiscal year 2005 and construction for fiscal year 2007).

Springfield, Massachusetts Courthouse

The conferees are aware that the General Services Administration has identified more than $2,000,000 in additional security features that exceed the original criteria for the Springfield Courthouse in Massachusetts. The conferees expect GSA to fulfill these additional security requirements within the current budget estimates for the project or through a reprogramming request.

REPAIRS AND ALTERATIONS

The conferees agree to provide $951,529,000 instead of $978,529,000 as proposed by the House and $997,839,000 as proposed by the Senate. Of the amount provided, $358,340,000 is for basic repairs and alterations. The conferees elected not to include amounts for specific projects and programs in the bill; however, the conferees direct the General Services Administration to provide the Committees on Appropriations, within 60 days of enactment of this Act, a plan for expenditure of the funds which includes the specific projects and programs to be accomplished and the amounts proposed for each.

The conferees remain concerned about the plans for repairing and upgrading the Post Office and Federal Building in Pittsburgh, PA, and direct GSA to seriously consider requesting any additional needs there might be for this project through reprogramming. The conferees agree with the Senate direction within the construction activity rather than the House direction within this account concerning the needs of the Rosenn Federal Courthouse in Wilkes-Barre, PA.

Eisenhower Executive Office Building

The conferees are keenly aware of the deplorable condition of the Eisenhower Executive Office Building and the critical need to move forward on a major multi-year repair and alteration project for this property. The conferees remain severely disappointed with information provided by the Office of Management and Budget and GSA and very concerned with the lack of clear, consistent, and timely decision-making by this Administration on this project. The conferees believe that the current lack of progress on planning the entire modernization effort does a serious disservice to the Administration and the affected personnel and that it would be premature and inappropriate to fund incomplete design efforts in a piecemeal fashion.

INSTALLMENT ACQUISITION PAYMENTS

The conferees agree to provide $178,960,000 as proposed by the House and the Senate.

RENTAL OF SPACE

The conferees agree to provide $3,113,211,000 instead of $3,153,211,000 as proposed by the House and the Senate.

NOAA Operations and Science Center

The conferees are aware that GSA is currently reviewing expressions of interest for an assignable land option in the College Park/Greenbelt Area of Prince George's County, Maryland, for the NOAA Operations and Science Center. Further, the conferees are concerned that the lease prospectus for this project has not been submitted to Congress for approval. Therefore, the conferees expect the Administration to submit the lease prospectus to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works for approval no later than 30 days following the enactment of this Act.

BUILDING OPERATIONS

The conferees agree to provide $1,965,160,000 as proposed by the Senate instead of $1,925,160,000 as proposed by the House. The conferees anticipate that the House of Representatives will be a primary tenant of FOB 8. The conferees strongly encourage GSA to move forward with the ongoing discussions with representatives of the City of Canton, Ohio, involving the Frank T. Bow Federal Building with the goal of finding suitable housing for federal tenants in the Canton area, which includes the option of building a new federal building.

Angel Island Immigration

The conferees direct GSA to submit a report to the Committees on Appropriations within 30 days after the date of enactment on the status of the Angel Island Immigration Station which outlines the role of the GSA, the National Park Service, the National Archives, and any other relevant Federal agency in the effort to properly maintain, preserve and restore the Station as a national landmark.

Policy and Citizen Services

The conferees agree to provide $66,304,000 instead of $65,995,000 as proposed by the House and the Senate. The conferees agree to include $309,000 for full funding for fiscal year 2003 operations.

OPERATING EXPENSES

The conferees agree to provide $83,663,000 instead of $77,904,000 as proposed by the House and $94,640,000 as proposed by the Senate. The conferees agree to include two reductions, $6,436,000 for Governor's Island and $5,450,000 for the full non-recur of five fiscal year 2002 items, as proposed by the House. The conferees also agree to include the following increases: $2,000,000 as a transfer to the New York State Historical Society for exhibits, education, collections, and research associated with the September 11, 2001 terrorist attacks; $150,000 as a transfer to the Association of Central Oklahoma Governments for establishing alternative fuel facilities; $1,500,000 for the virtual archive storage terminal; $300,000 for the Upper Great Plains Native American Telehealth program; $300,000 for the University of Colorado Health Science Center's Digital Telehealth project; $1,750,000 for the government rural outreach initiative; $125,000 as a transfer to the North Dakota State Historical Society for the veteran's oral history project; $1,000,000 for financial transaction software; $250,000 as a transfer to the Boston Public Library for the Adams collection; $250,000 as a transfer to the State of Alaska to assist in preparation for its Statehood celebration; $250,000 as a transfer to the State of Hawaii to assist in preparation for its Statehood celebration; and $534,000 for full funding for fiscal year 2003 operations. The conferees also direct that, should the United States Consensus Council become authorized, GSA is to provide the council $1,000,000 from within existing funds to initiate the effort.

Office of Inspector General

The conferees agree to provide $37,916,000 instead of $37,617,000 as proposed by the House and the Senate. The conferees agree to include $299,000 for the full funding of fiscal year 2003 operations.

Electronic Government Fund

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $5,000,000 as proposed by the Senate instead of no funds as proposed by the House; the House had included $5,000,000 within the Executive Office of the President. The conferees note that proposals for using this funding are to meet capital planning guidelines and include adequate documentation to demonstrate a sound business case, attention to security and privacy, and a way to measure performance against planned results. The Office of Management and Budget is to control the allocation of the fund and direct its use for information systems projects that affect multiple agencies and offer the greatest improvements in access and services.

Allowances and Office Staff for Former Presidents

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $3,339,000 as proposed by the House and the Senate.

Election Reform Reimbursements

The conferees agree to provide $15,000,000 to GSA for a program of payments to States that obtained optical scan or electronic voting equipment for the administration of Federal elections prior to the November 2000 election. These funds are in addition to election reform funding provided in a separate Division of this Act.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 401. The conferees agree to continue a provision that provides that accounts available to GSA shall be credited with certain funds received from government corporations.

Section 402. The conferees agree to continue a provision that provides that funds available to GSA shall be available for the hire of passenger motor vehicles.

Section 403. The conferees agree to continue a provision that authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.

Section 404. The conferees agree to continue a provision that prohibits the use of funds to submit a fiscal year 2004 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study.

Section 405. The conferees agree to continue a provision that provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

Section 406. The conferees agree to continue a provision that provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.

Section 407. The conferees agree to continue a provision as proposed by the House that allows the General Services Administration to pay claims that are less than $250,000 without Congressional approval.

Section 408. The conferees agree to a new provision as proposed by the Senate naming a Federal building and courthouse in Gulfport, Mississippi.

Section 409. The conferees agree to a new provision as proposed by the Senate naming a Federal courthouse in Central Islip, New York.

Section 410. The conferees agree to a new provision as proposed by the Senate naming a Federal building in Denver, Colorado.

Section 411. The conferees agree to include a new provision as proposed by the Senate to permit the General Services Administration to sell a parcel of land to Hanna City, Illinois, on an installment payment basis over a 5-year period.

Section 412. The conferees agree to include a new provision as proposed by the Senate naming a Federal courthouse in Little Rock, Arkansas.

Section 413. The conferees agree to include a new provision as proposed by the Senate that authorizes the General Services Administration to acquire a certain property and move a specific building in Salt Lake City, Utah.

Section 414. The conferees agree to include a new provision naming a Federal building and courthouse in Youngstown, Ohio.

Section 415. The conferees agree to include a new provision naming a Federal courthouse in Fort Worth, Texas.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $32,027,000 instead of $31,788,000 as proposed by the House and the Senate. This includes $239,000 to fully fund fiscal year 2003 operations.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

The conferees agree to provide $1,996,000 as proposed by the House and the Senate.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conferees agree to provide $1,309,000 as proposed by the House and the Senate.

National Archives and Records Administration

OPERATING EXPENSES

The conferees agree to provide $249,875,000 instead of $249,731,000 as proposed by the House and the Senate. The conferees agree not to include funding for the Homeland Security records activities initiative. The conferees agree to provide $144,000 for the full funding of fiscal year 2003 operations. The conferees agree to include two provisions as proposed by the House, the first regarding the electronic records archive and the second regarding the records of the Freedman's Bureau.

REPAIRS AND RESTORATION

The conferees agree to provide $14,208,000 as proposed by the Senate instead of $10,458,000 as proposed by the House. The conferees agree to include $3,750,000 for site acquisition associated with a new regional facility in Anchorage, Alaska; this work is to be conducted by the National Archives in the best and most efficient manner possible.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

The conferees agree to provide $6,500,000 instead of $7,000,000 as proposed by the House and the Senate. Several specific concerns voiced by the Senate in its guidance have been addressed in the GSA Operating Expenses account.

Office of Government Ethics

SALARIES AND EXPENSES

The conferees agree to provide $10,557,000 instead of $10,486,000 as proposed by the House and the Senate. This includes $71,000 to fully fund fiscal year 2003 operations.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

The conferees agree to provide $129,486,000 instead of $128,986,000 as proposed by the House and $128,736,000 as proposed by the Senate.

Telecommuting Training Program

The conferees include $500,000 to carry out a Telecommuting Training Program as proposed by the House. The purpose of the program is to educate executive branch managers about the benefits and logistics of telecommuting. The conferees note that while the proportion of telecommuters in the Federal government increased significantly from 1 percent in 1999 to 4.2 percent in 2001, telecommuting rates at some federal agencies remain very low and manager reluctance is the most frequently cited barrier to telecommuting. The conferees believe that, under this program, an effort should be made to encourage managers, through the performance planning and evaluation process, to assess and, where appropriate, create telecommuting plans for their offices and staff. The conferees direct the Office of Personnel Management (OPM) to target executive agencies where less than 2 percent of employees telecommute.

Retirement Readiness

The conferees are aware that OPM has the mission to look out for the retirement welfare of Federal employees, primarily through retirement counseling and pre-retirement seminars to agency employees. OPM has communicated to the conferees that "improving the retirement readiness of Federal employees is part of our objective to help Federal agencies use effective merit-based human capital strategies to create a rewarding work environment that accomplishes the mission." OPM has also recognized, however, that it does not currently have the resources targeted to establish a methodology to examine the real rate of Americans' "retirement readiness" and to develop a retirement education model, which is crucial for their being able to accomplish that objective. To fill this need, OPM has recognized that the International Foundation for Retirement Education (InFRE) can provide OPM with the methodology and model that they require.

OPM and InFRE have proposed that InFRE will perform a preliminary research project on the "retirement readiness" of the American worker, the scope and deliverables of which are: (1) create a research team to include members from InFRE's top retirement professional and academic resources, together with representatives from OPM, Department of Labor, and the Department of Treasury; (2) develop research and methodology to identify and define a generally acceptable index of "retirement readiness" for the individual worker or plan participant; (3) develop initial methodology and strategies with which to test for "retirement readiness" among a cross section of employee (and employer) groups, segmented by geography, income, ethnicity, gender, etc.; (4) implement a pilot program consisting of a series of diverse field tests to establish the accuracy and efficiency of the developed methodology among a cross section of the workforce; (5) analyze the findings and make any necessary changes and enhancements to the models to be employed, performing additional pilot tests as required while simultaneously identifying existing best practices and/or workforce barriers; and (6) prepare a report to OPM, Department of Labor, and Department of Treasury that will present the research project's analysis, findings, conclusions, and recommendations, to include a working definition of the widely used but yet undefined term of "retirement readiness," and outline a validated methodology for more advanced research on "retirement readiness" in the future.

The conferees concur with OPM's concerns for providing better retirement counseling, especially in light of the fast approaching retirements of the "Baby Boomer" cohort. Within the amounts provided to OPM, the conferees include $250,000 for OPM to award as a grant or contract to InFRE to conduct the research project described in this passage and directs that OPM provide the Committees on Appropriations with a report stating the research project's progress, results and OPM's actions in light of such.

Barnstable County, Massachusetts

The conferees are aware that on October 1, 2002, the Federal Salary Council recommended that Barnstable County be included as part of the Boston-Worcester-Lawrence, MA-NH-ME-RI-CT Locality Pay Area (LPA). The conferees are also aware that the President's Pay Agent did not act on that recommendation. The conferees direct OPM to study the impact of this decision on recruitment and retention efforts of Federal agencies with offices in this Locality Pay Area and provide a detailed report to the Committees on Appropriations within 45 days after enactment of this Act. Additionally, the conferees direct OPM to consider the Connecticut River Valley for inclusion into the Hartford Locality Pay Area because of the difficulties some Federal agencies have documented in retaining and attracting Federal employees in the Connecticut River Valley.

Official Time

The conferees are aware that the Director of OPM has instructed departments and agencies to report on the numbers of hours of official time used by employees to perform representational activities and that this information was to have been submitted to OPM by October 31, 2002. The conferees direct OPM to provide a report on official time to the Committees on Appropriations no later than June 1, 2003.

Office of Inspector General

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

The conferees agree to provide $1,519,000 instead of $1,498,000 as proposed by the House and the Senate. This includes $21,000 to fully fund fiscal year 2003 operations.

Office of Special Counsel

SALARIES AND EXPENSES

The conferees agree to provide $12,449,000 instead of $12,432,000 as proposed by the House and $12,434,000 as proposed by the Senate. This includes $15,000 to fully fund fiscal year 2003 operations.

United States Tax Court

SALARIES AND EXPENSES

The conferees agree to provide $37,305,000 as proposed by the House and the Senate.

White House Commission on the National Moment of Remembrance

The conferees agree to provide $250,000 as proposed by the House and the Senate.

TITLE V—General Provisions

This Act

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 504. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 505. The conferees agree to continue the provision that requires compliance with the Buy American Act.

Section 506. The conferees agree to continue the provision regarding the purchase of American-made equipment and products.

Section 507. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Section 508. The conferees agree to continue the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 509. The conferees agree to continue the provision restricting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Section 510. The conferees agree to continue the provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the Federal Employees Health Benefits Program.

Section 511. The conferees agree to continue a provision regarding non-foreign area cost of living adjustments.

Section 512. The conferees agree to continue a provision prohibiting the use of funds by any person or entity convicted of violating the Buy American Act.

Section 513. The conferees agree to include a new provision increasing the size of the endowment for future Presidential libraries, as proposed by the Senate.

Section 514. The conferees agree to include a new provision prohibiting the transfer of funds in this Act to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or a transfer authority provided in, this Act or any other Appropriations Act, as proposed by the House.

Section 515. The conferees agree to modify and continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center.

Section 516. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the FEHBP.

Section 517. The conferees agree to continue the provision that would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 518. The conferees agree to include a new provision concerning procurement of goods made with forced or indentured child labor, as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

Departments, Agencies and Corporations

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Federal Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used by certain groups to pay rent and other service costs in the District of Columbia.

Section 609. The conferees agree to continue the provision prohibiting the use of funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 621. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 622. The conferees agree to continue the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 623. The conferees agree to continue the provision prohibiting use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 624. The conferees agree to continue the provision prohibiting any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 625. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the Federal Government without the approval of the Committees on Appropriations.

Section 626. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 627. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 628. The conferees agree to modify and continue the provision authorizing the use of funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 629. The conferees agree to modify and continue the provision authorizing agencies to transfer funds to the Policy and Citizen Services account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program and other purposes.

Section 630. The conferees agree to continue the provision authorizing breastfeeding at any location in a Federal building or on Federal property.

Section 631. The conferees agree to continue the provision that permits interagency funding of the National Science and Technology Council and provides for a report on the budget and resources of the National Science and Technology Council.

Section 632. The conferees agree to continue the provision requiring that any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Section 633. The conferees agree to modify and continue the provision to extend the authorization for franchise fund pilots for one year, as proposed by the House and Senate.

Section 634. The conferees agree to continue the provision to prohibit the use of funds to monitor personal information relating to the use of Federal Internet sites.

Section 635. The conferees agree to continue the provision addressing contraceptive coverage in health plans participating in the FEHBP with exceptions.

Section 636. The conferees agree to continue the provision clarifying that the US Anti-Doping Agency is the official anti-doping agency for Olympic games.

Section 637. The conferees agree to include a new provision regarding the adjustment in rates of basic pay for Federal employees that takes effect in fiscal year 2003, as proposed by the House and Senate, with technical modifications. The conferees endorse the Federal Salary Council's recommendation for allocating locality pay in its October 17, 2002, Memorandum to the President's Pay Agent.

Section 638. The conferees agree to continue the provision directing the Inspector General of applicable departments and agencies to submit a report detailing policies or procedures they have in place to ensure compliance with the Rural Development Act of 1972.

Section 639. The conferees agree to include a new provision expressing the sense of the Congress regarding the United States Postal Service funding of Civil Service Retirement System benefits, as proposed by the Senate, with a modification.

Section 640. The conferees agree to include a new provision expressing the sense of the Congress regarding pay parity between uniformed employees and civilian employees, including wage grade civilian employees, as proposed by the Senate.

Section 641. The conferees agree to include a new provision directing the General Services Administration to accept all right, title, and interest in a certain piece of real property in Boca Raton, Florida, as proposed by the Senate, with modifications.

Section 642. The conferees agree to include a new provision changing the definition of average pay for certain Secret Service retirees for purposes of determining their annual retirement annuity, as proposed by the House, with technical modifications.

Section 643. The conferees agree to include a new provision creating a sunset clause for Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106-554), as proposed by the House, with technical modifications.

Section 644. The conferees agree to include a new provision prohibiting the use of funds to facilitate the release of certain law enforcement database information in response to requests made under the Freedom of Information Act, as proposed by the House, with technical modifications.

Section 645. The conferees agree to include a new provision amending Section 9505(d) of title 5 to allow Internal Revenue Service Senior Executive Service employees to be eligible to receive the same bonus payments as other Federal Senior Executive Service employees, as proposed by the House.

Section 646. The conferees agree to include a new provision prohibiting the use of funds to implement or enforce regulations relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity, as proposed by the House.

Section 647. The conferees agree to include a new provision prohibiting the use of funds to establish, apply or enforce any numerical goal, target, or quota for contracting out, as proposed by the Senate.

Section 648. The conferees agree to include a technical correction regarding benefits for air traffic controllers.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

New budget (obligational) authority, fiscal year 2002	$33,817,112
Budget estimates of new (obligational) authority, fiscal year 2003	34,276,280
House bill, fiscal year 2003	34,821,460
Senate bill, fiscal year 2003	34,533,464
Conference agreement, fiscal year 2003	34,653,476
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+836,364
Budget estimates of new (obligational) authority, fiscal year 2003	+377,196
House bill, fiscal year 2003	−167,984
Senate bill, fiscal year 2003	+120,012

DIVISION K

VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS

The language and allocations set forth in House Report 107-740 and the Senate explanatory statement as delineated in the *Congressional Record* of January 15, 2003, pages S356 through S410 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

OPERATING PLAN AND REPROGRAMMING PROCEDURES

The conferees continue to have a particular interest in being informed of reprogrammings which, although they may not change either the total amount available in an account or any of the purposes for which the appropriation is legally available, represent a significant departure from budget plans presented to the Committees in an agency's budget justifications, the basis of this appropriations Act.

Consequently, the conferees direct the Departments, agencies, boards, commissions, corporations and offices funded at or in excess of $100,000,000 in this bill, to consult with the Committee on Appropriations in both the House and Senate prior to each change from the approved budget levels in excess of $500,000 between programs, activities, object classifications or elements unless otherwise provided for in the statement of the managers accompanying this Act. For agencies, boards, commissions, corporations and offices funded at less than $100,000,000 in this bill, the reprogramming threshold shall be $250,000 between programs, activities, object classifications or elements unless otherwise provided for in the statement of the managers accompanying this Act. Additionally, the conferees expect the Committees on Appropriations to be promptly notified of all reprogramming actions which involve less than the above-mentioned amounts. If such actions would have the effect of significantly changing an agency's funding requirements in future years, or if programs or projects specifically cited in the statement of the managers or accompanying reports of the House and Senate are affected by the reprogramming, the reprogramming must be approved by the Committees on Appropriations regardless of the amount proposed to be moved. Furthermore, the conferees direct that the Committees on Appropriations be consulted regarding reorganizations of offices, programs, and activities prior to the planned implementation of such reorganizations.

The conferees also direct that the Departments of Veterans Affairs and Housing and Urban Development, as well as the Corporation for National and Community Service, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the National Science Foundation, the Consumer Product Safety Commission, and the Chemical Safety and Hazard Investigation Board shall submit operating plans, signed by the respective secretary, administrator, or agency head, for review by the Committees on Appropriations of both the House and Senate within 60 days of the bill's enactment. Other agencies within this Act should continue to submit operating plans consistent with prior year policy, or as directed in this statement of the managers.

The conferees reiterate language proposed by the House regarding the Committees' longstanding position that while the Committees reserve the right to call upon all offices in the departments, agencies, boards, and commissions, access to the budget offices is essential.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Of the amounts approved in the appropriations accounts in this title, the Department must limit transfers of funds between objectives to not more than $500,000, except as specifically noted, without prior approval of the Committees. No changes may be made to any account or objective, except as approved by the Committees, if it is construed to be policy or change in policy. Any activity or program cited in the statement of the managers shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees. It is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above. The Department is expected to comply with all normal rules and regulations in carrying out these directives. Finally, the Department should continue to notify the Committees regarding reorganizations of offices, programs, or activities prior to the planned implementation of such reorganizations.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $28,949,000,000 for compensation and pensions as proposed by both the House and the Senate, of which not more than $17,138,000 is to be transferred to general operating expenses and medical care.

READJUSTMENT BENEFITS

Appropriates $2,264,808,000 for readjustment benefits as proposed by both the House and the Senate.

VETERANS INSURANCE AND INDEMNITIES

Appropriates $27,530,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the veterans housing benefit program fund program account as proposed by both the House and the Senate, plus $168,207,000 to be transferred to and merged with general operating expenses.

Deletes the reporting requirement regarding the continuation of the vendee loan program as proposed by the House.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000 for the costs of direct loans from the education loan fund program account as proposed by both the House and the Senate, plus $70,000 to be transferred to and merged with general operating expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $55,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate, plus $289,000 to be transferred to and merged with general operating expenses.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $558,000 for administrative expenses of the native American housing loan program account to be transferred to and merged with general operating expenses as proposed by both the House and the Senate. Retains the loan limitation of $5,000,000 for the program as proposed by the House.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS

PROGRAM ACCOUNT

Provides up to $750,000 of the funds available in medical care and general operating expenses to carry out the guaranteed transitional housing loans for homeless veterans program as proposed by both the House and the Senate. Retains the reporting requirement regarding the status of the grant program as proposed by the House with a new reporting date of June 2, 2003.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Appropriates $23,889,304,000 for medical care as proposed by both the House and the Senate.

Deletes bill language proposed by the House and the Senate delaying the availability of funds for equipment and land and structures until August 1, 2002 remaining available until September 30, 2003.

Retains bill language making $900,000,000 available until September 30, 2004 as proposed by the House and the Senate.

Retains bill language providing the Secretary with the authority to establish a true priority system for veterans seeking medical care as proposed by the Senate. The House did not include a similar provision.

Deletes bill language providing $15,000,000 from medical care funds for CARES projects as proposed by the Senate. The House did not include a similar provision.

Deletes bill language allowing the Secretary to designate additional funds for CARES as proposed by the Senate. The House did not include a similar provision.

Amends the reporting requirement regarding the plan for reducing waiting lists as proposed by the Senate with a new reporting date consistent with submission of the Operating Plan.

The conferees are concerned with increasing instances of inaccurate physician time and attendance reports and expect the Secretary to provide strong oversight in this area.

Amends the reporting requirement regarding the status of the Fort Howard VAMC as proposed by the Senate with a new reporting date of March 31, 2003.

Retains the reporting requirement proposed by the Senate regarding submission of the final report of the White House Commission on Complementary and Alternative Medicine Policy.

Retains language proposed by the Senate regarding the need for an independent property appraisal of the Lakeside VAMC facility. The establishment of community based outpatient clinics in Wisconsin and Illinois, and the rehabilitation and expansion of the West Side VAMC campus would be greatly enhanced by a fair market disposition of Lakeside and the conferees urge the VA to move forward expeditiously with the VISN 12 CARES implementation.

The conferees are concerned that the VA is attempting to expand its activities in the name of homeland security. The Committees on Appropriations in both the House and the Senate are working to ensure programs and resources are available for the Department of Homeland Security (DHS) to fulfill its mission, for individual agencies to protect their own workforce and patrons, and still avoid redundancy in spending and effort. The funds provided to the VA are meant to deliver quality care and services to our Nation's veterans and their families and the conferees expect this to be VA's primary mission. Coordination and implementation of the Nation's homeland security is the responsibility of the DHS, and the conferees trust that DHS will inform the Committees if funds and directives are needed to involve VA in additional duties for security. To this end, the conferees direct that no more than $110,000,000 shall be available in medical care or the medical care collections fund for security training and equipment.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Retains bill language transferring receipts from the collections fund to medical care as proposed by both the House and the Senate.

The conferees remain concerned with VA's continued lackluster performance in the collection of third party receipts and direct the VA to decline performance awards for facility directors and collection teams which do not meet a 60–day billing time for third-party billing or cut the third-party billing time in half.

Retains report language regarding the billing demonstration at a level of not less than $3,000,000 as proposed by the House. The conferees direct quarterly reports on the status of the billing demonstration project beginning on March 3, 2003.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

Appropriates $400,000,000 for medical and prosthetic research as proposed by the Senate instead of $405,000,000 as proposed by the House. Retains bill language transferring $5,000,000 to medical care for research oversight activities as proposed by the House. The Senate did not include a similar provision.

The conferees direct the continued partnership with the National Technology Transfer Center at the current level of effort.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriates $74,716,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $69,716,000 as proposed by the Senate. Provides $3,000,000 of the funds for two-year obligation instead of $3,861,000 as proposed by the Senate and one-year availability for all funds as proposed by the House.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,254,000,000 for general operating expenses instead of $1,251,418,000 as proposed by the House and $1,256,418,000 as proposed by the Senate.

Provides $66,000,000 to be available for two-year obligation instead of $60,000,000 as proposed by the House and $65,800,000 as proposed by the Senate.

Provides not less than $992,100,000 for the Veterans Benefits Administration (VBA) as proposed by the House. The Senate specified $992,000,000 in report language for VBA.

The conferees direct that the Offices of the Board of Contract Appeals and Board of Veterans Appeals, and the Offices of Assistant Secretaries for Management, Information Technology, Human Resources, and Policy and Planning be funded at not less than the budget request minus the proposed accrual benefit transfer. The conferees have not provided funds for a new Assistant Secretary of Operations, Security and Preparedness, and maintain that coordination of the Department's programs in this area can be accomplished by a director under the Office of the Secretary, and implementation of the Department's plan can be executed by the existing undersecretaries.

Retains language proposed by the House designating $100,000 of the funds provided to VBA for a position description evaluation conducted by the Office of Personnel Management.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $133,149,000 for the National Cemetery Administration as proposed by both the House and the Senate. Provides $6,000,000 of the funds are available for two-year obligation instead of $6,912,000 as proposed by the Senate and one-year availability for all funds as proposed by the House.

The conferees direct VA to use the criteria and findings of the National Shrine Study when planning and budgeting for new and expanded cemetery projects.

OFFICE OF INSPECTOR GENERAL

Appropriates $58,000,000 for the Office of Inspector General instead of $61,000,000 as proposed by the House and $55,000,000 as proposed by the Senate. The funds are available for two-year obligation as proposed by the Senate, instead of one-year availability as proposed by the House.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $99,777,000 for construction, major projects instead of $193,740,000 as proposed by the House and $144,790,000 as proposed by the Senate. Regrettably, under the stringent budget conditions the conferees have agreed not to provide funding for the four proposed seismic projects, but note the absence of final authorization as required by law or a completed CARES study for any of the proposed projects. The conferees are extremely concerned about the safety of VA employees and patients. The conferees strongly urge the Secretary to complete expeditiously the CARES reviews, consider safety improvements and seismic retrofit needs when evaluating capital assets under CARES, and factor safety concerns when establishing the priority list of construction projects under the CARES realignment. Further, the conferees urge the authorizing committees to act quickly, and without prejudice, when authorizing the CARES construction projects proposed by the Secretary and the CARES Commission.

The conferees remain concerned about the criteria used by the Department and the Capital Improvement Board in that the construction projects put forth in the budget requests do not necessarily reflect the true priorities or initiatives of the Department. The conferees direct the Department to establish a 5-year strategic plan for capital asset management, construction and improvement of all VA's infrastructure needs including, but not limited to, major construction, minor construction, research facilities, safety and seismic improvements, and improved access to veterans. The Department shall submit a description of the priority-setting criteria and an estimated cost by VISN by year with the plan by May 15, 2003. The conferees direct VA to submit for funding consideration only projects which are (1) CARES approved, (2) in the 5-year plan, (3) a top priority for the VISN, (4) preliminary design complete, and (5) authorized prior to completion of the annual appropriations Act. With the submission of the 5-year plan, the conferees delete the direction proposed by the House regarding full funding of any announced CARES decision.

Amends the reporting requirement regarding the evaluation criteria used to prioritize CARES improvement projects with a new reporting date of June 2, 2003.

CONSTRUCTION, MINOR PROJECTS

Appropriates $226,000,000 for construction, minor projects instead of $240,700,000 as proposed by the House and $210,700,000 as proposed by the Senate. The conferees strongly urge the Department to give more consideration and a greater percentage of available funds for quality and safety improvements to research facilities.

Retains language proposed by the House directing projects to be consistent with CARES initiatives and national cemetery studies. The conferees direct reporting on all minor construction projects for fiscal year 2003 by network, region and office due with the Operating Plan.

Of funds provided over the budget request, the conferees direct $2,000,000 for water utility improvements at the Bay Pines National Cemetery, as cited in the National Shrine Commitment nation-wide study.

The conferees encourage improving entrance accessibility at the Syracuse VAMC.

PARKING REVOLVING FUND

Allows for receipts from the parking revolving fund to be available for obligation as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $32,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Retains twelve administrative provisions proposed by both the House and the Senate, eleven of which were included in the fiscal year 2002 bill.

Retains language proposed by the House and the Senate eliminating the health services improvement fund, depositing all receipts in the medical care collections fund, and permanently extending the Department's authority to collect prescription copayments.

Retains language proposed by the House allowing the Department to reimburse from fiscal year 2003 salary and expenses accounts for services rendered to the Office of Resolution Management up to $29,318,000 and the Office of Employment Discrimination Complaint Adjudication up to $3,010,000. The Senate proposed a similar provision with technical differences.

Retains language proposed by the House limiting funds for medical treatment of nonservice connected veterans to those who have provided accurate insurance and annual income information.

Deletes language proposed by the House delaying the implementation of the geographic means test for one year.

Deletes language proposed by the House prohibiting funds in the Act to be used to adjudicate claims arising from new concurrent receipt legislation. The conferees note that the Veterans Benefits Administration will be able to handle the claims caseload within the proposed funding level.

Retains language proposed by the House providing $19,900,000 of VA's total information technology budget for enterprise architecture activities under the Office of the Chief Information Officer.

Amends language proposed by the House regarding implementation of Public Law 107-287 by prohibiting funds for implementation of section 2 and section 5.

Deletes language proposed by the House limiting funds in medical care and the medical care collections fund for security training and equipment to $110,000,000. Directive report language is instead included under medical care.

Adds language exempting funds provided in medical care from the across-the-board rescission in Division N.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees restate the reprogramming requirements with respect to amounts approved for each appropriations account within this title. The Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this statement of managers or committee reports, the most detailed allocation of funds presented in the budget justifications shall be considered to be approved, with any deviation from such approved allocation subject to the normal reprogramming requirements outlined above. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and deobligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity.

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $17,223,566,000 instead of $16,586,987,000 as proposed by the House and $16,928,697,000 as proposed by the Senate. The conference agreement does not include language proposed by the Senate to fund a portion of the section 8 voucher program through an indefinite appropriation.

The conference agreement provides a total of $12,335,932,000 for section 8 voucher renewal costs, instead of $11,751,000,000 as proposed by the House, $12,076,210,908 as proposed by the Senate, and $12,526,402,608 requested in the budget submission. The amount included assumes a 94 percent lease-up rate of the total number of authorized vouchers, adjusted to reflect an estimated national average cost of $6,372 per unit instead of the $6,005 per unit cost assumed in the budget request and assumed by the

House and the Senate. The conference agreement includes language, modified from language proposed by the House, to fund section 8 vouchers in a manner that more closely reflects the actual funding requirements of the section 8 voucher program. This approach adopted by the conferees is designed to avoid the appropriation of funds in excess of actual requirements that in previous years has resulted in recaptures of funds in excess of $1,000,000,000 (and often substantially more) annually while still including sufficient flexibility to ensure that those PHAs that are able to increase their voucher usage are provided the necessary funds to assist additional families, up to their authorized level. The conferees strongly encourage PHAs that are currently below their authorized voucher level to continue to make efforts to increase the number of families assisted with section 8 vouchers.

Further, the conferees direct the Department to ensure that sufficient staffing and information technology resources are provided in fiscal year 2003 to ensure that the changes made to the section 8 program are fully implemented.

In lieu of any direction included in the House and Senate reports, the Department is directed to use the guidance set forth below in administering the programs under this account in fiscal year 2003.

The conference agreement includes language to allocate funds among the various activities as proposed by the House. Funds are allocated as follows:

Contract Renewals.—$15,278,370,500 for renewals of expiring section 8 project-based assistance contracts, amendments to section 8 project-based contracts, renewals of expiring section 8 vouchers (including enhanced vouchers), and for renewals of contracts entered into pursuant to the Emergency Low-Income Housing Preservation Act, the Low-Income Housing Preservation and Resident Homeownership Act, and section 441 of the McKinney-Vento Homeless Assistance Act.

Language is included, modified from language proposed by the House, to renew expiring section 8 tenant-based annual contributions contracts for each public housing agency based on the total number of unit months reported under lease by the PHA on its most recent end-of-year financial statement adjusted by such additional timely and reliable information submitted by the PHA to reflect the actual number of unit months under lease at the time of contract renewal, and adjusted for local and regional inflation factors. Language is also included, modified from language proposed by the House, regarding the allocation of funds to PHAs participating in the Moving to Work demonstration. The conferees note that the amounts provided for fiscal year 2003 renewals have been increased to reflect the most recent estimate of a national average per-unit cost (PUC) of $6,372, instead of the $6,005 PUC assumed in the budget submission.

Language is included prohibiting funds made available for contract renewals from being provided to a PHA to fund a total number of units under lease in excess of such PHA's authorized level of units. However, the conferees encourage PHAs to use the flexibilities provided in this Act to continue to increase the number of families assisted up to their authorized level.

Consistent with the manner in which section 8 project-based administrative costs are funded, the conference agreement includes funds for administrative expenses for the section 8 voucher program separately as proposed by the House, instead of including funds for this purpose within the amount provided for section 8 vouchers renewals as proposed by the Senate. Amounts provided for renewals are only to be used for rental subsidy costs.

Language is not included directing the Secretary to enter into contracts to renew 2,077,336 vouchers as proposed by the Senate. The House did not include a similar provision.

Central Reserve Fund.—$391,922,000 for a central reserve fund to be allocated by the Secretary for amendments to section 8 annual contributions contracts. Language is included, modified from language proposed by the House, allowing the Secretary to use amounts made available in such fund to address significant increases in per unit costs for vouchers and for costs associated with increases in the number of vouchers under lease as compared to the number of vouchers under lease at the time of the PHA's contract renewal. The conference agreement requires that PHAs use a portion of their program reserves for these purposes prior to requesting funds from the central fund to replenish such reserves. A total of $938,000,000 is available in fiscal year 2003 in program reserve accounts derived from amounts provided from other sources. The conferees note that each PHA is provided an 8 percent program reserve account at the beginning of each year, which is an additional one-month's worth of funding in addition to estimated actual requirements, to address any increased per unit costs and to allow a PHA to increase their voucher usage up to their authorized level. The conference agreement reflects the most current per unit cost data, and provides additional funds for vouchers over the amounts proposed by both the House and Senate to accommodate this known increased cost. Therefore, the conferees strongly encourage those PHAs that are below their total authorized voucher level to use amounts available in their program reserve accounts to make every effort to increase their voucher lease-up rate. To facilitate that effort, language is included requiring the Secretary to make the necessary amounts available from the central fund to any PHA that has obligated the amounts it has been provided for contract renewals and has expended fifty percent of the amounts available in its program reserve account. Once these requirements are met, the Secretary is required to replenish such reserves as necessary within thirty days of a request from such agency.

Modified language is included, similar to language proposed by the House, requiring the Secretary to submit quarterly reports to the Committees on Appropriations on the obligation of funds provided in this paragraph. Such report shall include, at a minimum, the following: the amounts made available from the central fund provided to replenish program reserves which are held by PHAs, delineated by PHA; the purpose for which the funds were provided; and the total balance remaining in the fund. The first such report is due no later than July 31, 2003.

Funds provided in the central fund are only to be used for rental subsidies. Funding for administrative expenses is provided separately under this account.

Language is included prohibiting funds made available in the central fund from being used to support a total number of units under lease in excess of a PHA's authorized level of units.

Language is not included to allow the central fund to be used to provide additional incremental vouchers to high performing public housing agencies as proposed by the House. The Senate did not include similar language.

Language is not included to allow the central fund to be used to reallocate vouchers among public housing agencies as proposed by the Senate. The House did not include similar language. In addition, the conference agreement does not include language requiring the reallocation of vouchers among public housing agencies as proposed by the Senate. The House did not include a similar provision.

Language is not included to provide an indefinite appropriation for the Section 8 voucher program to make additional funds from the Treasury available should amounts appropriated be insufficient. The House did not include a similar provision.

Tenant Protection.—$234,016,500 for rental subsidies for tenant protection activities to replace project-based section 8 assistance with section 8 vouchers, for conversion of section 202 and section 23 projects to section 8 assistance, for the family reunification program, and for the witness protection program.

Funds included for tenant protection are only to be used for rental subsidies since funds for administrative expenses are provided separately under this account.

Family Self Sufficiency Coordinators.—$48,000,000 for service coordinator staff in each public housing agency, instead of $46,000,000 as proposed by the House. The Senate did not allocate a specific amount for this purpose.

Administrative Costs—Section 8 Voucher Program.—Not to exceed $1,072,257,000 for PHA administrative costs and other expenses, of which $69,547,000 is for associated administrative expenses related to new tenant protection vouchers and additional vouchers supported from the central fund. The House proposed a total of $1,177,000,000 for this purpose, including $50,000,000 for new vouchers. The Senate did not allocate a specific amount for this purpose.

Language is included determining the distribution of funds provided as authorized under section 8(q) of the United States Housing Act of 1937, as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 as proposed by the Senate. Language is not included limiting administrative fees and other expenses to no more than 10 percent of the rental subsidy paid and requiring administrative fee reserve balances to be used exclusively to support the section 8 program as proposed by the House. The conferees remain concerned that many PHAs have accumulated significant excess balances in reserve accounts from unspent section 8 administrative fees. Language is included prohibiting fiscal year 2003 fee payments from being made to any PHA unless such PHA reports to the Secretary on the amounts remaining in their administrative fee reserve account as of January 31, 2003. Language is also included reducing fiscal year 2003 fee payments to any PHA by any such amounts remaining available in such PHA's administrative fee reserves which exceed 105 percent of the amount of fees paid to such agency in fiscal year 2002, but exempts those PHAs whose fiscal year 2003 payments will not exceed $100,000. Language is also included requiring the Secretary to recapture any fiscal year 2003 funds provided to a PHA which are in excess of the amounts expended by such PHA for the section 8 voucher program and that are not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent. Modified language is also included, similar to language proposed by the House, requiring the Secretary to provide a report to the Committees on Appropriations no later than July 1, 2003 on the administrative costs and other expenses associated with the section 8 voucher program. Such report shall include, but not be limited to, the following: the total amount of administrative fees paid compared to the actual amount of fees expended to administer the section 8 voucher program in fiscal year 2002; the total amount of administrative fee reserve funds used in fiscal year 2002 by PHAs to support non-section 8 voucher programs, and the purposes for which the funds were used; a comparison of the administrative fee structure used for the section 8 voucher program as compared to the project-based subsidy program; and recommendations for changes to the section 8 voucher program administrative fee structure to better align fees with actual costs. The conferees agree that the Committees on Appropriations will take the results of this study into consideration when making future funding decisions, including the appropriate level of administrative fee reserves. The Senate did not propose similar language.

Administrative Costs—Project-Based Section 8 Program.—$196,000,000 for contractors to administer the project-based section 8 program, the same amount proposed by the House and Senate.

Working Capital Fund.—Not less than $3,000,000 for transfer to the Working Capital Fund for the development of and modifications to information technology systems as proposed by both the House and the Senate.

Includes new language allowing the Secretary to transfer up to 15 percent of the funds provided for contract renewals, the central fund and administrative fees between such activities under certain circumstances and in accordance with certain procedures. Language is also included under Administrative Provisions in this title to provide the Secretary with flexibility in applying any across-the-board rescission mandated elsewhere in this Act to funds provided in this account. The conferees have included this flexibility to ensure that any such reduction does not result in a decrease in the number of families that are currently being assisted through the section 8 voucher program.

Includes language permanently requiring all PHAs to submit accounting data for funds provided under this account in this Act or any other Act by source of funds and purpose of such funds as proposed by the House. The Senate did not include similar language.

The conference agreement does not include $36,000,000 for incremental vouchers for disabled families as proposed by the House. The Senate did not include similar language. However, modified language is included, similar to language proposed by the Senate, to ensure that PHAs continue to make available vouchers previously provided for non-elderly disabled families to other non-elderly disabled families upon turnover. The House did not include similar language. The conferees direct the Department to review the effectiveness of section 8 vouchers in meeting the housing needs of persons with disabilities and report back to the Committees on Appropriations on its findings no later than August 15, 2003.

Includes language rescinding $1,600,000,000 from unobligated balances of funds appropriated in fiscal year 2002 and prior years, instead of $1,300,000,000 as proposed by the House and $1,400,000,000 as proposed by the Senate. Includes language allowing unobligated balances in programs governed by reallocation provisions to be used to meet this rescission as proposed by the Senate. The House did not include similar language. Modified language, similar to language proposed by both the House and the Senate, is included to cancel balances from certain terminated contracts.

Language is not included requiring that amounts made available for welfare-to-work vouchers remain available in subsequent fiscal years exclusively for such families upon voucher turnover or renewal as proposed by the Senate. The House did not include similar language.

The conferees direct the Department to submit quarterly reports on the project-based section 8 program to the Committees on Appropriations which identify the number of units and properties for which owners have elected to opt-out of the project-based section 8 program or pre-pay mortgages on federally-assisted properties, and the repair needs of units remaining in the project-based section 8 program.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $2,730,000,000 for the public housing capital fund instead of $2,683,400,000 as proposed by the Senate and $2,843,400,000 as proposed by the House.

Includes modified language, similar to language proposed by the House, designating $447,000,000 to be allocated only to those PHAs which utilized their funds in compliance with the statutory timeliness requirements pursuant to the Quality Housing and Work Responsibility Act of 1998 (QHWRA). The additional funds are to enable those PHAs to address their backlog of maintenance needs in addition to their annual maintenance requirements. The Senate did not include similar language.

Does not include language proposed by the Senate restating the applicability of the QHWRA timeliness requirements to fiscal year 1999 funds. The House did not propose a similar provision. The conferees note that this language was made permanent in the fiscal year 2002 appropriations Act.

The conferees continue to be concerned that the Department has failed to issue regulations to implement the statutory timeliness requirements of QHWRA more than four years after enactment of the statute. Until such time as final regulations are implemented, the conferees have continued the interim measures included in the fiscal year 2002 Act as a mechanism to ensure that those PHAs which have demonstrated their ability to use capital funds in a timely manner receive additional funds for their backlog maintenance needs. The conference agreement includes language, similar to language proposed by the House, directing the Secretary to issue final regulations implementing the timeliness requirements of QHWRA no later than August 1, 2003.

Includes modified language, similar to language proposed by the House and Senate, reallocating recaptured funds to PHAs designated as high-performing agencies.

Includes $51,000,000 for technical assistance, including up to $11,000,000 for remediation services to certain troubled PHAs as proposed by the House, instead of $54,000,000 for technical assistance, including up to $13,000,000 for remediation services as proposed by the Senate.

Includes no less than $18,600,000 for information technology systems and up to $500,000 for section 23 projects as proposed by the House. The Senate did not include similar language.

Includes up to $50,000,000 for emergency capital needs resulting from emergencies or natural disasters instead of up to $75,000,000 as proposed by the House and Senate. The conferees recognize the importance of emergency funds but note that given the historic use of such funds, $50,000,000 is ample to cover emergency activities for the remainder of fiscal year 2003.

The conference agreement does not include $100,000,000 for a new loan financing program of public housing associated with authorization legislation included as an administrative provision in this title as proposed by the Senate. However, the conferees are interested in exploring additional mechanisms to leverage private sector financing for improvements in public housing. The conferees further understand that some PHAs have used existing statutory authorities to successfully pursue private financing for such purposes. The conferees direct that the Department provide a report to the Committees on Appropriations no later than August 7, 2003, on those PHAs that have entered into private financing partnerships for capital modernization needs, and the results of those partnerships.

The conferees reiterate the direction included in the House report regarding quarterly reports on the obligation and expenditure of capital funds.

PUBLIC HOUSING OPERATING FUND

Appropriates $3,600,000,000 for the public housing operating fund as proposed by the House instead of $3,530,000,000 as proposed by the Senate.

Language is not included making funds available for two years as proposed by the Senate. The House did not include a similar provision.

Modified language is included, similar to language proposed by the Senate, providing up to $250,000,000 from amounts provided to make additional fiscal year 2002 operating subsidy payments to those fourth quarter PHAs that did not receive the same level of operating assistance provided to all other PHAs. The conferees are disappointed with HUD's failure to fund the fiscal year 2002 operating subsidy payments for PHAs within the level appropriated for such purpose in fiscal year 2002. The conferees believe that HUD's repeated practice of using a portion of the funds appropriated for current year operating subsidy payments to augment the amount of prior year operating subsidy payments above the level appropriated is, at a minimum, inappropriate, and question whether such practice is in violation of appropriations law. The conferees note that this inappropriate practice has resulted in operating subsidy payments being made to PHAs at a level in excess of the amounts provided for such purpose in the appropriations Act. Therefore, the conference agreement includes language, similar to language proposed by the Senate, prohibiting funds provided for operating subsidies in fiscal year 2004 and subsequent fiscal years from being used to supplement fiscal year 2003 operating subsidy payments. The conferees reiterate the direction included in the Senate report requiring HUD to fund fiscal year 2003 operating subsidy payments solely from fiscal year 2003 funds. Further, the conferees expect the Department to have in place the necessary systems to accurately account for expenditures of operating subsidy funds.

The conferees note that, in the fiscal year 2000 appropriations Act, the Committees on Appropriations commissioned the Harvard University Graduate School of Design to conduct a study on the costs incurred to operate well-run public housing that was to then be used to inform the development of a final rule for the operating subsidy formula. The conferees understand that the final draft cost study report has recently been released and includes a number of recommendations that would result in adjustments to the operating subsidy formula to make it reflect more accurately the costs of operating well-run public housing. The recommendations indicated that PHAs can make a number of reforms consistent with the management of Federally-subsidized private and non-profit multifamily housing that would result in management and cost efficiencies in public housing. The conferees expect PHAs to adopt such practices and efficiencies, as appropriate. The conferees expect the Department to use the results and recommendations of the study as it develops a final rule for the operating subsidy formula, as directed in the fiscal year 2000 appropriations Act. Further, the conferees direct the Department to report to the Committees on Appropriations, no later than May 15, 2003, on the timeline for publishing a final operating subsidy rule and the Department's plans for using the recommendations of the cost study in the development of the final rule.

The conferees direct the Department to report to the Committees no later than August 20, 2003, on the extent to which public housing agencies have used capital funds to subsidize operating expenses and the impact of such use on critical housing rehabilitation needs. Such report should include a review of individual PHAs.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $574,000,000 for the revitalization of severely distressed public housing program (HOPE VI) as proposed by the House and the Senate.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $649,000,000 as proposed by the House instead of $648,570,000 as proposed by the Senate. Of the total amount, $4,000,000 is for inspections, training, and technical assistance instead of $3,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Language is not included allowing the Secretary to provide technical and financial assistance for problems associated with mold as proposed by the Senate. The House did not include a similar provision. The conferees understand that such language is unnecessary since the current statutory authorities allow the Secretary to provide such assistance. The conferees direct the Secretary to continue to provide such assistance as authorized under the existing statute.

The conferees reiterate the direction included in the Senate report regarding the use of qualified Native-owned firms in the design and construction of Indian housing.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $5,300,000 for guaranteed loans for Native American housing on trust lands as proposed by the House instead of $5,000,000 as proposed by the Senate.

Of the total amount, $100,000 is for the Indian Land Title Report Commission as proposed by the House. The Senate did not propose similar language.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,035,000 for guaranteed loans for Native Hawaiian housing as proposed by the House instead of $1,000,000 as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $292,000,000 for housing opportunities for persons with AIDS (HOPWA) as proposed by both the House and the Senate.

In lieu of the language included in the Senate report, the Department is directed to renew all expiring HOPWA contracts for permanent supportive housing funded under the non-formula component of the HOPWA program to the extent that such projects meet all other program requirements consistent with the language included in the conference agreement.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development as proposed by both the House and Senate. Language is included requiring funds to be awarded by June 1, 2003 as proposed by the House instead of June 1, 2004 as proposed by the Senate.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriates $30,000,000 for grants to the second round of empowerment zones as proposed by both the House and Senate. Language is included making funds available for obligation for three years as proposed by the House, instead of no-year authority as proposed by the Senate.

Language is not included making the expenditure of funds in future years contingent upon the enactment of tax legislation as proposed by the Senate. The House did not include similar language. The conferees continue to maintain that this program should be treated as a mandatory program consistent with the Round I empowerment zones, rather than as a discretionary program.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $4,937,000,000 for various activities funded in this account, instead of $5,000,000,000 as proposed by the House and the Senate. The conferees agree to the following:

$4,367,930,000 for formula grants under the Community Development Block Grant program (CDBG), instead of $4,577,000,000 as proposed by the House and $4,580,200,000 as proposed by the Senate. The amount provided represents an increase of $26,930,000 above the fiscal year 2002 level;

$71,000,000 for grants to Indian tribes instead of $70,000,000 as proposed by the House and $72,500,000 as proposed by the Senate;

$3,300,000 for the Housing Assistance Council as proposed by the House and the Senate;

$2,400,000 for the National American Indian Housing Council instead of $2,200,000 as proposed by the House and $2,600,000 as proposed by the Senate;

$49,100,000 for section 107 grants, instead of $33,500,000 as proposed by the House and $45,500,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conference agreement provides the following earmarks:

$7,000,000 for insular areas;

$10,000,000 for historically black colleges and universities. The conferees expect that up to $2,000,000 of these funds will be used to provide technical assistance to ensure that the intended recipients can utilize more fully the funds provided;

$3,000,000 for community development work study;

$6,500,000 for Hispanic serving institutions;

$7,000,000 for the Community Outreach Partnerships program;

$3,000,000 for tribal colleges and universities;

$3,000,000 for Alaska Native-Serving Institutions and Native Hawaiian-Serving Institutions; and

$9,600,000 for assistance under the Hawaiian Homelands Homeownership Act of 2000. The House proposed $9,600,000 for this activity as a separate set aside under this account;

$5,000,000 for the National Housing Development Corporation for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing, including $2,000,000 for operating expenses as proposed by the House. The Senate did not propose funding for this program;

$5,000,000 for the National Council of La Raza HOPE Fund, of which $500,000 is for technical assistance and fund management and $4,500,000 is for investments and financing as proposed by the House. The Senate did not propose funding for this program;

$9,000,000 for Neighborhood House in St. Paul, Minnesota for construction of the Paul and Sheila Wellstone Center for Community Building, instead of $5,000,000 as proposed by the Senate. The House did not propose funding for this program;

$25,250,000 for grants to eligible grantees under section 11 of the Self Help Housing Opportunity Program, instead of $28,500,000 as proposed by the House and $22,000,000 as proposed by the Senate;

$32,500,000 for capacity building instead of $29,500,000 as proposed by the House and $35,500,000 as proposed by the Senate. Of this amount, $28,250,000 shall be for LISC and the Enterprise Foundation, of which at least $5,000,000 is for rural areas. Additionally, $4,250,000 is for Habitat for Humanity International, instead of $4,500,000 as proposed by the House and $4,000,000 as proposed by the Senate;

$60,000,000 for Youthbuild instead of $65,000,000 as proposed by the House and the Senate;

$261,000,000 for economic development initiatives instead of $144,600,000 as proposed by the House and $130,500,000 as proposed by the Senate. In lieu of the direction included in the House report, the conferees note that projects receiving funds must comply with the environmental review requirements set forth in section 305(c) of the Multifamily Housing Property Disposition Act of 1994 (42 U.S.C. 3547). The conferees will not entertain waivers of such requirements. In addition, funds provided for projects shall not be used for reimbursement of expenses incurred prior to the receipt of economic development initiative funding. Modified language is included, similar to language proposed by the House and Senate, targeting funds made available under this program. Because of tight budget constraints, the conferees reduced funding for these targeted grants by 10 percent from the amounts originally proposed in the House and Senate reports. Targeted grants shall be made as follows:

1. $202,500 to continue the rehabilitation of the former Alaska Pulp Company mill site in Sitka, Alaska;
2. $202,500 to the City of Craig, Alaska for construction of a Marine Industrial Park;
3. $405,000 to the City of Petersburg, Alaska for construction of an aquatic center;
4. $450,000 for the Mananuska-Susitna Borough for an agricultural processing facility in Wasilla, Alaska;
5. $450,000 for Ketchikan, Alaska for the Tongass Coast Aquarium in Ketchikan, Alaska;

6. $450,000 for the Southside Community Center in Fairbanks, Alaska for an addition;

7. $450,000 for the Alaska-Siberian Research Center World War II Lend Lease memorial in Fairbanks, Alaska;

8. $900,000 for Alaska Pacific University for the restoration of an historic property in Anchorage, Alaska;

9. $900,000 for Petersburgh, Alaska for waterfront improvements;

10. $1,400,750 for the Rasmussen Foundation for housing redevelopment in Anchorage, Alaska;

11. $22,500 to the Northwest Alabama Children's Advocacy Center in Florence, Alabama for facility renovations;

12. $45,000 to the City of Athens, Alabama for construction of an Alabama Korean War Veterans Memorial;

13. $45,000 to the City of Tuscumbia, Alabama for construction of facilities associated with the Helen Keller festival;

14. $90,000 for construction of the Northeast Etowah County Community and Senior Center, Alabama;

15. $90,000 to the Birmingham, Alabama Regional Planning Commission for an economic development planning study;

16. $90,000 to the City of Decatur, Alabama for planning for a Technical Training Center;

17. $90,000 to the Historic Huntsville Foundation in Huntsville, Alabama for sidewalks, curbs, street lighting, outdoor furniture and facade improvements in the Mill Village neighborhood;

18. $90,000 to the Northwest Alabama Mental Health Center for facilities renovation;

19. $90,000 for the City of Prattville, Alabama for the Boys and Girls Club of Prattville;

20. $97,200 to the Randolph County Commission for facilities renovation for the restoration of the historic Randolph County Courthouse and Annexes in Wedowee, Alabama;

21. $121,500 to the Clay County Commission for facilities renovations for the restoration of the historic Clay County Courthouse, Alabama;

22. $135,000 to the City of Huntsville, Alabama for facilities construction for the Alabama Constitution Village Plaza;

23. $135,000 to Collinsville, Alabama for construction or renovation of the Collinsville Public Library;

24. $135,000 to the Russellville Hispanic Coalition of Alabama for building renovations;

25. $180,000 for Lawson State Community College in Alabama for facilities construction for an information technology training and placement service center;

26. $180,000 to Fayette County, Alabama for construction of the Fayette County Agribusiness Facility;

27. $202,500 to Huntingdon College in Montgomery, Alabama for repairs and renovations to the Bellingrath Natural Sciences facility;

28. $202,500 to Jefferson County, Alabama for renovation and expansion of the Leroy Brown Health Education Building;

29. $202,500 to the National Peanut Festival Fairgrounds for construction of the National Peanut Festival Agriculture Arena in Dothan, Alabama;

30. $225,000 to the Northwest Alabama Council of Local Governments in Muscle Shoals, Alabama for the construction of a joint economic development facility to be used by the Shoals Economic Development Authority and the Shoals Chamber of Commerce;

31. $225,000 for the City of Talladega, Alabama for the restoration of the Historic Antique Talladega;

32. $270,000 for Haleyville, Alabama for a downtown revitalization project;

33. $675,000 to the National Children's Advocacy Center in Huntsville, Alabama for construction of a research and training campus;

34. $710,000 for the Mobile Historic Development Commission in Mobile, Alabama for a Neighborhood Initiative Program;

35. $1,507,000 to Spring Hill College in Mobile, Alabama for construction of a new library and Regional Resource Learning Center;

36. $2,700,000 to Tuscaloosa, Alabama for the Tuscaloosa Downtown Revitalization Project;

37. $180,000 to the City of Bradley, Arkansas for construction of a community center;

38. $180,000 for the City of Dermott, Arkansas for the Dermott City Community Nursing Home expansion;

39. $202,500 for construction of the North Arkansas College Conference and Workforce Center in Harrison, Arkansas;

40. $270,000 for the Florence Crittenden Home in Little Rock, Arkansas for the expansion of services, education programs, and emergency shelter;

41. $450,000 for the Arkansas YMCAs for program development;

42. $900,000 for Arkansas State University at Mountain Home for construction of the Vada Sheid Community Center and to develop community outreach programs;

43. $157,500 to the County of Santa Cruz, Arizona for restoration of a historic building;

44. $180,000 to the Town of Guadalupe, Arizona for renovations to the Mercado shopping center;

45. $202,500 to the Boys and Girls Club of Scottsdale for facility construction in Fountain Hills, Arizona;

46. $364,500 to the National Law Center for Inter-American Free Trade in Tucson, Arizona for facilities construction;

47. $405,000 to Arizona State University for facilties construction for the Center for Basic Research and Applied Research within the Barry M. Goldwater Center for Science and Engineering;

48. $45,000 to Southeast-Rio Vista YMCA in Huntington Park, California for renovation of a building;

49. $45,000 to Food Share, Inc. of Ventura County, California for development of a new warehouse facility;

50. $76,500 to the Tri-Counties Easter Seals for construction of a child development center in Ventura County, California;

51. $81,000 to the County of San Bernardino, California for facilities renovation, sidewalk and facade improvements of the Crestline Revitalization/Houston Creek project;

52. $81,000 to the County of San Bernardino, California for facilities expansion for the Big Bear Zoo;

53. $90,000 to Occidental College in Los Angeles, California for continued construction of a science center;

54. $90,000 to the American Film Institute in Los Angeles, California for renovation of facilities;

55. $90,000 to the Boys and Girls Club of National City, California for facilities repairs at the Wayne Sevier Memorial Gymnasium;

56. $90,000 to the City of Carpinteria, California for facilities modernization and renovation of the Carpinteria Veteran's Memorial Building;

57. $90,000 to the City of El Monte, California for construction of a teen and education center;

58. $90,000 to the City of Fontana, California for restoration and renovation of recreational facilities;

59. $90,000 to the City of Garden Grove, California for facilities construction at the West Haven Community Center;

60. $90,000 to the City of La Puente, California for construction of a youth activity and learning center;

61. $90,000 to the City of Lawndale, California for construction of a new senior center;

62. $90,000 to the City of Palo Alto, California for the rehabilitation and expansion of the Childrens' Library;

63. $90,000 to the City of San Fernando, California for a feasibility study of business redevelopment focused on major commercial corridors;

64. $90,000 to the Contra Costa Community College in California for the Regional Training Institute's facility renovation;

65. $90,000 to the Intergenerational Daycare Center, Organization for the Needs of the Elderly in Van Nuys, California for facility construction;

66. $90,000 to the Tech Museum of Innovation in San Jose, California for renovations necessary for theater improvements;

67. $90,000 to the Watts Theatre and Education Center in Los Angeles, California for renovations to the center;

68. $90,000 to the YMCA of San Francisco, California for construction of a facility in the Bayview-Hunters Point neighborhood and rehabilitation of the Chinatown facility;

69. $90,000 to Children's Hospital, San Diego, California for facilities construction for the Convalescent Hospital;

70. $90,000 to Kelseyville Senior Center in Lake County, California for renovations of a facility into a senior center;

71. $90,000 for the Arcata House Inc., California for facility renovations;

72. $112,500 for El Rescate in Los Angeles, California for renovation of a facility to house a social service agency;

73. $112,500 to the SRO Housing Corporation in Los Angeles, California for facilities construction for the James Wood Memorial Community Center;

74. $121,500 to the City of Lancaster, California for renovation of the Antelope Valley Mental Health Association headquarters building;

75. $121,500 to the City of Twentynine Palms, California for construction of the Twentynine Palms Visitor Center;

76. $121,500 to the Hi-Desert Medical Center in Joshua Tree, California for facilities expansion for the Obstetrics Center;

77. $121,500 to the History Department of the Natural History Museum of Los Angeles County for facility improvements for the William S. Hart Museum in Newhall, California;

78. $135,000 to the City of San Rafael, California for renovation of the Pickleweed Park Community Center;

79. $135,000 to the City of Santa Monica, California for renovation of a historic structure for use as a visitor center;

80. $135,000 to the Spanish Speaking Unity Council in Oakland, California for rehabilitation of affordable elderly housing;

81. $162,000 to the City of Lancaster, California for facilities construction and improvements for the National Soccer Center;

82. $162,000 to the City of Temecula, California for construction of the Gymnasium-Old Town Temecula;

83. $162,000 to the Community Action Partnership of Kern, California for construction of a food bank;

84. $180,000 to the City of Vallejo, California for historic structure renovations at Mare Island;

85. $180,000 to the Sacramento Housing and Redevelopment Agency in Sacramento, California for construction of a learning center;

86. $202,500 to the Agua Caliente Cultural Museum in Palm Springs, California for facilities construction;

87. $202,500 to the City of Diamond Bar, California for construction of a community center;

88. $202,500 to the City of Ripon, California for construction of a Youth Center Complex;

89. $202,500 to the City of Riverside, California for facilities construction for the Riverside Regional Technology Transfer Center;

90. $202,500 to the City of Stockton, California for renovation of the Fox Theatre;

91. $202,500 to the East County YMCA in La Mesa, California for facilities construction and improvements;

92. $202,500 to the Sweetwater Authority for recreation facilities construction at Sweetwater and Loveland Reservoirs in San Diego County, California;

93. $225,000 to the City of Eureka, California for construction of a waterfront facility as part of the downtown revitalization;

94. $225,000 for Covenant House California in Oakland to purchase and renovate a building;

95. $225,000 to the Martin Luther King Jr., Freedom Center in Oakland, California to build a community center;

96. $225,000 to the Center Theater Group of Los Angeles, California for the Culver Theater project;

97. $225,000 for the Corporation for Supportive Housing in California for a homeless intervention program;

98. $243,000 to the Fund for the Preservation of the California State Mining and Mineral Museum for facilities construction in Mariposa, California;

99. $270,000 to the City of Salinas, California for construction of recreational facilities;

100. $283,500 to the City of Citrus Heights, California for facilities construction for the Sayonara Neighborhood revitalization project;

101. $283,500 to the City of Shasta Lake, California for construction of a senior housing complex;

102. $324,000 to the Kern County Office of Education for facilities construction for the the Mobility Opportunities via Education project in Southeast Bakersfield, California;

103. $324,000 to the West Side Park and Recreation District for renovation of the Taft Community Pool in Taft, California;

104. $360,000 to the City of San Francisco, California for construction of the Mission Bay Senior Housing Project;

105. $405,000 to the City of San Diego, California for construction of the Elm Street residences for transitional housing;

106. $405,000 to the Boys and Girls Club of Las Virgenes, Inc. for facilities construction in the City of Thousand Oaks, California;

107. $405,000 to the City of La Mesa, California for facilities construction and improvements for the La Mesa PARKS Project;

108. $405,000 to the City of Westminster, California for construction of a community center;

109. $405,000 to the Palomar YMCA in Escondido, California for construction of an aquatic center;

110. $405,000 to the Town of Apple Valley, California for construction of an aquatic center;

111. $450,000 for the City of Inglewood, California for the construction of a senior center;

112. $450,000 for the City of Fresno, California for the redevelopment of the Roeding Business Park;

113. $540,000 for the City of Madera, California for a community cultural and youth center;

114. $675,000 for the City of East Palo Alto, California for redevelopment to Ravenswood Industrial Area;

115. $810,000 to the City of Rancho Cucamonga, California for construction of a senior center;

116. $90,000 to Arvada Center for the Arts and Humanities in Arvada, Colorado for facilities expansion;

117. $90,000 to the City of Aurora, Colorado for planning related to Fitzsimons Commons;

118. $405,000 to the Harp Foundation for construction of the Historic Arkansas Riverwalk "Link" Project of Pueblo, Colorado;

119. $900,000 for the Denver Art Museum, in Denver, Colorado;

120. $1,800,000 for Colorado UpLift;

121. $90,000 to the City of Meriden, Connecticut for a study to determine the feasibility of the construction of a community playhouse and arts center;

122. $90,000 to the City of Waterbury, Connecticut for an economic feasibility study focused on construction of a multi-purpose sports facility;

123. $90,000 to Sacred Heart University in Fairfield, Connecticut for library facilities renovations;

124. $135,000 to the town of Newtown, Connecticut for future use planning and renovation of the Batshelder property;

125. $180,000 to Domestic Violence Services of Greater New Haven, Connecticut for renovation and construction of a facility for transitional housing;

126. $225,000 to Columbus House, Inc. in New Haven, Connecticut for construction of an emergency shelter for homeless adults;

127. $270,000 for the Wadsworth Atheneum Museum of Art in Hartford, Connecticut for expansions and renovations;

128. $270,000 for Hall Neighborhood House in Bridgeport, Connecticut to build a child care center;

129. $283,500 to Mystic Seaport for a facilities restoration and conversion project of the American Maritime Education and Research Center in Mystic, Connecticut;

130. $360,000 for the Town of Ledyart, Connecticut to build a public safety services building;

131. $360,000 for the Hartt School of Performing Arts Education Center in West Hartford, Connecticut for building renovations;

132. $405,000 to the Environmental Learning Centers of Connecticut for facilities expansion for the Harry C. Barnes Memorial Nature Center in Bristol, Connecticut;

133. $405,000 to the New Britain Museum of American Art in New Britain, Connecticut for facility construction;

134. $67,500 for Arena Stage for facilities construction in the District of Columbia;

135. $180,000 for the Seaford Historical Society in Seaford, Delaware for the renovation of a vacant property;

136. $360,000 for the Riverfront Development Corporation in Wilmington, Delaware for an environmental education center;

137. $450,000 for the Wilmington Housing Authority, Delaware for redevelopment of blighted land;

138. $90,000 to St. Petersburg, Florida for completion of facilities improvements at the Florida Botanical Garden and Folk Cultural Center;

139. $112,500 to Santa Fe Community College in Gainesville, Florida for construction of a fine arts building;

140. $112,500 to the City of Gainesville, Florida for sidewalk and curb improvements;

141. $202,500 to the City of Clearwater, Florida for waterfront facilities construction of the "Beach by Design Initiative";

142. $202,500 to the City of Jacksonville, Florida for facilities construction for the Patriots Village Transitional Housing Community;

143. $202,500 to the City of Ocoee, Florida for construction of a senior citizens/veterans services center;

144. $202,500 to the City of Riviera Beach, Florida for construction and renovation of facilities as part of the Urban Commercial Retail Development Project;

145. $202,500 to the City of Sanford, Florida for construction of a parking facility at the Hotel Conference Center;

146. $202,500 to the MainStreet Deland Association, Inc. for restoration of the Athens Theatre in Deland, Florida;

147. $202,500 to the Tampa, Florida Port Authority for facilities construction and renovation of a terminal;

148. $225,000 for Family Resources of St. Petersburg, Florida for construction of a crisis shelter and family counseling center;

149. $225,000 to Bethune Cookman College in Daytona Beach, Florida for construction of a community services center and student union;

150. $225,000 to the Community Aging and Retirement Services (CARES) of Pasco County, Florida for renovation and build out of the Crescent Enrichment Center & Theater in Dale City, Florida;

151. $270,000 for the Jacksonville Port Authority, Florida for brownfields clean-up;

152. $324,000 to the Wolfsonian-Florida International University of Miami Beach, Florida for facilities expansion and improvements;

153. $337,500 to the City of Plantation, Florida for construction of an amphitheater;

154. $360,000 for the City of Largo, Florida for construction of a new downtown Largo library;

155. $360,000 to Refuge House in Tallahassee, Florida for construction of a battered women's shelter;

156. $405,000 to the Central Florida Community College in Marion County, Florida for facilties construction for an information technology center;

157. $405,000 to the Florida International University College of Law in Miami, Florida for construction of facilities for a student legal clinic;

158. $450,000 for facilities construction for the Stetson University College of Law, Tampa, Florida campus;

159. $675,000 for facilities construction for Tampa Bay Watch in Florida;

160. $675,000 for the City of Daytona Beach, Florida for boardwalk area revitalization;

161. $900,000 for Eckerd College in St. Petersburg, Florida for the expansion of the Youth Opportunity and Development Center;

162. $900,000 for the City of St. Petersburg, Florida, Manhattan redevelopment project for facilities renovation and improvements for a business development center;

163. $900,000 for the historic restoration and renovation of the Biltmore Hotel in Coral Gables, Florida;

164. $166,000 to the City of Savannah, Georgia for development of the Savannah Battlefield Park Heritage Center;

165. $180,000 to Morehouse College in Atlanta, Georgia for construction of a performing arts center;

166. $202,500 for facilities construction for the Dual Rail Industrial Park in Dooly County, Georgia;

167. $202,500 for the Tommy Nobis Center in Marietta, Georgia for facilities renovations and improvements;

168. $202,500 for the Warner Robins Museum of Aviation in Houston County, Georgia for expansion of facilities for the Century of Flight exhibit;

169. $202,500 to Mercer University of Macon, Georgia for facilities construction for the Critical Personnel Development Program;

170. $202,500 to Rockdale County, Georgia for facilities construction for the Georgia Veterans Park;

171. $202,500 to Wesleyan College of Macon, Georgia for the restoration and renovation of historic buildings;

172. $270,000 for College Partners Inc. in Atlanta, Georgia for neighborhood revitalization;

173. $270,000 for the Tubman Museum in Macon, Georgia for a new facility;

174. $283,500 for the preservation of historic buildings at Georgia College and State University, a Historically Women's Public College and University;

175. $405,000 to the Liberty County, Georgia Development Authority for facilities construction at the Coastal MegaPark;

176. $450,000 for Spellman College in Atlanta, Georgia for renovations of Packard Hall;

177. $450,000 for the Dekalb County Community Center, Georgia for the construction of a community center;

178. $900,000 for Ebenezer Baptist Church in Atlanta, Georgia for the continued construction of a senior center;

179. $135,000 to the YMCA of Honolulu, Hawaii for construction of a multi-purpose community and recreation center;

180. $180,000 for the Waianae Coast Comprehensive Health Center, Hawaii for construction of an expanded facility;

181. $270,000 for the Nanakuli Neighborhood in Oahu, Hawaii for housing management classes;

182. $270,000 for the State of Hawaii for the Boys and Girls Club of Hawaii;

183. $450.000 for the County of Kauai, Hawaii for the West Kauai High Tech Training Facility;

184. $450,000 for the Alternative Structures International in Waianae, Hawaii for expansion of housing facilities;

185. $675,000 for the County of Hawaii for the construction of an emergency homeless shelter in Kailua-Kona;

186. $675,000 for the County of Maui, Hawaii for senior housing;

187. $90,000 to the Mahaska County Crisis Intervention Services Domestic Shelter in Oskaloosa, Iowa for facilities renovation of the domestic shelter;

188. $270,000 to the City of Clinton, Iowa for development in the business park area;

189. $270,000 to the Mid-American Housing Partnership in Cedar Rapids, Iowa for the Housing Trust Fund;

190. $270,000 to the City of Cedar Rapids, Iowa for brownfields redevelopment;

191. $360,000 to the City of Council Bluffs, Iowa for land acquisition and clean-up;

192. $360,000 to the City of Waterloo, Iowa for redevelopment of the Rath area brownfields and housing development;

193. $360,000 to the City of Dubuque, Iowa for land acquisition and clean-up;

194. $360,000 to the City of Davenport, Iowa for the Scott County Housing Council trust fund;

195. $405,000 to Systems Unlimited, Inc. in the Iowa City/Cedar Rapids community, Iowa for facilities expansion;

196. $405,000 to the City of Fort Dodge, Iowa for facility renovations for the Senior Citizens Campus project;

197. $450,000 to the City of Des Moines, Iowa for facilities construction for the Des Moines Agrimergent Technology Park;

198. $225,000 for Lewis-Clark State College for the Idaho Virtual Incubator;

199. $225,000 for the Historic Silver City Foundation in Silver City, Idaho for the restoration of the historic Silver City School;

200. $324,000 to Idaho State University for construction of the L.E. and Thelma E. Stephens Performing Arts Center;

201. $450,000 for the Clearwater Economic Development Association in Clearwater, Idaho for the Lewis and Clark Bicentennial Solid Waste Disposal program;

202. $450,000 for Boise State University, Idaho for a Center for Environmental Science and Economic Development;

203. $900,000 for the Clearwater Economic Development Association in Clearwater, Idaho for the implementation of the Lewis and Clark Bicentennial Plan;

204. $67,500 to Ridgeway Senior Center in Gallatin County, Illinois for renovation of the senior center;

205. $67,500 to Norris City Senior Center in White County, Illinois for renovation of the senior center;

206. $81,000 to Family House in Peoria, Illinois for facilities construction;

207. $81,000 to the City of Normal, Illinois for facilities construction according to the downtown redevelopment plan;

208. $90,000 to Family Focus in Evanston, Illinois for facilities improvements;

209. $90,000 to Haymarket Center in Chicago, Illinois for renovations to a facility to serve as a drug intervention center;

210. $90,000 to Oak Lawn Children's Museum in Oak Lawn, Illinois for facilities renovations;

211. $90,000 to the Brookfield Zoo in Brookfield, Illinois for construction of a learning center;

212. $90,000 to the Village of Hampton, Illinois for construction of the Hampton Heritage Center;

213. $90,000 to the Village of Riverside, Illinois for restoration of a historic structure;

214. $90,000 to the Village of South Holland, Illinois for facilities improvements for its community center;

215. $90,000 to the Chicago, Illinois Parks District for construction of a fieldhouse located at 39th and Cottage Grove;

216. $135,000 to Lewis and Clark Community College in Godfrey, Illinois for construction of the Great Rivers Research and Education Center;

217. $135,000 to the Village of Olympia Fields, Illinois for construction of a hall, public library and upgraded commuter station;

218. $162,000 to Eureka College, Illinois for continued construction of the Science and Technology Center;

219. $162,000 to Joliet Junior College in Joliet, Illinois for construction of a multipurpose agricultural education and event center;

220. $162,000 to the Centers for the Prevention of Abuse for facilities construction in Peoria, Illinois;

221. $180,000 to the Safer Foundation in Chicago, Illinois for renovation of a building into transitional housing;

222. $180,000 for the City of Freeport, Illinois for a new library building;

223. $202,500 to DuPage County, Illinois for facilities renovations for the Convalescent Center Rehabilitation Project;

224. $202,500 to Roosevelt University of Chicago, Illinois for renovations to the auditorium building;

225. $202,500 to the American Red Cross of Greater Chicago, Illinois for facilities construction;

226. $202,500 to the City of DeKalb, Illinois for rehabilitation of facilities for the Downtown Community Center;

227. $202,500 to the Northfield Park District in Northfield, Illinois for facilities construction;

228. $225,000 for the Youth Services Bureau of Illinois in LaSalle County for improvements and relocation of facilities;

229. $225,000 for Cornerstone Services in Joliet, Illinois for renovation of facility;

230. $225,000 for the City of Quincy, Illinois to renovate the historic downtown Washington Theatre;

231. $225,000 for the City of Peoria, Illinois for infrastructure improvements to foster economic development in the biosciences field;

232. $243,000 for facilities renovation for Teen Challenge in Decatur, Illinois;

233. $360,000 for the Mercy Home for Boys and Girls in Chicago, Illinois for facility expansion;

234. $360,000 for the Merit School of Music in Chicago, Illinois for the construction of a new facility;

235. $405,000 to the City of Elgin, Illinois for construction of pedestrian improvements;

236. $450,000 for the City of Chicago, Illinois for cleanup associated with economic development in Chicago's Pilsen/Little Village Community;

237. $450,000 to the Chicago Park District for Phase II of Ping Tom Memorial Park development in Chicago's Chinatown community;

238. $607,500 to the Village of Addison, Illinois for facilities construction for the Addison Neighborhood Resource Center and Park;

239. $1.260.000 to Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for renovations to the life safety and infant security facilities;

240. $135,000 to the City of Indianapolis, Indiana for construction at the Life Sciences Research Park;

241. $283,500 to Tri-State University for facilities construction for the Center for Technology and On-Line Resources in Angola, Indiana;

242. $405,000 to Madison Township, Indiana for construction of a community center;

243. $405,000 to the James Whitcomb Riley Hospital for Children in Indianapolis, Indiana for improving inpatient facilities for the Chistian Sarkine Autism Center;

244. $900,000 to Purdue University in West Lafayette, Indiana for facilities construction for the Northwest Indiana Purdue Technology Center;

245. $90,000 for facilities renovations and improvements for the Evergreen Public Library in Wichita, Kansas;

246. $135,000 to the Unified Government of Wyandotte County and Kansas City, Kansas for sidewalk and curb improvements;

247. $234,000 for facilities renovation and expansion of the Oaklawn Community Resource Center in Sedgwick County, Kansas;

248. $283,500 to the City of Atchison, Kansas for construction of a riverfront plaza;

249. $283,500 to the Reno County Historical Society for the Kansas Underground Salt Museum in Hutchinson, Kansas for facilities construction and improvements;

250. $450,000 for the City of Wichita, Kansas for the development of Mennonite Housing;

251. $720,000 for Topeka, Kansas for redevelopment activities in Topeka, Kansas;

252. $66,150 to Kentucky Refugee Ministries in Louisville, Kentucky for renovation of facilities;

253. $67,500 to the Salvation Army/Boys and Girls Club—Northfolk, in Louisville, Kentucky for the renovation of the Northfolk community center;

254. $90,000 to the Greater Community Council in Louisville, Kentucky for construction of a facility for low-income, disabled persons;

255. $135,000 to Owen County, Kentucky for facilities construction;

256. $202,500 to Interlink Counseling in Louisville, Kentucky for facilities construction;

257. $202,500 to the City of Lebanon, Kentucky for facilities construction for the Center Square project;

258. $225,000 for the Trinity Family Life Center in Louisville, Kentucky for facilities construction for afterschool programs;

259. $225,000 to the Community Economic Empowerment Corporation of Louisville, Kentucky for construction of a community and family recreation center;

260. $225,000 to the First Gethsemane Center in Louisville, Kentucky for renovation of facilities;

261. $225,000 to the Shiloh Community Renewal Center in Louisville, Kentucky for facilities reconstruction and rehabilitation;

262. $270,000 for the renovation of the Americana Community Center in Louisville, Kentucky;

263. $283,500 to the Montgomery County Fiscal Court of Kentucky for continued construction of a community center;

264. $283,500 to the Monroe County Wellness Center, Inc. of Monroe County, Kentucky for facilities construction;

265. $405,000 to Pine Mountain Settlement School of Harlan County, Kentucky for facilities expansion and renovation;

266. $405,000 to the London-Laurel County Tourist Commission, Kentucky for facilities construction for the Blue-Gray Civil War Theme Park;

267. $2,700,000 for construction of the University of Louisville library in Louisville, Kentucky;

268. $67,500 to Iberia Parish, Louisiana for construction of the New Iberia conference center;

269. $67,500 to St. Mary Parish, Louisiana for construction of a wildlife refuge interpretive center;

270. $67,500 to the City of Donaldsonville, Louisiana for construction of riverfront recreational facilities;

271. $67,500 to the Town of Golden Meadow, Louisiana for construction and renovation of recreation facilities;

272. $67,500 to the Village of Cankton, Louisiana for facilities renovations for a community center;

273. $81,000 to the City of New Iberia, Louisiana for facilities construction as described in the master plan;

274. $81,000 to the New Orleans Regional Planning Commission, Louisiana for recreational facilities improvements and buildout for St. Bernard, St. Charles and Plaquemines;

275. $81,000 to the Town of Grand Isle, Louisiana for construction and buildout of the Isle Multi-Use Facility;

276. $90,000 to the City of Port Allen, Louisiana for economic development planning and facilities construction;

277. $90,000 to the Amistad Research Center in New Orleans, Louisiana for facilities construction;

278. $90,000 to the Mirabeau Family Learning Center, Inc. in New Orleans, Louisiana for facilities construction;

279. $90,000 for the City of Opelousas, Louisiana, for downtown development;

280. $112,500 to the Acadia Economic Development Corporation in Crowley, Louisiana for facilities construction for a business incubator;

281. $112,500 for the Nellie Byers Training Center in Bogalusa, Louisiana for the construction of a new center;

282. $162,000 to Nicholls State University in Thibodaux, Louisiana for facilities construction for the Advanced Technology Center;

283. $162,000 to the Port of South Louisiana for facilities construction for the Globalplex Intermodal Terminal;

284. $162,000 to the Tangipahoa Parish School System in Loranger, Louisiana for renovation and restoration of the Loranger High School building;

285. $180,000 for the City of Shreveport, Louisiana for the redevelopment of a bus terminal;

286. $182,250 to the City of Mandeville, Louisiana for the construction of an interpretive center as part of the Mandeville Trailhead project;

287. $202,500 for the National Federation of the Blind, Center for the Blind in Louisiana for facilities construction for the National Research and Training Institute for the Blind;

288. $225,000 to Plan Baton Rouge, Louisiana for building renovations;

289. $225,000 for Dillard University, New Orleans, Louisiana for the International Center for Economic Freedom;

290. $225,000 for Advocates for Science and Math Education, New Orleans, Louisiana for construction of a building for the New Orleans Center for Science and Math;

291. $270,000 for the City of Vidalia, Louisiana for riverfront redevelopment;

292. $405,000 for the Audubon Nature Institute in New Orleans, Louisiana for revitalization of a historic building;

293. $450,000 for the Ernest Morial New Orleans Exhibition Hall Authority in Louisiana for the expansion of the Morial Convention Center;

294. $450,000 for the University of Louisiana, Lafayette for the National Wetlands Research Center;

295. $450,000 for the Biomedical Research Foundation in Shreveport, Louisiana for infrastructure improvements and development of an incubator;

296. $607,500 for the Biomedical Research Foundation of Northwest Louisiana for construction of the InterTech science park;

297. $90,000 to Goodwill Industries of Springfield, Massachusetts for facilities renovations;

298. $112,500 to the Veterans Benefit Clearinghouse in Roxbury, Massachusetts for facilities renovation and modernization;

299. $135,000 to Salem State College in Massachusetts for construction of an arts center/theater;

300. $135,000 for Assumption College, Worcester, Massachusetts for a science and technology center;

301. $150,000 to the Franklin County Council of Governments in Greenfield, Massachusetts for an economic development blueprint for the Northern Tier;

302. $157,500 to the City of Lowell, Massachusetts for construction of the Jackson/Appleton/Middlesex Area garage;

303. $225,000 for the New Bedford Historical Society, Massachusetts for the rehabilitation and restoration of the Nathan and Polly Johnson House;

304. $225,000 for the Mystic Valley Development Corporation in Medford, Massachusetts for the development of a technology and research center;

305. $270,000 to the City of Springfield, Massachusetts for renovations of a facility to house a public market;

306. $315,000 for the Western Massachusetts Enterprise Fund, Inc.'s small business and microenterprise loan and development programs;

307. $322,500 to Girls Incorporated in Pittsfield, Massachusetts for facilities renovation;

308. $405,000 to the Massachusetts College of Pharmacy and Health Sciences for construction of a new multi-use educational facilities;

309. $450,000 for the Gardner-Kirby-Hammond Street neighborhood revitalization project in Worcester, Massachusetts;

310. $450,000 for the City of Boston, Massachusetts for development of low and moderate income housing;

311. $90,000 to the City of District Heights, Maryland for facilities construction in its commercial area;

312. $90,000 to the City of La Plata, Maryland for planning of a parking facility;

313. $90,000 to the Melwood Horticultural Center in Upper Marlboro, Maryland for planning necessary to construct a multi-purpose job training and employment facility;

314. $90,000 to the Olney Theatre Center for the Arts in Olney, Maryland for the construction of a theater;

315. $101,250 to the Rotary—PAL Building Corporation of Frederick County, Maryland for facilities expansion for the Sagner Community Center;

316. $135,000 to Prince Georges County, Maryland for renovation of a visitor center to accommodate a Space and Flight Center;

317. $135,000 for Harford County, Maryland for the Edgewood Mobile Community Substation;

318. $157,500 to the City of Laurel, Maryland for facilities renovations for the Laurel Community Center;

319. $162,000 to the City of Rockville, Maryland for sidewalk, pedestrain amenities, lighting, and beautification improvements for the Rockville Town Center Redevelopment Project;

320. $180,000 to St. Mary's College in Maryland for waterfront facilities construction;

321. $180,000 for Baltimore Clayworks in Baltimore, Maryland to expand the facility;

322. $198,000 for the Sankofa Community Development Corporation in Baltimore, Maryland to renovate a building for a business center;

323. $225,000 to the Montgomery County Department of Housing and Community Affairs, Maryland for streetscaping and revitalization efforts in Wheaton;

324. $225,000 for Harford County, Maryland for a digital inclusion project in Edgewood;

325. $225,000 for the Suitland Family and Life Development Corporation in Suitland, Maryland for development of the Suitland Technology Center;

326. $225,000 for Montgomery County, Maryland for the construction of community centers in Long Branch;

327. $283,500 to Baltimore Medical System of Baltimore, Maryland for construction of a new community health center;

328. $360,000 for Bethel Outreach Center in Baltimore, Maryland for development of a cyber community center;

329. $450,000 to the West Arlington Improvement Association in Baltimore, Maryland for construction of a youth multi-purpose center;

330. $450,000 for the Greektown Community Development Corporation in Baltimore, Maryland for the Housing and Business Stabilization Project;

331. $450,000 for Montgomery County, Maryland for the revitalization of Fenton Street Village;

332. $450,000 for Prince Georges County, Maryland for acquisition and rehabilitation of properties along the Route 1 corridor;

333. $450,000 for Anne Arundel County, Maryland for the Wiley Bates High School Redevelopment project;

334. $540,000 for the City of Baltimore, Maryland for the Main Street Initiative;

335. $90,000 for L/A Arts in Lewiston, Maine for the renovation and construction of the ArtsPlace program building;

336. $112,500 to the University of Maine for reconstruction of the Jonesboro Blueberry Research Station;

337. $180,000 for the Franco-American Heritage Center at St. Mary's in Lewiston, Maine for the renovation of facilities into a performance hall and museum;

338. $180,000 to the City of Biddeford, Maine for restoration of the City Theater;

339. $180,000 for Eastern Maine Technical College for a technical resource center;

340. $180,000 for the Forum Francophone Des Affaires, Maine to facilitate exports to French-speaking markets;

341. $180,000 for the University of Maine at Farmington for an education center;

342. $225,000 for the City of Westbrook, Maine for a parking facility;

343. $225,000 for the City of Brewer, Maine for waterfront redevelopment;

344. $225,000 for the Preble Street Resource Center in Maine for a homeless teen center and health clinic;

345. $225,000 for the Piscataquis County Economic Development Council for a business incubator in Greenville, Maine to support and house businesses seeking to commercialize wood composite material;

346. $450,000 for University of Maine (Fort Kent and Presque Isle) Aroostook County Development Effort;

347. $81,000 to Cleary College in Howell, Michigan for construction of the Center for Business and Community Excellence;

348. $202,500 for the National Cherry Festival of Michigan for the renovation of facilities;

349. $202,500 to the Michigan State Trust for Railway Preservation, Inc. for construction of facilities for the Steam Railroading Institute's "linear museum concept" in Shiawasse County, Michigan;

350. $225,000 for the Structural Research and Development Center at Lawrence Tech University in Southfield, Michigan for facilities construction and renovations;

351. $225,000 to Lighthouse of Oakland County, Inc. for facilities construction in Oakland County, Michigan;

352. $225,000 to the City of St. Ignace, Michigan for the construction of a public library;

353. $225,000 to the Michigan Jewish Institute Academic Activities Facility for construction and renovation;

354. $225,000 to the National Center for Manufacturing Sciences in Ann Arbor, Michigan for facilities construction;

355. $270,000 to the Virginia Park Community Investment, Inc. in Detroit, Michigan for renovations of the Virginia Park Shopping Center;

356. $270,000 for Mott Community College in Flint, Michigan to develop a program and curriculum to improve workforce and manufacturing development;

357. $405,000 to the Saginaw Chippewa Tribe of Michigan for construction of facilities for the Victims of Crime Program;

358. $450,000 for Boysville of Michigan in Detroit for the Samaritan Outreach Center;

359. $450,000 for the Detroit Housing Group Inc., for the Alter Kercheval Housing Project;

360. $450,000 for the FOCUS: HOPE Institute in Detroit, Michigan to renovate a job-training facility;

361. $450,000 for the NorthStar Community Development Corporation in Detroit, Michigan to build affordable housing;

362. $900,000 for the City of Detroit, Michigan to redevelop the Detroit River Promenade;

363. $67,500 to the YWCA of St. Paul, Minnesota for facilities renovations associated with expansion;

364. $180,000 to Detroit Lakes, Minnesota for construction of a community center;

365. $180,000 to Leech Lake Tribal College in Cass Lake, Minnesota for facilities expansion;

366. $180,000 to the Audubon Center of the North Woods in Sandstone, Minnesota for capital construction costs and improvements;

367. $180,000 to the Vinland Center in Minnesota for facilities improvements for the rehabilitation center;

368. $250,000 to Jewish Family and Children's Services of Minneapolis, Minnesota for disability access and egress improvements;

369. $324,000 to the Cornerstone Advocacy Service, Inc. in Bloomington, Minnesota for construction of a multi-purpose Emergency Shelter and Family Services Center;

370. $360,000 for the Asian Pacific Community Center in St. Paul, Minnesota to create an urban village;

371. $425,000 to Southside Family Nurturing Center in Minneapolis, Minnesota for facility rehabilitation;

372. $450,000 for the Northeast Ventures Corporation in Duluth, Minnesota for a revolving loan fund;

373. $450,000 for the Red Lake Band of Chippewa Indians in Red Lake, Minnesota for the construction of a criminal justice complex;

374. $675,000 for the City of St. Paul, Minnesota for renovations to existing low-income housing;

375. $45,000 to the City of Arnold, Missouri for recreation facility improvements;

376. $45,000 to the City of Maplewood, Missouri for recreation facility improvements;

377. $45,000 to the Town of Herculaneum, Missouri for an economic development and land use plan;

378. $45,000 for the Children's Therapy and Early Education School in Mexico, Missouri for Mexico Special Needs Kids equipment;

379. $81,000 to the City of Stanberry, Missouri for revitalization of the city's bandstand;

380. $90,000 to the East-West Gateway Coordinating Council in St. Louis, Missouri for a feasibility study in cooperation with the University City Trolley Corporation;

381. $90,000 to the St. Louis, Missouri Parks Department for recreation facility improvements;

382. $90,000 to United Inner Services, Inc. in Kansas City, Missouri for construction of a community center;

383. $90,000 for Montgomery City, Missouri for streetscape improvements;

384. $225,000 for the City of Warrensberg, Missouri for downtown revitalization;

385. $250,000 to Ronald McDonald House Charities of the Ozarks, Missouri to develop a Mobile Dental Unit to provide educational and programmatic materials and resources for the Dental Care Unit to aid in outreach to public schools, Head Start Programs and foster children;

386. $250,000 to the Missouri Soybean Association to develop a Missouri soybean seed composition and analysis program;

387. $270,000 for the Petosi/Washington County Industrial Development Authority, Missouri for the Petosi Industrial Park;

388. $315,000 for the Missouri School Board Association for the C.L.A.S.S. Program;

389. $324,000 to the University of Missouri-Columbia for facilities construction for the Life Sciences Technology Incubator;

390. $405,000 for the Discovery Center for the development of an exhibit in Springfield, Missouri;

391. $450,000 for the Westside Housing Organization in Kansas City, Missouri for the Westside Agency Collaboration;

392. $450,000 for the Advanced Technology Center in Mexico, Missouri for expansion;

393. $775,000 to the St. Louis Science Center, Missouri to develop an interpretive center for the region's growing bio-technology industry;

394. $810,000 to the City of Springfield, Missouri for construction of a community multipurpose facility;

395. $810,000 to the City of St. Louis, Missouri for lighting, sidewalks, curbs, and street furniture along Kings Highway Boulevard and Chippewa Street;

396. $900,000 for the University of Missouri-Kansas City for academic investments related to the Cardiovascular Proteomics Center;

397. $900,000 for the Show-Me Aquatic Center in Missouri for development;

398. $1,500,000 for the Food and Agriculture Policy Research Institute in Columbia, Missouri to analyze commercial shipping alternatives;

399. $90,000 to the City of Natchez, Mississippi for a feasibility study to develop a slack water port;

400. $90,000 to the town of Wesson, Mississippi for the restoration of the Wesson School building;

401. $90,000 to the Sonny Montgomery Leadership Institute of Meridian, Mississippi for an economic development planning study;

402. $180,000 for Jackson, Mississippi for the development of the Farish Street Historic Center;

403. $243,000 to The Mississippi Economic Growth Alliance and Point of Presence (MEGAPOP) for facilities construction;

404. $270,000 for Pinola, Mississippi for the renovation of the historic Pinola School House;

405. $270,000 for Natchez, Mississippi for the development of the Natchez-Adams County industrial park;

406. $283,500 to the Oktibbeha County Economic Development Authority in Starkville, Mississippi for facilities construction for its E-Commerce Park;

407. $450,000 for Tchula, Mississippi for the development of a municipal complex;

408. $450,000 for the City of Kewanee, Mississippi for the development of the Kewanee industrial park;

409. $450,000 for Pearl, Mississippi for the renovation of a community center;

410. $855,000 for the Mississippi Tribe of Choctaw for the development of a Choctaw Veterans Memorial;

411. $900,000 for Alcorn State University, Mississippi for the construction and rehabilitation of buildings;

412. $900,000 for the City of Madison, Mississippi for downtown renovation;

413. $980,000 for the University of Southern Mississippi for the development of a National Center for Excellence in Economic Development;

414. $283,500 to the Missoula Food Bank, Montana for facilities expansion and renovation;

415. $360,000 for Billings Deaconess Clinic Research Facility in Billings, Montana;

416. $360,000 for the Yellowstone Boys and Girls Ranch in Billings, Montana for renovation;

417. $450,000 for TechRanch in Bozeman, Montana;

418. $450,000 for Billings, Montana for the expansion of the HRDC District 7 Building;

419. $900,000 for the RMC Aviation Training Center in Billings, Montana;

420. $180,000 for the Bozeman Rail Depot remediation project in Montana;

421. $50,000 for the County of Richmond, North Carolina for development and construction of the Richmond County Industrial Park;

422. $81,000 to the North Carolina Advanced Energy Corporation in Raleigh, North Carolina for a feasibility study of expanded application of the "System Vision" model of housing construction;

423. $90,000 to OPC Mental Health in Carrboro, North Carolina for construction, renovation and build out of Club Insight;

424. $90,000 to Orange County, North Carolina for construction and build out of a farmer's market facility;

425. $90,000 to the Jane Stevens Foundation Center in Sanford, North Carolina for facility renovations;

426. $90,000 to the City of Whiteville, North Carolina for the restoration of the Whiteville Train Depot;

427. $90,000 to Raeford, North Carolina for sidewalks, curbs, lighting, facade improvements, and street furniture in the downtown area;

428. $135,000 to Durham County, North Carolina for construction and build out of a senior center, and construction, renovation and build out of a homeless shelter;

429. $144,000 to the North Carolina Community Development Initiative for renovation and build out of a vocational training facility in Durham County, North Carolina and a transitional housing facility in Durham, North Carolina;

430. $162,000 to the Catawba County, North Carolina Historical Association for restoration of facilities for the Harper House—Hickory History Center;

431. $180,000 to the Town of Mooresville, North Carolina for facilities expansion of the town's historic library;

432. $180,000 for the Tri-County Community College in Murphy, North Carolina to build a TeleCenter;

433. $180,000 for the North Carolina Rural Economic Development Center in Eastern to provide housing construction and repair in rural communities;

434. $180,000 for the Rogers Regional Performing Arts Center Consortium in Shelby, North Carolina for the Rogers Theatre;

435. $202,500 for construction of the National Academy of Forensics and Computer Investigations at Central Piedmont Community College in Charlotte, North Carolina;

436. $202,500 to the Graveyard of the Atlantic Museum in Dare County, North Carolina for continued facilities construction;

437. $243,000 to the Haywood County Agriculture and Activities Center Association for construction of a multi-purpose arena in Waynesville, North Carolina;

438. $315,000 to Scotland County, North Carolina for construction and renovation of a community center;

439. $360,000 to Fuquay-Varina, North Carolina for downtown revitalization consisting of sidewalks, islands, and a central plaza;

440. $360,000 to UDI Community Development Corporation in Durham, North Carolina for construction, renovation and build out for a business incubator facility;

441. $405,000 for Wake Forest University and Winston-Salem State University in North Carolina for construction of a facility for the Idealliance program;

442. $405,000 to the University of North Carolina at Greensboro, a Historically Women's College and University, for restoration of historic buildings;

443. $90,000 to Fort Totten, North Dakota for facilities construction;

444. $90,000 to Fort Yates Hospital, in Fort Yates, North Dakota for facilities renovations and construction;

445. $180,000 for the Morton County Park District, North Dakota for the Missouri River Trail project;

446. $317,500 for the National Foundation for Environmental Education in North Dakota for research and education on black mold;

447. $360,000 for Turtle Mountain Community College in Belcourt, North Dakota to complete construction of an economic development complex;

448. $360,000 for New Economy Initiative in North Dakota for technology training;

449. $450,000 for Spirit Lake Tribal Court in Fort Totten, North Dakota for renovations to the Spirit Lake Courthouse;

450. $900,000 for the City of Rugby, North Dakota to complete information technology and energy projects;

451. $900,000 for the North Dakota Tourism Department for the Three Affiliated Tribes Interpretative Center;

452. $270,000 for the City of Omaha, Nebraska for the creation of information technology training;

453. $283,500 to Father Flanagan's Girls and Boys Town of Boys Town, Nebraska for the national priority projects of Girls and Boys Town USA;

454. $360,000 for Audubon Nebraska for the Spring Creek Prairie Education Center;

455. $526,500 to the City of Falls City, Nebraska for renovating and retrofitting a business industry incubator building;

456. $180,000 for Nashua downtown public investment initiative, City of Nashua Community Development, Nashua, New Hampshire to revitalize the downtown community;

457. $225,000 for the City of Beloit, New Hampshire for neighborhood redevelopment;

458. $270,000 to the Greater Wakefield Resource Center in Wakefield, New Hampshire for renovation of facilities;

459. $270,000 for Strawberry Banke, Portsmouth, New Hampshire to assist in the design and planning of programming and create partnerships with neighborhood associations and organizations for disadvantaged youth;

460. $360,000 for the Mines Falls Park Restoration, Nashua, New Hampshire to restore historic gatehouse and assist in developing an educational resource center;

461. $360,000 for Capitol Center for the Arts, Concord, New Hampshire to enhance programming and make renovations to the facility;

462. $450,000 for the Portsmouth Riverwalk, Portsmouth, New Hampshire to assist in the creation of a safe pedestrian link between scenic and historical destinations and New Hampshire's only working deep water seaport;

463. $486,000 to the City of Concord, New Hampshire for facilities construction of the Sears Block Redevelopment project;

464. $540,000 for Marguerite's Place, Nashua, New Hampshire to provide transitional housing for women who are victims of domestic abuse and their children;

465. $630,000 to the New Hampshire Community Technical College for renovation and facilities expansion for the Emerging Technology Center at Pease International Tradeport;

466. $90,000 to Monmouth University in New Jersey for library facilities renovations;

467. $90,000 to the Bergen County, New Jersey Community Action Program for homeless shelter expansion needs;

468. $90,000 to the Borough of Fair Haven, New Jersey for restoration of the historic Fisk Chapel;

469. $90,000 to the Hackensack University Medical Center in Hackensack, New Jersey for facilities expansion of the Woman's and Children's Pavilion;

470. $90,000 to the University of Medicine and Dentistry of New Jersey in New Brunswick, New Jersey for construction of the Child Health Institute;

471. $112,500 to Babyland Family Services in Newark, New Jersey for facilities improvements;

472. $112,500 to Englewood Hospital and Medical Center in New Jersey for modernization and expansion of the Emergency and Outpatient Clinic;

473. $112,500 to Holy Name Hospital in Teaneck, New Jersey for facilities expansion of the regional dialysis center;

474. $112,500 to the YMCA of Eastern Union County, New Jersey for building renovations at the Elizabeth, New Jersey branch;

475. $162,000 to Atlantic City, New Jersey for renovation of the All Wars Memorial Building;

476. $162,000 to AtlantiCare Behavioral Health of Atlantic City, New Jersey for construction of a community mental health center;

477. $180,000 to New Jersey City University for renovation of the science hall;

478. $202,500 to the YMCA of Eastern Union County for expansion of child care facilities in Union, New Jersey;

479. $243,000 to Florence Township, New Jersey for construction of a senior citizens center;

480. $270,000 for the Borough of Paulsboro, New Jersey for brownfields redevelopment;

481. $360,000 for the Urban League State Council in New Brunswick, New Jersey for the New Futures Projects;

482. $360,000 for Willingboro Township, New Jersey for the Kennedy Senior Center construction project;

483. $405,000 to Burlington County, New Jersey for economic development planning for the revitalization of the Mount Holly Community ($67,500) and facilities construction ($337,500);

484. $450,000 to Daytop in Morris County, New Jersey for facilities construction and renovation;

485. $450,000 to Gilda's Club of Northern New Jersey for construction and renovation of a facility in the greater Morris/Essex County area;

486. $450,000 for the Bayshore Senior Center in Keansburg, New Jersey for renovations;

487. $450,000 for the Children's Cultural Center in Red Bank, New Jersey for the renovation of Shrewsbury Township Hall;

488. $540,000 for the New Jersey Community Development Corporation for facilities construction for the Transportation Opportunity Center;

489. $90,000 to the City of Aztec, New Mexico for facility and sidewalk improvements;

490. $90,000 for the Las Cruces Police Athletic League for the repair, remodeling and renovation of the facility housing the Sammy Burke Youth Boxing Center and a vehicle to serve the Center and the Police Athletic League Boxing Club in Las Cruces, New Mexico;

491. $202,500 for the City of Albuquerque, New Mexico Aviation Department for facilities expansion and renovation of the Double Eagle II Airport;

492. $270,000 for the Community Pantry in Gallup, New Mexico;

493. $270,000 for the Boys and Girls Club of Santa Fe, New Mexico for the construction of a facility;

494. $360,000 for the Pueblo of Cochiti, New Mexico for the construction of a community center;

495. $405,000 to the City of Roswell, New Mexico for renovation and structural upgrades of an aircraft hanger;

496. $450,000 for the New Mexico Food Bank Association, Albuquerque, New Mexico, for the Gleaning Project;

497. $630,000 for the Pojoaque Pueblo of New Mexico to complete the Poeh Cultural Center and Museum;

498. $810,000 for the construction, renovation, and restoration of the historic Rio Grande Theater in Las Cruces, New Mexico, as planned by the Dona Ana Arts Council, Inc;

499. $900,000 for the Mesiila Valley Community of Hope, Las Cruces, New Mexico for the Casa de Peregrinos Building;

500. $135,000 to the Culinary and Hospitality Academy Center of Las Vegas, Nevada for construction related to expansion of an education training center;

501. $180,000 to the City of Las Vegas, Nevada for facilities construction for a small business incubator;

502. $243,000 to the City of Sparks, Nevada for renovation of facilties for the Regional Science and Cultural Center;

503. $450,000 for the City of North Las Vegas, Nevada for neighborhood redevelopment;

504. $900,000 for Clark County, Nevada for the construction of a community center;

505. $900,000 for the City of Reno, Nevada for the rehabilitation of a building for a senior center;

506. $45,000 to the Institute for the Puerto Rican/Hispanic Elderly in New York for facilities renovations;

507. $67,500 to Merwin Rural Services Institute for an initial planning study in northern New York;

508. $67,500 to the City of Ogdensburg, New York for facilities construction for the continued development of the Fort La Presentation project;

509. $67,500 to the Village of Clayton, New York for waterfront facilities renovations along the St. Lawrence River;

510. $67,500 to the City of Syracuse, New York for renovations of the Syracuse Open House;

511. $67,500 to the Town of Babylon, New York for construction of a construction trades incubator;

512. $67,500 to the City of New Rochelle, New York for sidewalk and curb improvements;

513. $67,500 to the Hebrew Academy for Special Children in Brooklyn, New York for construction and renovation of a facility;

514. $67,500 to the Town of Mamaroneck, New York for facilities renovation and improvements for the Hommocks Conservation Area;

515. $81,000 to the Town of Amherst, New York for the repair of historic streetscape furniture;

516. $90,000 to the Village of Carthage, New York for facilities construction and building renovations;

517. $90,000 to Onondaga County, New York for construction of the Borodino Community Center;

518. $90,000 to the City of Syracuse, New York for planning related to the Hancock International Airport;

519. $90,000 to the Metropolitan Development Association in Syracuse, New York to update the VISION 2010 Strategic Economic Development Plan;

520. $90,000 to the State University of New York, College of Environmental Sciences and Forestry for planning activities for the Quality Communites Initiative;

521. $90,000 to New York University Medical Center for renovations to the Rusk Institute of Rehabilitation;

522. $90,000 to Phipps House in New York, New York for facilities renovation and construction in LaPuerta in the South Bronx to house an educational child care center;

523. $90,000 to the Alliance for Community Services for a study of economic development needs of newly identified immigrant communities in the Bronx, New York;

524. $90,000 to the Citizens Advice Bureau for renovations to the Girls' Club Community Center in the Bronx, New York;

525. $90,000 to the City of Mount Vernon, New York for building renovations to create a recreational and job training facility;

526. $90,000 to the City of White Plains, New York for an economic development study for the revitalization of Westchester;

527. $90,000 to the Flushing, Queens, New York branch of the YMCA for facilities renovation and expansion;

528. $90,000 to the Long Island Housing Partnership, Inc. In New York for a study to identify and plan revitalization efforts in distressed communities;

529. $90,000 to the McBurney YMCA in New York, New York for facility construction;

530. $90,000 to the Town of Eastchester, New York for facilities renovation for the Eastchester Child Development Center;

531. $90,000 to the City of Claremont, New Hampshire to assist the city in improving and redeveloping the downtown area;

532. $90,000 to the Town of Winchester, New Hampshire to assist the community in redeveloping its downtown area;

533. $112,500 to the City of Yonkers, New York for facilities construction for the Yonkers Pier;

534. $112,500 for facilities construction of the Natural History Museum of the Adirondacks in Tupper Lake, New York;

535. $135,000 to the Harlem YMCA in New York, New York for renovation of transitional housing;

536. $135,000 to the Jewish Children's Museum in Brooklyn, New York for facilities construction;

537. $135,000 to Boys and Girls Club of Saugerties, New York for renovation of a multi-purpose facility to house the club;

538. $162,000 for facilities renovations and improvements for the Woolworth Theatre Project in Glens Falls, New York;

539. $162,000 to the Catskill Mountain Foundation in Hunter, New York for reconstruction of the Tannersville Theatre for use as a multifunctional facility;

540. $162,000 to the Village of Valatie, New York for the renovation of the Valatie Theatre;

541. $180,000 to the Bethel Performing Art Center in Bethel, New York for construction of a performing arts facility;

542. $180,000 to Elmcor Youth and Adult Activities, Inc. for construction of an economic development center serving the needs of Northwestern Queens, New York;

543. $180,000 to HOGAR, Inc. in the Bronx, New York for planning activities for housing needs ($90,000) and planning activities for provision of rehabilitative services to special needs populations ($90,000);

4. $180,000 to the Sunset Park Business Improvement District in Brooklyn, New York for fade renovations, sidewalk, curb and street furniture improvements;

545. $180,000 to the Mary Mitchell Family and Youth Center in the South Bronx, New York for facilities planning ($90,000) and renovations ($90,000);

546. $180,000 for The State University of New York at Potsdam for the Northern New York Data Center;

547. $180,000 for the Mohawk Valley Heritage Corridor Commission in Canajoharie, New York for the Heritage in Upstate New York project;

548. $200,000 to Carnegie Hall in New York to complete construction of Carnegie Hall's Third Stage Project;

549. $200,250 to the Museum of Modern Art in New York for expansion and renovations to their Education and Research Center;

550. $202,500 for construction of the Players Theater Performing Arts Center in Utica, New York;

551. $202,500 to the Suffolk Sports Hall of Fame, Sports Research Center in Patchogue, New York for facilities renovations;

552. $202,500 to the Town of Brookhaven, New York for facility improvements to the Mastic Town Pool;

553. $202,500 to Elmira College in Elmira, New York for renovation of Cowles Hall;

554. $202,500 to the Village of Highland Falls, New York for main street revitalization;

555. $202,500 to Catholic Health Systems for construction activities of the Our Lady of Victory Neighborhood for Seniors Project in Lackawanna, New York;

556. $202,500 to the Burchfield-Penney Art Center in Buffalo, New York for construction of a new museum;

557. $225,000 to Onondaga County, New York for facilities construction of the Solvay Library Centennial Building;

558. $225,000 to the City of Syracuse, New York for facilities expansion for the Northeast Community Center;

559. $225,000 to the City of Syracuse, New York for historic renovations of the Matilda Joslyn Gage House;

560. $225,000 to the Village of East Syracuse, New York for renovation of the Hanlon Pool;

561. $225,000 to the Village of Manlius, New York for rehabilitation of the Manlius Recreation Center;

562. $225,000 to Covenant House New York in New York, New York for shelter renovations;

563. $225,000 to the City of Albany, New York for renovation of the Palace Theater;

564. $225,000 to the Dance Theater of Harlem in New York, New York for restoration of buildings to support the Academy Charter School;

565. $225,000 to VIP Community Services in the Bronx, New York for construction of homeless transitional housing;

566. $270,000 to Garth Fagan Dance Studio in Rochester, New York for construction of a new theater;

567. $270,000 to the Armory Foundation in New York, New York for conversion of the Washington Heights Armory into a community center;

568. $270,000 to the City of Buffalo, New York for facility renovations at Canisius High School in Buffalo, New York;

569. $270,000 for Chautauqua County, New York for high-speed, broadband fiber installation;

570. $315,000 for the Center for Economic Growth in Albany, New York for the Regional Technology Roadmap project;

571. $360,000 to Cayuga County, New York for waterfront facilities construction;

572. $360,000 for Northern Forest Heritage Park, Berlin, New Hampshire to help create heritage based tourism and regional economic development;

573. $400,000 to Jazz at Lincoln Center in New York City for facility construction;

574. $400,000 to the Rivers and Estuaries Center on the Hudson in New York for facilities construction;

575. $405,000 for construction of the Orpheus Performing Arts and Conference Center in Oneonta, New York;

576. $405,000 to the Staten Island Soccer League of New York for facilities construction;

577. $405,000 to Orange County Community College in Middletown, New York for facilities construction and buildout for the establishment of the Benjamin A. Gilman Institute for Political and International Studies;

578. $405,000 to St. Bonaventure University in St. Bonaventure, New York for facilities upgrades for De la Roche Hall;

579. $405,000 to the New York State Office of Parks, Recreation and Historic Preservation for construction of the Purple Heart Hall of Honor in the Town of New Windsor, New York;

580. $405,000 to Christa House of West Babylon, New York for facilities renovations and repairs;

581. $405,000 to the City of Syracuse, New York for sidewalks, street lighting and furniture improvements and building renovations for the North Salina Street Corridor;

582. $405,000 to the City of Syracuse, New York for construction of an International Tourism Center at the Carousel Center;

583. $450,000 to the City of Syracuse, New York for expansion and renovation of Enable facilities;

584. $495,000 to Queens Borough Public Library in Queens, New York for facilities rehabilitation and expansion of the Parsons Boulevard complex;

585. $720,000 for the Schenectady Municipal Housing Authority, New York for community development and revitalization;

586. $800,000 to the New York Olympic Regional Development Authority for facilities construction for the Mount VanHoevenberg Olympic Sports Complex;

587. $890,000 for facilities expansion for the Everson Museum of Art in Syracuse, New York;

588. $890,000 to LeMoyne College in Syracuse, New York for the construction of a Science Education and Teaching/Learning Center;

589. $1,700,000 to DestiNY USA in Syracuse, New York for environmental construction and development of lands adjoining Onondaga Lake and the New York State Canal System;

590. $81,000 to the Rabbit Run Community Arts Association for renovation of the Rabbit Run Theater located in Madison, Ohio;

591. $90,000 for facilities renovations and improvements for the West After School Center in Lancaster, Ohio;

592. $90,000 to the City of Cleveland, Ohio for economic development planning for the LTV Steel Economic Development Initiative;

593. $90,000 to the City of Toledo, Ohio for site re-use planning at the former Doehler Jarvis manufacturing facility and the site of the former Toledo Federal Building;

594. $121,500 to GMN Tri County for construction of a community center in Guernsey County, Ohio;

595. $121,500 to the Village of Fairport Harbor, Ohio for renovation of facilities for the Lighthouse Community Arts Association's Fairport Harbor Rennaissance Village;

596. $180,000 for Catholic Social Services in Springfield, Ohio for renovation of a facility to house the Second Harvest Foodbank;

597. $180,000 for Ross County, Ohio for facilities renovations and improvements for the Blue Star Mothers Memorial Stadium in Chillicothe, Ohio;

598. $202,500 for the Community Action Organization of Scioto County, Ohio for renovation of a facility for the Head Start program in Portsmouth, Ohio;

599. $202,500 to the City of Clairsville, Ohio for renovation and restoration of the Clarendon Hotel building;

600. $202,500 to the City of Marion, Ohio for construction of an urban plaza;

601. $225,000 to the Columbiana County Port Authority in Wellsville, Ohio for construction of a cargo handling system;

602. $225,000 for the City of Grove City, Ohio for the development of the All Children Adventure Playground at Fryer Park;

603. $243,000 to the National First Ladies Library Non-Profit Group for facilities construction for the Women's History Museum in Canton, Ohio;

604. $270,000 to Where Toledo Grows/Greenhouse Row in Toledo, Ohio for construction of a welcome center;

605. $270,000 for the Cleveland Foodbank in Ohio for the development of a new food distribution center;

606. $405,000 to the Johnny Appleseed Heritage Center, Inc. in Ashland County, Ohio for construction of facilities;

607. $405,000 to the University of Cincinnati for renovation of the Medical Sciences Building in Cincinnati, Ohio;

608. $450,000 for Fayette County Community Action Council, in Fayette County, Ohio to construct a new community center and Head Start facility;

609. $450,000 for the City of Dayton, Ohio for the development of structures in the Main Street Historic Mission;

610. $450,000 for the Lawrence Economic Development Corporation for the development of the Point Commercial/Industrial Park in Ohio;

611. $450,000 for the Toledo-Lucas County Port Authority for the Northwest Ohio Brownfield Restoration Initiative;

612. $567,000 for facilties construction for an agro-security research center at the Ohio Agricultural Research and Development Center in Wooster, Ohio;

613. $630,000 for Franklin County MetroParks, Franklin County, Ohio for the purchase of land in the Darby Creek Watershed;

614. $900,000 to the Toledo-Lucas Port Authority in Toledo, Ohio for facilities construction and renovation at the Toledo Shipyard;

615. $243,000 for the Lawton, Oklahoma Public Schools for the restoration of the historic Lawton High School;

616. $243,000 to the New Cordell Utility Authority of New Cordell, Oklahoma for renovation of commercial buildings;

617. $283,500 to Rural Enterprises, Inc. in Durant, Oklahoma for facilities renovation;

618. $729,000 to the Oklahoma City Maintenance Repair and Overhaul Technology Center for facilities construction;

619. $1,500,000 for the City of Oklahoma City for the development of the Oklahoma Maintenance, Repair and Overhaul Tech Center;

620. $45,000 for program and technology initiatives of the Oregon Historical Society;

621. $67,500 to the Oregon Food Bank in Portland, Oregon for facilities expansion;

622. $67,500 for Oakridge, Oregon for the development of the Oakridge Community Center;

623. $67,500 for Deschutes County, Oregon for the renovation of the Tower Theatre;

624. $90,000 for Hood River, Oregon for an Integrated Technology Center;

625. $90,000 for the Santo Community Center in Medford, Oregon;

626. $162,000 for the renovation of the Tower Theatre in Bend, Oregon;

627. $180,000 to the Douglas County, Oregon for construction of a community recreation pavilion at the Marina RV Resort;

628. $180,000 for Wasco County, Oregon for the development of a fiber optic system;

629. $180,000 for the City of Newberg, Oregon for the development of a Community and Family Resource Center;

630. $270,000 for Crook County, Oregon to construct a human services building;

631. $270,000 for the City of Dalles, Oregon for the construction of the Dalles riverfront access project in Oregon;

632. $540,000 for the City of Portland, Oregon for the Central City Streetcar Extension project;

633. $45,000 to the Claysburg Area Community Park for construction and buildout of an amphitheater in Claysburg, Pennsylvania;

634. $45,000 to the Susquehanna Neighborhood Advisory Council in Philadelphia, Pennsylvania for a feasibility study focused on Susquehanna Avenue development;

635. $67,500 to the LaRosa Boys & Girls Club of McKeesport, Pennsylvania for recreation facility construction;

636. $67,500 to the Phoenix Project in Philadelphia, Pennsylvania for facility renovations;

637. $67,500 to the Sarah Jackson Black Community Center in Pittsburgh, Pennsylvania for facilities renovations;

638. $67,500 to the Soldiers' & Sailors' Memorial Hall and Museum Trust in Pittsburgh, Pennsylvania for facilities renovations and improvements;

639. $67,500 to the Swissvale Borough Code Enforcement Project in Pennsylvania for facility renovations and upgrades;

640. $67,500 to the Vine Memorial and Community Development Corporation in Philadelphia, Pennsylvania for construction of a community development center;

641. $67,500 to the YMCA of Pittsburgh, Pennsylvania for facilities renovation at the East Community Branch;

642. $67,500 to the Redevelopment Authority of Cumberland County for the conversion of the Molly Pitcher Hotel in Carlisle, Pennsylvania into apartments for senior citizens who require services to live independently;

643. $67,500 to the Philadelphia Commerce Department for the redevelopment of the former Schmidt's Brewery site in the Northern Liberties section of Philadelphia, Pennsylvania;

644. $81,000 for the Planning Commission for Bucks County, Pennsylvania for the Penndel Economic Revitalization study;

645. $81,000 to Milford Township, Pennsylvania for development of a managed growth plan;

646. $81,000 to the Bucks County Planning Commission for economic development planning for the Lower Bucks Riverfront Corridor Initiative in Bucks County, Pennsylvania;

647. $81,000 to the Lawrence County Farm Show, Inc. for facilities construction in Lawrence County, Pennsylvania;

648. $90,000 to Connection Training Services of Philadelphia, Pennsylvania for renovation

and construction of their workforce training center;

649. $90,000 to the Renaissance Community Development Corporation in Philadelphia, Pennsylvania for construction of a shopping center in an underserved community;

650. $90,000 to the Youth Leadership Foundation of Philadelphia, Pennsylvania for a facilities needs study;

651. $90,000 for the Titusville Redevelopment Authority of Titusville, Pennsylvania for facility improvements;

652. $90,000 to the Oil Creek Railway Historical Society, Inc. of Pennsylvania for facilities renovations;

653. $90,000 to the City of Philadelphia, Pennsylvania for the rehabilitation of the Royal Theater;

654. $90,000 to the Philadelphia Chinatown Development Corporation for the construction of a Chinatown Community Center in Philadelphia, Pennsylvania;

655. $90,000 for Lower Makesfield Township, Pennsylvania to build a memorial to Bucks County victims of 9/11;

656. $103,500 for facilities construction and expansion of the Johnsonburg Senior Center of Johnsonburg, Pennsylvania;

657. $112,500 for Strength Incorporated's Project Blanket in Pittsburgh, Pennsylvania for a drug and alcohol prevention program for juveniles in jail;

658. $112,500 to the National Trust for Historic Gettysburg for the restoration of the historic Majestic Theater in Gettysburg, Pennsylvania;

659. $112,500 to the Westmoreland County Industrial Development Corporation for initiation of the second phase of the Westmoreland Technology Park in Westmoreland County, Pennsylvania;

660. $112,500 to the Invest Erie Community Development Corporation for the acquisition and development of property in Erie, Pennsylvania to establish a Parade Street Plaza;

661. $112,500 for the Community Empowerment Association's "Friend-2-Friend" Mentoring Program in Pittsburgh, Pennsylvania which will provide mentoring for at-risk youth aged 12 to 15;

662. $121,500 for facilities reconstruction and renovation of the Strand Theatre in Zelienople, Pennsylvania to serve as a Performing Arts, Education and Community Outreach Center;

663. $121,500 to the Bedford County Agricultural Society in Pennsylvania for facilities improvements at the Bedford County Fairground;

664. $135,000 to CitiVest in Wilkes-Barre, Pennsylvania for facilities construction for commercial development;

665. $135,000 to Montgomery County, Pennsylvania for construction of a visitors center;

666. $135,000 to the Borough of Orwigsburg, Pennsylvania for sidewalks curbs and street lighting;

667. $135,000 to the City of Pottsville, Pennsylvania for sidewalks, curbs and street lighting;

668. $135,000 for Universal Community Homes in Philadelphia, Pennsylvania, to continue the conversion of more than 500 parcels of land into for-sale units for low- and moderate-income families;

669. $135,000 to the Ogontz Avenue Revitalization Corporation in Philadelphia, Pennsylvania to assist with substantial rehabilitation of severely deteriorated vacant properties that will be developed as a part of the West Oak Lane community development rebuilding initiative;

670. $135,000 to the Philadelphia Martin Luther King Center for Nonviolence in Philadelphia, Pennsylvania for the College for Teens Program;

671. $157,500 to the Redevelopment Authority of Allegheny County, Pennsylvania for the redevelopment of the Eastgate Commerce Center, which will assist in the cost assessment, remediation and demolition of existing blighted buildings and tenant relocation costs;

672. $162,000 to the Volunteers of America of Pennsylvania, Inc. for facilities renovation in Harrisburg, Pennsylvania;

673. $180,000 to the Urban Education Development Research and Retreat Center in Philadelphia, Pennsylvania for renovations at the 4601 Market Street facility;

674. $180,000 to the City of Philadelphia, Pennsylvania to support the Neighborhood Transformation Initiative, to demolish abandoned homes as well as revitalize the Philadelphia region;

675. $180,000 to the City of Scranton, Pennsylvania for the revitalization of existing vacant and dilapidated buildings in the downtown area;

676. $202,500 to the City of Lebanon, Pennsylvania for building renovations as part of "Operation Fight Blight";

677. $202,500 to the Historic Preservation Trust of Lancaster County, Pennsylvania for rehabilitation of facilities at the Thaddeus Stevens and Lydia Hamilton Smith historic site;

678. $202,500 to the Windber Research Institute in Johnstown, Pennsylvania for facilities expansion;

679. $202,500 to the York Agricultural Society for facilities improvements to the York Expo Center Arena/Livestock Exhibition Hall;

680. $225,000 to Fort Ligonier in Westmoreland County, Pennsylvania for facilities renovation;

681. $225,000 to the Freedom Theater in Philadelphia, Pennsylvania for theater renovation;

682. $225,000 to the Kiski Valley YMCA in Westmoreland County, Pennsylvania for facilities expansion;

683. $225,000 to the Uptown Entertainment and Development Corporation in Philadelphia, Pennsylvania for renovation of an education technology center;

684. $225,000 to the Vandergrift Borough Council in Pennsylvania for recreation facilities upgrades and repairs;

685. $225,000 for Lehigh County, Pennsylvania to construct a Regional Public Training Facility, which will provide services, programs and cross training to professional and volunteer service providers;

686. $243,000 to the Community Action Agency of Delaware County, Inc. in Pennsylvania for renovation of emergency shelter facilities and for construction of transitional housing;

687. $243,000 to University Technology Park in Chester, Pennsylvania for facilities construction;

688. $270,000 for the Please Touch Museum in Philadelphia, Pennsylvania for facilities construction;

689. $270,000 to the City of Arnold, Pennsylvania for building renovation and rehabilitation in the downtown business district;

690. $270,000 to the City of New Kensington, Pennsylvania for building renovation and rehabilitation in the downtown business district;

691. $270,000 for the Community Initiatives Development Corporation, Our City Reading, for the rehabilitation of abandoned houses and parks in Reading, Pennsylvania, to provide quality home ownership opportunities to low-income families;

692. $283,500 to Pike County, Pennsylvania for construction of a performing arts center;

693. $315,000 for the Erie Municipal Airport Authority for the redevelopment of the recently acquired, former Fenestra window manufacturing facility in Erie, Pennsylvania, to serve the needs of major air express carriers as an on-airport integrated service center;

694. $405,000 to the City of Erie, Pennsylvania for facilities construction for the Erie Technology Incubator project;

695. $450,000 to the Winnie Palmer Nature Reserve in Westmoreland County, Pennsylvania for facilities construction;

696. $900,000 to the County of Cambria, Pennsylvania for continued construction of the Northern Cambria Recreation Facility in the Township of Cambria;

697. $1,170,000 to the American Cities Foundation in Philadelphia, Pennsylvania for construction needs of a multi-purpose facility;

698. $90,000 to Providence Children's Museum, Rhode Island for facilities construction;

699. $90,000 to the Boys and Girls Club of Warwick, Rhode Island for construction and renovation of the Norwood and Oakland Beach Clubhouses;

700. $90,000 for the West Warwick Police Department in Rhode Island to create a community center and park;

701. $90,000 for the Warwick Shelter Incorporated in Rhode Island to purchase a new facility;

702. $90,000 for the Providence Black Repertory Theatre in Rhode Island for renovations to an abandoned building;

703. $90,000 for Festival Ballet Providence, Rhode Island for educational programs and a new facility;

704. $112,500 to the YMCA of Central Falls, Rhode Island for modernization and upgrade of a facility;

705. $135,000 to Goodwill Industries of Rhode Island for construction of a central facility located in Providence, Rhode Island;

706. $157,500 for the Dorcas Place Adult and Family Learning Center in Providence, Rhode Island for facility expansion;

707. $157,500 for the International Institute of Rhode Island for the International Charter School to expand its facility;

708. $180,000 for the Meeting Street School in Providence, Rhode Island for the construction of a National Center of Excellence;

709. $180,000 for St. Elizabeth's Home in Providence, Rhode Island for low-income assisted living;

710. $180,000 for the Tides Family Services in Providence and Pawtucket, Rhode Island to acquire and renovate two buildings;

711. $225,000 for the Providence Public Library, Rhode Island for the South Providence Branch renovation;

712. $225,000 for the Town of Glocester, Rhode Island for the Glocester Senior Center;

713. $315,000 for Providence College, Rhode Island for the construction of a cultural arts center;

714. $360,000 for the Rhode Island Community Food Bank in Providence for a new warehouse facility;

715. $180,000 to the Boys and Girls Club of Williamsburg County, South Carolina for construction related to facilities expansion;

716. $202,500 to the Housing Foundation, Inc. of Charleston County, South Carolina for construction of the Lincolnville Community Center;

717. $270,000 to the City of Rock Hill, South Carolina for a feasibility study and physical

assessments for the redevelopment of the Rock Hill Printing and Finishing Company textile mill site;

718. $283,500 to the South Carolina School for the Deaf and Blind in Spartanburg, South Carolina for facilities construction;

719. $360,000 for Five Rivers Community Development Corporation in Georgetown, South Carolina for economic development and affordable housing;

720. $630,000 for the City of Charleston, South Carolina for pre- and post homeownership classes;

721. $810,000 for the South Carolina Association of Community Development Corporations in Charleston for job training;

722. $990,000 for the City of Columbia, South Carolina for facilities construction and the redevelopment of the Drew Park Wellness Center;

723. $135,000 for the City of Freeman, South Dakota for the construction of a community library;

724. $135,000 for the City of Canton, South Dakota for renovations for the conversion of the train depot for economic development;

725. $270,000 for the City of Sturgis, South Dakota for the construction of a community library;

726. $360,000 for the City of Brookings, South Dakota for downtown redevelopment;

727. $360,000 for the Southeast Council of Governments, South Dakota to establish a revolving loan fund;

728. $360,000 for the City of Vermillion, South Dakota for a business incubator;

729. $450,000 for the Center for Rural Collaboration and Partnerships in South Dakota for facility construction;

730. $450,000 for Capitol University Center, Pierre, South Dakota to construct a facility for job training;

731. $450,000 for the City of Rapid City, South Dakota to build a business incubator;

732. $450,000 for the City of Clark, South Dakota for development of an industrial property;

733. $2,700,000 for Wakpa Sica Historical Society in Fort Pierre, South Dakota for the Wakpa Sica Reconciliation Center;

734. $67,500 to the City of Etowah, Tennessee/Friends of the Old Scout Lodge for facilities rehabilitation of a historic structure;

735. $81,000 for the City of Chattanooga, Tennessee for economic development planning;

736. $81,000 for the City of Oak Ridge, Tennessee for economic development planning;

737. $81,000 to Pickett County, Tennessee for construction of a public library;

738. $81,000 to White County, Tennessee for construction of a new public library;

739. $90,000 to Dyersburg Army Air Base Memorial Association in Halls, Tennessee for facilities expansion of the association's veterans museum;

740. $121,500 to the National Medal of Honor Museum of Military History Foundation, Inc. for facilities renovation and construction in Chattanooga, Tennessee;

741. $180,000 to Fisk University in Nashville, Tennessee for facilities construction;

742. $180,000 to the Second Harvest Food Bank in Middle Tennessee for facilities construction;

743. $202,500 to the Town of Spring City, Tennessee for construction of a multi-purpose business and community center;

744. $255,150 to Knox County, Tennessee for renovations and construction of parking facilities;

745. $405,000 to the Historical Tennessee Theatre Foundation, Inc. for continued renovations of the Tennessee Theatre in Knoxville, Tennessee;

746. $500,000 for the City of Memphis, Tennessee Biotech Facility;

747. $850,000 for Nashville, Tennessee for the revitalization of Rolling Mill Road;

748. $950,000 for the City of Chattanooga, Tennessee for the revitalization of Alton Park;

749. $90,000 to Community Family Centers in Houston, Texas for construction of an early childhood development center;

750. $90,000 to the City of San Angelo Development Corporation in Texas for planning a regional industrial park;

751. $90,000 to the City of Austin, Texas Neighborhood Housing and Community Development Office for sidewalks, curbs, street lighting and facade renovations;

752. $135,000 to the Abilene Preservation League in Abilene, Texas for the restoration of historic Swenson House;

753. $135,000 to the Sulpher Springs Regional Development Association in Hopkins County, Texas for construction of a regional education and cultural center;

754. $135,000 to Texas A&M University Center for Housing and Urban Development for construction of a community center serving colonias;

755. $157,500 to the City of Abilene, Texas for the renovation of the Matera Paper Building, including land acquisition;

756. $202,500 for Texas A&M International University in Laredo, Texas for construction of outreach centers in the El Azteca neighborhood and the colonias of El Cenzio and Rio Bravo;

757. $202,500 to Community Health Development, Inc. of Uvalde, Texas for facilities expansion and construction for a dental services and wellness center;

758. $202,500 to the Battleship Texas Foundation for construction of an interpretive center;

759. $225,000 to Cameron County, Texas for construction of a Boys and Girls Club facility in Santa Rosa;

760. $225,000 to the City of Fort Worth, Texas for building restoration in the city center;

761. $360,000 to the City of Waco, Texas for construction of a community center;

762. $405,000 to the Family Practice Residency of the Brazos Valley in Bryan, Texas for construction of a new center of excellence;

763. $405,000 to the Mercy Health System for facilities renovations and improvements at Mercy Hospital in Laredo, Texas;

764. $405,000 to the University of Texas at Arlington for the continued facilities construction and buildout for the Nano-Tech Research Institute;

765. $450,000 for Lubbock, Texas for capital needs of the Lubbock Amphitheater;

766. $607,500 to the Old Red Courthouse Museum in Dallas, Texas for the restoration of facilities for the Museum of Dallas History;

767. $742,500 for Fort Worth, Texas for the revitalization of the Fort Worth Polytechnic Heights Historic Commercial and Educational Center;

768. $810,000 to the City of Fort Worth, Texas for waterfront facilities construction for the Trinity River Visions project;

769. $810,000 to the Globe of the Great Southwest in Odessa, Texas for facilities expansion and improvements;

770. $900,000 for El Paso, Texas for the renovation of the El Paso Plaza Theatre;

771. $180,000 to the Community Legal Center in Salt Lake City, Utah for facility renovation;

772. $202,500 to West Valley City, Utah for construction of a City's Multi-Ethnic Community Center;

773. $270,000 for the City of Orem, Utah for improvement of Nielsen's Grove Historical Park;

774. $810,000 for the City of Riverton, Utah for reconstruction of a Historic City Civic Center;

775. $1,170,000 for Sevier County, Utah for development of a Multi-Events Center;

776. $22,500 to the Langhorne House in Danville, Virginia for facilities renovations;

777. $22,500 to the Prestwould House near Clarksville, Virginia to assist with renovations to the historic site;

778. $45,000 for the Town of Boydton, Virginia for facilities improvements in connection with the downtown revitalization project;

779. $67,500 for Loudon Interfaith Relief, Inc. of Virginia for planning activities for development of a community kitchen;

780. $90,000 for Henry County, Virginia for facility renovations at the Henry County technology campus;

781. $90,000 for the City of Martinsville, Virginia for the planning for the utilization of an industrial site;

782. $90,000 for the Town of Altavista, Virginia to assist with renovations of the shell building industrial site;

783. $90,000 for the Town of Clarksville, Virginia to assist with the study on the development of the downtown area;

784. $90,000 to Arlington County, Virginia for renovation and buildout for the Bonder and Amanda Johnson Community Development Corporation facility;

785. $90,000 to the Martinsville-Henry County Historical Society in Virginia for improvements to the Old Henry County Court House and Museum;

786. $90,000 to the City of Manassas, Virginia for restoration of the Liberia House;

787. $90,000 to the Virginia Science Center for construction of the Belmont Bay Science Center in Prince William County, Virginia;

788. $90,000 to the Vienna Little League in Vienna, Virginia for facilities construction;

789. $135,000 to the Lorton Arts Foundation in Lorton, Virginia for the renovation of buildings for a creative arts center;

790. $157,500 to the Arlington Partnership for Affordable Housing (APAH) in Arlington, Virginia for facilities construction for a computer technology information center;

791. $157,500 to New Hope Housing in Alexandria, Virginia for renovation of the Mondloch House and construction at the Kennedy Shelter;

792. $162,000 to Eastern Shore Community College for construction of the Eastern Shore Workforce Training and Business Development Center in Melfa, Virginia;

793. $180,000 for the Town of South Hill, Virginia for the restoration of the Colonial Theatre;

794. $180,000 to the Arlington Housing Corporation in Arlington, Virginia for construction of a community center in the Woodbury Park development;

795. $180,000 to the Institute of Advanced Learning and Research (IALR) in Danville, Virginia for installation and improvements to high technology systems;

796. $180,000 to the Rich Valley Fair Association in Virginia for construction of a new facility to jointly serve as a community center and indoor space for the community fair;

797. $180,000 to the Shenandoah Valley Discovery Museum, Inc. for facilities expansion and buildout;

798. $180,000 to the Town of Edinburg, Virginia for the renovation and adaptive reuse of the Historic Edinburg Mill;

799. $180,000 to Vanguard Services Unlimited of Arlington, Virginia for renovation and improvement of facilities;

800. $202,500 to the City of Suffolk, Virginia for the renovation and restoration of the old Suffolk High School for use as a cultural center;

801. $202,500 to the Lynchburg Academy of Music in Lynchburg, Virginia for facilities construction and renovation;

802. $202,500 to the Tredegar National Civil War Center Foundation of Richmond, Virginia for facilities construction;

803. $216,000 to the Virginia Living Museum in Newport News, Virginia for construction and renovation of facilities;

804. $225,000 to Edgehill Recovery Retreat Center in Winchester, Virginia for facilities construction;

805. $225,000 for Mary Baldwin College in Staunton, Virginia for ongoing construction of the Center for the Exceptionally Gifted;

806. $450,000 to the St. Coletta School in Alexandria, Virginia for facilities construction;

807. $675,000 to the Christopher Newport University Foundation of Newport News, Virginia for facilities construction and renovation;

808. $1,350,000 for Newport News, Virginia for the development of the Newport News Fine Arts Center;

809. $90,000 to the Department of Vermont Veterans of Foreign Wars for the construction of the Green Block Veterans Memorial in Brandon, Vermont and the Windsor, Vermont War Memorial;

810. $90,000 to the Northeastern Vermont Development Corporation for construction of a community center in Orleans County;

811. $90,000 for the Carving Studio in West Rutland, Vermont for building renovations;

812. $90,000 to the Northeastern Vermont Development Association to support the Northeast Kingdom Enterprise Collaborative and the Northeast Kingdom REAP zone in promoting economic development throughout the region;

813. $180,000 for the Park-McCullough House in North Bennington, Vermont for preservation of property;

814. $225,000 to the Vermont Broadband Council to promote broadband accessibility throughout Vermont;

815. $270,000 to the Vermont Housing and Conservation Board for rehabilitation and construction of affordable housing in the historic Tuttle Building in Rutland, Vermont;

816. $270,000 to the City of Burlington for construction of the Intervale Food Enterprise Center in Burlington, Vermont;

817 $270,000 for the Vermont Development Initiative to expand their services throughout Vermont;

818. $270,000 for the Vermont Housing and Conservation Board in Stowe, Vermont for the creation of affordable housing;

819. $270,000 for the Vermont Housing and Conservation Board in Newport, Vermont for the expansion of affordable senior housing;

820. $315,000 to the Vermont Housing and Conservation Board for the development of affordable housing in Vergennes, Vermont;

821. $360,000 for the City of Burlington, Vermont for neighborhood revitalization;

822. $360,000 for the Lund Family Center in Burlington, Vermont for building renovations;

823. $450,000 for the Vermont Institute of Science for the construction of a new public education and wildlife center;

824. $810,000 to the Vermont Housing and Conservation Board for infrastructure improvements and other costs related to the development of affordable housing on Depot Street in Burlington, Vermont;

825. $67,500 to the Aberdeen Museum of History in Aberdeen, Washington for facility renovations;

826. $67,500 to the Boys and Girls Club of the Olympic Peninsula for restoration of their Mt. Angeles, Washington facility;

827. $67,500 to the Jefferson County Historical Society in Jefferson County, Washington for building restoration;

828. $67,500 to the Kitsap County Historical Society in Kitsap County, Washington for facility renovations;

829. $90,000 to the City of Mount Vernon, Washington for renovations to the historic Lincoln Theater;

830. $90,000 to the Lummi Indian Nation in Watcom County, Washington for the construction of the Semiahmah Memorial and Coast Salish Heritage Park;

831. $90,000 to Bread and Rose in Olympia, Washington for renovations to a homeless shelter;

832. $90,000 for the City of Forks, Washington for telecommunications initiatives;

833. $90,000 for the Elks Club of Pierce and Thurston Counties in Tacoma, Washington for the Toys for Disabled Youth Project;

834. $90,000 for the Washington State Rural Development Council for the Rural Community Assessment Project;

835. $180,000 for the Rural and Farmworker Housing Trust in Washington for farmworker housing;

836. $180,000 for the Squaxin Island tribe in Shelton, Washington for the Squaxin Island Museum, Library and Research Center;

837. $180,000 for the Wenatchee Valley College Foundation in Wenatchee, Washington to complete construction of the Institute for Rural Innovation and Stewardship;

838. $202,500 to the City of Buckley, Washington for construction of the Buckley Youth Center;

839. $225,000 to the Port of Bremerton, Washington for facilities construction related to expansion of a marina;

840. $225,000 to the Port of Grays Harbor, Washington for facilities construction and buildout for a boat yard;

841. $225,000 for the Friends of Youth of Redmond, Washington for the Griffin Home renovation in Renton;

842. $225,000 for Horizons, Inc. in Sunnyside, Washington for technology training centers;

843. $225,000 for Transitions in Spokane, Washington to purchase a building for the Women's Drop-in Center;

844. $225,000 for the Port of Chelan in Wenatchee, Washington to complete the construction of a community technology center;

845. $225,000 for the Washington State Office of Community Development for a planning and development resource center;

846. $387,000 for the SeattleArt Museum/Museum Development Authority, Washington for costs associated with brownfields cleanup;

847. $405,000 to the Boys and Girls Club of Spokane County, Washington for renovation of facilities;

848. $450,000 for the SWIFT Cyber Corporation in Washington for broadband access;

849. $450,000 for the YWCA of Seattle, Washington for the YWCA Opportunity Place;

850. $495,000 for Kent Youth and Family Services in Kent, Washington to build two new community centers including the Building Better Futures Family Center;

851. $90,000 to the City of Stoughton, Wisconsin for sidewalk, street lighting and furniture, and building renovations;

852. $90,000 to Brown County, Wisconsin for an economic development study for the Port of Green Bay;

853. $90,000 for the Burleigh Street CDC in Milwaukee, Wisconsin for a community and enterprise center;

854. $90,000 for the Genesis Foundation of Madison, Wisconsin for the South Madison Incubator;

855. $112,500 to St. Norbert College of DePere, Wisconsin for construction of a library learning center;

856. $135,000 to the City of Columbus, Wisconsin for sidewalk, street lighting and furniture, and building renovations;

857. $135,000 to the Milwaukee Center for Independence in Milwaukee, Wisconsin for construction of a Children's Diagnostic Center;

858. $135,000 for the City of Racine, Wisconsin for neighborhood redevelopment.;

859. $225,000 to the Metcalfe Park Residents Association in Milwaukee, Wisconsin for sidewalk, street lighting and furniture, and building renovations;

860. $225,000 for the YWCA of Milwaukee, Wisconsin for the rehabilitation of two central city properties;

861. $225,000 for City of Burlington, Wisconsin for development of the Bel-Mur site;

862. $225,000 for the City of Beloit, Wisconsin for the renovation of abandoned Beloit Corporation land;

863. $225,000 for the City of Eau Claire, Wisconsin for downtown revitalization;

864. $360,000 for Madison, Wisconsin for the Novation Technology Campus;

865. $450,000 for the City of Madison, Wisconsin for the development of affordable housing;

866. $630,000 to the Wisconsin Indianhead Technical College in Rice Lake, Wisconsin for construction and expansion of facilities at its new technology center;

867. $675,000 for the City of Milwaukee, Wisconsin for the Menomonee River Valley Redevelopment project;

868. $90,000 to Marshall University's Appalachian Transportation Institute for a study of economic development opportunities in southern West Virginia to support the Southern Highlands Initiative;

869. $90,000 to Marshall University's Appalachian Transportation Institute, West Virginia for economic development planning related to recent flooding;

870. $121,500 for the Kanawha Institute for Social Research and Action for facilities renovation for a business incubator and community center in Kanawha County, West Virginia;

871. $162,000 to the Upper Kanawha Valley Enterprise Community, West Virginia for facilities renovation for a business and community center;

872. $450,000 to the Greenbrier Valley Economic Development Authority for facilities construction in cooperation with the 4-County Economic Development Authority located in Oak Hill, West Virginia focused on development along the Interstate 64 corridor;

873. $720,000 to the Grant County Commission in West Virginia for construction of a community center;

874. $900,000 for the City of Summersville, West Virginia for the expansion of the National Guard Readiness Center;

875. $1,053,000 to the Mid-Atlantic Aerospace Complex, Inc. in Bridgeport, West Virginia for facilities construction;

876. $1,125,000 to Concord College in Athens, West Virginia for facilities construction for an information technology training center;

877. $1,170,000 to the West Virginia High Technology Consortium Foundation, Inc. in Marion County, West Virginia for facilities construction for a high-tech park;

878. $1,575,000 to the Monongalia County Schools Foundation, Inc. in West Virginia for construction of recreational facilities;

879. $1,682,000 to the Vandalia Heritage Foundation, West Virginia for development needs;

880. $1,800,000 for Potomac State College in Keyser, West Virginia for renovation of a library;

881. $2,700,000 for Glenville State College in Glenville, West Virginia for the construction of a new campus community education center;

882. $2,700,000 for West Virginia Wesleyan College in Buckhannon, West Virginia for renovation/expansion of a science hall.

—$42,120,000 for the Neighborhood Initiatives program instead of $23,400,000 as proposed by the House and $40,000,000 as proposed by the Senate. Modified language is included, similar to language proposed by the House and Senate, targeting funds made available under this program. Targeted grants shall be provided as follows:

1. $900,000 for Anchorage, Alaska for an expansion of the Anchorage Museum;

2. $250,000 for the City of Boaz, Alabama for facilities renovations and expansion;

3. $250,000 for the Alabama Historic Commission for the Historic Fort Toulouse-Fort Jackson project;

4. $1,260,000 to the Model City Community Revitalization District Trust in Miami, Florida for the Model City Homeownership project;

5. $1,620,000 to the University of Idaho in Moscow, Idaho for construction of the Performance and Education Facility at the Lionel Hampton Center;

6. $620,000 for the City of Indianapolis, Indiana for the Life Sciences Project;

7. $225,000 to the New Zion Community Foundation Development for continued renovations and improvements for a community resource center in Louisville, Kentucky;

8. $90,000 for The Neighborhood House in Louisville, Kentucky to furnish the community center;

9. $135,000 for the Portland Avenue Community Trust in Louisville, Kentucky for a multi-purpose facility;

10. $225,000 to the St. Stephen Family Life Center of Louisville, Kentucky for renovation of a facility for drug abuse counseling and transitional housing;

11. $135,000 to the New Directions Housing Corporation in Louisville, Kentucky for renovation of the historic Reeser Court Apartments;

12. $135,000 to the Shawnee Gardens Development Corporation of Louisville, Kentucky for the conversion of a building to serve as an independent living senior housing facility;

13. $108,000 to the West Broadway Community Development Corporation in Louisville, Kentucky for development of a multi-purpose facility;

14. $27,000 to the Coalition for the Homeless of Louisville/Jefferson County, Kentucky for a planning grant;

15. $1,000,000 for East Baltimore Development Inc., in Baltimore, Maryland for redevelopment activities in East Baltimore;

16. $1,000,000 to the Palestine Economic Development Corporation for the development of an Urban Assisted Living Center in Kansas City, Missouri;

17. $2,490,000 for the Applied Urban Research Institute in Missouri for a community development initiative;

18. $500,000 for the Seton House Transition Living Center in Missouri for Seton House operation and improvements;

19. $500,000 to Kansas City, Missouri for Columbus Park Neighborhood Improvements;

20. $500,000 for Thomas Jefferson Institute in Missouri for development of a Youth Education Farm;

21. $500,000 for Logan College of Chiropractic for a mitigation compliance project consisting of retention and detention control areas in Chesterfield, Missouri;

22. $1,000,000 for Kansas City, Missouri for streetscape improvements in the Kansas City downtown library district;

23. $500,000 for Urban Strategies for the construction of an affordable mixed income housing property for disabled individuals in the Central West End area of the City of St. Louis, Missouri;

24. $500,000 for the City of Chillicothe, Missouri for downtown revitalization;

25. $500,000 for the City of Cape Girardeau, Missouri for downtown revitalization;

26. $500,000 for the Boys and Girls Club in Glendale, Montana for new program starts;

27. $4,500,000 to the City of Syracuse, New York for the Neighborhood Initiative Program;

28. $1,530,000 to Children's Center in Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled children;

29. $450,000 to The Ohio State University for its Neighborhoods Revitalization Initiative;

30. $750,000 for the City of Cincinnati, Ohio for the development of the Ohio River Trail;

31. $450,000 to the Mandel School of Applied Social Sciences' Center for Community Development at Case Western Reserve University for the Louis Stokes Fellow Program in Community Organization and Development;

32. $1,170,000 to the Northwest Regional Planning Commission in Spooner, Wisconsin for a revolving loan fund to assist tornado-damaged areas in northwestern Wisconsin;

33. $4,500,000 for the Institute for Scientific Research for construction related to a high-technology diversification initiative;

34. $4,050,000 for the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives;

35. $450,000 to the U.S. Soccer Foundation for the National Soccer Program Development Initiative;

36. $800,000 for the National Housing Trust/Enterprise Preservation Corporation to preserve affordable apartments for low-income people;

37. $4,400,000 for the Housing Partnership Network for a revolving loan fund for single-family home ownership development and loans to non-profit affordable housing organizations;

38. $1,800,000 for the Girl Scouts of the U.S.A. for youth development initiatives in public housing;

39. $1,800,000 for the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing.

The conference agreement does not include bill language designating separate set-asides under this account for the Boys and Girls Clubs of America and the Girl Scouts of the USA as proposed by the Senate, and instead includes funding for these activities under the Neighborhood Initiatives program. The House did not propose funding for these activities.

Includes modified language making technical corrections to certain targeted economic development initiative grants funded under this heading in prior appropriations Acts, similar to language proposed by the House and the Senate.

Includes language transferring no less than $3,400,000 to the Working Capital Fund for development of and modifications to information technology systems as proposed by the House and the Senate.

Includes language regarding the limitation on the use of certain funds for planning, management and administration proposed by the Senate instead of language proposed by the House.

The conferees reiterate the direction included in the House report regarding a report evaluating the inclusion of people with disabilities and their advocates in development of consolidated plans.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $6,325,000 for costs associated with section 108 loan guarantees as proposed by the House instead of $14,000,000 as proposed by the Senate. This amount, when combined with unobligated prior year credit subsidy appropriations and loan commitment authority, will provide a total of $13,325,000 in credit subsidy appropriations to support a total loan commitment level of $579,344,000.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment as proposed by both the House and the Senate.

The conference agreement retains language proposed by the House to make funds available pursuant to the current statutory authorities instead of language proposed by the Senate.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates a total of $2,000,000,000 for this account, instead of $2,221,040,000 as proposed by the House and $1,950,000,000 as proposed by the Senate.

The conference agreement includes $1,925,000,000 for the HOME Investment Partnerships program, instead of $2,021,040,000 as proposed by the House and $1,950,000,000 as proposed by the Senate. Language is included designating $40,000,000 for housing counseling as proposed by the Senate instead of $25,000,000 as proposed by the House. In addition, of the total amount provided for the HOME program, $18,000,000 is for technical assistance including $6,000,000 for qualified non-profit intermediaries to provide technical assistance to Community Housing and Development Organizations (CHDOs), instead of $20,000,000 for technical assistance including $8,000,000 for technical assistance to CHDOs as proposed by the House. The Senate did not propose a specific amount for this activity.

In addition, the conference agreement includes $75,000,000 to be allocated by the Secretary to participating jurisdictions to provide downpayment assistance to low-income families to help them achieve homeownership.

The conferees reiterate the direction included in the House report regarding the issuance of guidance regarding the eligibility of manufactured housing under the HOME program.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,225,000,000 for homeless assistance grants, instead of $1,250,000,000 as proposed by the House and $1,215,025,000 as proposed by the Senate. Includes language requiring the renewal of all expiring shelter plus care grants as proposed by the House instead of bill language specifying a dollar amount for this purpose as proposed by the Senate. However, the conferees understand that the current estimate for shelter plus care renewals totals $193,000,000. The conferees expect the Department to provide the full amount necessary to fund these renewals from within the amounts provided.

Language is included as proposed by the House designating $11,000,000 for the national homeless data analysis project and $6,600,000 for technical assistance. The Senate bill included language designating a total of $17,600,000 for these activities but did not specify an amount for each purpose.

Language is not included designating $1,500,000 under this account for the administrative needs of the Interagency Council on the Homeless as proposed by the House. The conference agreement includes $1,500,000 as a separate account in title III of this Act for this purpose as proposed by the Senate.

Language is included designating $10,000,000 for a two-year demonstration program to fund innovative and effective programs to address homelessness as proposed by the House. The conferees reiterate that funds provided for this demonstration are only to be used for the housing portion of such programs. Grantees shall derive supportive services funds from public or private sources other than homeless assistance grants funded under this account. The conferees request that the Department submit an annual report to the Committees on Appropriations on the projects funded under this demonstration and their outcomes, with the first such report due March 15, 2004. The Senate did not propose funding for this activity.

In lieu of the language in the Senate report, the conferees reiterate their support for the creation of additional units of permanent supportive housing and concern over the targeting of the shelter plus care program to chronically homeless people. The conferees are concerned that the Department is not taking the proper steps to determine the extent to which HUD's homeless assistance programs are meeting the needs of chronically homeless people. Therefore, HUD is directed to begin collecting data on the percentage and number of beds and supportive services programs that are serving people who are chronically disabled and/or chronically homeless.

The conferees reiterate the direction and reporting requirement included in the Senate report regarding the collection and analysis of data to assess the effectiveness of the homeless system, and direct that such report also include HUD's timeline for finalizing data requirements for the Homeless Management Information System.

In lieu of the direction included in the Senate report regarding the Iowa continuum of care application, the conferees understand that the Department has addressed the Iowa application to the extent that is legally permissible.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,033,801,000 for housing for special populations as proposed by the Senate instead of $1,100,000,000 as proposed by the House.

Includes $783,286,000 for section 202 housing for the elderly as proposed by the Senate instead of $790,903,000 as proposed by the House. Of this amount, $50,000,000 is for service coordinators and congregate services as proposed by the House instead of $53,000,000 as proposed by the Senate; and up to $25,000,000 is for conversion of eligible section 202 projects to assisted living instead of $30,000,000 as proposed by the House and up to $50,000,000 as proposed by the Senate.

Includes $250,515,000 for section 811 housing for the disabled as proposed by the Senate instead of $259,097,000 as proposed by the House.

The conference agreement does not include language proposed by the Senate to make section 202 and section 811 grant funds available for expenditure for twelve years, but includes modified language to make funds provided under this heading available for obligation for four years rather than three years as proposed by the House and Senate.

The conferees are concerned by the unduly long time it has taken in many cases to complete construction of elderly housing units funded through the section 202 program. While the conferees appreciate the complexities involved in housing construction, the conferees are concerned that many of these delays are attributable to a lack of site control and/or sufficient planning, design and development. Therefore, the conference agreement includes $25,000,000 for a demonstration grant program to facilitate planning, design and development activities for section 202 projects instead of $50,000,000 as proposed by the House. In lieu of the direction included in the House report regarding preference for future capital grant awards, the conferees direct HUD to review current procedures for making awards under the section 202 program to ensure that those entities which can demonstrate their ability to bring projects on-line within the existing timeframes required by HUD, including achieving site control, are given preference under the section 202 program.

The conference agreement includes language, modified from language proposed by the House, requiring the Secretary to submit a report to the Committees on Appropriations no later than July 15, 2003 which includes the following: (1) actions taken, or planned to be taken, by the Department to accelerate the completion of projects funded under the section 202 program; and (2) alternative plans to restructure or otherwise modify the current section 202 program which would result in the completion of units and expenditure of funds in a more timely fashion, including, but not limited to, the option to restructure this program in a manner which tracks other Federally funded construction programs whereby grants for planning and design, construction, and operations are provided for separately.

The conference agreement does not include language proposed by the Senate authorizing the Secretary to waive any provision of law or regulation governing the section 202 and section 811 programs. The House did not include similar language. Instead, the conference agreement includes modified language limiting the Secretary's waiver authority to only those provisions governing the terms and conditions for project rental assistance contracts and tenant-based voucher contracts to enable the Secretary to limit such initial contracts to no more than a five year term.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

Includes language regarding the transfer of excess rental charges to this fund as proposed by the House and the Senate.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Includes a rescission of up to $100,000,000 from recaptured excess section 236 funds resulting from the pre-payment of such mortgages as proposed by the House, rather than directing the use of such excess funds to be used for a rehabilitation grant and loan program as proposed by the Senate.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriates $13,000,000 for authorized activities from fees collected in the fund as proposed by the House and Senate.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Establishes a $165,000,000,000 limitation on single-family loan guarantees during fiscal year 2003 as proposed by the House instead of a limitation of $160,000,000,000 as proposed by the Senate.

Establishes a $100,000,000 limitation on direct loans to nonprofits and governmental entities in connection with the sale of HUD-owned single-family properties, instead of a limitation of $50,000,000 as proposed by the House and a limitation of $250,000,000 as proposed by the Senate.

Appropriates $347,829,000 for administrative expenses as proposed by both the House and Senate. Of this amount, $343,807,000 is to be transferred to the salaries and expenses account and not to exceed $4,022,000 is to be transferred to the Office of Inspector General as proposed by both the House and Senate.

Appropriates $85,720,000 for administrative contract expenses and includes language allowing up to an additional $16,000,000 to be made available for such expenses in certain circumstances as proposed by both the House and Senate.

Transfers no less than $21,360,000 from administrative contract expenses under this account to the Working Capital Fund for the development of and modifications to information technology systems as proposed by both the House and Senate.

The conferees reiterate the direction included in the Senate report regarding submission of a report to the Committees on Appropriations on further actions which could be taken to protect homeowners and communities experiencing high rates of defaults and foreclosures on FHA-insured loans, and direct that such report be provided no later than June 2, 2003.

The conferees are aware of concerns regarding the effect the accelerated claims disposition demonstration will have in low-income, distressed neighborhoods, and urge the Department to take the particular needs of these communities into consideration when implementing this demonstration. In lieu of the language included in the Senate report regarding the accelerated claims disposition demonstration program, the conferees direct HUD to provide a report to the Committees on Appropriations no later than August 1, 2003, on savings to the FHA single-family insurance fund and, where possible, the impact of this demonstration on the numbers of foreclosures and re-performing loans within the demonstration, as well as the impact of this program on such communities if such properties are sold to investors or resold in a deteriorated condition.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Establishes a $23,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2003 as proposed by the House instead of a limitation of $21,000,000,000 as proposed by the Senate.

Appropriates $15,000,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs as proposed by the House and the Senate.

The conferees understand that once the final consolidated OIG audit on section 514 grantees is received, the Department will make a determination whether to lift the suspension, recapture funds spent inappropriately, or bar grantees from receiving funds for four years, based on the OIG assessment of the individual violations. The conferees ask the Department to report on the status of resolution of these findings by April 15, 2003.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $10,343,000 for administrative expenses to be transferred to the salaries and expenses account as proposed by both the House and the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $47,000,000 for research and technology as proposed by both the House and Senate.

Includes $7,500,000 for the Partnership for Advancing Technology in Housing (PATH) initiative, instead of $7,000,000 as proposed by the House and $8,750,000 as proposed by the Senate.

The conferees reiterate the direction included in the Senate report denying demonstration authority without prior congressional approval.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $45,899,000 for the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP) as proposed by both the House and the Senate.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $176,000,000 for lead hazard reduction instead of $126,000,000 as proposed by the House and $201,000,000 as proposed by the Senate.

The conferees agree to allocate funds as follows:

—$10,000,000 for Operation LEAP;

—$96,000,000 for the lead-based paint hazard control grant program to provide assistance to State and local governments and Native American tribes for lead-based paint abatement in private low-income housing;

—$10,000,000 for technical assistance and support to State and local agencies and private property owners;

—$10,000,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards; and

—$50,000,000 for an initiative to target lead abatement funds to areas with the highest lead paint abatement needs.

Includes new language making available $50,000,000 on a competitive basis to those areas with the highest lead paint abatement needs as determined by the highest number of pre-1940 units, a disproportionately high number of documented cases of lead-poisoned children and an applicant's demonstrated capacity to implement successfully the proposed uses of the funds. Language is also included requiring that not less than 90 percent of the funds made available under this initiative to be used exclusively for abatement and interim control of lead-based paint hazards. Language is also included requiring recipients of funds awarded under this initiative to provide a matching contribution of not less than 25 percent of the total grant award. The conferees believe that communities with the highest lead paint risk to children must employ an aggressive approach to lead-based paint abatement, and direct that grants made under this new initiative be not less than $2,000,000. The conferees intend that eligible recipients of these funds will be units of local government. In selecting recipients for funding under this initiative, the Department shall consider the capacity of the applicant to use the funds provided, including the success of the applicant in using previously provided Federal dollars for lead-based paint hazard reduction, as well as the applicant's strategies to mobilize public and private resources to address this problem. Grant recipients under this initiative are expected to use funds for abatement and hazard reduction in privately owned rental-housing units that serve low-income families with children under the age of six. Units treated with funds provided under this initiative must remain available for low-income residents for at least three years following treatment of the lead-based paint hazard. The conferees direct the Department to submit an annual report to the Committees on Appropriations on the effectiveness of this program with the first such report due March 1, 2004. Further, the conferees request that the Department review the need for demolition grants under this initiative and provide a report to the Committees on Appropriations by June 27, 2003. The conferees do not intend for any action taken in this Act to prejudice ongoing or future litigation brought against lead pigment manufacturers. Additionally, no action taken in this Act is intended to mitigate the responsibility of housing owners to address the existence of lead-based paint hazards in a timely and expeditious manner.

The conferees are aware that the Department currently reserves approximately 80 percent of the current lead-based paint hazard control grant program funding for allocation to current grantees or previous grantees, with the remaining 20 percent provided for new grantees. The conferees request that the Department evaluate this policy to ensure that such allocation is appropriate to ensure that resources are made available to communities with the need as well as the capacity to use such grants. Further, the conferees urge the Department to consider the total amount of Federal and non-Federal resources available to address lead-based paint hazards when allocating funds provided for the current lead-based paint hazard control grant program. Further, the conferees expect the Department to award all funds provided for the current lead-based paint hazard grant program on a competitive basis and to report to the Committees on Appropriations by April 15, 2003 on how this requirement is being met.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,090,229,000 for salaries and expenses as proposed by the House instead of $1,070,229,000 as proposed by the Senate. Of this amount, $530,299,000 is provided as a direct appropriation under this account as proposed by the House instead of $510,299,000 as proposed by the Senate.

The conference agreement includes language as proposed by the House directing the Department to allocate funds provided under this heading in the manner specified in the joint explanatory statement of the managers accompanying this Act unless the Committees on Appropriations are notified and approve of any changes in the operating plan or through a reprogramming. The conferees reiterate the direction included in the House report regarding such operating plan and reprogramming procedures. The following office and object classifications are to be used as the basis of any changes in funding distributions:

Office of Housing	$294,224,000
Office of Public and Indian Housing	153,971,000
Office of Community Planning and Development	76,174,000
Office of Policy Development and Research	19,147,000
Office of Fair Housing and Equal Opportunity	59,973,000
Office of Healthy Homes and Lead Hazard Control	2,634,000
Government National Mortgage Association	7,233,000
Departmental Management	22,344,000
Center for Faith-Based and Community Initiatives	2,606,000
Office of the Chief Financial Officer	53,986,000
Office of the General Counsel	68,336,000
Office of Field Policy and Management	77,410,000
Office of Administration	241,761,000
Transfer to the Working Capital Fund	10,500,000
Total, Management and Administration	$1,090,229,000

Consistent with modifications to the original budget submission, the object classification distribution, which shall also serve as the basis for the operating plan and reprogramming changes, is as follows:

Personal Services—$830,763,000

Travel and Transportation of Persons—$25,508,000

Transportation of Things—$700,000

Rent, Communications and Utilities—$124,572,000

Printing and Reproduction—$4,644,000

Other Services—$97,807,000

Supplies and Materials—$4,932,000

Furniture and Equipment—$1,180,000

Indemnities—$193,000

The preceding object classification distribution includes $20,000,000 provided for funds control improvements within the Other Services object class. The Department is directed to submit a spending plan allocating these funds no later than April 15, 2003.

Allocations included in the conference agreement are consistent with the distributions included in the Department's budget submission, excluding amounts assumed contingent upon enactment of legislative changes to legacy retirement costs, updated to include the effects of the reorganization implemented during fiscal year 2002 and additional resources provided for funds control improvements. However, the conferees understand recent hiring decisions have resulted in the Department exceeding its requested 9,100 full time equivalents (FTE) level by an estimated 268 FTEs. This increase contradicts the Department's budget justification submission for the fiscal year. In addition, the Committees on Appropriations were not informed of this substantive change in staffing until the funding shortfall caused by this FTE level reached critical proportions. Further, the conferees understand that the Department's hiring actions were in many cases inconsistent with the Department's Resource Estimation and Allocation Process (REAP) resulting in some offices and functions remaining understaffed while other offices and functions are overstaffed. The conferees are disturbed by the Department's failure to adhere to staffing levels set forth in the budget and to meet required notification requirements regarding such changes, as well as by the Department's inability to manage the allocation of staff resources based upon workload requirements. Modified language is included, similar to language proposed by the House, requiring the Secretary to submit a staffing plan for the Department no later than March 15, 2003. In addition, the Department is directed to submit a reprogramming of funds no later than March 15, 2003 that reflects changes from the office and object classification distributions included in this conference agreement, as well as the actions the Department is taking to realign staffing resources to match workload requirements, including any additional staffing requirements resulting from changes made to the section 8 voucher program in this Act.

The Office of Inspector General (OIG) is also requested to review the Department's hiring decisions to determine whether these decisions have been consistent with the Department's staffing needs, program requirements, and applicable personnel practices. The OIG is asked to report to the Committees on Appropriations on its findings no later than August 15, 2003.

Language is included designating $20,000,000 to remain available for two years for funds control improvements as proposed by the House. The Senate bill did not include a similar provision. Language is also included, as proposed by the House, related to funds control improvements. The Senate did not include similar language. The conferees reiterate the concerns expressed in the House report regarding the severe chronic funds control problems at the Department, including the failure of the Department to make timely formal determinations of the violations of Anti-Deficiency Act (ADA) and other appropriations statutes. The conferees reiterate all direction included in the House report regarding this problem, including the direction included in the House report regarding the authority and the responsibility of the Office of the Chief Financial Officer (OCFO) with respect to compliance with appropriations laws, including the ADA. The conferees note that to assist the OCFO in fulfilling these responsibilities, the conference agreement includes language establishing a division of appropriations law within the OCFO and transferring no fewer than four experienced appropriations attorneys from the Legislative Division of the Office of Legislation and Regulations, Office of the General Counsel to the OCFO for such new division. The conferees direct that the Secretary ensure that all attorneys transferred pursuant to the conference agreement have significant experience and expertise in matters of appropriations law, and further direct the Secretary to report to the Committees on Appropriations within 15 days of enactment of this Act on the actions taken to comply with this requirement.

Language is included in the bill placing a limitation on the number of GS–14 and GS–15 positions at the Department as proposed by the House. The Senate did not include similar language.

The conferees reiterate the direction included in the Senate report regarding the limitation on non-career employees.

WORKING CAPITAL FUND

Appropriates $276,300,000 for the Working Capital Fund as proposed by the House instead of $276,737,000 as proposed by the Senate. In addition, the conference agreement includes an additional $75,100,000 by transfer from various accounts to support program-specific information technology systems as proposed by the House and Senate.

Language is included prohibiting funds made available to the Department from being used to award a new contract for the HUD Information Technology Services project until after submission of a comprehensive five-year plan in accordance with the direction included in this joint statement of the managers. The Department is directed to submit a comprehensive five-year plan that meets all the requirements and direction included in the House report. The Senate did not include similar language.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

Appropriates $97,499,000 for the Office of Inspector General instead of $96,684,000 as proposed by the House and $97,684,000 as proposed by the Senate. Of this amount, $23,343,000 is provided by transfer from the various funds of the Federal Housing Administration as proposed by the House and the Senate.

In lieu of the direction included in the Senate report, at least $5,000,000 is to be targeted to anti-predatory lending and anti-flipping activities.

CONSOLIDATED FEE FUND

(RESCISSION)

Includes a rescission of $8,000,000 from the Fund as proposed by the Senate. The House proposed similar language but did not designate a specific dollar amount.

Office of Federal Housing Enterprise Oversight

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $30,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the House and the Senate.

The conferees agree that OFHEO must have the necessary staff in order to fully meet its regulatory mission. However, previous staffing plans submitted by OFHEO have often lacked the necessary level of detail required by the Committees on Appropriations to accurately assess the staffing and funding needs of the agency. The conferees expect OFHEO to provide a detailed report to the Committees on Appropriations no later than August 15, 2003, detailing its current staffing levels and corresponding responsibilities, as well as whether additional staff is required to fully meet its regulatory mission.

Administrative Provisions

Does not include language to amend section 683(2) of the Housing and Community Development Act of 1972 to authorize service coordinators in section 811 projects as proposed by the Senate. The House did not include similar language.

Does not include language to amend section 9 of the United States Housing Act of 1937 to authorize a new loan-financing program for public housing authorities as proposed by the Senate. The House did not include similar language.

Includes language permanently prohibiting assistance for housing units defined under section 9(n) of the United States Housing Act of 1937 as proposed by the Senate. The House did not include similar language.

Includes language setting forth the reprogramming requirements for funds provided to the Department as proposed by the House. The Senate proposed similar language.

Includes modified language, similar to language proposed by the House, requiring the Department to submit a spending plan for the use of technical assistance, training, and management improvement funds provided for in this Act to the Committees on Appropriations by March 15, 2003. The Senate did not include similar language.

Includes language repealing section 9(n)(1) of the United States Housing Act of 1937 and section 226 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 as proposed by the Senate. The House did not include similar language.

Includes modified language, similar to language proposed by the Senate, requiring the Secretary to maintain section 8 assistance on certain properties occupied by elderly or disabled families. The House did not include similar language.

Does not include language to amend section 8(o) of the United States Housing Act of 1937 to authorize a welfare-to-work voucher program as proposed by the Senate. The House did not include similar language.

Includes language exempting the States of Alaska, Iowa, and Mississippi from the statutory requirement of having a resident on the board of a public housing authority and requires in lieu thereof the establishment of advisory boards which include public housing residents and section 8 recipients as proposed by the Senate. The House did not include a similar provision. While the conferees have again included this exemption, the conferees expect the States to take the appropriate actions necessary to address this issue, rather than continuing to rely on a waiver of this statutory requirement.

Does not include language requiring the Director of the Office of Management and Budget and the Secretary to identify five-year cost projections for contract rental renewals for various HUD programs as proposed by the Senate. The House did not include similar language. The conferees understand that the Department's fiscal year 2004 budget submission includes such information. The Department is expected to continue to provide such information in subsequent fiscal year budget submissions without the need for the conferees to continue this direction in future appropriations Acts.

Includes language to amend section 24 of the United States Housing Act of 1937 to extend the authorization of the HOPE VI program for two years as proposed by the Senate. The House did not include similar language.

Does not include language prohibiting permanently the Secretary from waiving section 8 income eligibility restrictions as proposed by the Senate. The House did not include similar language.

Includes modified language, similar to language proposed by the Senate, requiring the Secretary to provide quarterly reports to the Committees on Appropriations regarding all uncommitted, unobligated and excess funds in each departmental program and activity, and to provide additional updated information upon request. The House did not include similar language.

Does not include language amending 12 U.S.C. 1715z–11a to allow the FHA multifamily insurance fund to be used for grants and loans for rehabilitation of certain non-FHA-insured properties as proposed by the Senate. The House did not include similar language.

Includes modified language, similar to language proposed by the Senate, requiring the Secretary to submit an annual report to the Committees on Appropriations regarding the number of Federally-assisted units under lease and the per-unit costs of such units. The House did not include similar language. The conferees expect such report to include all units funded under the Housing Certificate Fund and should provide the most updated information practicable.

Includes language waiving certain first-time homebuyer requirements to allow the use of a HOPE III grant in the East Baltimore, Maryland community as proposed by the Senate. The House did not include similar language.

Does not include language waiving the statutory environmental review requirements for a community development block grant made to Benton County, Iowa as proposed by the Senate. The House did not include similar language.

Includes new language providing the Secretary flexibility in applying the across-the-board rescission to funds made available in the Housing Certificate Fund.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriates $35,246,000 for salaries and expenses as proposed by the House instead of $30,400,000 as proposed by the Senate.

The conferees have provided an additional $846,000 above the budget request to provide salaries and benefits for up to 20 additional full time equivalent personnel where manpower needs are evident throughout the ABMC system because of reductions in the work week mandated by a foreign government. In addition, $4,000,000 has been provided for additional planning and construction costs associated with a new visitors center at the Normandy American Cemetery and Memorial near St. Laurent-sur-Mer, France. In this regard, the conferees agree that because the ABMC has begun initial planning of the project and may soon move to design and other pre-construction activities, a restriction on the use of funds for this project contained in the fiscal year 2002 appropriations legislation is withdrawn.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Provides a total funding level of $7,850,000 as proposed by the Senate instead of $6,500,000 as proposed by the House. Of this amount $1,400,000 is derived from fiscal year 2002 unobligated balances. The conferees have provided $500,000 of the amount appropriated in fiscal year 2003 to be available through fiscal year 2004 as proposed by the Senate instead of $2,500,000 as proposed by the House. The conferees have included bill language again this fiscal year which limits the number of career Senior Executive Service positions to three.

The conferees reiterate the House position regarding reprogrammings for the Board and that the use of carryover funds is subject to these same requirements.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

Appropriates $75,000,000 for the Community Development Financial Institutions Fund instead of $80,000,000 as proposed by the House and $73,000,000 as proposed by the Senate.

Includes $5,000,000 for technical assistance designed to benefit Native American communities as proposed by the Senate instead of $2,000,000 as proposed by the House.

Provides $10,750,000 for administrative expenses as proposed by the Senate instead of $11,050,000 as proposed by the House.

Provides for a limitation on the amount of direct loans of $11,000,000 as proposed by both the House and Senate.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriates $57,000,000 for the Consumer Product Safety Commission, salaries and expenses, instead of $57,117,000 as proposed by the House and $56,767,000 as proposed by the Senate.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Appropriates $429,000,000 for national and community service programs operating expenses instead of $405,842,000 as proposed by the Senate. The House provided authority for prior year funds to be used to terminate the Corporation and did not include any other provisions under this account.

Limits the fiscal year 2003 AmeriCorps enrollment to no more than 50,000 new members who incur obligations from the National Service Trust as proposed by the Senate. The conferees were dismayed to learn of the gross financial mismanagement of the Trust Fund and over-commitments made to various organizations without the financial resources to support those obligations, especially after years of providing funds for and directing the Corporation to strengthen grant management systems and financial controls. While the current leadership of the Corporation is to be commended for bringing these issues to light, the conferees maintain that the Corporation needs time to resolve the financial weakness and oversight issues within the organization before the program can grow. To that end, the conferees have approached fiscal year 2003 funding for the Corporation with two guiding principles: 1) stabilization of the Corporation's programs and resources; and 2) maintenance of commitments to graduates of the Corporation's programs.

Limits administrative expenses to not more than $32,500,000, of which not more than $2,500 is for reception and representation expenses as proposed by the Senate. The conferees direct $18,000,000 for program administration, $12,000,000 for Governor-appointed State Commissions on National and Community Service, and $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation.

Limits $100,000,000, instead of $15,000,000 as proposed by the Senate, to be transferred to the National Service Trust, of which up to $5,000,000 shall be available for national service scholarships for high school students. The conferees did not provide funds for the Senior Service Initiative. The conferees amend the quarterly reporting requirement as proposed by the House and Senate regarding expenditures under the Trust to include an additional reporting requirement of enrollment data on the authorized and actual number of AmeriCorps members to be submitted by March 31, 2003. The conferees further direct the Corporation to ensure immediately that funds are available to pay the education awards earned by program graduates before any new members are enrolled in the Trust.

Limits $275,000,000 for subtitle C grants under the National Service Trust of which not more than $50,000,000 may be for national direct programs, and $100,000,000 is transferred to the National Service Trust. Grants are to be made according to peer review panel recommendations. The Senate proposed limiting the subtitle C grants to $240,492,000 of which not more than $47,000,000 could be used for national service programs. This funding level provided will support 50,000 new volunteers enrolled in the Trust in fiscal year 2003. The conferees direct the continuation of two programs areas to be funded in fiscal year 2003 at a level proportionate to last year considering the funding provided in fiscal year 2003: 1) programs designed to help children read by third grade, and 2) programs which provide information technology skills to students and teachers in low-income communities.

Provides $10,000,000 to the Points of Light Foundation, of which up to $2,500,000 may be used for an endowment as proposed by the Senate.

Prohibits the use of funds for national service programs run by other agencies and directs the Corporation to reduce the Federal cost per participant as proposed by the Senate.

Limits funding for the National Civilian Community Corps to $25,000,000 as proposed by the Senate. The conferees reduced the funding level from the budget request without prejudice.

Limits funding for subtitle B grants for school-based and community-based service learning programs to $43,000,000 as proposed by the Senate.

Limits funding for subtitle H grants, innovation, demonstration and assistance activities, to $35,500,000 instead of $29,850,000 as proposed by the Senate. The conferees have provided $500,000 for Martin Luther King Jr. Day grants, $100,000 for the Fellowship program, $8,000,000 for training and technical assistance, $6,000,000 for education award grants, $5,000,000 for Promise Fellows, and $5,900,000 for disability programs. Further, the conferees have provided $4,000,000 for grants to encourage the next generation of national service organizations as proposed by the Senate. The conferees have not provided the full funding request for recruitment activities since most of the fiscal year 2003 positions are filled, nor have the conferees provided funds for any innovation or demonstration program utilizing vouchers. The conferees do not recommend the request to transfer Education Awards and Promise Fellows programs from Innovation Activities to AmeriCorps Grants.

Provides $6,000,000 for challenge grants under subtitle H as proposed by the Senate. The conferees amend the criteria for challenge grants by requiring a 2–to–1 private to Federal dollar matching requirement for grant recipients and limiting the grants to one year in duration.

Provides $5,000,000 for America's Promise as proposed by the Senate. The conferees amend the reporting requirement proposed regarding funding and performance with a new reporting date of March 31, 2003.

Limits funding for audits and evaluations to $3,000,000, instead of $5,000,000 as proposed by the Senate. The conferees did not provide funding for the proposed research-based institute in partnership with a university or non-profit organization.

Rescinds $48,000,000 from prior year unobligated balances identified within funds appropriated between fiscal year 1998 and fiscal year 2002 across all grant programs. None of the rescission is derived from the National Service Trust.

The conferees remind the Corporation of the reporting and reprogramming requirements set forth at the beginning of this division. Various reporting requirements listed in both the House report and the Senate record must be fulfilled with the submission of the fiscal year 2003 operating plan unless otherwise noted. Further, the conferees direct the Corporation to provide better, detailed information in the budget request regarding planned and on-going activities, the costs of those activities, and the expected results.

The conferees reiterate the directive to the Corporation to establish performance measures for each grantee, require each grantee to submit a correction plan should the grantee not meet the agreed-upon measures, and reduce or terminate any award where, after due process, the grantee does not meet the performance plan.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,000,000 for Office of Inspector General instead of $5,000,000 as proposed by the House and $6,900,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

Retains the administrative provisions proposed by the Senate regarding qualified student loans eligible for education awards and the availability of funds for the placement of volunteers with disabilities. The House included a similar provision regarding qualified student loans, but with technical differences.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriates $14,326,000 for salaries and expenses as proposed by the House instead of $14,612,000 as proposed by the Senate.

The conferees believe all federal employees should be safe in their work environments. The General Services Administration (GSA) is responsible for providing security for the Federal tenants of privately owned buildings. The conferees strongly urge the Court, together with the other tenants of the building, to work with GSA, in consultation with the Department of Homeland Security, on a security plan acceptable to all tenants, the community and the owner. The cost of the plan should be borne equally by all tenants.

The conferees remind the Court of its obligation to comply with the reprogramming requirements set forth at the beginning of this division and direct the Court to submit an operating plan to the Committees on Appropriations of both the House and Senate 60 days after enactment of this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $32,445,000 for salaries and expenses as proposed by the House instead of $24,445,000 as proposed by the Senate. Additional funds are provided for repairs to the Memorial Amphitheater and accelerated development of section 90.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates $84,074,000 for the National Institute of Environmental Health Sciences as proposed by the House instead of $76,074,000 as proposed by the Senate. Of the appropriated amount, $48,936,000 is for research and $27,138,000 is for worker training activities as proposed in the budget submission.

In addition, the conferees have provided $8,000,000, split equally between research and worker training, for NIEHS activities related to the terrorist attacks of September 11, 2001 which had been appropriated in a Supplemental Appropriations Act but not requested by the Administration as a contingent emergency.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriates $82,800,000 for toxic substances and environmental public health instead of $88,688,000 as proposed by the House and $81,000,000 as proposed by the Senate. Of the amount provided, $1,800,000 is intended to reimburse ATSDR for direct and indirect costs of the Agency related to the events of September 11, 2001.

Bill language has again this year been included which permits the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA. Funds provided for fiscal year 2003 cannot be used by the ATSDR to conduct in excess of 40 toxicological profiles.

From within the funds provided, the conferees expect ATSDR to establish a fish consumption advisory pilot program in the State of Michigan, implement a multi-faceted health study of polychlorinated biphenyl exposure in Anniston, Alabama, and monitor and assess the long-term health status of children, adolescents, and young adults in Herculaneum, Missouri regarding their exposure to lead.

Finally, the conferees have again agreed to cap administrative costs charged by the CDC at 7.5 percent of the amount appropriated herein for the ATSDR.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates $720,261,000 for science and technology instead of $714,578,000 as proposed by the House and $707,203,000 as proposed by the Senate. The conferees have included language similar to that proposed by the House giving EPA the ability to contract for the temporary or intermittent services of students or recent graduates. The language, with technical differences, is similar to language adopted in Public Law 106–113 to provide such authority to the United States Geological Survey.

The conferees have agreed to the following increases above the budget request:

1. $2,500,000 for EPSCoR;
2. $4,000,000 for the Water Environmental Research Foundation;
3. $5,000,000 for the American Water Works Association Research Foundation;
4. $2,000,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program;
5. $9,750,000 for the STAR Fellowship program;
6. $1,000,000 for the American Water Works Association as a one-time grant to assist AWWA in its drinking water security training activities;
7. $5,000,000 for small system arsenic removal research, for a total of $11,800,000 in fiscal year 2003. The conferees strongly encourage EPA to utilize a significant portion of this funding to carry out demonstrations of implementation of low-cost treatment technology and directs the Agency to report to the Committees on Appropriations by August 15, 2003, on its plans to carry out such demonstrations;
8. $900,000 for the University of South Alabama, Center for Estuarine Research;
9. $450,000 for the city of San Bernardino, California/San Bernardino Valley Metropolitan Water District for the Lakes and Streams project;
10. $675,000 to the University of California, Riverside for continued research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the CE-CERT facility;
11. $450,000 to the Monterey County, California Water Resources Association for planning activities for the Salinas Valley Water Project;
12. $1,800,000 for the International Center for Water Technology at California State University, Fresno;
13. $900,000 for the Central California Air Quality Study conducted by the Central California Air Quality Coalition;
14. $720,000 to Barry University for minority science training;
15. $900,000 to the University of Miami in Florida for the Rosenstiel School of Marine and Atmospheric Science for continued research into coral reefs;
16. $270,000 to Florida International University to utilize non-destructive techniques to characterize and develop contamination strategies;
17. $225,000 for ongoing research and development of multipurpose sensors for detecting and analyzing environmental contaminants at Boise State University, the University of Idaho and the University of Utah;
18. $450,000 to the Illinois Waste Management and Research Center through the University of Illinois at Urbana/Champaign for implementation of a program to increase the adoption of innovative pollution prevention technologies by businesses;
19. $180,000 for the Geothermal Heat Pump Consortium;
20. $450,000 for the National Center for Manufacturing Sciences in Ann Arbor, Michigan for assisting EPA in meeting the Strategic Goals Program in the metal finishing sector;
21. $450,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies;
22. $450,000 for the Great Lakes Hydrological Center of Excellence at Western Michigan University;
23. $180,000 to Montana State University Bozeman to develop a Water Center Drinking Water Assistance Program for Small Systems;
24. $225,000 to the Desert Research Institute for Clean Water Research of the Western Great Basin Rivers;
25. $6,885,000 for the Environmental Systems Center of Excellence at Syracuse University for research and technology transfer in the fields of indoor environmental quality and urban ecosystems sustainability;
26. $180,000 to the State University of New York, College of Environmental Sciences and Forestry for research and outreach at the Roosevelt Sustainability Center;

27. $450,000 to the Syracuse Research Corporation in Syracuse, New York, a not-for-profit corporation, for the continuation of environmental research at its Probability Risk Assessment Center;

28. $900,000 for the Integrated Petroleum Environmental Consortium;

29. $450,000 for the University of South Carolina for a geologic study for uranium groundwater contamination;

30. $1,800,000 for the Mickey Leland National Urban Air Toxics Research Center;

31. $450,000 for the Texas Institute for Applied Environmental Research at Tarleton State University;

32. $450,000 for the Texas Institute for Environmental Assessment and Management at the University of North Texas, Denton, Texas;

33. $873,000 for the Canaan Valley Institute in close coordination with the Regional Vulnerability and Assessment (ReVA) initiative to develop research and educational tools using integrative technologies to predict future environmental risks and support informed, proactive decision-making to be undertaken in conjunction with the Highlands action program;

34. $450,000 for the Dauphin Island Sea Lab, Dauphin Island, Alabama, for coastal ecosystem research;

35. $630,000 for the Center for the Conservation of Biological Resources at Black Hills State University, South Dakota;

36. $675,000 for Clean Air Counts of Northeastern Illinois to develop an innovative and cost effective method to reduce smog-causing emissions in the Chicago metropolitan region. The funding will provide support for an ongoing partnership involving EPA, the Metropolitan Mayors Caucus, Illinois EPA, and the Delta Institute;

37. $720,000 for the Contra Costa Water District, California, for applied research studies related to the water quality and water treatment challenges facing Bay Delta water users;

38. $720,000 for Lake Superior State University for education and research on aquatic biota and their associated habitats;

39. $675,000 for the Louisiana Environmental Research Center at McNeese State University for research into wetland ecology and the environmental effects of oil spills;

40. $270,000 for the Foundation for Advancements in Science and Education in Vermont for a pesticides recording project;

41. $675,000 for the Southwest Clean Air Quality Agency's Columbia Gorge Air Quality Technical Foundation Study;

42. $450,000 for the Center for the Study of Metals in the Environment;

43. $1,080,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center;

44. $90,000 for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects;

45. $315,000 for acid rain research at the University of Vermont;

46. $450,000 for the City of Glendale, California for research and development of technology for the removal of Chromium 6 from water;

47. $450,000 for the Consortium for Plant Biotechnology Research;

48. $900,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute;

49. $3,510,000 for the Mine Waste Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center;

50. $1,350,000 for the Connecticut River Airshed-Watershed Consortium;

51. $630,000 for the Mid-America Regional Council to apply urban agroforestry technologies to meet community green infrastructure needs;

52. $900,000 for the Environmental Lung Center at the National Jewish Medical and Research Center; and

53. $1,800,000 for air quality program for Fairbanks North Star Borough, Alaska.

The conference agreement provides $8,000,000 for the National Environmental Technology Competition, a decrease of $1,750,000 from the budget request. In this regard, the Agency is directed to report by August 1, 2003 on its efforts to develop a "one stop shop" office to coordinate similar programs which foster private and public sector development of new, cost-effective environmental technologies.

The conference agreement includes a general reduction to this account of $16,100,000.

The conferees continue to support the partnership between the EPA and the National Technology Transfer Center and direct that the Agency continue the cooperative agreement at the fiscal year 2001 funding level. Additionally, the conferees have provided $850,000 from within available funds for the Agency to contract with the National Academy of Sciences for an evaluation of the Coeur D'Alene Basin, Idaho Superfund site in a manner consistent with the reports of the House and Senate accompanying this Act.

From within amounts transferred to "Science and Technology" from "Hazardous Substance Superfund", the conferees direct that funding for the Gulf Coast Hazardous Substance Research Center continue at no less than the fiscal year 2002 level. Also from within these transferred amounts, the Agency is directed to provide no less than $8,000,000 for continuation of the SITE program.

The conferees agree that the drinking water security report requested by the Senate shall be provided no later than June 30, 2003.

Finally, the conference agreement modifies a provision included in the Report accompanying the Senate bill requiring EPA to study the procedures used by the States in setting individual State emission standards. The conferees direct that the Agency, rather than conduct such a study with its own personnel, contract with the National Academy of Sciences to conduct the review and submit a report to the Committees on Appropriations of its findings not later than February 15, 2004. The conferees have provided $750,000 from within available funds in support of this contract.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,111,604,000 for environmental programs and management instead of $2,111,677,000 as proposed by the House and $2,136,569,000 as proposed by the Senate. The conferees have included language as proposed by the House which requires the Administrator to certify grant amendment numbers C–340461–02 and C–340461–03.

The conferees have agreed to specific Agency program levels as follows:

1. $22,651,000 for the Chesapeake Bay Program, an increase of $2,000,000 above the budget request for small watershed grants;

2. $16,000,000 for the Great Lakes National Program Office, an increase of $872,000 above the request;

3. $24,521,000 for the National Estuary Program, an increase of $5,275,000 above the budget request;

4. $5,000,000 for the Gulf of Mexico program, an increase of $673,000 above the budget request;

5. $2,500,000 for the Long Island Sound Program Office, an increase of $2,023,000 above the budget request;

6. $5,500,000 for Environmental Justice programs, an increase of $1,421,000 above the budget request;

7. $182,000,000 for the Compliance Assistance, Compliance Monitoring, and Civil Enforcement programs within the Office of Enforcement and Compliance Assurance, an increase of $15,224,000 above the budget request;

8. $2,500,000 for the Lake Champlain Basin Program, an increase of $1,545,000 above the budget request;

9. $1,000,000 for the Lake Pontchartrain Basin Restoration Program, an increase of $1,000,000 above the budget request;

10. $10,000,000 for Capacity Building, an increase of $489,000 above the fiscal year 2002 funding level;

11. $13,057,000 for Information Integration, an increase of $7,273,000 above last year's level;

12. $44,500,000 for Legal Services, an increase of $2,716,000 above the fiscal 2002 level;

13. $14,750,000 for the TRI/Right-to-Know program, an increase of $549,000 above last year;

14. $27,200,000 for the EPM account's portion of the Brownfields program, an increase of $24,381,000 above the level provided in fiscal year 2002; and

15. $33,000,000 for regulatory development, an increase of $5,588,000 above the fiscal year 2002 funding level.

The conference agreement provides for a general reduction for the "Environmental Programs and Management" account of $45,001,000. Further, the agreement provides for no reductions as proposed by the House for the Management Services and Stewardship and Planning and Resource Management activities, and provides for no increase in the Energy Star program as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $18,000,000 for rural water technical assistance activities and groundwater protection with distribution as follows: $10,000,000 for the NRWA; $4,000,000 for RCAP, to be divided equally between assistance for water programs and assistance for wastewater programs; $1,000,000 for GWPC; $2,000,000 for Small Flows Clearinghouse; and $1,000,000 for the NETC;

2. $1,000,000 for the National Biosolids Partnership Program;

3. $2,000,000 for source water protection programs;

4. $5,000,000 for a cost-shared grant program to school districts for necessary upgrades of their diesel bus fleets;

5. $2,000,000 to the NRWA to assist small water systems to conduct vulnerability assessments as required in title IV of the Public Health Security and Bioterrorism Preparedness Response Act of 2002;

6. $3,000,000 for EPA's National Computing Center to provide for the remote mirroring of all critical information and related systems to achieve a Continuance of Operations (COOP)/Disaster Recovery capability;

7. $4,000,000 for grants to interested States to establish a long-term ambient monitoring and assessment framework at relevant geographic scales to support all water quality management objectives;

8. $450,000 to the University of Arkansas to develop bio-engineering solutions to watershed management;

9. $450,000 for the San Joaquin River Resource Management Coalition of California;

10. $225,000 to establish a Santa Ana River Watershed Research and Training Program at the Water Resources Institute of California State University, San Bernardino;

11. $225,000 for the San Bernardino Valley Municipal Water District for research and design (cost evaluation and environmental studies) of a mitigation project addressing the city's contaminated high groundwater table and dangers presented by liquefaction;

12. $270,000 for the Sacramento River Toxic Pollutant Control Program and Sacramento River Watershed Program;

13. $225,000 to Edward Waters College of Jacksonville, Florida for research education and training with regard to community environmental conditions;

14. $1,350,000 for enhanced environmental education, research and training programs at Florida Gulf Coast University's Institute for Coastal and Watershed Studies;

15. $270,000 to Miami-Dade County, Florida for lead screening, testing, outreach, and education in the Liberty City Neighborhood;

16. $270,000 to Miami-Dade County, Florida to expand the existing environmental education program;

17. $450,000 to the Georgia Environmental Training and Education Authority for a lagoon waste management demonstration project;

18. $900,000 to the Columbus Water Works, Columbus, Georgia for an Advanced Biosolids Flow-Through Thermophilic Treatment Process demonstration project;

19. $180,000 to Cerro Gordo County, Iowa for environmental planning related to the Ventura Marsh initiative and overall water quality assessment in connection with the Clear Lake, Iowa Restoration Project;

20. $270,000 to the Friends of the Teton River, Inc. for the Upper Teton Watershed project;

21. $675,000 to the Illinois Environmental Protection Agency for the Fox River Watershed Management Program;

22. $450,000 to Purdue University in Indiana for the Contaminant Remediation Optimization Program (CROP);

23. $180,000 for the Equus Beds Water Quality Protection program in Wichita, Kansas;

24. $450,000 for the Boston Metropolitan Area Planning Council, in cooperation with the Massachusetts Technology Collaborative, for a Comprehensive Water Resources Strategy for the I-495 Corridor of Massachusetts;

25. $270,000 to Caroline County, Maryland for the initial design and engineering of a regional plan for wastewater needs;

26. $157,500 for the Hypoxia Education and Stewardship Project in Kansas City, Missouri;

27. $225,000 for continuation of the Mecklenburg County, North Carolina Surface Water Improvement Management Initiative;

28. $765,000 for continued activities of the North Carolina Central University research initiative;

29. $225,000 for Wake County, North Carolina for planning, environmental analysis and design of a watershed management plan;

30. $225,000 to Rowan University in Glassboro, New Jersey for the Environmental Community Revitalization and Research Initiative;

31. $900,000 to continue the sediment decontamination technology demonstration in the New York-New Jersey Harbor;

32. $450,000 to the Tompkins County, New York Soil and Water Conservation District for the Cayuga Lake Watershed Protection Project;

33. $450,000 for the Alfred University Center for Environmental and Energy Research;

34. $135,000 to the Town of North Salem, New York for the Peach Lake pollution study;

35. $675,000 to Columbia University in New York City, New York for education, training and equipment related to ongoing biomedical research on environmentally induced cancers and immunological responses, at the Audubon Biomedical Science and Technology Park;

36. $900,000 for the Water Systems Council Wellcare™ Program;

37. $225,000 to the Rochester Institute of Technology (RIT) for the National Materials Recovery and Recycling Center of Excellence;

38. $1,350,000 for continued work on water management plans for the Central New York watersheds in Onondaga and Cayuga counties;

39. $675,000 to Cortland County, New York for continued work on the aquifer protection plan, of which $150,000 is for continued implementation of the comprehensive water quality management program in the Upper Susquehanna Watershed;

40. $90,000 for a Water Consortium Feasibility Study in Oklahoma with Washington County Water District #3, Rogers County Rural Water District #3, the City of Collinsville, and the City of Owasso;

41. $450,000 to Rural Enterprises of Oklahoma, Inc., a non-profit organization, for demonstration projects which include research, education and training activities related to the development of environmentally beneficial vermicomposting processes;

42. $450,000 for the City of Philadelphia, Pennsylvania's Department of Health in consultation with the Philadelphia Citizens for Children and Youth for lead screening, testing, outreach, and education throughout the City;

43. $1,800,000 to the American Cities Foundation of Philadelphia, Pennsylvania in consultation with the Philadelphia Commercial Development Corporation for the Neighborhood Environmental Action Team (N.E.A.T.) Philadelphia program;

44. $450,000 for the Texas Agricultural Experiment Station in Tarrant County, Texas for research of water supplies and development of an integrated watershed protection plan;

45. $315,000 to the Brazos River Authority of College Station, Texas for the Brazos/Navasota Watershed Management Project;

46. $180,000 to the Tri-State Water Council for the Clark Fork-Pend Oreille Tri-State Water Quality Study;

47. $1,467,000 for on-going activities at the Canaan Valley Institute, including activities relating to community sustainability;

48. $1,530,000 for the Canaan Valley Institute to continue to develop a regional sustainability support center and coordinated information system in the Mid-Atlantic Highlands;

49. $810,000 to the Polymer Alliance Zone's MARCEE initiative;

50. $270,000 to the West Virginia High Technology Consortium Foundation, Inc. (WVHTCF) for research to demonstrate the capture and utilization of CO2 and CH4 at the Meadowfill Landfill near Bridgeport, West Virginia;

51. $405,000 to the Fayette County Commission of West Virginia for a wastewater treatment engineering study to address water quality concerns in the New River Gorge National River;

52. $5,000,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations;

53. $225,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project;

54. $900,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Prince Georges County, Maryland;

55. $45,000 for the Northwest Straits Commission;

56. $630,000 for the Northwest Indian Fisheries Commission with distribution as follows: $144,000 to the Northwest Indian Fisheries Commission for coordination and $486,000 to be divided among the 26 participating tribes to implement this tribal initiative by integrating state, Federal, tribal and local governmental efforts to develop common water quality protection goals and reduce jurisdictional barriers;

57. $180,000 for the Columbia Basin Groundwater Area Management Study;

58. $450,000 for the Gateway Cities Council of Governments, California, pilot program to reduce diesel emissions;

59. $225,000 for the Illinois Department of Agriculture's Council on Best Management Practices initiative to reduce nitrate contamination in drinking water;

60. $225,000 for the CropLife Foundation North Carolina environmental stewardship project;

61. $450,000 for the Center for Agricultural and Rural Development at Iowa State University for the Resource and Agricultural Policy Systems program;

62. $450,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa;

63. $675,000 for the painting and coating assistance initiative through the University of Northern Iowa;

64. $90,000 for the American Farmland Trust Center for Agriculture in the Environment for sustainable agriculture in Hawaii and the American Pacific;

65. $450,000 for the Economic Development Alliance of Hawaii to promote biotechnology to reduce pesticide use in tropical and subtropical agricultural production;

66. $225,000 for the County of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource management by upgrading solid waste transfer stations into community recycling centers;

67. $225,000 for a storm water research initiative at the University of Vermont;

68. $180,000 for the Vermont small business compliance assistance project conducted by the Vermont Small Business Development Center;

69. $144,000 for the Great Lakes Fish and Wildlife Commission Crandon Mine analysis;

70. $450,000 for the Sand County Foundation in Wisconsin for an incentive program to promote the reduction of nitrogen discharge in the Upper Mississippi River Basin;

71. $225,000 for Livingston Parish, Louisiana, for a water and wastewater infrastructure feasibility study;

72. $225,000 for the Vermont Department of Agriculture to work with conservation districts and local communities to reduce nonpoint source run-off in the Potash Brook watershed;

73. $225,000 for the Nevada Department of Environmental Protection to work with California water officials to address Lake Tahoe water quality issues;

74. $225,000 for the University of Nevada, Reno to conduct water testing and related studies of the arsenic problem and its impact in Fallon, Nevada;

75. $45,000 for the Tioga County Department of Economic Development and Planning, New York, for the Owego infrastructure master plan;

76. $180,000 for design, engineering, and planning activities related to the pollution prevention of Wreck Pond and nearby beaches in Spring Lake, New Jersey;

77. $135,000 for the New Jersey EnvironMentors project;

78. $315,000 for planning and engineering studies for the Storm Lake, Iowa, cleanup project;

79. $225,000 for the University of West Florida P.E.R.C.H. (Partnership for Environmental and Community Health) research project;

80. $180,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup, and pollution prevention programs;

81. $180,000 for the Northeast States for Coordinated Air Use Management (NESCAUM);

82. $2,250,000 for the National Alternative Fuels Training Consortium;

83. $1,350,000 for the Ecological and Water Resources Assessment Project;

84. $450,000 for the Valley Water Mill Watershed Education and Demonstration Center in Missouri;

85. $180,000 for the Sutherlin, Oregon Water Control District's Watershed Assessment Project;

86. $450,000 for the Kenai River Center in Kenai, Alaska;

87. $1,800,000 for Region 10 environmental compliance activities in Alaska;

88. $1,800,000 for the Coeur d'Alene Basin Commission to continue a pilot program for environmental response, natural resource restoration and related activities;

89. $1,350,000 for ORSANCO for the Ohio River Pollution Reduction Program;

90. $450,000 for the University of Southern Maine for environmental education activities;

91. $1,350,000 for the University of Louisville for the Stream Restoration Institute;

92. $2,250,000 for the Southwest Center for Environmental Research and Policy;

93. $3,600,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka, Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University;

94. $900,000 to complete the full feasibility study/environmental impact statement for the Medford, Oregon, effluent reuse project; and

95. $900,000 for the Alabama Department of Environmental Management for the Alabama Water and Wastewater Training Program.

The conference agreement provides $9,160,000 from within available funds for the continuing operation of the Environmental Education programs. In this regard, the Agency is directed to proportionately distribute funds for the Environmental Education programs in a manner consistent with the provisions of the National Environmental Education Act.

The conferees have, within available funds, provided the fiscal year 2002 level for the eight Environmental Finance Centers. Also within available funds, the Agency is directed to provide $350,000 for maintenance and updating of the Cumulative and Aggregate Risk Evaluation System software package; $250,000 to continue development of BASINS models, GIS mapping, integration with other financial and planning tools, and incorporation of cost-effectiveness considerations into integrated priority ranking systems; and $200,000 for setting standards and to increase public and government awareness of the benefits of ambient temperature glass technology.

The Agency's budget submission for fiscal year 2003 called for a significant reduction in work conducted through the Climate Protection/Transportation program. So that work conducted under this program can be phased in a more appropriate manner, the conferees direct EPA to provide no less than $5,000,000 from within available funds for work of the FEV/Clean Automotive Technology program on advanced hydraulic hybrid vehicles, extremely clean diesel technologies, and advanced gasoline engine concepts.

The conferees expect EPA to establish and implement a Highlands Action Program (HAP) in partnership with Canaan Valley Institute (CVI) to take action on the problems identified in the follow-up Mid-Atlantic Highlands report that Congress directed the EPA to prepare in the fiscal year 2002 House and Conference Reports. The HAP should, among other things, use environmental indicators, strong science, and partnerships to identify the causes of those problems; develop solutions and management actions to resolve the identified problems; and develop a management plan that includes states, non-governmental organizations, local communities and the private sector. The Agency is expected to periodically assess the status of the HAP and report back to Congress on the findings and the successes of the program.

The Agency is directed to submit as part of the fiscal year 2003 Operations Plan a resource plan detailing the number of pesticide tolerance reassessments and re-registrations required under FQPA, the number and kind of such activities completed since 1996, the status of the remaining activities, including the projected number to be completed year-to-year under FQPA, and the level of resources needed to meet these requirements. Similarly, the Agency is expected to include in its fiscal year 2003 Operations Plan a report of its actions and accomplishments towards restoring personnel in its civil enforcement program, as well as a report of the Agency's plan towards aggressively filling and retaining FTE vacancies within OECA.

Last year, the Agency was asked by the House of Representatives' Chairman of the Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies to undertake an agreement with the National Academy of Sciences (NAS) to review the current draft Dioxin Reassessment. Among other things, the review was intended to address the toxicological questions associated with dioxin, including, the scientific evidence for the appropriate classification of dioxin as to its potential human carcinogenicity, the validity of the non-threshold linear dose-response model in light of epidemiological studies and the corresponding cancer slope factor calculated by the Agency through use of this model, the scientific evidence supporting the calculation and use of Toxicity Equivalent Factors, and the appropriateness of including "dioxin-like" chemicals in the risk assessment without individual empirical review of their effects.

Concerns raised by other federal agencies, outside scientists, and EPA's own Science Advisory Board as to the scientific underpinning of the Reassessment, as well as questions of consistency with other international assessments of dioxin and the positions on these taken by other federal agencies, in large part prompted this request. Because of the enormous policy implications of this Reassessment, the Agency in early Fall, 2002, asked for additional time to convene an Interagency Working Group (IWG) so as to review and address many of the toxicological questions that have been raised concerning the dioxin reassessment, including, but not limited to, the scientific evidence used to classify the carcinogenicity of dioxin to humans, the Agency's use of a linear dose-response model to estimate cancer risk levels, the scientific support for the use of the Toxic Equivalency Factors for dioxins, and the use of body burden as the appropriate dose metric.

While the conferees acknowledge the complexity of this issue, it is unclear as to how much progress has been made by the IWG. The conferees note that a year has passed since the Agency was first requested to pursue such a review by the Academy. In light of this fact and so that no further delay of this important issue occur, the conferees direct that unless the IWG has completed its review and issued a report within 60 days of enactment of the Act, the Agency is to contract with the Academy as quickly as possible thereafter so that the Academy may undertake a review of the Reassessment as originally requested. In issuing this direction, it is not the intention of the conferees to delay the work of the IWG. In addition, upon completion of the review by the NAS, the Agency is expected to move expeditiously to review the Academy's report, make any appropriate changes as necessary in the Reassessment, and issue a final document.

The conferees are aware that EPA is currently working with the Maritime Administration (MARAD) to develop an environmentally acceptable program which will aid MARAD in meeting its statutory mandate to dispose of obsolete vessels of the National Defense Reserve Fleet, and encourage EPA to continue its efforts to find solutions to dispose of these ships so as to eliminate to the greatest extent possible all potential environmental hazards.

OFFICE OF INSPECTOR GENERAL

Appropriates $36,000,000 for the Office of Inspector General instead of $35,325,000 as proposed by the House and $37,325,000 as proposed by the Senate. In addition to amounts appropriated directly to the OIG, $12,742,000 is also available by transfer from funds appropriated for Hazardous Substance Superfund.

The conferees strongly encourage the Inspector General to prepare and submit to the Committees on Appropriations of the House and the Senate at the earliest practical date an audit management plan and the personnel requirements which will best enhance the expertise and maximize the efficiencies of the Office.

BUILDINGS AND FACILITIES

Appropriates $42,918,000 for buildings and facilities as proposed by the House and the Senate.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,272,888,000 for hazardous substance superfund as proposed by the Senate instead of $1,422,888,000 as proposed by the House. Bill language provides that $636,444,000 of the appropriated amount is to be derived from the Superfund Trust Fund and a like amount is to be derived from General Revenues of the Treasury. Additional language provides for the transfer of $12,742,000 to the Office of Inspector General, and for the transfer of $86,168,000 to the Science and Technology account.

The conferees have agreed to the following fiscal year 2003 funding levels:

1. $856,900,000 for Superfund response and cleanup activities.
2. $143,600,000 for enforcement activities.
3. $134,600,000 for management and support.
4. $12,742,000 for transfer to the Office of Inspector General.
5. $86,168,000 for research and development activities, to be transferred to the Science and Technology account.
6. $38,826,000 for reimbursable interagency activities, including $28,150,000 for the Department of Justice and $10,676,000 for OSHA, FEMA, NOAA, the United States Coast Guard, and for the Department of the Interior.

The conferees remain concerned that a recent Memorandum of Understanding (MOU) entered into between the EPA and the Nuclear Regulatory Commission (NRC) does not fully address all jurisdictional concerns expressed in past years by the Congress. The Agency is therefore once again directed to negotiate and enter into an amended MOU which fully addresses these remaining issues. The Agency is further directed to report to the Committees on Appropriations by the 28th day of each month on the progress towards completing this direction.

Once again this year, the conferees support the national pilot worker training program which recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated properties for work in the environmental field. The conferees direct EPA to continue funding this effort in cooperation and collaboration with the National Institute of Environmental Health Sciences.

The conferees are aware of the Agency's ongoing program to coordinate the clean-up of vermiculite from certain homes in the Libby, Montana area, and are concerned with reports of both excessive costs and schedule delays associated with the program. The Agency should be aware of the long-standing concerns of the Committees on Appropriations regarding the judicious use of Superfund dollars by the EPA, and the conferees caution the Agency to move forward with this program in a manner which appropriately meets the needs of assistance for individuals in Libby while remaining fiscally responsible and containing costs in light of competing national priorities within the Superfund program.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $72,313,000 for the leaking underground storage tank program as proposed by the House and the Senate.

OIL SPILL RESPONSE

Appropriates $15,581,000 for oil spill response as proposed by the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,859,994,000 for state and tribal assistance grants instead of $3,789,185,000 as proposed by the House and $3,920,639,000 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants, of which up to $75,000,000 is to be made available for use by States that choose to make loans, including interest-free loans, that increase non-point and non-structural, decentralized alternatives, thus expanding the choices available to communities in their fight for clean water. The conferees strongly encourage States that can do so to pursue innovative technologies in this regard, but emphasize that this program is voluntary and that States not participating in the program will nevertheless continue to receive their normal level of funding through the established SRF formulas.

Additional bill language provides $850,000,000 for Safe Drinking Water SRF capitalization grants; $50,000,000 for the United States-Mexico Border program; $43,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and native Alaska communities; $3,000,000 for remediation of above ground leaking fuel tanks in Alaska pursuant to Public Law 106–554; $8,225,000 for grants for construction of alternative decentralized wastewater facilities; $90,500,000 for a new Brownfields grant program; $1,150,382,000 for categorical grants to the states and tribes, including $50,000,000 for Brownfields categorical grants and $19,999,900 for the Environmental Information Exchange program; and $314,887,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure.

The conferees have included bill language which, for fiscal year 2003, authorizes the Administrator of the EPA to use funds appropriated pursuant to the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319(h) and 518(e) of FWPCA. In addition, bill language has been adopted which, (1) will permit the states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations; (2) permits the Administrator to reserve up to 1½ percent of the funds appropriated for the SRF under title VI of the FWPCA for grants under section 518(c) of that Act; (3) for fiscal year 2003, authorizes the states to transfer funds between the Clean Water and Safe Drinking Water SRF programs; and (4) stipulates that no funds provided in the Act to address water infrastructure needs of colonias within the United States along the United States-Mexico border shall be made available to a county or municipal government unless that governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

The conferees have included bill language which makes technical corrections and changes to grants approved in previous fiscal years. Finally, as in previous years, the conferees have included bill language which stipulates that none of the funds provided in this or any previous years' Acts for the Safe Drinking Water SRF may be reserved by the Administrator for health effects studies on drinking water contaminants. The conferees have instead provided significant resources for such studies within EPA's Science and Technology account.

Of the funds provided for the United States-Mexico Border program, $7,000,000 is for continuation of the El Paso, Texas desalination and water supply project, and $2,000,000 is for the Brownsville, Texas water supply project.

The conference agreement provides $8,225,000 for six specific grants under the National Decentralized Wastewater Demonstration program. The program, which has shown tremendous success in developing and transferring technologies which offer alternatives to centralized wastewater treatment facilities, also requires a cost-share whereby each grantee must provide 25% of the project's total cost. The six projects included for funding are located in Lowndes County, Alabama ($575,000); Upper Patuxent River Watershed, Maryland ($1,000,000); West Philadelphia and Rodale Institute Farm, Pennsylvania ($1,700,000); Upper Rio Grande Valley Colonias, Texas ($900,000); Chittenden County, Vermont Integrated Water Resource Project ($3,050,000); and Mud River Watershed, Lincoln County, West Virginia ($1,000,000). As in previous years, these projects were determined by non-governmental, independent analysis based upon their unique and diverse geology and geography, their ability to provide the greatest technological diversity using limited financial resources, and the commitment of each community or regional area to find and fund appropriate alternative technologies to resolve their wastewater treatment needs.

Within the State and Tribal Categorical Grant program, the conference agreement includes:

1. $225,000,000 for air resource assistance grants under sections 103 and 105 of the Clean Air Act, of which $10,000,000 is for the five State/Regional Haze planning organizations;
2. $192,500,000 for section 106 water pollution control grants;
3. $10,000,000 for the Beach Environmental Assessment and Coastal Health Act (BEACH) grant program;
4. $240,000,000 for section 319 non-point source pollution grants;
5. $19,999,900 for the information exchange network grant program; and
6. $15,000,000 for the new targeted watershed grant program.

The conferees have not provided funding for the State Multimedia Enforcement Grant program or for maintenance of the Homestake Mine in Lead, South Dakota.

The conferees agree that $314,887,000 is provided for cost-shared grants to communities or other governmental entities for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure. Each such grant shall be accompanied by a cost-share requirement whereby, regardless of the amount provided herein for each grant, 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not financially possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and it is expected that this high level of effort and flexibility will continue throughout fiscal year 2003.

The distribution of funds under this program is as follows:

1. $1,620,000 for Palmer, Alaska for a water main;
2. $450,000 for Wrangell, Alaska for sewer expansion;
3. $900,000 for the Fairbanks City, Alaska sewer and storm drain connection;
4. $450,000 for Kodiak, Alaska for water and sewer upgrades;
5. $1,080,000 for the Anchorage Water and Wastewater Utility for the development of a water and sewer facility in Anchorage, Alaska;
6. $900,000 for Wasilla, Alaska for water and sewer improvements;

7. $180,000 to Attalla, Alabama for sewerage system improvements;

8. $180,000 to Powell, Alabama for sewerage system improvements;

9. $90,000 to Lawrence County, Alabama for the Bankhead Forest Water Project;

10. $90,000 to the Town of Phil Campbell, Alabama for water system improvements;

11. $900,000 to Fort Payne, Alabama for sewerage system improvements;

12. $270,000 to Franklin County, Alabama for water infrastructure improvements;

13. $180,000 to Douglas, Alabama for sewerage system improvements;

14. $180,000 to Marion County, Alabama for water system improvements;

15. $90,000 to the Fayette Water Board, Fayette, Alabama for water security system improvements;

16. $135,000 to the Cullman County Commission, Alabama for the North Cullman County water systems upgrades;

17. $225,000 to the City of Calera, Alabama for water and wastewater infrastructure improvements;

18. $225,000 to the City of Alabaster, Alabama for water and wastewater infrastructure improvements;

19. $1,080,000 to South Alabama Utilities of the town of Citronelle, Alabama for water infrastructure improvements in western Mobile County;

20. $450,000 to the Southwest Alabama Regional Water Authority for water infrastructure improvements;

21. $675,000 to the City of Huntsville, Alabama for water system improvements;

22. $675,000 to the City of Moulton, Alabama for wastewater system improvements;

23. $112,500 to the Town of Woodville, Alabama for wastewater system improvements;

24. $180,000 to the Limestone County, Alabama Water and Sewer Authority for drinking water improvements;

25. $180,000 to the West Morgan-East Lawrence Water Authority, Alabama for drinking water improvements;

26. $247,500 to the Town of Littleville, Alabama for wastewater system improvements;

27. $180,000 to the City of Athens, Alabama for wastewater system improvements;

28. $315,000 to the City of Montgomery, Alabama for wastewater infrastructure improvements;

29. $315,000 to the Coosa Valley Water Authority for water infrastructure improvements in St. Clair County, Alabama;

30. $90,000 for the City of Fulton, Alabama for water system improvements;

31. $585,000 for the City of Jackson, Alabama for water infrastructure;

32. $675,000 for the Mobile County Water, Sewer and Fire Protection Authority, Alabama for water system improvements;

33. $630,000 for the Cities of Daphne, Foley and Fairhope, Alabama for comprehensive water infrastructure assessment;

34. $585,000 for Mobile Area Water and Sewer System and the City of Prichard, Alabama for a combined sewer outflow project;

35. $90,000 for Mt. Vernon, Alabama for water system improvements;

36. $90,000 for Summerdale, Alabama for water infrastructure;

37. $225,000 for the City of Monroeville, Alabama for water system improvements;

38. $450,000 for Sumiton, Alabama for the Sumiton Sanitary Sewer System;

39. $450,000 for Berry, Alabama for the construction of a new sanitary wastewater lagoon system;

40. $450,000 for a water supply project in Guin, Alabama;

41. $405,000 for Talladega, Alabama for county water supply facilities upgrades and construction;

42. $292,500 for the Town of Notasulga, Alabama for the Notasulga Wastewater System;

43. $270,000 for Muscle Shoals, Alabama for a wastewater project;

44. $180,000 for Eva, Alabama for a sewer system project;

45. $585,000 for Autauga County, Alabama for a sewer infrastructure construction project;

46. $450,000 for the Osage Basin Wastewater District, Arkansas for wastewater infrastructure improvements;

47. $225,000 to the Town of Menifee, Arkansas for water and wastewater infrastructure improvements;

48. $450,000 for the City of Fayetteville, Arkansas for regional wastewater system improvements;

49. $225,000 for the Community Water System Public Water Authority of Arkansas in Lonoke and White Counties for the Green Ferry drinking water project;

50. $1,350,000 for the City of Safford, Arizona for wastewater treatment plant construction;

51. $450,000 to the City of Scottsdale, Arizona for the Scottsdale Arsenic Removal pilot project;

52. $900,000 to Huachuca City, Arizona for its effluent recharge project;

53. $225,000 to the City of Goodyear, Arizona for water infrastructure improvements;

54. $450,000 to the Litchfield Park Service Company for construction of the Litchfield Park arsenic treatment facility in Arizona;

55. $675,000 to the Mission Springs Water District in California for groundwater protection and water infrastructure improvements;

56. $675,000 to the City of Murrieta, California for wastewater infrastructure improvements;

57. $900,000 to the City of Newport Beach, California for the Big Canyon Reservoir Cover Project;

58. $630,000 to the Irvine Ranch Water District of Irvine, California for improvement of the San Diego Creek Watershed Natural Treatment System;

59. $630,000 to the City of Laguna Beach, California for wastewater infrastructure improvements;

60. $1,710,000 to the Olivenhain Municipal Water District in Encinitas, California for water infrastructure improvements;

61. $1,800,000 to the Placer Nevada Wastewater Authority for wastewater infrastructure improvements in Placer County, California;

62. $1,350,000 for water infrastructure improvements for the Cities of Arcadia and Sierra Madre, California;

63. $450,000 to the Metropolitan Water District of Southern California for the Desalination Research and Innovation Partnership;

64. $540,000 to Ventura County, California for water and wastewater infrastructure improvements related to the completion and implementation of the Calleguas Creek Watershed Management Plan;

65. $450,000 to the United Water Conservation District of Ventura County, California for the Oxnard Plain Groundwater Recharge project;

66. $225,000 to the County of Ventura, California for wastewater infrastructure needs for El Rio;

67. $315,000 to the City of El Segundo, California for sanitary sewer overflow infrastructure improvements;

68. $450,000 to the City of Redding, California for water and wastewater infrastructure improvements for the Redding Stillwater Industrial Park;

69. $450,000 for stormwater pollution mitigation improvements and infrastructure in Los Angeles County, California;

70. $247,500 for the City of Oceanside, California for infrastructure improvements to the Mission San Luis Rey Waterline;

71. $450,000 to the City of Brisbane, California for wastewater infrastructure improvements;

72. $90,000 for the Mojave Water Agency for design and construction of a pipeline and facilities to supply supplemental water to the Mojave River Middle Basin Transition Zone;

73. $270,000 for the continuation of water infrastructure improvements in Twentynine Palms, California;

74. $225,000 for the Warren Valley Basin Recharge/Reuse project in Yucca Valley, California;

75. $90,000 for the Lower Owens River Project in Inyo County, California;

76. $90,000 for the continuation of water infrastructure improvements in the Yucaipa Valley Water District in Yucaipa, California;

77. $90,000 for the development of a water master plan to serve the water infrastructure needs of the City of Hesperia, California;

78. $90,000 for planning and design of a sewage treatment and water reclamation facility in Apple Valley, California;

79. $45,000 for Basin Water to conduct a national demonstration project for Highly Efficient/Minimum Waste Ion Exchange Treatment of Potable Water Supplies in Southern California;

80. $900,000 to the City of Sacramento, California for the Combined Sewer System Improvement and Rehabilitation project;

81. $675,000 to the City of Compton, California for water infrastructure improvements;

82. $225,000 to the City of Chino Hills, California for stormwater infrastructure improvements for the intersection of Eucalyptus and Peyton Drive;

83. $225,000 to the City of Brea, California for wastewater and stormwater infrastructure improvements;

84. $225,000 to the City of Norwalk, California for drinking water infrastructure construction and improvements for the Norwalk Reservoir Project;

85. $900,000 to the City and County of San Francisco, California for water and wastewater infrastructure improvements for the Hunters Point Naval Shipyard;

86. $450,000 to the City of Ripon, California for water infrastructure improvements to assist in the removal of arsenic from drinking water;

87. $315,000 to Madera County, California Resource Management Agency for wastewater infrastructure improvements in Oakhurst, California;

88. $900,000 to the City of Huntington Beach, California for stormwater and sanitary sewer infrastructure improvements;

89. $225,000 to the City of Garden Grove, California for stormwater infrastructure improvements;

90. $450,000 to the City of Glendale, California working in conjunction with the Utah State University in Logan, Utah, the University of Colorado in Boulder, and UCLA for a research study and pilot treatment plant focused on the removal of chromium 6 from drinking water;

91. $315,000 to the City of Willits, California for wastewater infrastructure improvements and wetlands mitigation;

92. $225,000 to Sonoma County, California for wastewater infrastructure improvements for the Canon Manor community;

93. $225,000 to Marin County, California for wastewater infrastructure improvements for Tomales Bay;

94. $225,000 to the City of Cudahy, California for wastewater and sewer infrastructure improvements;

95. $225,000 to the City of Maywood, California for wastewater and sewer infrastructure improvements;

96. $405,000 to the Tuolumne Utility District in California for the canal optimization study;

97. $450,000 for the City of Whittier, California, for water and sewer infrastructure improvements;

98. $450,000 for the City of Eureka, California, for the Martin Slough Interceptor project;

99. $450,000 for Lake County, California, for the Clear Lake Basin 2000 project;

100. $360,000 for Mountain Village, Colorado for water infrastructure investment;

101. $270,000 for Mountain Village, Colorado for remediation of above-ground storage tanks;

102. $450,000 for the Durango Water Treatment Facility in Durango, Colorado;

103. $1,440,000 for Brownsville District Sewer Development, Colorado for water and wastewater investments;

104. $900,000 to the City of New Britain, Connecticut for water infrastructure improvements;

105. $450,000 to the City of Southington, Connecticut for water infrastructure improvements;

106. $157,500 to the Town of Wolcott, Connecticut for water infrastructure improvements;

107. $157,500 to the Town of New Fairfield, Connecticut for water infrastructure improvements;

108. $675,000 to be shared equally between the towns of Vernon and Bolton, Connecticut to support the Vernon-Bolton Lake Sewer Project System;

109. $900,000 to the District of Columbia Water and Sewer Authority to mitigate combined sewer overflows into the Anacostia and Potomac Rivers;

110. $900,000 for the Town of Bridgeville, Delaware, for wastewater treatment plant improvements;

111. $900,000 for the Town of Harrington, Delaware, for wastewater treatment plant improvements;

112. $450,000 to the City of Tarpon Springs, Florida for wastewater infrastructure improvements;

113. $450,000 to the City of Clearwater, Florida for wastewater and reclaimed water infrastructure improvements;

114. $810,000 to the Taylor County, Florida Water and Sewer District for wastewater infrastructure improvements;

115. $450,000 to Orange County, Florida for wastewater infrastructure improvements;

116. $225,000 to the City of Jacksonville, Florida for wastewater infrastructure improvements;

117. $315,000 to the City of Tampa, Florida for the South Tampa Area Reclaimed Project;

118. $900,000 to the City of Sweetwater, Florida for wastewater and stormwater infrastructure improvements;

119. $1,125,000 to the Solid Waste Authority of Palm Beach County, Florida for pre-construction engineering and design of the Tri-County Biosolids Pelletization Facility serving Palm Beach, Martin, and St. Lucie Counties;

120. $135,000 to the City of South Miami, Florida for drinking water, wastewater, stormwater and sewer infrastructure improvements;

121. $135,000 to the City of Opa-Locka, Florida for drinking water, wastewater, stormwater and sewer infrastructure improvements;

122. $900,000 to the Volusian Water Alliance of Volusian County, Florida for the Regional Aquifer Management Project and water infrastructure improvements;

123. $450,000 for the Sarasota County, Florida Phillippi Creek Septic System Replacement Project;

124. $225,000 to the Escambia County, Florida Utility Authority for its Wastewater Treatment Public/Private Partnership project;

125. $450,000 to DeSoto County, Florida for water and wastewater infrastructure improvements;

126. $225,000 to the Sebring Airport Authority of Florida for water and wastewater infrastructure improvements for a light industrial/commercial business park;

127. $450,000 to the City of Boca Raton, Florida for improvements for the Reverse Osmosis Water Treatment Facility;

128. $450,000 for the City of West Palm Beach, Florida for its wetlands-based water project;

129. $225,000 to the City of Lighthouse Point, Florida for stormwater system upgrades and repairs;

130. $450,000 to the City of Umatilla, Florida for stormwater infrastructure improvements;

131. $7,875,000 to the Southwest Florida Water Management District for continuation of the Tampa Bay Reservoir Project;

132. $810,000 for Lake Seminole, Pinellas County, Florida for water and wastewater infrastructure improvements;

133. $1,125,000 for Eastern Orange and Seminole Counties, Florida, for the Regional Reuse Project;

134. $2,700,000 to the Metropolitan North Georgia Water Planning District, of which $1,800,000 is for the City of Atlanta Nancy Creek project, for water and wastewater infrastructure improvements;

135. $675,000 to the City of Roswell, Georgia for the Big Creek Watershed Demonstration Project;

136. $405,000 to the Liberty County, Georgia Development Authority for water and wastewater infrastructure improvements for the Coastal MegaPark;

137. $675,000 to Gwinnett County, Georgia for water and wastewater infrastructure improvements;

138. $450,000 to continue the Ground Water Chlorination System Replacement and Upgrade Project on Guam;

139. $495,000 for the State of Hawaii Health Department, for cesspool system replacement;

140. $450,000 for the City and County of Honolulu, Hawaii, for wastewater treatment technologies;

141. $450,000 to the City of Ottumwa, Iowa for combined sewer overflow system improvements;

142. $900,000 to the City of Des Moines, Iowa for stormwater and wastewater infrastructure improvements;

143. $450,000 for the City of West Liberty, Iowa, for wastewater treatment improvements;

144. $2,250,000 for the City of Mason City, Iowa, for the Municipal Water System Radium Removal Project;

145. $225,000 to the Bayview Water and Sewer District of Idaho for the Cape Horn Area Clean Water Compliance Project;

146. $900,000 for the Coolin Sewer District in Idaho for a wastewater facility upgrade project;

147. $225,000 for the City of Filer, Idaho for a new drinking water system;

148. $675,000 for the City of Bancroft, Idaho for water system upgrades;

149. $900,000 for the City of Burley, Idaho for improvements to the wastewater treatment system;

150. $450,000 to DuPage County, Illinois for water infrastructure improvements;

151. $450,000 to the Lake County Stormwater Management Commission of Lake County, Illinois for stormwater detention, infrastructure, modeling, design and management activities in the Upper Des Plaines River watershed;

152. $450,000 to the Village of Johnsburg, Illinois for wastewater infrastructure improvements;

153. $450,000 to the Village of Port Byron, Illinois for drinking water improvements;

154. $180,000 to the City of Hamilton, Illinois for water infrastructure improvements;

155. $180,000 to the Dallas Rural Water District, Illinois for water infrastructure improvements in Hancock County, Illinois;

156. $630,000 to the Village of Montgomery, Illinois for removal of lead-based paint from water storage tanks;

157. $234,000 to the Village of Somonauk, Illinois for construction of a water storage tower;

158. $900,000 for the Metropolitan Water Reclamation District of Chicago, Illinois for wastewater infrastructure improvements;

159. $450,000 to the Village of Granville, Illinois for water infrastructure improvements;

160. $450,000 to the Village of Toulon, Illinois for wastewater infrastructure improvements;

161. $225,000 to the Village of LaGrange, Illinois for water infrastructure improvements;

162. $225,000 to the Village of Justice, Illinois for water infrastructure improvements for the Wesley Fields water system;

163. $450,000 to the City of Galena, Illinois to expand and improve wastewater facilities;

164. $225,000 to the City of Flora, Illinois for water infrastructure improvements for the Gateway Regional Water System;

165. $360,000 to the City of Breese, Illinois for water infrastructure improvements;

166. $22,500 to the Village of Patoka, Illinois for water infrastructure improvements;

167. $90,000 to the City of Salem, Illinois for water and wastewater infrastructure improvements;

168. $675,000 to the City of Wilmington, Illinois for wastewater infrastructure improvements;

169. $450,000 for the Holland Regional Water System in Effingham, Illinois for a water treatment facility to improve regional drinking water;

170. $450,000 for the City of Moline, Illinois for drinking water improvements;

171. $450,000 for the City of Georgetown, Illinois for drinking water improvements;

172. $675,000 to the City of Carmel, Indiana for water infrastructure improvements;

173. $90,000 to Madison Township, Indiana for wastewater infrastructure improvements;

174. $148,500 to the Town of Cicero, Indiana for its stormwater infrastructure improvements and pollution prevention project;

175. $225,000 to the Twin Lakes Sewer District in White County, Indiana for wastewater infrastructure improvements;

176. $315,000 to Tell City, Indiana for wastewater infrastructure improvements;

177. $675,000 to the City of Hobart, Indiana for wastewater infrastructure improvements for the Green Acres subdivision;

178. $450,000 for Vigo County, Indiana for the Sugar Creek Township Sanitary Sewer Project;

179. $270,000 to the City of Ottawa, Kansas for water and wastewater infrastructure improvements;

180. $450,000 to Augusta, Kansas for water infrastructure improvements;

181. $450,000 for Latimer, Kansas for a pipeline project;

182. $450,000 to the Franklin County Fiscal Court of Kentucky for the Choateville Sewer Project;

183. $225,000 to the Spencer County, Kentucky Fiscal Court for water infrastructure improvements;

184. $225,000 to the City of Shepherdsville, Kentucky for wastewater infrastructure improvements;

185. $225,000 to the City of Carrollton/Carrollton Utilities of Kentucky for wastewater infrastructure improvements at the Carroll-Gallatin-Owen Regional Wastewater Treatment Plant;

186. $450,000 to the Louisville/Jefferson County Redevelopment Authority for water infrastructure improvements for a technology park in Louisville, Kentucky;

187. $544,500 to the City of Paintsville, Kentucky for wastewater infrastructure improvements;

188. $360,000 to the City of Morehead, Kentucky for wastewater infrastructure improvements;

189. $900,000 to the City of Corbin, Kentucky for wastewater infrastructure improvements;

190. $360,000 to the City of Monticello, Kentucky for wastewater infrastructure improvements;

191. $675,000 to the City of Prestonsburg, Kentucky for wastewater infrastructure improvements;

192. $360,000 to the City of Beattyville, Kentucky for water infrastructure improvements;

193. $900,000 for the City of Clay, Kentucky for wastewater infrastructure improvements;

194. $180,000 to the Marshall County Sanitation District #2 for water and wastewater infrastructure improvements for the City of Draffenville, Kentucky;

195. $180,000 for the City of Bardwell, Kentucky for wastewater infrastructure improvements;

196. $180,000 for the City of Greenville, Kentucky for wastewater infrastructure improvements;

197. $1,665,000 for wastewater infrastructure improvements at the Cynthiana Wastewater Treatment Plant, Kentucky;

198. $585,000 for the City of Sebree, Kentucky for the City of Sebree Sewer project;

199. $450,000 to the Military Department of Louisiana for wastewater infrastructure improvements for the Gillis W. Long Center;

200. $900,000 for the Orleans Parish, Louisiana, sanitary sewer inflow infiltration project;

201. $900,000 to the City of Shreveport, Louisiana for installation of backflow preventers within the water distribution system ($450,000), and for water and wastewater infrastructure improvements associated with programs of the Red River Watershed Management Institute ($450,000);

202. $900,000 to St. John the Baptist Parish, Louisiana for water and wastewater infrastructure improvements;

203. $180,000 to the City of New Iberia, Louisiana for joint water and wastewater infrastructure improvements with Iberia Parish;

204. $180,000 to St. Martin Parish, Louisiana for water and wastewater infrastructure improvements;

205. $225,000 to St. Charles Parish, Louisiana for water and wastewater infrastructure improvements;

206. $225,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements;

207. $90,000 to St. James Parish, Louisiana for water and wastewater infrastructure improvements coordinated with the Town of Gramercy;

208. $450,000 to the City of Hammond, Louisiana for wastewater infrastructure improvements related to the Lake Pontchartrain Basin project;

209. $225,000 to the City of Slidell, Louisiana for wastewater infrastructure improvements related to the Lake Pontchartrain Basin project;

210. $787,500 for East Baton Rouge Parish, Louisiana, for water and wastewater infrastructure improvements;

211. $787,500 for the City of Lake Charles, Louisiana, for wastewater treatment plant improvements;

212. $787,500 for Jefferson Parish, Louisiana, for sewer infrastructure improvements;

213. $180,000 to the City of Brockton, Massachusetts for wastewater infrastructure improvements;

214. $135,000 for combined sewer overflow mitigation in Lawrence, Massachusetts;

215. $900,000 for Bristol County, Massachusetts, for sewer infrastructure improvements;

216. $810,000 to the Pioneer Valley Planning Commission in West Springfield, Massachusetts, in consultation with the Metropolitan District Commission in Connecticut, for wastewater infrastructure and combined sewer overflow improvements on the Connecticut River in Connecticut and Massachusetts;

217. $450,000 to the Town of Elkton, Maryland for biological nutrient removal upgrades;

218. $450,000 to the Town of Federalsburg, Maryland for biological nutrient removal upgrades;

219. $940,500 for water supply and distribution infrastructure improvements, sanitary sewer collection system modifications, and wastewater and stormwater infrastructure improvements in La Plata, Maryland;

220. $1,125,000 to the City of Rockville, Maryland for its Stormwater Management Improvement Project;

221. $450,000 to the Washington Suburban Sanitary Commission for water infrastructure improvements in Prince George's and Montgomery Counties, Maryland;

222. $3,600,000 for the City of Baltimore, Maryland, for water and wastewater infrastructure improvements;

223. $1,800,000 to the Town of Indian Head, Maryland for sewer and water improvements in Woodland Village;

224. $450,000 for Vinalhaven, Maine for its sewer system;

225. $450,000 for Saco, Maine for its sewer system;

226. $450,000 for Augusta, Maine for its sewer system;

227. $900,000 for Corinna, Maine for its sewer system;

228. $270,000 to the City of Bad Axe, Michigan for water infrastructure improvements;

229. $900,000 for continuation of the Rouge River National Wet Weather Demonstration Project, Michigan;

230. $675,000 to the City of Grand Rapids, Michigan for combined sewer overflow infrastructure improvements;

231. $450,000 to the Genesee County Drain Commission, Michigan for the North-East Relief Sewer and Kearsley Creek Inceptor project;

232. $360,000 to the Detroit Water and Sewer Department, Michigan for water, wastewater and combined sewer overflow infrastructure improvements;

233. $1,350,000 for the Evergreen-Farmington Sanitary Sewer Overflow demonstration project in Oakland County, Michigan;

234. $900,000 to Oakland County, Michigan for water and wastewater infrastructure improvements within the George W. Kuhn Drainage District;

235. $450,000 for the City of Flint, Michigan to upgrade the Pierson Road water main system;

236. $900,000 for the City of Saginaw, Michigan, for sewer infrastructure improvements;

237. $900,000 for the City of Port Huron, Michigan, for sewer infrastructure improvements;

238. $900,000 for Eastern Calhoun County, Michigan, for regional wastewater treatment infrastructure improvements;

239. $1,350,000 to the City of Springfield, Missouri for feasibility studies, design and construction of stormwater infrastructure improvements for the Upper James River;

240. $315,000 to the City of St. Louis, Missouri for water infrastructure improvements for Forest Park;

241. $1,800,000 to the Clean Water Committee of Jefferson County, Missouri for wastewater infrastructure improvements;

242. $315,000 to Caldwell County, Missouri for water infrastructure improvements;

243. $450,000 to the Clarence Cannon Wholesale Water Commission for water infrastructure improvements in Monroe County, Missouri;

244. $450,000 to the City of Lake St. Louis, Missouri for wastewater infrastructure improvements and watershed protection projects in the Peruque Creek watershed and along the St. Charles County Hi-Tech corridor area;

245. $1,530,000 to Kansas City, Missouri for the water component of the Beacon Hill Redevelopment Plan;

246. $450,000 to Dudley, Missouri for the City Water Expansion Project;

247. $1,000,000 for St. Joseph, Missouri for wastewater infrastructure improvements;

248. $405,000 to Bolivar, Missouri for the Bolivar Industrial Park Sewer and Water System;

249. $315,000 to Warrenton, Missouri for the Warrenton Industrial Park Lift Station;

250. $225,000 to Warrensburg, Missouri for the water component of the Warrensburg Downtown Revitalization Project;

251. $1,800,000 to Joplin, Missouri for the Crossroads Relief Sewer #2 and Sewer Extension Project;

252. $1,350,000 to Monett, Missouri for the Monett Sewer Treatment Plant Upgrade;

253. $610,200 to the City of Louisville, Mississippi for water treatment system upgrades;

254. $64,800 to the City of Lake, Mississippi for water infrastructure improvements;

255. $450,000 to the City of Newton, Mississippi for wastewater infrastructure improvements for an industrial park;

256. $270,000 to the City of McComb, Mississippi for wastewater infrastructure improvements;

257. $270,000 to the City of Gulfport, Mississippi for water infrastructure improvements;

258. $495,000 to the City of Corinth, Mississippi for wastewater infrastructure improvements;

259. $450,000 to the City of Tupelo, Mississippi for wastewater infrastructure improvements;

260. $1,800,000 for Flowood, Mississippi for the Hogg Creek Interceptor System;

261. $900,000 for Meridian, Mississippi for wastewater improvements;

262. $900,000 for Jackson, Mississippi for water infrastructure improvements;

263. $900,000 for Fayette, Mississippi for the Jefferson County water and sewer improvements project;

264. $900,000 for the Upper and Lower River Road Water and Sewer District, Montana for wastewater infrastructure improvements;

265. $1,350,000 for the City of Conrad, Montana for a wastewater and drinking water project;

266. $1,350,000 for the City of Belgrade, Montana, for wastewater treatment;

267. $1,350,000 for Missoula, Montana for the Mullan Road Corridor Sewer Project;

268. $180,000 to the Town of Granite Falls, North Carolina for water infrastructure improvements;

269. $270,000 to the Town of Bakersville, North Carolina for water infrastructure improvements;

270. $90,000 to the Town of Drexel, North Carolina for water and wastewater infrastructure improvements;

271. $180,000 to the Town of Spruce Pine, North Carolina for construction of the Cemetery Hill Water Storage Tank;

272. $450,000 to the City of Henderson, North Carolina for the next phase of the rehabilitation and expansion of the water treatment facilities of the Kerr Lake Regional Water System;

273. $900,000 to the City of Concord, North Carolina for the Tri-County Regional Water Project in Cabarrus, Rowan, and Stanly Counties, North Carolina;

274. $225,000 to the County of Granville, North Carolina for water and wastewater infrastructure improvements;

275. $675,000 to Richmond County, North Carolina for water and wastewater infrastructure improvements;

276. $900,000 to the Neuse Regional Water and Sewer Authority in Lenoir County, North Carolina for water infrastructure improvements;

277. $900,000 for Orange County, North Carolina for wastewater infrastructure needs;

278. $360,000 to the Town of Cary, North Carolina for construction of a biosolids dryer facility;

279. $450,000 to the Town of Highlands, North Carolina for water and wastewater infrastructure improvements;

280. $450,000 to the Buncombe County, North Carolina Solid Waste Management Facility for water quality protection infrastructure improvements;

281. $360,000 to the Town of Mooresville, North Carolina for water infrastructure improvements;

282. $450,000 for the Town of Robbins, North Carolina, for water treatment plant improvements;

283. $180,000 for water and sewer improvements in Morgantown, North Carolina;

284. $135,000 for water and sewer improvements in Albermarle, North Carolina;

285. $180,000 for water and sewer improvements in Gastonia, North Carolina;

286. $225,000 for water and sewer improvements in Valdese, North Carolina;

287. $1,800,000 for the City of Park River, North Dakota for the Park River Water System Improvements;

288. $900,000 for the City of Grafton, North Dakota for the Grafton Water Treatment Plant Improvement;

289. $540,000 for Wayne State College of Wayne, Nebraska for the Wayne Community Greywater project;

290. $360,000 to Lincoln, Nebraska for the South Salt Creek Sanitary Sewer project;

291. $450,000 to the City of Omaha, Nebraska for a combined sewer overflow project;

292. $900,000 to the City of Nashua, New Hampshire for water and wastewater infrastructure improvements;

293. $540,000 to the City of Portsmouth, New Hampshire for mitigation of combined sewer overflows;

294. $450,000 to the City of Somersworth, New Hampshire for wastewater infrastructure improvements;

295. $900,000 to the City of Manchester, New Hampshire for water and wastewater infrastructure improvements;

296. $360,000 to the Town of Exeter, New Hampshire for planning and design of a new water treatment plant;

297. $900,000 for the City of Berlin, New Hampshire to assist in construction of water delivery infrastructure;

298. $391,500 to the Borough of New Providence, New Jersey for water and wastewater infrastructure improvements;

299. $900,000 to the Township of Jefferson, New Jersey for wastewater infrastructure improvements to help protect water quality of Lake Hopatcong, New Jersey;

300. $2,250,000 to the Passaic Valley Sewerage Commission in New Jersey for its combined sewage overflow reduction program and the Passaic River/Newark Bay Restoration program;

301. $225,000 for the North Hudson Sewerage Authority in New Jersey for combined sewer overflow improvements;

302. $450,000 for the Township of Vernon, New Jersey, for wastewater improvement;

303. $1,350,000 for the Camden County Municipal Authority, New Jersey, for sewer infrastructure improvements;

304. $900,000 to the City of Ruidoso, New Mexico for wastewater infrastructure improvements;

305. $450,000 to the City of Los Lunas, New Mexico for wastewater infrastructure improvements;

306. $450,000 to the City of Belen, New Mexico for wastewater infrastructure improvements;

307. $180,000 to the Greater Chimayo Mutual Domestic Water Consumers Association in New Mexico for water infrastructure improvements;

308. $180,000 to the City of Bloomfield, New Mexico for wastewater infrastructure improvements;

309. $315,000 to the Town of Bernalillo, New Mexico for wastewater infrastructure improvements;

310. $315,000 to the Village of Los Lunas, New Mexico for wastewater infrastructure improvements;

311. $1,800,000 for South and North Valley of Albuquerque and Bernalillo County, New Mexico, for water and wastewater treatment;

312. $450,000 for the City of Gallup, New Mexico, for wastewater treatment plant improvements and upgrades;

313. $900,000 for the City of Espanola, New Mexico for water and wastewater treatment;

314. $900,000 for Alamogordo, New Mexico for the Alamogordo Regional Desalination Project;

315. $630,000 to the Virgin Valley Water District, Nevada for construction of arsenic treatment facilities for the cities of Mesquite and Bunkerville, Nevada;

316. $796,500 for Washoe County, Nevada for the Spanish Valley Nitrate Remediation Pilot Program;

317. $990,000 for the Carson Water Subconservancy District for final design and construction of a conveyance-tunnel system to transport water from Marlette Lake to the Hobart Drainage for treatment at Carson City, Nevada;

318. $270,000 for the City of Las Vegas, Nevada, sewer replacement project;

319. $900,000 to the City of Little Falls, New York for water infrastructure improvements;

320. $225,000 for the Village of Floyd, New York Water Quality/Quantity Improvement Project;

321. $225,000 to the Village of Whitney Point, New York for wastewater infrastructure improvements;

322. $900,000 to the Village of Walden, New York for wastewater infrastructure improvements;

323. $450,000 to the State of New York for the South Shore Estuary Reserve Council of Long Island, New York for stormwater infrastructure improvements;

324. $675,000 to the Town of North Hempstead, New York for stormwater management infrastructure improvements within Manhasset Bay and Hempstead Harbor on the Long Island Sound;

325. $900,000 to the City of Niagara Falls, New York for wastewater infrastructure improvements;

326. $450,000 to the City of Rye, New York for water and wastewater infrastructure improvements;

327. $450,000 for the Lake Neatahwanta Reclamation project in Oswego County, New York;

328. $900,000 to the City of Oswego, New York for combined sewer overflow system improvements;

329. $180,000 to the Village of Sloan, New York for wastewater infrastructure improvements;

330. $450,000 to the Town of Hamburg, New York for sanitary sewer overflow improvements;

331. $900,000 to the City of Buffalo, New York Water Division for water infrastructure improvements;

332. $900,000 to the Monroe County, New York Water Authority for construction of a covered reservoir and security improvements;

333. $900,000 to the Saratoga County Water Committee for water and wastewater infrastructure improvements;

334. $10,800,000 for continued clean water improvements for Onondaga Lake, New York;

335. $1,800,000 to the City of Syracuse, New York for water and wastewater infrastructure improvements;

336. $5,400,000 for drinking water infrastructure needs in the New York City watershed;

337. $3,600,000 for water quality infrastructure improvements for Long Island Sound, New York;

338. $450,000 to the Cortland County Industrial Development Agency in New York for water and wastewater infrastructure improvements to the Cortland County Business Park;

339. $675,000 for the County of Nassau, New York for water quality infrastructure improvements at Nassau County Park facilities;

340. $450,000 for the City of Middletown, New York for the City of Middletown Filtration Plant;

341. $450,000 to the City of Cincinnati, Ohio for water infrastructure improvements;

342. $675,000 to the City of Van Wert, Ohio for the expansion of a drinking water reservoir;

343. $337,500 to the City of Napoleon, Ohio for water infrastructure improvements;

344. $720,000 for water infrastructure upgrades for Northern Perry County Water District, Ohio;

345. $675,000 for water infrastructure upgrades for the Village of Crooksville, Ohio;

346. $180,000 for the Village of Amanda, Ohio for water infrastructure improvements;

347. $450,000 for the Village of Spring Valley, Ohio to upgrade its water treatment and distribution system;

348. $360,000 for Greene County, Ohio for water and wastewater infrastructure improvements;

349. $90,000 for the Pickaway County Sewer District for a regional sewer study in Pickaway County, Ohio;

350. $675,000 to the Northeast Ohio Regional Sewer District for the Doan Brook Watershed Area in Ohio for continued development of a storm water abatement system in the Doan Brook Watershed Area of Ohio;

351. $1,620,000 for the City of Toledo, Ohio for the development of facilities related to its Methane Biogases Capture and Reuse Initiative;

352. $630,000 to the City of Port Clinton, Ohio for a wastewater infrastructure improvements and mitigation of combined sewer overflows;

353. $450,000 to Perry County, Ohio for water infrastructure improvements;

354. $900,000 to the City of Delphos, Ohio for the Tri-County Regional Water System Reservoir Project;

355. $900,000 to the City of North Canton, Ohio for a water treatment project;

356. $900,000 for the City of Massillon, Ohio for wastewater and stormwater infrastructure improvements;

357. $180,000 for the Buckeye Water District Treatment Plant infrastructure improvements in Columbiana County, Ohio;

358. $180,000 to the Village of Morristown, Ohio for wastewater infrastructure improvements;

359. $225,000 to the Village of Hartford, Ohio for wastewater and sanitary sewer infrastructure improvements;

360. $675,000 for the Village of Pomeroy, Ohio for the construction of an iron and manganese removal water treatment plant;

361. $675,000 for the Village of Belmont, Ohio for the construction of a wastewater treatment plant and collection system;

362. $900,000 for the City of Akron, Ohio for sewer infrastructure improvements;

363. $675,000 for Morristown, Ohio for a sanitary sewer collection system;

364. $225,000 to the City of Hulbert, Oklahoma for wastewater infrastructure improvements for the Hulbert Community Health Center;

365. $450,000 to the City of Midwest City, Oklahoma for water infrastructure improvements;

366. $450,000 to the City of Altus, Oklahoma for water infrastructure improvements;

367. $1,350,000 for the City of Norman, Oklahoma for wastewater system improvements;

368. $450,000 to the City of Portland, Oregon for its wet weather pollution control program;

369. $450,000 to the City of Albany, Oregon for the Albany-Millersburg Joint Water project;

370. $270,000 for Tillamook County, Oregon for wastewater infrastructure improvements including construction of an animal waste composting facility;

371. $450,000 to La Pine, Oregon for wastewater infrastructure improvements;

372. $270,000 to the City of North Plains, Oregon for water infrastructure improvements;

373. $495,000 for the City of Hood River, Oregon, for drinking water infrastructure improvements;

374. $225,000 for the Metropolitan Wastewater Management Commission, Eugene and Springfield, Oregon, drinking and wastewater improvements;

375. $540,000 for Gold Hill, Oregon for a water intake relocation project;

376. $2,250,000 for the Three Rivers Wet Weather Demonstration program in Allegheny County, Pennsylvania;

377. $486,000 for wastewater infrastructure improvements for the City of Hermitage, Pennsylvania ($383,850) and the Borough of Sharpsville, Pennsylvania ($102,150);

378. $1,350,000 to Derry Township Municipal Authority in Dauphin County, Pennsylvania for wastewater infrastructure improvements;

379. $450,000 for Pulaski Township, Pennsylvania for wastewater infrastructure improvements;

380. $450,000 to the Wyoming Valley Sanitary Authority of Pennsylvania for combined sewer overflow infrastructure improvements;

381. $387,000 to the Nanty Glow Water Authority of Cambria, Pennsylvania for water infrastructure improvements;

382. $450,000 to the Derry Borough Water Authority in Westmoreland County, Pennsylvania for water infrastructure improvements;

383. $270,000 to the Borough of Wellsboro, Pennsylvania for combined sewer overflow improvements;

384. $450,000 to the City of Franklin, Pennsylvania for combined sewer overflow infrastructure improvements;

385. $450,000 to the City of Lancaster, Pennsylvania for water and wastewater infrastructure improvements;

386. $315,000 to the York City Sewer Authority in Pennsylvania for wastewater infrastructure improvements;

387. $450,000 to Lycoming County, Pennsylvania for water and wastewater infrastructure improvements in the Boroughs of Hughesville and Muncy and at Halls Station;

388. $450,000 to the Department of Susquehanna County Economic Development in Montrose, Pennsylvania for water infrastructure improvements;

389. $315,000 to the Chestnut Ridge Area Joint Municipal Authority for wastewater infrastructure improvements for East St. Clair, West St. Clair, King and Napier Townships and in New Paris Borough, Pennsylvania;

390. $900,000 to the Eastern Snyder County Regional Authority in Pennsylvania to upgrade its wastewater treatment plant, including replacing equipment, improving the treatment system, and installing new technology for nutrient removal, in order to improve the water quality of the Chesapeake Bay;

391. $900,000 for Upper Allen Township, Cumberland County, Pennsylvania to increase sewer treatment capacity by repairing inflow and infiltration problems in older sections of the collection system, divert sewage to a treatment plant, and install new sanitary sewer collection system extensions to replace malfunctioning on-lot disposal systems;

392. $450,000 to the Commonwealth of Puerto Rico Sewer and Water Authority for wastewater infrastructure improvements in the municipality of Arecibo;

393. $450,000 to the City of Woonsocket, Rhode Island for water infrastructure improvements;

394. $2,250,000 to the Narragansett Bay Commission, Rhode Island, in cooperation with other Bay communities, for wastewater and combined sewer overflow infrastructure improvements;

395. $540,000 for the Pawtucket Water Supply Board in Rhode Island for the purchase of the City of Central Falls Water Distribution System;

396. $450,000 for the Town of Coventry, Rhode Island, for drinking water infrastructure improvements;

397. $450,000 to Berkeley County, South Carolina for extension of water lines to Cross Community Schools;

398. $450,000 to the City of Myrtle Beach, South Carolina Downtown Redevelopment Corporation for stormwater infrastructure improvements for the Pavilion Area Master Plan;

399. $450,000 to the City of Florence, South Carolina for continued construction of a regional surface water plant;

400. $225,000 to the Town of Eastover, South Carolina for water infrastructure improvements;

401. $171,000 to the Town of Jackson, South Carolina for removal of radium from the water supply;

402. $198,000 to the City of Walhalla, South Carolina for water infrastructure improvements in Oconee County;

403. $450,000 to Charlotte Mecklenburg Utilities for a phosphorous reduction program in North Carolina and South Carolina;

404. $180,000 to Charleston County, South Carolina for wastewater infrastructure improvements;

405. $900,000 for the Mount Pleasant Waterworks Commission, South Carolina, for the Snowden Community Wastewater Collection Project;

406. $900,000 for the Commission of Public Works of the City of Charleston, South Carolina, for wastewater tunnel replacement;

407. $900,000 for the City of Greenville, South Carolina, for water and sewer infrastructure related to the Greenline-Spartanburg Neighborhood Redevelopment Project;

408. $450,000 to the City of Groton, South Dakota for water and wastewater infrastructure improvements;

409. $450,000 to the City of Elk Point, South Dakota for wastewater infrastructure improvements;

410. $675,000 for the City of Centerville, South Dakota, for drinking water infrastructure improvements;

411. $900,000 for the Sisseton-Wahpeton Sioux Tribe in Agency Village, South Dakota, for the expansion of the Brown Marshall Day Water System;

412. $450,000 for the City of Huron, South Dakota, for drinking water infrastructure improvements;

413. $450,000 for Box Elder, South Dakota, for water and wastewater system improvements;

414. $360,000 for the City of Deadwood, South Dakota, for a drinking water extension project;

415. $315,000 for the Community of Dakota Dunes, South Dakota, for a drinking water infrastructure connection project;

416. $1,350,000 for the City of Lead, South Dakota, for water and wastewater system improvements;

417. $405,000 to the River Road Utility District for water infrastructure improvements in Cheatham County, Tennessee;

418. $351,000 to the City of Cross Plains, Tennessee for wastewater infrastructure improvements;

419. $1,350,000 to the Athens Utilities Board of Tennessee for wastewater infrastructure improvements at the Oostanaula Wastewater Treatment Plant;

420. $450,000 to the City of Lawrenceburg, Tennessee for water and wastewater infrastructure improvements;

421. $90,000 to the Watauga River Regional Water Authority in Carter County, Tennessee for water infrastructure improvements;

422. $1,080,000 to Polk County, Tennessee for water infrastructure improvement for the Linsdale community;

423. $1,350,000 for the City of Franklin, Tennessee for water quality improvements;

424. $900,000 to the City of Eagle Pass, Texas for water and wastewater infrastructure improvements;

425. $900,000 for West Fort Bend County, Texas for water infrastructure improvements;

426. $450,000 to the City of Meridian, Texas for water and wastewater infrastructure improvements for the Meridian/Bosque Regional Water Supply and Treatment Project;

427. $900,000 to the City of Dallas, Texas for water and wastewater infrastructure improvements;

428. $270,000 to the City of Port Arthur, Texas for water infrastructure improvements in the Sabine area;

429. $1,800,000 for San Antonio Water Systems, Texas for water and sewer improvements;

430. $1,350,000 for Nacogdoches, Texas for the development of a water and sewer drainage system;

431. $450,000 to Park City, Utah for water infrastructure improvements at the Park City Judge Tunnel Water Treatment Plant;

432. $450,000 for Tooele City, Utah for water and wastewater infrastructure improvements;

433. $225,000 to Sandy City, Utah for water and stormwater infrastructure improvements;

434. $225,000 for the City of St. George, Utah for water and sewer line extensions;

435. $225,000 for the City of South Salt Lake, Utah for water infrastructure improvements;

436. $2,250,000 for Monticello, Utah for a primary water supply pipeline;

437. $675,000 for Blanding, Utah for water infrastructure improvements;

438. $900,000 to the Town of Dublin, Virginia for water infrastructure improvements;

439. $315,000 to the Town of Orange, Virginia for construction of a raw water storage basin;

440. $900,000 to Dale Service Corporation for water and wastewater infrastructure improvements in Dale City, Virginia;

441. $855,000 to the Fairfax County Water Authority of Virginia for water system infrastructure and security enhancements;

442. $472,500 to Chesterfield County, Virginia for drainage and wastewater infrastructure improvements;

443. $360,000 for Nelson County, Virginia for water and wastewater system installation and improvements;

444. $135,000 for Camp Virginia Jaycee in Blue Ridge, Virginia for a wastewater treatment project;

445. $360,000 to Fluvanna County, Virginia for water and wastewater infrastructure improvements;

446. $315,000 for St. Paul College in Lawrenceville, Virginia for water and wastewater infrastructure improvements;

447. $360,000 for Pittsylvania County and the Town of Gretna, Virginia for water infrastructure improvements;

448. $270,000 for Franklin County, Virginia for a drinking water infrastructure project;

449. $270,000 for Buckingham County, Virginia for water and wastewater infrastructure improvements for Buckingham County and the Town of Dillwyn;

450. $180,000 for Cumberland County, Virginia for water infrastructure improvements;

451. $1,800,000 to the City of Richmond, Virginia ($900,000) and to the City of Lynchburg, Virginia ($900,000) for combined sewer overflow infrastructure improvements;

452. $675,000 to the City of Alexandria, Virginia for the Sanitary and Stormwater Sewer Reconstruction and Extension project to mitigate overflows polluting Four Mile Run Creek;

453. $315,000 to Accomack County, Virginia for wastewater infrastructure improvements;

454. $180,000 to the City of Norfolk, Virginia for wastewater infrastructure improvements at the North Fox Hall and Sewell Garden pump stations;

455. $180,000 to the City of Norfolk, Virginia for wastewater infrastructure improvements in Fairmont Park;

456. $900,000 to Loudoun County, Virginia Department of Building and Development for groundwater monitoring infrastructure of the Water Resources Management Program;

457. $450,000 to the Government of the Virgin Islands for water and wastewater infrastructure improvements;

458. $1,530,000 for the Champlain Water District, Vermont, for Chittenden County stormwater infrastructure improvements;

459. $1,350,000 for the Town of Warren, Vermont, for wastewater treatment facility upgrades;

460. $1,170,000 for the Town of Richmond, Vermont, for wastewater treatment facility upgrades;

461. $810,000 to the City of Shelton, Washington for water and wastewater infrastructure improvements;

462. $99,000 to the Town of 'South Prairie, Washington for wastewater infrastructure improvements;

463. $450,000 to Parker, Washington for water infrastructure improvements;

464. $450,000 to the City of Roslyn, Washington for wastewater infrastructure improvements;

465. $225,000 to the City of Blaine, Washington for completion of a feasibility study for the Northwest Whatcom County Wastewater Management Plan, Lummis Diversion, and for related updates of the City's general sewer plan;

466. $693,000 for the Mason County Public Utility District, Washington to construct a wastewater and collection facility in Hoodsport, Washington;

467. $225,000 for the Wahkiakum County Public Utility District, Washington for the Puget Island Drinking Water Project;

468. $1,485,000 for the Town of Klickitat, Washington, to construct a new wastewater water treatment facility;

469. $522,000 for the City of Richland, Washington, for wastewater infrastructure improvements;

470. $337,500 for the Village of Curtiss, Wisconsin for the expansion of their wastewater treatment plant;

471. $832,500 for the Town of Mercer, Wisconsin for the extension of their water infrastructure to the new business park;

472. $1,080,000 for the City of Wisconsin Rapids, Wisconsin for the extension of sewer and water to the East Side Business Park and the Village of Biron;

473. $1,800,000 for the City of Milwaukee, Wisconsin for the Central Metropolitan Interceptor Improvement Project;

474. $900,000 for the City of Racine, Wisconsin for the Racine Advanced Water Treatment System;

475. $270,000 for the Putnam County Commission of West Virginia for the Fishers Ridge water infrastructure project;

476. $238,500 to the Midland Public Service District in Randolph County, West Virginia for the extension of waterlines for Haddix Road;

477. $2,445,600 to the City of Weirton, West Virginia for water treatment plant upgrades;

478. $2,250,000 to the City of Moundsville, West Virginia for construction of a water treatment facility;

479. $1,845,000 to the City of Grafton, West Virginia for upgrades to the Berkeley Run Pump Station, Front Street sewer improvements, Fetterman's sewer improvements, Monroe Street sewer improvements, Ross Alley sewer improvements, East Knotts Area sewer improvements, Rochelle Road sewer improvements, Maple Street sewer improvements and Walnut Area sewer improvements;

480. $1,939,500 to the City of Grafton, West Virginia for wastewater treatment plant upgrades;

481. $455,400 to the City of Sistersville, West Virginia for water treatment plant upgrades;

482. $504,000 to the City of Wellsburg, West Virginia for replacement of the 11th Street Wastewater Lift Station; and

483. $571,500 to the Village of Beach Bottom, West Virginia for the extension of water lines, water plant construction and water line replacement.

ADMINISTRATIVE PROVISIONS

The conferees have again this year included an administrative provision giving the Administrator specific authority to, in the absence of an acceptable tribal program, award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia so as to properly carry out EPA's environmental programs.

Also again this year and in order to continue providing sufficient and necessary resources for EPA's pesticide re-registration program, the conferees have included bill language which authorizes for one year the collection by EPA of $21,500,000 in maintenance fees. This provision extends to September 30, 2003 the date upon which such authority for collections expires. Additionally, bill language has again been included which prohibits the use of funds to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Federal Register 31040, or any similar proposal; and prohibiting the collection of pesticide registration fees if a new maintenance fee has gone into effect.

Finally, the conference agreement includes bill language as proposed by the Senate requiring the Administrator of the Environmental Protection Agency to enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and non-attainment of new source review (NSR) published in the Federal Register on December 31, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,368,000 as proposed by the Senate instead of $5,750,000 as proposed by the House.

The conferees direct that the progress report on the Administration's interagency global change research program, as included in the Senate report, be submitted to the Committees on Appropriations by May 30, 2003.

The conferees strongly encourage OSTP to address the following critical issues introduced by the Senate: (1) achieving a balanced and appropriately funded Federal research portfolio, particularly as it relates to the physical sciences and engineering disciplines: (2) developing the means to increase the number of U.S. students pursuing undergraduate and advanced degrees in science and engineering and fostering partnerships between federal agencies and universities to meet this goal; (3) addressing the infrastructure needs for an oceans research program; and (4) developing a long-term strategy for developing the nation's semi-conductor manufacturing capabilities.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $3,031,000 for the Council on Environmental Quality and Office of Environmental Quality as proposed by the House and the Senate. The conferees have again this year included language proposed by the House and the Senate which authorizes the Council to operate with one member, that member acting as chairman of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $30,848,000 for the Office of Inspector General, the same amount as included in both the House and Senate bill. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees are in agreement that FEMA is to implement the minority emergency preparedness demonstration program as structured in the fiscal year 2002 appropriations Act. The program is to be funded at not less than $1,500,000. FEMA is directed to provide a report to the Congress, by April 15, 2003, on the implementation of this program.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $800,000,000 for disaster relief, instead of $1,820,000,000 as proposed by the House and $842,843,000 as proposed by the Senate. This level of funding is understood to be sufficient to address all anticipated needs when the current unallocated and unobligated balances available to FEMA are considered. The post-disaster hazard mitigation set-aside that is provided to states is reduced from 15 percent to 7.5 percent since the conferees have included a new National Pre-Disaster Mitigation Fund, as proposed in the budget request. The budget request had proposed elimination of this set-aside.

The conferees have included a provision, as proposed by the House, which directs FEMA to provide Public Assistance and Hazard Mitigation grants to the Texas Medical Center as if it were an eligible applicant under the Robert T. Stafford Disaster Relief and Emergency Assistance Acts as amended. The Texas Medical Center is expected to maintain at least the existing level of insurance coverage which was in place at the time of the 2001 floods. The Senate had not addressed this issue.

Retains language included by the both the House and Senate which provides for the transfer of funds to the consolidated grant management program and the Office of Inspector General.

The conferees have added a new proviso which reduces funding for a seismic mitigation project at California State University, San Bernardino, and directs FEMA to use the funding instead to mitigate fire danger due to bark beetle infestation in the area of San Bernardino National Forest.

The conferees urge FEMA to work with Santa Monica College to resolve any outstanding claims resulting from the Northridge earthquake.

NATIONAL PRE-DISASTER MITIGATION FUND

Appropriates $150,000,000 for the National Pre-Disaster Mitigation Fund, instead of $250,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

The conferees are in agreement that FEMA is directed to provide grants of $250,000 to each of the 50 states and five other recognized entities for planning pre-disaster mitigation projects. The conferees also direct FEMA to work with the State University System of Florida on comprehensive hurricane mitigation research. The conferees are in agreement that FEMA should continue the Disaster Resistant University program and direct FEMA to carry out the direction contained in House Report 107–740.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide a limitation on administrative expenses of $557,000 for the disaster assistance direct loan program account. The amount provided is the same as in both the House and the Senate bills.

SALARIES AND EXPENSES

Appropriates $245,690,000 for salaries and expenses instead of $250,690,000 as proposed by the House and $239,690,000 as proposed by the Senate. The conferees are in agreement that the highest priority for FEMA should be to add at least 24 full time equivalents for its Financial and Acquisition Management Division and 27 for the United States Fire Administration.

FEMA is directed to provide $1,750,000 to the Administrative and Resource Planning Directorate for its effort to archive key agency documents by digitization to optical disks, including related activities.

OFFICE OF INSPECTOR GENERAL

Appropriates $14,000,000 for the Office of Inspector General, instead of $11,549,000 as proposed by the House and $17,754,000 as proposed by the Senate.

The conferees direct the FEMA Inspector General to review the Assistance to Firefighters Grants program to assess the extent to which FEMA is implementing the "maintenance of needs" requirements under this program. A report is due no later than August 15, 2003.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Appropriates $388,299,000 for emergency management planning and assistance instead of $367,040,000 as proposed by the House and $1,615,214,000 as proposed by the Senate. The conferees have not included in this account any funding for the Firefighters Assistance Grants program or the administration of the program in this account as proposed by the Senate. Instead, those funds are provided in a new account as proposed by the House.

In addition, the conferees have agreed to provide $2,900,000 by transfer from the disaster relief account for the consolidated emergency management performance grant program.

The conferees have included in the bill a listing of funds for specific programs or activities, including $20,000,000 for Community Emergency Response Teams and $25,000,000 for emergency operations centers. The bill language specifies $165,000,000 for emergency management performance grants (EMPG), an increase of $49,000,000 to the budget request of $116,000,000. The conferees have taken this action because EMPG is the backbone of the nation's emergency management system, builds state and local emergency management capability, is the foundation for first responder activities, and because this important activity has been severely underfunded for many years. Now more than ever, the planning activities carried out in this program are of utmost importance. The conferees believe FEMA should consider an allocation system for these funds that takes into consideration not only population, but also risk and vulnerability assessments.

Also included is $25,000,000 for interoperable communications equipment. The conferees are concerned that despite clearly identified deficiencies, there is still no overall Federal plan for the acquisition of communications equipment. FEMA is directed to provide a comprehensive plan to the Committees on Appropriations of the House and Senate for the acquisition of interoperable communications equipment by April 15, 2003.

The conferees have included $60,000,000 for the 28 existing Urban Search and Rescue Teams (USAR). This is in addition to $32,400,000 appropriated in the fiscal year 2002 Supplemental Appropriations Act. The conferees commend these USAR teams for their commitment as front-line first responders to both natural disasters and terrorist acts. Except for up to five percent of these funds which can be used to support FEMA's administrative costs, the conferees.direct all these funds to be used to support the cost of operations, the cost of urban search and rescue equipment (including equipment necessary to operate in an environment contaminated or otherwise affected by a weapon of mass destruction) and the cost of all needed training, including training for responding to an environment contaminated or otherwise affected by a weapon of mass destruction.

The conferees are in agreement that FEMA is directed to continue its partnership with the National Technology Transfer Center at the fiscal year 2000 level to bring technology applications to the local, state, and Federal levels of the emergency management community for the purpose of responding to both natural disasters and terrorist attacks and reducing their impact.

FIREFIGHTER ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $750,000,000 for firefighter assistance grants instead of $450,000,000 as proposed by the House. The Senate had proposed funding of $900,000,000 for this activity as part of the Emergency Management Planning and Assistance account. The conferees have included language which provides for the transfer to salaries and expenses of up to five percent of the funding for purposes of administering the program, and has made the funding available for a two year period of obligation.

The conferees have agreed to establish this new appropriations account for firefighter assistance grants so that there will be no doubt as to the importance of this program and to protect this program from being lost in the morass of the Department of Homeland Security.

Emergency Medical Services (EMS) personnel provide critical services, and are often the first responders in an emergency. As one of the activities permitted under the Fire Act, the conferees encourage FEMA to allow appropriate EMS providers to be considered eligible recipients of fire grant funds.

RADIOLOGICAL AND EMERGENCY PREPAREDNESS

Provides for the receipt and expenditure of fees collected as authorized by Public Law 106–377. Both the House and the Senate included this provision in their respective bills.

CERRO GRANDE FIRE CLAIMS

Appropriates $90,000,000 for Cerro Grande fire claims settlement instead of $100,000,000 as proposed by the Senate. The House had not included funding for this program. The conferees have included bill language which makes up to $5,000,000 of the funds available for administrative purposes. The conferees direct all audit requirements to be complied with as identified in the Senate report. The conferees expect FEMA and the Cerro Grande Fire Claims Office to expedite all claims to bring this effort to closure.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $153,000,000 for the emergency food and shelter program as proposed by both the House and the Senate.

FLOOD MAP MODERNIZATION FUND

Appropriates $150,000,000 for the Flood Map Modernization Fund, instead of $200,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

The conferees agree that $2,000,000 shall be made available to the New York Department of Environmental Conservation (DEC) for the New York Flood Plain Mapping program and encourage FEMA to integrate the New York DEC into the overall program. The conferees agree that $250,000 shall be made available to the Canaan Valley Institute for development of flood plain maps. Finally, the conferees agree that $2,000,000 is to be used for the Louisiana pilot project to provide two-foot contour interval mapping.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide up to $32,393,000 for salaries and expenses, $77,666,000 for flood mitigation activities, a limitation of $55,000,000 for operating expenses, $529,380,000 for agents' commissions and taxes, and $40,000,000 for interest on Treasury borrowings. Finally, the conferees agree that up to $20,000,000 may be transferred for expenses under section 1366 of the National Flood Insurance Act. All of the foregoing amounts were the same in both the House and Senate bills.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide for the transfer of up to $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conferees have included two administrative provisions which address issues related to funds appropriated in response to the terrorist incidents of September 11, 2001.

The conferees have included language as proposed by the House which gives FEMA authority to reimburse the City of New York and the State of New York for costs which are not otherwise eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. The conferees have deleted a proviso carried by the House which would have limited funds available for this purpose; however, the conferees do not support any additional new appropriations for these costs above amounts already appropriated. The conferees have added a proviso to the House language which directs FEMA to use $90,000,000 of funds previously appropriated to support the long-term medical monitoring of the physical and mental health of emergency services personnel, rescue and recovery personnel, and volunteers exposed to environmental contaminants and psychological trauma in the wake of the terrorist attacks of September 11, 2001 at the World Trade Center in New York City, including $25,000,000 for current and retired New York City firefighters. Activities undertaken are to include clinical examinations and evaluation, and should build upon existing activities for baseline and long-term medical monitoring undertaken with funding appropriated for this purpose in Public Law 107–117 and other funding provided by FEMA for the purpose of baseline medical monitoring of emergency services personnel and rescue and recovery personnel after the events of September 11, 2001, including current and retired New York City firefighters. In carrying out these activities, FEMA shall work with the Centers for Disease Control and Prevention, the National Institute of Occupational Safety and Health, affected labor organizations, and other relevant parties.

The Federal Emergency Management Agency (FEMA) is directed to provide, from the Disaster Relief Fund, for the response to the terrorist attacks of September 11, 2001, up to $1,000,000,000 to establish a captive insurance company or other appropriate insurance mechanism. The insurance will provide the City of New York and its debris removal contractors with coverage for claims arising from debris removal performed after collapse of World Trade Center (WTC) buildings on September 11, 2001, including claims brought by City of New York employees. This liability insurance may not cover those claims arising from the terrorist-related aircraft crashes of September 11, 2001 (liability for which is governed and limited by Section 408 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. §40101)), or any actions or events prior to or including the September 11, 2001 collapse of the WTC buildings. Further, this liability insurance may not cover payments claimed by the City of New York for workers compensation, or disability or retirement benefits. The contribution of the Federal government to this insurance mechanism shall not exceed $1,000,000,000. Obligation of funds under this provision will be contingent on FEMA's prior review and approval of proposed insurance terms, conditions and scope of coverage. The State of New York will report not less than quarterly, beginning on June 30, 2003, to the Committees on Appropriations and FEMA regarding the expenditure of and investment earnings from the funds.

Also included is an administrative provision proposed by the House which specifies that a hospital meeting the standard for occupancy under regulation established by the California Office of Statewide Health Planning and Development shall also have satisfied FEMA's criteria for "immediate occupancy."

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

Appropriates $11,541,000 as proposed by the House instead of $12,541,000 as proposed by the Senate. The conferees continue to be supportive of the Federal Citizen Information Center (FCIC) mission to be a one-stop provider of Federal information to the public through print, media, telephone, and online. As FCIC responsibilities expand to better serve the public within a newly established GSA organization, the conferees emphasize that the funds appropriated from this account are available solely for FCIC staffing and activities to achieve its core mission as presented to and approved by the Committees on Appropriations of the House and Senate.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

Appropriates $1,500,000 for operating expenses of the Interagency Council on the Homeless as proposed by the Senate, instead of no funds proposed by the House. The conferees have created this new funding account to better coordinate homeless programs pursuant to the McKinney-Vento Homeless Act. In this regard the conferees expect HUD to continue providing administrative support on a reimbursable basis to the Council.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Of the amounts approved by the conferees in this agreement, NASA must limit reprogramming of funds between programs and activities to not more than $500,000 without prior notification to the Committees on Appropriations of the House and Senate. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval. NASA shall provide outyear implications of all reprogrammings and operating plan changes should the Committees request the information.

The conferees are in agreement with the Senate direction for a report on the risks associated with illegal transfer or theft of sensitive technologies. The conferees are also in agreement with the House direction calling for a comprehensive review of all elements of the Integrated Financial Management Program with a goal of reducing the overall cost and require submission of the report no later than April 15, 2003.

The conferees have received the report of NASA's Research Maximization and Prioritization (ReMAP) task force, which focused on prioritizing scientific research to be conducted on the ISS through NASA's Office of Biological and Physical Research. The conferees agree on the need for a strategy of prioritized research objectives across multiple disciplines, and commend NASA for establishing the ReMAP activity.

However, the conferees have several areas of concern related to the ReMAP process. The conferees are aware that a number of the ReMAP task force members dissented with the conclusions in the final report. Several task force members stated that the ReMAP process did not allow sufficient time or resources to do a proper job of prioritizing research programs. Concern was also expressed by some task force members about a lack of time to review the information reported as ReMAP conclusions. Finally, the conferees also note NASA's acknowledgement that the task force did not address ISS commercialization issues, nor did it consider the research needs of the Office of Earth Science or the Office of Space Science in its prioritization activity.

Therefore, the conferees direct NASA to report to Congress on its plans to establish a process by which prioritization of research conducted on the ISS occurs on a regular basis, rather than as a one-time effort. Furthermore, the conferees encourage that future ISS research prioritization activities address ISS commercialization programs, as well as the needs of the Offices of Space and Earth Science.

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $6,180,900,000 for human space flight instead of $6,095,900,000 as proposed by the Senate and $6,130,900,000 as proposed by the House. Additionally, the conferees have agreed to a limitation of $35,000 for official reception and representation as proposed by the Senate instead of $24,000 as proposed by the House.

The conferees have included an additional $50,000,000 for expenses related to the investigation into the tragic loss of the space shuttle *Columbia* on February 1, 2003. This funding may also be used to correct identified deficiencies and to defray any other expenses which are a consequence of the accident. The conferees recognize that the cost of the investigation and any other implications of the accident may well exceed the amount provided and will entertain operating plan changes to accommodate necessary adjustments in the funding of the various components of this account.

SCIENCE, AERONAUTICS, AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $9,207,665,000 for human space flight instead of $9,144,500,000 as proposed by the House and $9,003,000,000 as proposed by the Senate. Additionally, the conferees have agreed to a limitation of $35,000 for official reception and representation as proposed by the Senate instead of $24,000 as proposed by the House.

SPACE SCIENCE

The conferees have agreed to provide an increase of $109,960,000 to the budget request for space science programs.

The conferees agree to the following changes to the budget request:

1. An increase of $95,000,000 for the Pluto-Kuiper Belt mission.
2. An increase of $20,000,000 for the Jupiter Icy Moons Orbiter (JIMO) program.
3. An increase of $1,800,000 for the propulsion testing facility at the University of Alabama, Huntsville.
4. An increase of $450,000 for the Ultra-lightweight Electroformed Segmented Large Aperture Optics program at Alabama A&M University.
5. An increase of $810,000 for the High Energy Photonics Instrumentation Lab at the University of Alabama, Huntsville.
6. An increase of $3,000,000 for development of a lightweight carrier pallet to support the Hubble Space Telescope program.
7. An increase of $19,000,000 to the Mars program to cover recent cost increases.
8. An increase of $1,800,000 for the Center for Life in Extreme Environments at Montana State University.
9. An increase of $2,250,000 for the Hubble Telescope Project at Marshall University, Bridgeport, West Virginia.
10. An increase of $1,350,000 for the Space Science and Engineering Lab at Montana State University in Bozeman.
11. A decrease of $16,500,000 available due to the cancellation of the Flight Projects building construction project at the Jet Propulsion Lab.
12. A decrease of $10,000,000 to the Nuclear Electric Propulsion program.
13. A decrease of $9,000,000 to the Nuclear Power program.

The conferees are concerned that the recent Small Explorer competition may have unfairly judged the Satellite Test of the Equivalence Principle (STEP) proposal as having too much technology risk when, in fact, as the conferees understand, it was through neglect on the part of NASA that the investigator team did not receive adequate funds as promised to retire this risk. The conferees direct NASA to conduct an impartial and thorough evaluation of the Small Explorer competition and any agreements made prior to the competition to ensure that the STEP proposal was treated in a fair and just manner.

The conferees commend NASA for the continued success of the Hubble Space Telescope and the extraordinary contributions it has made to the advancement of science. The recent success of the Hubble servicing mission has underscored the continued importance of the Hubble Space Telescope (HST). NASA's plan for HST has been to discontinue servicing missions after 2004 in order to create a funding wedge for the next generation space telescope (NGST), the science community's highest priority, and to return HST to earth in 2010. Due to the loss of *Columbia*, the conferees are aware that the current schedule for servicing HST has potentially been delayed and that the additional delay could possibly cause degradation of HST earlier than currently anticipated. The current situation may also require additional funding for HST. The conferees direct the program manager to maintain the current schedule for NGST development and not reduce NGST funds to cover HST shortfalls. The conferees direct NASA to carry out an in-depth study of an additional servicing mission (SM5) in the 2007 timeframe that would study operating HST until the Webb Telescope becomes operational. The study should address the costs of an additional servicing mission and the potential scientific benefits. Further, the conferees direct NASA to study the means for disposing of Hubble following the deployment of the Webb Telescope in the 2010 timeframe. This study should examine the full range of options for disposal of the Hubble including relative costs and mission constraints.

BIOLOGICAL AND PHYSICAL RESEARCH

The conferees have agreed to provide an increase of $26,505,000 to the budget request for biological and physical sciences programs.

The conferees agree to the following changes to the budget request:

1. An increase of $3,600,000 for the Space Radiation program at Loma Linda University Hospital.
2. An increase of $900,000 for Canisius College for multi-user scientific equipment in life sciences.
3. An increase of $900,000 for the Institute for Proteomic and Nanobiotechnology at Northwestern University.
4. An increase of $500,000 for the Center for Research and Training in gravitational biology at North Carolina State University.
5. An increase of $4,500,000 for the National Center of Excellence in Infotonics in Buffalo, New York.
6. An increase of $8,000,000 for procurement of animal and plant habitats for the international space station.
7. An increase of $3,330,000 for Commercial Space Centers.
8. An increase of $6,750,000 for the National Space Biomedical Research Institute.
9. An increase of $900,000 for bone and muscle loss studies at the University of Connecticut Health Center.
10. An increase of $2,250,000 for the Center for Space Sciences at Texas Tech University, Lubbock, Texas.
11. An increase of $1,350,000 for interactive biological crystallization technology development.
12. An increase of $1,350,000 for the Life Sciences Center at the University of Missouri-Columbia.
13. An increase of $900,000 for the Biomedical Engineering Facility at Rutgers University, Piscataway, New Jersey.
14. An increase of $225,000 for bone blood studies related to human space flight at the University of Vermont.
15. An increase of $2,250,000 for the Life Sciences building at Brown University, Providence, Rhode Island.
16. A decrease of $11,200,000 from the Generations program.

EARTH SCIENCE

The conferees have agreed to provide an increase of $90,735,000 to the budget request for earth science programs.

The conferees agree to the following changes to the budget request:

1. An increase of $1,800,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and Resources at the Rosenstiel School of Marine and Atmospheric Science.
2. An increase of $450,000 for continuation of emerging research that applies remote sensing technologies to forest management practices at the State University of New York, College of Environmental Sciences and Forestry.
3. An increase of $2,250,000 for NASA's Regional Application Center for the Northeast.
4. An increase of $15,500,000 for the Institute for Scientific Research for development and construction of research facilities.
5. An increase of $1,575,000 for on-going activities at the Goddard Institute for Systems, Software, and Technology Research, including UAV and remote sensing technology research.
6. An increase of $585,000 for the Center for Marine Remote Sensing at the University of New Hampshire.
7. An increase of $900,000 for the Clustering and Advanced Visual Environments Initiative.
8. An increase of $5,400,000 for data storage back-up and recovery managed services that supports the Goddard Space Flight Center (GSFC) programs, providing heterogeneous support to existing information systems and scalability to serve future requirements.
9. An increase of $8,000,000 to be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to develop dual-use lightweight space radar technology.
10. An increase of $1,350,000 for the United States portion of a joint U.S./Italian satellite development program to remotely observe forest fires.
11. An increase of $1,800,000 for Little River Canyon field school.
12. An increase of $24,750,000 for the EOSDIS Synergy Program, $2,250,000 of which is for University of Washington, Pacific Northwest Regional Collaboratory to develop applications for earth science data.
13. An increase of $15,400,000 for preformulation studies for solar irradiance, total column ozone, and ocean vector winds.
14. An increase of $675,000 for landscape analysis, planning and monitoring at the Intermountain Region Digital Image Archive and Processing Center at Utah State University.
15. An increase of $900,000 for an International Earth Observing System Natural Resource Training Center at the University of Montana.
16. An increase of $1,800,000 for a joint weather and ocean research program at the University of Massachusetts and the University of Alaska.
17. An increase of $1,350,000 for the Bio-MEMS Microtechnology Center at the University of Louisville.
18. An increase of $1,800,000 for the Center for Rapid Environmental Assessment and Terrain Evaluation at the University of New Mexico.
19. An increase of $1,350,000 for the Mid-Atlantic Geospatial Information Consortium at George Mason University.
20. An increase of $450,000 for upgrades to the ADAS satellite tracking facility at Morehead State University.

21. An increase of $2,700,000 for earth science education and remote sensing activities at the University of North Dakota Upper Midwest Aerospace Consortium, Grand Forks, North Dakota.

22. An increase of $1,350,000 for expansion of the earth science hall at the Maryland Science Center, Baltimore, Maryland.

23. A decrease of $3,400,000, available due to the cancellation of the Flight Projects building construction project at the Jet Propulsion Lab.

24. An increase of $2,000,000 for the visitor's center at the Langley Flight Research Center, Langley, Virginia.

AERO-SPACE TECHNOLOGY

The conferees have agreed to provide an increase of $76,120,000 to the budget request for aerospace programs.

The conferees agree to the following changes to the budget request:

1. An increase of $16,000,000 for Intelligent Propulsion for Next Generation Aircraft to build on and leverage the Ultra Efficient Engine Technology and Quiet Aircraft Technology programs.

2. An increase of $2,250,000 for the NASA-Illinois Technology Commercialization Center at DuPage County Research Park.

3. An increase of $270,000 for the Rural Technology Transfer and Commercialization Center of Durant, Oklahoma.

4. An increase of $1,800,000 for the Tulane Institute for Macromolecular Engineering and Science for research in polymers.

5. An increase of $1,350,000 for the Glennan Microsystem Initiative.

6. An increase of $450,000 to be used for continued development of an electric/diesel hybrid engine at Bowling Green University.

7. An increase of $5,400,000 for the HITS multilateration sensor and surveillance server for Airport Surface Detection and Management System.

8. An increase of $1,530,000 for the development of the Dynamic Runway Occupancy Measurement System.

9. An increase of $4,500,000 for Project SOCRATES.

10. An increase of $5,800,000 for continuation of the Space Alliance Technology Outreach Program, including $2,500,000 for business incubators, in Florida and New York.

11. An increase of $900,000 for the Advanced Interactive Discovery Environment engineering research program at Syracuse University.

12. An increase of $4,500,000 for the National Center of Excellence in Infotonics in Rochester, New York.

13. An increase of $1,350,000 for the Virtual Collaboration Center at the North Carolina GigaPop.

14. An increase of $1,800,000 for the Garrett Morgan Commercialization Initiative in Ohio.

15. An increase of $1,150,000 for on-going activities in support of NASA Dryden Flight Research Center's Intelligent Flight Control System (IFCS) research project.

16. An increase of $1,125,000 for ongoing research at Marshall Space Flight Center in the area of advanced and breakthrough solutions for propulsion.

17. An increase of $7,600,000 for hydrogen research being conducted by the Florida State University System.

18. An increase of $4,500,000 to develop the JVIEW modeling and simulation for satellite coverage analysis, ground radars, and air traffic over the United States.

19. An increase of $450,000 for aerospace projects being accomplished by the Montana Aerospace Development Authority.

20. An increase of $720,000 for Middle Tennessee State University for the SATS Aerospace Flight Education Research Initiative.

21. An increase of $2,700,000 for the Advanced Power Systems project.

22. An increase of $4,500,000 for the DP-2 vectored thrust program.

23. An increase of $1,800,000 for the Energy Momentum Wheel project at Goddard Space Flight Center.

24. An increase of $3,600,000 for NASA's Independent Verification and Validation Facility.

25. An increase of $900,000 for the COM Simulation architecture project.

26. An increase of $1,800,000 for equipment for the Computer Forensics Technology Center at Utica College of Syracuse University.

27. An increase of $6,300,000 for the Small Aircraft Transportation System. The conferees are concerned that NASA has not requested sufficient funding to enable the Small Aircraft Transportation System (SATS) program to demonstrate the practical application of the SATS program concept, which offers the promise of extending reliable point-to-point air service to smaller communities and has provided this increase. The additional funding is to be invested through the governance process of the National Consortium for Aviation Mobility (NCAM), exclusively for acceleration of regional service demonstrations that apply those SATS and related technologies ready for implementation, and for automotive technology transfer. The conferees expect NCAM to use these additional funds to accelerate the planning and conduct of SATS regional service demonstrations in states with strong state, community, and transportation service provider participation in the NCAM partnership. This funding for NCAM is in addition to the $11,750,000 proposed by NASA for fiscal year 2003. Further, the conferees expect the SATS service demonstrations to provide the participating communities and their representative organizations with an opportunity to participate in SATS transportation service demonstrations, an analysis of economic impacts and related implications of improved air access to smaller communities, and an explanation of the technologies behind the concept.

28. An increase of $450,000 for Advanced Space Propulsion Material Research and Technology Center at Alabama A&M University.

29. An increase of $900,000 for high temperature nanotechnology research.

30. An increase of $3,000,000 for the Chesapeake Information Based Aeronautics Consortium based in partnership at Morgan State University, Baltimore, Maryland, Bowie State University and the University of Maryland, Eastern Shore.

31. An increase of $2,700,000 for the Stennis Space Center for the development of a visitor's center.

32. An increase of $2,700,000 for the North Alabama Science Center in Huntsville, Alabama for the acquisition, networking, and operation of additional immersive reality science laboratories on behalf of the Alabama Science Center Alliance to assure statewide science education program access by Alabama's K-12 students and teachers.

33. An increase of $2,700,000 for the University of Alabama in Huntsville to augment the UAH Propulsion Test Facility.

34. An increase of $675,000 for the National Institute for Aviation Research for Icing Aviation Safety Research in Kansas.

35. An increase of $4,050,000 for propulsion test complex upgrades and other basic infrastructure upgrades at the Stennis Space Center.

36. An increase of $1,800,000 for the National Technology Transfer Center at Wheeling Jesuit University.

37. An increase of $3,600,000 for development of advanced metallic joining technologies for aerospace applications at the Michoud Space Center.

38. An increase of $4,450,000 for information technology infrastructure improvements at NASA facilities.

39. An increase of $3,150,000 for a Center of Excellence for Aerospace Propulsion Particulate Emissions Reduction at the University of Missouri-Rolla.

40. A decrease of $40,000,000 to the Space Launch Initiative program. The conferees have taken this action without prejudice. The conferees note that the Congress received a budget amendment on November 7, 2002, which restructured the Space Launch Initiative with the goal of developing an Orbital Space Plane with ISS crew return capability by 2010. Fiscal year 2003 funding for the Orbital Space Plane was set at $296,000,000 in the budget amendment. This funding level is not endorsed or denied by the conferees and is therefore subject to change by NASA as it formulates its operating plan for fiscal year 2003. The conferees look forward to working with NASA during the review of the fiscal year 2004 budget request to learn more precisely the elements that comprise the cost estimates NASA has provided in the budget amendment and other documents submitted to the Committees on Appropriations of the House and Senate.

The conferees note that neither House nor Senate bills and reports contained any direction on the rotorcraft technology program because there was no request for funding in the fiscal year 2003 budget submission. However, the conferees are aware of general NASA interest in the program and that the Army may be willing to be more engaged in this effort in the future. Therefore, while the conferees were not able to identify funding to continue the program, NASA is encouraged to look at funding options and present them to the Committees on Appropriations of the House and Senate in an operating plan letter if so desired.

ACADEMIC PROGRAMS

Within the Academic programs portion of this account, the conferees recommend an increase of $59,845,000 to the budget request. The conferees have made the following adjustments to the budget request:

1. An increase of $225,000 for Niagara University for science, engineering and math programs.

2. An increase of $1,080,000 for the NASA Educator Resource Center at South East Missouri State University.

3. An increase of $900,000 for the Carl Sagan Discovery Science Center at the Children's Hospital at Montefiore Medical Center to implement the educational programming for this science learning project.

4. An increase of $2,250,000 for the JASON Foundation.

5. An increase of $3,600,000 for continuation of programs at the American Museum of Natural History.

6. An increase of $900,000 for academic and infrastructure needs at St. Thomas University in Miami, Florida.

7. An increase of $900,000 for the Ohio View Consortium.

8. An increase of $2,700,000 for the Alabama Math, Science, and Technology initiative.

9. An increase of $2,250,000 to the Educational Advancement Alliance to support

the Alliance's math, science, and technology enrichment program.

10. An increase of $5,000,000 for the National Space Grant College and Fellowship program.

11. An increase of $450,000 for Science, Engineering, Math and Aerospace Academy programs at Central Arizona College.

12. An increase of $1,800,000 for the Center for Science and Math at the University of Redlands.

13. An increase of $900,000 for the Chabot Space and Science Center for math and science education.

14. An increase of $1,800,000 for the City College of New York to establish a community-based science and technology education facility.

15. An increase of $450,000 for Science, Engineering, Math and Aerospace Academy programs at Livingston College.

16. An increase of $495,000 for the Patriots Technology Training Center in Seat Pleasant, Maryland.

17. An increase of $5,400,000 for the EPSCoR program for a total funding level of $10,000,000, the same as fiscal year 2002.

18. An increase of $720,000 for Science, Engineering, Math, and Aeronautics Academy in Miami, Florida.

19. An increase of $900,000 for the Delaware Aerospace Education Foundation, Kent County, Delaware.

20. An increase of $900,000 for the Monroe Science Center at Wesleyan College, Macon, Georgia.

21. An increase of $900,000 for the Center of Excellence in Telecommunications and Space at Morehouse College, Atlanta, Georgia.

22. An increase of $900,000 for the Henry Crown Space Center at the Museum of Science and Industry, Atlanta, Georgia.

23. An increase of $2,250,000 for non-destructive evaluation studies at Iowa State University, Ames, Iowa.

24. An increase of $675,000 for the Des Moines Science Center, Des Moines, Iowa.

25. An increase of $675,000 for the California Science Center.

26. An increase of $1,800,000 to the South Carolina Association of School Administrators, Columbia, South Carolina for the Blue Ribbon School Reform Project and Interactive Library.

27. An increase of $1,800,000 for the School of Science and Mathematics at the College of Charleston, Charleston, South Carolina.

28. An increase of $3,600,000 for the Mauna Kea Astronomy Education Center at the University of Hawaii, Hilo.

29. An increase of $1,800,000 for the Wisconsin Initiative for Math, Science and Technology Education at the University of Wisconsin, Green Bay.

30. An increase of $3,000,000 for an endowment for science and engineering education at the Mitchell Foundation, Portland, Maine.

31. An increase of $675,000 for minority recruitment in science and engineering at the University of Arkansas, Little Rock.

32. An increase of $900,000 for the Oregon Museum of Science and Industry.

33. An increase of $450,000 for advance research in batteries and fuel cells at Virginia Commonwealth University.

34. An increase of $1,800,000 for the construction of a Gulf of Maine Laboratory at the Gulf of Maine Aquarium Foundation.

35. An increase of $900,000 for the University of North Carolina-Chapel Hill for the Destiny Mobile Science Laboratory.

36. An increase of $450,000 for the development of a rooftop observatory for Widener University in Pennsylvania.

37. An increase of $1,350,000 for infrastructure and research needs at the University of Missouri Center for Gender Physiology.

38. An increase of $1,800,000 for the North Rockies Center for Space Privatization and Microgravity Research at the University of Montana-Missoula.

39. An increase of $500,000 for science and information technology programs at West Liberty State College in West Virginia.

OFFICE OF INSPECTOR GENERAL

The conferees agree to appropriate $25,600,000 for the Office of Inspector General instead of $24,600,000 as proposed by the House and $26,600,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The conferees agree to include three administrative provisions which have been included in prior appropriations acts.

The House included an administrative provision that would have precluded expenditures for implementation of a non-governmental organization for International Space Station (ISS) research before December 31, 2003. The Senate was silent on this issue.

The conferees believe strongly that a sound management approach for ISS research is critical to ensuring that scientific benefit is maximized. The investment of scarce taxpayer funds in the development of the ISS has been too great to leave management of ISS research to a "business as usual" approach. For this reason, legislative prohibitions against establishment of an NGO were included in the fiscal year 2001 and fiscal year 2002 appropriations acts, as the Committees on Appropriations have awaited submission of a comprehensive plan by NASA.

The Congress has recently received the Report of NASA's ISS Utilization Management Concept Development Study. The plan outlines 10 business models and, based on objective criteria, recommends an institute be adopted as the preferred management approach. Furthermore, the plan outlines a phased approach that would initially focus on leadership and advocacy functions and would defer a decision on the possible inclusion of engineering and integration functions.

The conferees endorse Phase 1 (inclusion of leadership and advocacy functions), which is similar to what has been so successfully demonstrated in the Hubble Space Telescope Institute (HSTI) model. The conferees wish to point out, however, that management of research for the ISS is much more complex than that of the HSTI, and acknowledge NASA's recognition of this intricacy, demonstrated through its proposal of a phased approach.

In order to ensure the chances for successful implementation of this very complicated process, the conferees have included an administrative provision that limits any proposed contractual action to that of leadership and advocacy.

The conferees direct NASA to report on the status of NGO implementation as well as means of determining research priorities. The first report is due March 15, 2003.

The conferees have not included an administrative provision proposed by the Senate which would have prohibited the use of any funds for the purchase of items proposed for acquisition in RFP5–55151–GCE.

The conferees have included a new administrative provision which gives NASA authority to establish a working capital fund. The House had proposed establishment of this fund in title IV, general provisions.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

The conferees have held the cap on the Central Liquidity Facility (CLF) lending activities from borrowed funds at $1,500,000,000 as proposed by the House and Senate.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The conferees have provided $1,000,000 to the Community Development Revolving Loan Fund (CDRLF) as proposed by both the House and Senate. Within this amount, $300,000 is provided to augment funds available for technical assistance grants for fiscal year 2003.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $4,083,000,000 for research and related activities instead of $4,150,000,000 as proposed by the House and $4,081,650,000 as proposed by the Senate. The conferees have included bill language which provides up to $320,000,000 for polar research and operations support and $85,000,000 for a comprehensive research initiative on plant genomes for economically significant crops.

The conference agreement provides $4,083,000,000 for ongoing and new research priorities of the Foundation, an increase of nearly $500,000,000 above the fiscal year 2002 level. In allocating this increased funding to the directorates, NSF is expected to give a high priority to increasing research opportunities for investigator initiated research in the core scientific disciplines. In addition, NSF is urged to use the growth in its resources to make a marked and substantial increase in the average award, as well as increase the number of awards being made with a particular effort to include those individuals and institutions not well represented in the Nation's research enterprise. The specific funding level for each of NSF's research activities is as follows:

1. $574,886,000 for Biological Sciences. Of this amount, $85,000,000 has been provided for plant genome research on economically significant crops, including an initiative which pursues the sequencing of one or more economically important crops. The conferees expect that NSF will complete such sequencing of at least one of these crops by 2004. In addition, $26,000,000, the budget request, is provided for Biocomplexity in the Environment research.

2. $582,235,000 for Computer and Information Science and Engineering. Up to $12,500,000 of the appropriated level may be used for operational support of the two terascale facilities. In addition, the conferees expect NSF to provide adequate resources for information technology research, including cyber security research for individual investigators and multi-disciplinary research centers, as well as for advanced broadband research as outlined in Senate Report 107–222.

3. $534,057,000 for Engineering.

4. $689,211,000 for Geosciences. The Foundation is expected to provide adequate funding to augment support for the national user facilities within this directorate as well as to move forward on the integrated ocean drilling program.

5. $1,041,165,000 for Mathematical and Physical Sciences. Of this amount, $179,617,000 is for Mathematics programs and not less than $222,169,000 is for Physical Science programs. The conferees further agree that adequate resources be provided in support of the National High Magnetic Field Laboratory, the

Cyclotron and Synchrotron Radiation Facilities, and other such important research facilities. The Foundation is directed to provide, by August 31, 2003, a report which documents what has been accomplished as a result of the growth in mathematics research funding.

For Astronomical Sciences within the MPS Directorate, $4,000,000 is provided for the Telescope Systems Instrumentation Program (TSIP), $6,000,000 is for the National Radio Astronomy Observatory program, $4,200,000 is for the National Optical Astronomy Observatories, and $2,000,000 is for the National Optical Astronomy and Ionosphere Center. In addition, the conferees agree that NSF should provide adequate support for preparatory work for the Giant Segmented Mirror Telescope (GSMT).

6. $192,309,000 for Social Behavioral and Economic Sciences. Of this amount, $6,000,000 is for the Children's Research Initiative.

7. $252,330,000 for U.S. Polar Research Programs. The conferees agree that OPP should report at the earliest practicable time on the necessary work and costs associated with the repair, upgrading, and replacement of NSF's research and support facilities in Antarctica. Upon completion of this report, funds available through this and other appropriations may be used for planning, design, pre-construction, and construction activities as identified in the report. In addition, the conferees agree that with the funds provided, OPP may execute necessary contractual arrangements in preparation for the Foundation's plan for mechanical traverse between McMurdo Station and Amundson-Scott South Pole Station.

8. $69,003,000 for U.S. Antarctic Logistical Support Activities.

9. $147,804,000 for Integrative Activities, including $84,000,000 for Major Research Instrumentation (MRI) and $5,000,000 for the Innovation Partnership Program (IPP). To the extent possible, NSF should utilize funds in excess of the budget request to support the merit-based instrumentation and infrastructure needs of developing, HBCU, and other minority-serving colleges and universities. With this regard to the IPP, NSF is directed to support competitive, merit-based partnerships, consisting of States, local and regional entities, industry, academic institutions, and other related organizations for innovation-focused local and regional technology development strategies.

Within amounts made available in this account, the conferees expect the NSF to provide up to $750,000 in support of the National Academy of Sciences' work to develop a process for prioritizing projects funded through the Major Research Equipment and Facilities Construction account.

The conferees are aware that there has been confusion in recent years regarding the Smithsonian Institution's eligibility to compete for grants at the National Science Foundation. This problem was recently identified as a significant issue in the National Academy of Public Administration's review of Smithsonian science programs released in October 2002. The conferees are concerned that this confusion has persisted despite recent internal NSF policy directives clarifying that the Smithsonian is fully eligible to compete for National Science Foundation grants. The conferees strongly urge the Director of the National Science Foundation to make sure that Smithsonian grant applications are welcomed by all programs at the Foundation and given fair consideration with all other applications based on the merits of the proposals.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriates $149,510,000 for major research equipment and facilities construction instead of $159,510,000 as proposed by the House and $59,280,000 as proposed by the Senate. Included within the appropriated amount is $9,720,000 for the Large Hadron Collider; $13,560,000 for the George E. Brown, Jr. Network for Earthquake Engineering Simulation; $25,530,000 to complete development of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER); $10,000,000 for support of the Terascale Computing System and the Distributed Terascale Facility; $24,700,000 for continued research and development of the IceCube Neutrino Detector Observatory in Antarctica; $30,000,000 for construction of the Atacama Large Millimeter Array (ALMA) aperture-synthesis radio telescope; $6,000,000 for construction costs associated with expansion of new facilities at the Amundson-Scott South Pole Station; and $30,000,000 for initial costs associated with the new Earthscope project.

The conferees have, without prejudice, not funded the National Ecological Observatory Network (NEON) project in fiscal year 2003.

The conferees direct the Foundation to include in its fiscal year 2003 Operating Plan a report detailing approved budgeted and actual expenditure information on each research facility and equipment funded through this account.

EDUCATION AND HUMAN RESOURCES

Appropriates $909,080,000 for education and human resources instead of $910,580,000 as proposed by the House and $932,730,000 as proposed by the Senate. The conferees agree to the following funding levels within this account:

1. $127,500,000 for the Math and Science Partnership program. The Foundation is strongly urged to provide regular, detailed information to the Committees on Appropriations regarding the planning and execution of this initiative.

2. $40,250,000 for Educational System Reform.

3. $90,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR) program.

4. $177,440,000 for Elementary, Secondary and Informal Education. Within this level of funding, $61,000,000 has been provided for the Informal Science program, an increase of $6,000,000 above the budget request.

5. $160,600,000 for Undergraduate Education. Of the amount appropriated herein, $43,160,000 has been provided for the Advanced Technological Education (ATE) program, $22,000,000 is for the STEM Talent Expansion Program (STEP), and $7,000,000 is for the Robert Noyce Scholarship Program. These funding levels represent increases above the budget submission of $5,000,000, $20,000,000 and $3,000,000, respectively.

6. $140,880,000 for Graduate Education. The conferees have provided an increase of $12,500,000 above the budget request to increase graduate level stipends for the research and teaching fellowship programs and the trainee program administered by the Foundation through its Graduate Education program. The conferees support increasing the graduate stipend level to $27,500 during fiscal year 2003 as the first of what is expected to be a two-year process to reach a stipend level of $30,000.

7. $105,210,000 for Human Resource Development. Within this funding level, $31,530,000 is provided for the Louis Stokes Alliances for Minority Participation (LSAMP) program, an increase of $5,000,000 above the budget request. In addition, $18,900,000, an increase of $5,000,000 above the request, has been provided for the Historically Black Colleges and Universities Undergraduates Program (HBCU–UP).

The conference agreement additionally provides for an increase of $5,000,000 for the HBCU Research University Science and Technology (THRUST) initiative within the Centers of Research Excellence in Science and Technology (CREST) program. While the conferees agree that eligibility for THRUST should not exclude CREST recipients, NSF is directed to first use fiscal year 2003 program funds to fully fund multi-year awards to recipients of THRUST awards in the program's first year.

8. $67,200,000 for Research, Evaluation and Communication.

SALARIES AND EXPENSES

Appropriates $190,352,000 for salaries and expenses instead of $193,852,000 as proposed by the House and $182,160,000 as proposed by the Senate. The conference agreement will permit the employment of an additional 25 full time equivalent personnel for a total workforce of 1175, and will provide an increase of $15,000,000 above the fiscal year 2002 level for General Operating Expenses.

The conferees are strongly supportive of the National Science Foundation and committed to its mission of providing national leadership and federal financial support of research as the basis for scientific and social advancement for the nation and for the entire world. This commitment is reflected in the substantial increase provided in this Act for the NSF for fiscal year 2003.

As Congress, the executive branch and the American people begin to consider a multi-year build-up of financial support for the NSF, however, the conferees also believe that a review of the agency's organizational, programmatic and personnel structures is appropriate and can provide assurance to the public that the agency is positioned to maximize the opportunities which increased funding can create. The conferees have allocated $1,000,000 within the Agency's "Salaries and Expenses" appropriation for a contract with the National Academy of Public Administration (NAPA) to conduct such a study. The conferees expect this contract to be awarded within 60 days of approval of this measure.

Without prejudicing the outcome of this NAPA review, the conferees are concerned about the following issues:

Organizational and program structure. Over the last decade the NSF has evolved into a very complex and multi-layered system of directorates, sub-directorates and programs each with its own leadership and budget. This organizational structure is then managed and evaluated against a system of goals which were established under the Government Performance and Results Act as well as a set of six cross-cutting priority areas which change from year to year. All programs are required to justify themselves according to how they serve both the goals and the priorities. Assets flow and personnel are evaluated based on such evaluations even though not every program clearly is designed to serve every goal and every priority. There is concern that this system, each aspect of which may have been created with the best of intentions, may have become overly bureaucratic. Some observers have characterized this current structure as both Byzantine and balkanized. This reflects a concern that the system is broken up into large numbers of parts which may channel significant portions of research funding into narrow areas making it difficult for researchers to follow broader interdisciplinary projects or innovative research areas not yet reflected in NSF's view of scientific opportunity. Because recent NSF budget requests have heavily favored the agency's own priority areas at the expense of research in core disciplines, investigators often feel compelled to apply for support in certain areas because of a sense that proposals which do not fit into NSF's priorities are significantly disadvantaged. The conferees believe that a thoughtful review should ask whether the current NSF organization and management structure and its goal and priority systems should be simplified or changed.

The balance between field driven and NSF driven science priority setting. Second, but clearly related, the conferees believe that this review should consider whether the NSF's approach to its stewardship mission creates the proper balance between necessary and appropriate levels of agency leadership of NSF sponsored science and the need to ensure that this research remains principally investigator initiated work. A corollary question is whether the structure of NSF and management control of its priority setting methodologies have negatively influenced the balance between NSF initiatives and appropriate resource allocations for core science investments.

The underlying principle around which NSF was founded and which the conferees believe is still the pedestal upon which the success of America's taxpayer supported research rests is that both the choice of research priorities and the choice of individual projects should flow principally from practicing scientists in the field as expressed through organized systems of advice and through external peer review. The conferees believe that it is appropriate to review whether the balance of power in setting research priorities is the appropriate one or whether NSF has become too directive in managing its research portfolios.

Role of the National Science Board. The NSF is unique in entrusting both advisory and executive authority for the agency in an "independent" board appointed by the president. Recent Congressional action has highlighted, however, the concerns about the relationship between the Board and the agency and its Director and in particular the issue as to how independent the Board is able to operate given its dependence on the Agency for financial support and personnel. The conferees request that the organizational review of NSF here directed include an analysis of the extent to which the Board has fulfilled its original purpose and a review of the role and the structure of the Board in the future.

Personnel policies. The NSF has chosen over the years to rely significantly on contractual and on temporary personnel assigned to the agency under the IPA system to manage its science programs including its grant selection processes. Almost one-tenth of the over 1000 staff of the agency are university based researchers detailed to NSF under the Intergovernmental Personal Act (so-called IPA's) and over 200 are contractors. The assignment of non-permanent personnel to management positions now includes the heads of its science directorates. The advantage of this system is a continuous flow of individuals from the field who are current in their science. The disadvantage, however, is a cadre of agency personnel, including some of its most senior staff, who have less experience and could have split loyalties between their federal roles and their past or future employment base. The conferees believe a thoughtful review of the agency's structure should include an evaluation of the use of temporary staff and term appointments, especially to the extent this involves the heads of the science directorates.

In laying out these particular concerns, the conferees do not mean this to be an exclusive list. The review by NAPA should be carried out by very senior and thoughtful persons who should feel free to analyze any other factors which the group believes are central to the question of determining what organizational, programmatic and personnel systems will facilitate the most effective partnership between the National Science Foundation and the scientific community for the benefit of the nation.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriates $3,500,000 for the National Science Board as proposed by the Senate. The House had included these NSB operational funds within the Salaries and Expenses account as has been the practice in past years. A representational allowance of $9,000 has been provided for the Board.

Recently approved legislation authorized a separate funding stream for the Board, and the conferees have responded by creating this new appropriations account. The amount provided is expected to be sufficient for all costs associated with NSB personnel payroll and benefits as well as other appropriate expenses. The conferees acknowledge this action is intended to provide a measure of independence between the Board and the Foundation, but nevertheless expect NSF to continue to provide accounting, logistics, and other necessary measures in support of the Board and its mission. The conferees request that budget justification materials in support of the National Science Board's fiscal year 2004 funding requirements be submitted to the Committees on Appropriations within 30 days of enactment of this measure.

OFFICE OF INSPECTOR GENERAL

Appropriates $9,250,000 for the Office of Inspector General instead of $9,000,000 as proposed by the House and $9,660,000 as proposed by the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conferees agree to provide $105,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House instead of $110,000,000 as proposed by the Senate.

Language is included in the bill which designates $5,000,000 to support the Corporation's section 8 homeownership program, as proposed by the Senate. The House had proposed a set-aside for this purpose of $10,000,000. The conferees have further agreed to designate $5,000,000 to support additional mixed-income affordable rental developments.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $26,480,000 for salaries and expenses as proposed by both the House and the Senate.

TITLE IV—GENERAL PROVISIONS

The conference agreement includes the following dispositions of General Provisions:

Retains fifteen administrative provisions proposed by both the House and the Senate, all of which were included in the fiscal year 2002 Act.

Deletes language proposed by the Senate limiting travel expenses.

Deletes language proposed by the Senate requiring approval for the Department of Veterans Affairs to enter into leases of real property with an estimated cost of over $300,000. The conferees included an identical provision in title I, as proposed by the House.

Retains language proposed by the House prohibiting transfers to any department, agency or instrumentality of the United States Government established after the date of enactment of this Act except as provided in a future appropriations Act.

Retains language proposed by the House amending the Stafford Act by reducing to 7.5 percent the set-aside for hazard mitigation grants.

Deletes language proposed by the House amending the Consumer Product Safety Act.

Deletes language in this title proposed by the House establishing a working capital fund for NASA and instead includes a similar provision under title III, NASA administrative provisions.

Modifies language proposed by the House granting NASA enhanced-use lease authority by adding new conditions.

Deletes language proposed by the House granting NASA authority to convey utility systems to a municipal, private, regional, district, or cooperative utility company or other qualified entity.

Deletes language proposed by the House extending buyout authority in NASA.

Retains language proposed by both the House and Senate reducing FEMA's State cost share requirements for construction of emergency operations centers from 50 percent to 25 percent.

Deletes language proposed by the Senate allowing the Department of Housing and Urban Development and the Selective Service System to purchase uniforms, passenger motor vehicles, and services as authorized by law. The conferees included identical language under the respective appropriating paragraphs for each agency as proposed by the House.

Retains language proposed by the Senate prohibiting the procurement of automobiles rated less than 22 miles per gallon.

Retains language proposed by the Senate amending the Federal Fire Prevention and Control Act of 1974 by recognizing Alaska Village Initiatives as an eligible grantee for assistance.

Retains language proposed by the Senate authorizing the Secretary of the Department of Homeland Security to acquire 178.5 acres in Clarke and Loudoun Counties, Virginia.

Deletes language proposed by the Senate directing a long-term health study of emergency service personnel. The conferees have instead included a similar provision as an administrative provision under FEMA.

Deletes language proposed by the Senate amending permanent law to expand eligibility for Federal housing assistance to certain groups of aliens. The conferees direct the Department to work with the Department of Justice to develop any necessary technical corrections to applicable housing statutes with respect to qualified aliens who are the victims of domestic violence and Cuban and Haitian immigrants to ensure that such statutes are consistent with the Personal Responsibility and Work Opportunity Act of 1996 and the Illegal Immigration Reform and Personal Responsibility Act of 1996.

A provision was included in the Senate bill under Division I, Transportation and Related Agencies, directing EPA to contract with the National Academy of Sciences. The conferees have included an identical provision as an administrative provision under EPA.

Includes new language amending title 31 of the United States Code regarding passenger carrier use by the NASA Administrator.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$123,820,208
Budget estimates of new (obligational) authority, fiscal year 2003	124,979,700
House bill, fiscal year 2003	122,596,881
Senate bill, fiscal year 2003	121,925,545
Conference agreement, fiscal year 2003	121,927,337
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	−1,892,871
Budget estimates of new (obligational) authority, fiscal year 2003	−3,052,363
House bill, fiscal year 2003	−669,544
Senate bill, fiscal year 2003	+1,792

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

In implementing this agreement, the departments and agencies affected in this division shall comply with the language and instructions set forth in the Senate explanatory statement as delineated in the CONGRESSIONAL RECORD of January 15, 2003, page S838, that are not otherwise contradicted by the committee of conference.

The conference agreement includes section 101, as proposed by the Senate, that modifies section 308 and subsection 835(d) of the Homeland Security Act, respectively, by (1) expanding the discretion of the Homeland Security Secretary in his application of listed criteria, and authorizing him to consider additional criteria beyond those specified in the section when designating any of the nation's colleges or universities as a college- or university-based center for homeland security that shall conduct extramural research; and (2) limiting the authority of the Homeland Security Secretary to waive the prohibition on entering into contracts with corporate expatriates by restricting the waiver authority only to contracts for which the Secretary determines that the waiver is required in the interest of homeland security. The House bill contained no similar provision.

The conference agreement expands the discretion of the Secretary of the Department of Homeland Security in his application of the listed criteria when designating any of the nation's colleges or universities as a college- or university-based center for homeland security. Such a center is part of the Secretary's broad authority to conduct extramural research under grants, cooperative agreements and contracts. Designating a center or centers is just one way in which the Secretary's authority can be used.

The conference agreement includes section 102, as proposed by the Senate, which repeals sections 1714 through 1717 of the Homeland Security Act as if such sections never were effective and replaces these sections with alternative language regarding the application of the Public Health Service Act and a rule of construction with respect to prior law and to Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02-392V (October 11, 2002). No legal inference regarding existing law prior to or after the enactment and repeal of these sections shall be drawn by the courts from the enactment and subsequent repeal of these provisions. The repeal leaves unaffected pre-existing case law, such as Leroy v. Secretary of Health and Human Services. The conference agreement modifies a Sense of the Senate provision to a Sense of the Congress that the Senate Committee on Health, Education, Labor, and Pensions and the House Committee on Energy and Commerce should report legislation within six months to protect the public health and the nation's ability to produce existing vaccines and develop new vaccines. The House bill contained no similar provision.

The conference agreement includes section 103, as proposed by the Senate, which modifies sections 232(f), 234(b), 873(b), and 1511(e)(2) of the Homeland Security Act. These modifications would, respectively: ensure that transfers of funds, personnel, and assets within and from the Department of Justice are governed by the procedures established in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002; permit the Coast Guard to use preexisting authority to accept gifts and donations of services; and permit the Coast Guard to continue to receive funds from the aquatic resources trust fund of the highway trust fund for boating safety programs. The House bill contained no similar provision.

In addition, the conferees have agreed to include in section 103, as proposed by the Senate, a provision adding a new section 1714 to the Homeland Security Act that requires that any report or notification to, or consultation with, the Congress or any Congressional committee required by the Homeland Security Act, and addressing directly or indirectly the use of appropriated funds, also be submitted to or held with the Committees on Appropriations of the Senate and the House of Representatives. The House bill contained no similar provision.

The conference agreement replaces a provision (section 104) proposed by the Senate relating to certain waivers of contracts with corporate expatriates. The substitute provision makes changes to the Homeland Security Act of 2002 (Public Law 107–296) and the Inspector General Act of 1978 (Public Law 95–452) relating to the Inspector General of the Department of Homeland Security. The House bill contained no similar provision.

The conference agreement includes a provision (section 105) relating to the transfer of the Attorney General's authorities under the Immigration and Nationality Act to the Secretary of Homeland Security.

The conference agreement includes a savings provision (section 106), as proposed by the Senate, relating to pending or completed administrative actions, any proceeding, and pending civil actions with respect to the transfer mandated by the Homeland Security Act of the Bureau of Alcohol, Tobacco, and Firearms to the Department of Justice from the Department of the Treasury. The House bill contained no similar provision.

The conference agreement includes a provision (section 107), as proposed by the Senate, which repeals section 457 of the Homeland Security Act, including the amendment made by that section, relating to the costs and funding of certain immigration services. The conferees also modified this section to address court jurisdiction matters.

The conference agreement deletes a Sense of the Senate provision (section 107) that states that Senate conferees should insist that the Joint Conference adopt section 102 of the Senate amendment. The House bill contained no similar provision.

The conferees agree that several specific provisions of the Homeland Security Act directly or indirectly address the oversight and use of appropriated funds and that the Senate and House Committees on Appropriations will review such sections in depth.

DIVISION M—OTHER MATTERS

DEFENSE RELATED TECHNICAL CORRECTIONS

The conferees considered section 5 of H.J. Res. 2 as passed the House, and Division M of H.J. Res. 2 as amended by the Senate. The conference agreement includes an amended version of Division M, as described below.

The conferees recommended retaining and amending a number of general provisions, proposed by either the House or Senate, which make technical and other adjustments regarding funding and activities provided for in Public Laws 107–248 and 107–249 (the Defense Appropriations Act, 2003, and the Military Construction Appropriations Act, 2003, respectively). In addition, in section 109 of this division the conferees recommend new appropriations totaling $10,000,000,000, pursuant to requests from the White House, for selected military and intelligence activities in support of the global war on terrorism.

Of this amount, $3,900,000,000 if for classified programs in support of the global war on terrorism and other critical anti-terrorism initiatives. These programs are described in a classified annex accompanying this joint statement. The remaining $6,100,000,000 is for reimbursement of personnel and operational costs incurred during the first quarter of the current fiscal year by the Department of Defense as a result of Operation Enduring Freedom; Operation Nobel Eagle; and related activities in the war on terrorism and homeland security operations. These funds are to be allocated as follows:

Military Personnel

The conference agreement includes $1,617,000,000 for active duty pay and allowances costs incurred from October through December 2002. This includes incremental cost increases in hostile fire pay, family separation allowances, hardship duty pay, subsistence and additional readiness/stop-loss personnel. Also covered are pay and allowances for the first quarter costs associated with mobilized Reservists and National Guardsmen.

(In thousands of dollars)

	Conference Amount
Military Personnel, Army	$771,200
Military Personnel, Navy	213,800
Military Personnel, Marine Corps	68,600
Military Personnel, Air Force	563,400

Operation and Maintenance

The conference agreement includes $4,387,900,000 for operations costs incurred from October through December 2002. These include personnel support costs (temporary duty, clothing, personal equipment and supplies, medical support and services, and subsistence); operating tempo costs (including incremental ship steaming days and aircraft flying hours, materials and services supporting operations, fuel, and spare/repair parts); and costs associated with the transportation of personnel, equipment and material.

(In thousands of dollars)

	Conference Amount
Operation and Maintenance, Army	$1,210,000
Operation and Maintenance, Navy	378,300
Operation and Maintenance, Marine Corps	202,100
Operation and Maintenance, Air Force	1,686,300
Operation and Maintenance, Defense-Wide	911,200
(U.S. Special Operations Command	531,100)
(Defense Logistics Agency	289,700)
(Defense Information Systems Agency	51,200)
(Defense Threat Reduction Agency	39,200)

DEFENSE HEALTH PROGRAM

The conference agreement includes $95,100,000 for the Defense Health Program, for the costs of replacement personnel to perform essential duties of deployed personnel; transportation costs to points of embarkation; funding for temporary duty in order to sustain essential health care services at military treatment facilities and in the private sector; additional funds for health care to support mobilized Reservists and their families; the costs of immunizations for personnel being deployed, and force protection.

REPROGRAMMING THRESHOLDS

The conferees agree to amend the Senate's recommendation to raise the thresholds for internal reprogramming actions. The conferees agree to increase reprogramming thresholds as proposed by the Senate, for Procurement and Research, Development, Test and Evaluation appropriations accounts for the remainder of fiscal year 2003. Changes to reprogramming thresholds are effective upon enactment of the accompanying Act and apply to fiscal year 2003 Procurement and Research, Development, Test and Evaluation appropriations. The Department shall submit Prior Approval reprogramming requests, DD Form 1415–1, in those instances when reprogramming of funds exceed the following thresholds:

An increase or decrease of $20,000,000 for program year 2003/2005 appropriations for a Procurement line item.

An increase or decrease of $10,000,000 for program year 2003/2004 appropriations for a Research, Development, Test and Evaluation program element.

Each of the reprogramming thresholds described above reflects aggregate levels of reprogramming activity within Procurement line items, and Research, Development, Test and Evaluation program elements.

The reprogramming of funds below these thresholds shall not increase lines specifically reduced by congressional action or decrease congressional interest items.

No below threshold decrease may exceed twenty percent of appropriated levels for each procurement line, or program element, or the limitations above, whichever is greater.

Below threshold reprogramming may restore non-specific reductions to the original level of the budget request or the level determined in the account tables, whichever is less.

PROJECT ATHENA

The Statement of Managers accompanying the conference report on Public Law 107–248 provided an earmark in the Research, Development, Test and Evaluation, Navy appropriation of $11,000,000 for development of the Project Athena coastal defense beta site from within the Marine Corps Communications line, PE 0206313M. The conferees agree that the line for the earmark is hereby changed to the Combating Terrorism Technology Support line, PE 0603122D8Z, in the Research, Development, Test and Evaluation, Defense-Wide appropriation. The conferees also agree that the amount of the earmark shall be decreased to $6,000,000.

DOMED HOUSING

The Statement of Managers accompanying the conference report on Public Law 107–248 directed that $2,000,000 be made available for the acquisition of domed housing in the Marshall Islands to support Department of Defense housing requirements. The conferees further direct that the procurement of additional domed housing units be limited to those U.S. construction companies that have previously built this type of housing in the Marshall Islands.

NATIONAL DEFENSE SEALIFT REPORT

The conferees direct the Secretary of the Navy and the Secretary of Transportation to jointly report to the Committees on Appropriations, within 90 days of enactment of this Act, on the feasibility of establishing a pilot project to accelerate the introduction of next-generation high-speed sealift ships. Such a project shall provide for the construction in a United States shipyard of two high-speed sealift ships (together with ancillary facilities and equipment) to be used in commercial service and to be available to support the Navy's global military sealift requirements. Project financing should be derived from loans guaranteed by the Secretary of Transportation supported by amounts appropriated in fiscal years 2002 and 2003 under the National Defense Sealift Fund (designated for construction of additional sealift capacity), amounts appropriated to support Title XI maritime loan guarantees, and sums provided by non-federal parties as appropriate. Such report shall include an analysis of the national security benefits of using sealift ships designed to carry at least 10,000 tons of cargo at 36 knots or higher in sea states of up to 16 feet to meet high priority military requirements compared to existing sealift capabilities. Such report shall also include a technology readiness assessment, a financial analysis, and any additional recommended legislation that may be required to accomplish this project.

GENERAL PROVISIONS—THIS DIVISION

The conferees agree to amend section 101, as proposed by the Senate, which allows funds to be used to settle the disputed taking of property adjacent to the Tooele Army Depot.

The conferees agree to retain section 102, as proposed by the Senate, which provides funds for disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet, and requires the Department to report to the congressional defense committees by March 1, 2003.

The conferees agree to delete section 103, as proposed by the Senate. The conferees agree, however, to amend section 122 of P.L. 107–249 to create an exception to the general prohibition against using NATO Security Investment Program (NSIP) funds in the New Independent States of the former Soviet Union. This exception authorizes no more than $1,000,000 to establish a communication system that connects various NATO headquarters and partnership for peace nations.

The conferees agree to retain section 104, as proposed by the Senate, which is a technical correction that moves funds from the Military Construction, Air Force account to the Military Construction, Air Force Reserve account.

The conferees agree to modify section 105, as proposed by the Senate, to clarify that the Secretary of the Air Force is authorized to transfer funds to the United States Fish and Wildlife Service for the purpose of acquiring land at Nellis Air Force Base.

The conferees agree to amend section 106, as proposed by the Senate, which increases the expense/investment threshold from $100,000 to $250,000 for items purchased with operation and maintenance funds, and includes authorization and grant authority for projects expressly designated for the Office of Economic Adjustment in the Statement of Managers accompanying the conference report on Public Law 107–248.

The conferees agree to amend section 107, as proposed by the Senate, which includes transfers of $104,000,000 in order to accelerate Patriot PAC-3 missile production. Among the sources specified in this general provision is "Weapons and Tracked Combat Vehicles, Army, 2003/2005", for $5,000,000 from the M1A2 SEP program. This section transfers $7,000,000 from "Other Procurement, Air Force, 2003/2005", from the following programs:

Thinpack Parachutes	–$3,000,000
Replacement of Transport Aircraft Troop Seats	–3,000,000
Replacement of Tactical Aircrew Life Preservers with the Navy's LPU–36	–1,000,000

This section also transfers $36,900,000 from "Research, Development, Test and Evaluation, Defense-Wide, 2003/2004". This amount includes $13,900,000, as specified by the Senate, from the ground-based midcourse defense sea-based x-band radar (SBX), and $23,000,000 from a Patriot PAC-3 enhancement program.

The conferees agree to amend section 108, as proposed by the Senate, which provides necessary legislative language for the timely execution of funds for certain Department of Defense Office of Economic Adjustment activities as provided in the Statement of Managers accompanying the conference report for Public Law 107–248.

The conferees agree to amend section 109, as proposed by the Senate, to provide $10,000,000,000 to support the global war on terrorism and classified activities, as requested by the White House. The conferees direct that all funds provided pursuant to section 109 be only for those activities cited in this joint statement and in the classified annex thereto.

The conferees agree to amend section 110, as proposed by the Senate, to provide authorization for fiscal year 2003 appropriations for intelligence activities pursuant to Section 504 of the National Security Act of 1947.

The conferees agree to include, with slight technical modifications, section 111 of Division M of the Senate passed bill regarding the Department of Defense's Total Information Awareness (TIA) program. In two instances the provision has been modified. First the conferees agree to allow the Administration 90 days after the bill is enacted to submit a report to Congress on the TIA program, instead of 60 days as proposed by the Senate. Second, the provision has been modified to clarify that, subject to the other terms and conditions of this section, the TIA program may be deployed at operating bases in the United States to assist in the conduct of lawful U.S. foreign intelligence activities against non-United States citizens only. The conferees agree with the clear intent of the Senate provision that, in no case, should the TIA program be used by the Department of Defense to conduct intelligence activities on United States citizens, or transferred to any other Federal agency for the same purpose.

The conferees agree to amend section 112, as proposed by the House, which provides the Secretary of Defense additional transfer authority of $500,000,000, only for unforeseen fuel cost requirements resulting from revised pricing and the global war on terrorism. Additionally, this provision is further amended to require prior notification of the Committees on Appropriations before any funds made available to the Department of Defense are used for the drawdown authority provided in Section 202 of the Afghanistan Freedom Support Act (Public Law 107-327).

The conferees are supportive of the overall objectives of the Afghanistan Freedom Support Act (AFSA). Nonetheless the conferees are extremely troubled that, in its first use of this authority, the Administration chose to use the U.S. military services' operations accounts as its funding source for the initial increment of AFSA drawdown—diverting $165,000,000 originally requested and subsequently appropriated for U.S. Army, Navy, and Air Force unit training and flying hours. As noted by the Deputy Secretary of Defense in a February 10, 2003 letter to the Defense Appropriations Subcommittees of the House and Senate, "DoD cannot absorb these costs without affecting readiness."

To implement this provision, the conferees therefore direct that the Department of Defense provide not less than 15 days prior written notification to the Committees on Appropriations prior to exercising any use of the section 202 drawdown authority which would use DoD funds. This notification should be provided no later than other required AFSA drawdown notifications to the Committees on Appropriations (e.g., Presidential determinations, or notifications from the Department of State, or others, as required under the AFSA or other laws). Each such notification shall include the proposed source of DoD funds by appropriations account and activity, as well as a description of the impact these funding transfers will have on the DoD programs so affected.

DIVISION N

TITLE I

ELECTION REFORM

The conferees agree to provide $1,500,000,000 for election reform. This includes funds to establish an Election Assistance Commission and to carry out programs authorized by the Help America Vote Act of 2002. The conferees agree to provide $650,000,000 to the General Services Administration (GSA) to carry out a program of payments to the States for improving the administration of elections and replacing punch card and lever voting machines with new voting technology. The conferees also agree to provide $15,000,000 to the Department of Health and Human Services for programs to ensure disabled voter access.

The conference agreement also earmarks amounts to be repaid to individual Forest Service appropriations accounts as proposed by the Senate. The House had no similar provision.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

The conference agreement includes $189,000,000 for wildland fire management as proposed by the Senate instead of an emergency supplemental appropriation for fiscal year 2002 of $200,000,000 as proposed by the House. These funds are to repay amounts transferred from other accounts to fight fires in fiscal year 2002.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

The conference agreement includes $636,000,000 for wildland fire management as proposed by the Senate instead of an emergency supplemental appropriation for fiscal year 2002 of $500,000,000 as proposed by the House. These funds are to repay amounts transferred from other accounts to fight fires in fiscal year 2002.

DIVISION N—TITLE IV—TANF AND MEDICARE

The conference agreement includes section 401, which extends the Temporary Assistance for Needy Families in the manner authorized for fiscal year 2002 through June 30, 2003, instead of September 30, 2003 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a new section, section 402, in lieu of sections 402 through 404 as proposed by the Senate, which (1) temporarily increases payments to rural and "other urban" hospitals through September 30 to the large urban standardized amount; and (2) provides legal protection for the Administration should they make corrections to data errors in the physician payment formula for past fiscal years. The House bill contained no similar provision.

The conference agreement includes section 403, originally proposed by the Senate as section 405 in the Senate amendment, which extends the Federal payment for Medicare Part B through Medicaid for qualifying individuals (those between 120 and 135 percent of poverty) through September 30, 2003. The House bill contained no similar provision.

DIVISION N—TITLE V—FISHERIES DISASTERS

Section 501.—The conference agreement includes section 501, included in the Senate, providing $100,000,000 for various fishery disasters. The House did not include a similar provision.

TITLE VI

OFFSETS

The conference agreement includes a 0.65 percent across-the-board rescission to discretionary budgetary resources provided in divisions A through K of this act, as well as to any previously enacted fiscal year 2003 advance appropriation. This rescission does not apply to the Head Start program, the Veterans' Medical Care program, the Women, Infants, and Children nutrition program, or the space shuttle program. Specific exemptions for these programs are also included in the respective sections of this joint resolution.

BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY

The conference agreement provides $700,000,000 of new borrowing authority to the Bonneville Power Administration as proposed by the Senate. The conferees direct the Bonneville Power Administration to submit a detailed budget justification, by project, for its total capital improvement program to the House and Senate Committees on Appropriations not later than March 30, 2003, and to submit thereafter as part of the annual budget request, for approval by the House and Senate Committees on Appropriations.

DIVISION O

PRICE-ANDERSON ACT AMENDMENTS

The conference agreement modifies bill language as proposed by the Senate to extend portions of the Price-Anderson Act through December 31, 2003.

DIVISION P—U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The conferees have included, under Division P, language and funding regarding the U.S.-China Economic and Security Review Commission.

Bill Young,
Ralph Regula,
Jerry Lewis,
Hal Rogers,
Frank R. Wolf,
Jim Kolbe,
James T. Walsh,
Charles H. Taylor,
David L. Hobson,
Ernest J. Istook, Jr.,
Henry Bonilla,
Joe Knollenberg,
Jack Kingston,
John P. Murtha,
Norman D. Dicks
(except section 323 and 335 of Division F, and conservation spending)
Alan B. Mollohan,
Peter J. Visclosky,
José E. Serrano,
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Kit Bond,
Mitch McConnell,
Conrad Burns,
Richard C. Shelby,
Judd Gregg,
Robert F. Bennett,
Ben Nighthorse Campbell,
Larry Craig,
Kay Bailey Hutchison,
Mike DeWine,
Sam Brownback,
Robert C. Byrd,
Daniel K. Inouye,
Ernest F. Hollings,
Patrick J. Leahy,
Barbara A. Mikulski,
Patty Murray,
(except for section 323 and 335 of Division F)
Byron L. Dorgan,
Dianne Feinstein,
Tim Johnson,
Mary L. Landrieu,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0742

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Dreier) at 7 o'clock and 42 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–11) on the resolution (H. Res. 71) waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Kilpatrick (at the request of Ms. Pelosi) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Strickland) to revise and extend their remarks and include extraneous material:)

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Ms. Carson of Indiana, for 5 minutes, today.

Mr. Davis of Alabama, for 5 minutes, today.

Mr. Waxman, for 5 minutes, today.

Mr. Strickland, for 5 minutes, today.

Ms. Hooley of Oregon, for 5 minutes, today.

Mr. Berry, for 5 minutes, today.

Mr. Taylor of Mississippi, for 5 minutes, today.

Mr. Tanner, for 5 minutes, today.

Mr. Stenholm, for 5 minutes, today.

Mr. Case, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

(The following Members (at the request of Mr. Pearce) to revise and extend their remarks and include extraneous material:)

Mr. Burns, for 5 minutes, today.

Mr. Osborne, for 5 minutes, today.

Mr. Young of Alaska, for 5 minutes, today.

Mr. Pombo, for 5 minutes, today.

Mr. Pence, for 5 minutes, today.

Mr. Putnam, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. Cooper, for 5 minutes, today.

Mr. Hunter, for 5 minutes, today.

Ms. Watson, for 5 minutes, today.

Mr. Kennedy of Minnesota, for 5 minutes, today.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes a.m.), the House adjourned until today, Thursday, February 13, 2003, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 69. Resolution providing for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes (Rept. 108–9). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILIRAKIS:

H.R. 713. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Energy and Commerce.

By Mr. McINNIS (for himself, Mr. Ramstad, Mr. Matsui, Mr. English, Mr. Pomeroy, Mr. Foley, Mr. Beauprez, Mr. Tancredo, Mr. Green of Wisconsin, Mr. Udall of Colorado, Mrs. Musgrave, and Ms. DeGette):

H.R. 714. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. Rangel, Ms. Dunn, Mr. Berman, Mr. Foley, Mr. Matsui, Mrs. Bono, Mr. Becerra, Mr. Weller, Mr. Abercrombie, Mr. Baca, Mr. Blumenauer, Ms. Bordallo, Mr. Boucher, Mr. Calvert, Mrs. Capps, Mr. Coble, Mr. Doyle, Mr. Farr, Mr. Filner, Mr. Frost, Mr. Gibbons, Mr. Greenwood, Ms. Harman, Mr. John, Mrs. Johnson of Connecticut, Mr. Keller, Mr. Lantos, Mr. McIntyre, Mr. McKeon, Mr. McGovern, Ms. Millender-McDonald, Mrs. Myrick, Mr. Nadler, Mr. Price of North Carolina, Mr. Radanovich, Ms. Roybal-Allard, Mr. Schiff, Mr. Sherman, Ms. Slaughter, Mr. Smith of Texas, Mr. Tauzin, Mr. Thompson of California, Ms. Watson, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 715. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Ways and Means.

By Mrs. BONO (for herself, Ms. Granger, Mrs. Lowey, Mr. Wamp, Mr. LaHood, Mr. Payne, Mr. Kennedy of Rhode Island, Mr. Blumenauer, Mr. Castle, Mr. Johnson of Illinois, and Mrs. McCarthy of New York):

H.R. 716. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 717. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself and Mr. Smith of Texas):

H.R. 718. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. Leach, Mr. King of Iowa, Mr. Nussle, Mr. Pomeroy, Mr. Janklow, and Mr. Bereuter):

H.R. 719. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture.

By Mr. BRADY of Texas (for himself, Mrs. Cubin, Mr. Baird, Mr. Wamp, Mr. Foley, Mrs. Blackburn, Mr. Cooper, Mr. Sam Johnson of Texas, Mr. Burgess, Mr. Carter, Mr. Dicks, Mr. Green of Texas, Mr. Paul, Mr. Reyes, Ms. Eddie Bernice Johnson of Texas, Mr. Boyd, Mr. Hastings of Florida, Mr. Nethercutt, Mr. Porter, Mr. Inslee, Mr. Ortiz, Mr. Sandlin, Mr. Janklow, Ms. Berkley, Mr. Duncan, Ms. Ros-Lehtinen, Mr. Gibbons, Mr. McDermott, Mr. Larsen of Washington, Mr. Hall, Mr. Frost, Mr. Bonilla, Mr. Tanner, and Mr. Davis of Tennessee):

H.R. 720. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Jefferson, Mr. Shimkus, Mr. McNulty, Mr. McGovern, Mr. Towns, Mr. Frost, Mr. Ehlers, Mr. McDermott, and Ms. Ros-Lehtinen):

H.R. 721. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of cholesterol and other blood lipid screening tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and

Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Ms. McCarthy of Missouri, Mr. Akin, Mr. Bartlett of Maryland, Mr. Crane, Mr. Forbes, Mr. Frost, Mr. Hayes, Mr. Isakson, Mr. Sam Johnson of Texas, Mrs. Myrick, Mr. Pitts, Mr. Rogers of Michigan, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Sessions, Mr. Shimkus, Mr. Toomey, Mr. Wilson of South Carolina, and Mr. Wynn):

H.R. 722. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. Filner):

H.R. 723. A bill to except spouses and children of Philippine servicemen in the United States Navy from bars to admission and relief under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. DAVIS of California:

H.R. 724. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements register with the Food and Drug Administration, to require the submission to such Administration of reports on adverse experiences regarding such supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 725. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling and advertising requirements for dietary supplements containing ephedrine alkaloids, to prohibit sales of such supplements to individuals under the age of 18, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. Israel, Mrs. Maloney, Ms. Norton, Mr. Grijalva, Mr. Case, Mr. Bishop of New York, and Mr. Owens):

H.R. 726. A bill to require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself, Mr. Matsui, Mr. Kleczka, Mr. Frank of Massachusetts, Mr. Brown of Ohio, Ms. Lee, Mr. Hinchey, Mr. Ackerman, Mr. Waxman, Ms. McCollum, Mr. Filner, Mr. Rangel, Mr. Farr, Mr. George Miller of California, Mr. Lantos, and Mr. Moran of Virginia):

H.R. 727. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Shaw, Mr. Cox, Mr. Hunter, Mr. Herger, Mr. Paul, Mr. Aderholt, Mr. Rohrabacher, Mr. Cunningham, Mr. Radanovich, Mr. Hefley, Mr. Duncan, Ms. Granger, Mr. Ballenger, Mr. Kolbe, Mr. Weldon of Florida, and Mr. Issa):

H.R. 728. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. Houghton, Mr. McGovern, Mr. Payne, Mr. Kennedy of Minnesota, Ms. Hooley of Oregon, and Mrs. McCarthy of New York):

H.R. 729. A bill to direct the Secretary of Housing and Urban Development to carry out a 3-year pilot program to assist law enforcement officers purchasing homes in locally designated at-risk areas; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. Jones of North Carolina, Mr. Souder, and Mr. Terry):

H.R. 730. A bill to require a housing impact analysis of any new rule of a Federal agency that has an economic impact of $100,000,000 or more; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself, Mr. Pastor, Mr. Larson of Connecticut, Mr. Pascrell, Ms. Kilpatrick, Mr. Honda, Mrs. Christensen, Ms. Watson, Mr. Souder, Ms. Solis, Mr. Jefferson, Mr. Lampson, Mr. Matheson, Mr. Pallone, Mr. Sherman, Mr. Gephardt, Mr. Towns, Mr. Baca, Mr. Payne, Mr. Rangel, Mr. Paul, Mr. Ortiz, Mr. Thompson of Mississippi, Ms. Kaptur, Mr. Conyers, Mr. Weiner, Mr. Udall of New Mexico, Mr. Faleomavaega, Ms. Norton, Mr. Frost, Mr. Rodriguez, Mrs. Napolitano, Mr. Meeks of New York, Mr. Lantos, Mr. Markey, Ms. Schakowsky, Ms. Millender-McDonald, Mr. Reyes, Mr. Clay, Mr. Allen, Mr. Moran of Virginia, Mr. McDermott, Ms. Pelosi, Mr. Clyburn, Mr. Owens, Mr. Nadler, Ms. Jackson-Lee of Texas, Mr. Jackson of Illinois, Ms. Lofgren, Mr. Schiff, Mr. Menendez, Mr. Udall of Colorado, Mr. Gutierrez, and Mr. Kucinich):

H.R. 731. A bill to render all enrolled members of the Tohono O'odham Nation citizens of the United States as of the date of their enrollment and to recognize the valid membership credential of the Tohono O'odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal purposes; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself and Mr. Walden of Oregon):

H.R. 732. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself, Mr. Wu, Mr. DeFazio, Mr. Baird, Mr. Blumenauer, and Mr. Walden of Oregon):

H.R. 733. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Mr. McDermott, Mr. Nadler, Mr. Ryan of Ohio, Ms. Millender-McDonald, and Mr. Kucinich):

H.R. 734. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Education and the Workforce.

By Mr. McHUGH (for himself, Mr. Waxman, Mr. Tom Davis of Virginia, and Mr. Davis of Illinois):

H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. Weiner, Ms. Lee, Mr. Serrano, Mr. Towns, Ms. Woolsey, Mr. McIntyre, Mr. Langevin, Ms. Norton, Mr. Oberstar, Mr. McNulty, Mr. Kildee, Mr. Holden, Mr. Frost, Mr. Tierney, Mr. Meehan, Mr. Grijalva, Mr. Lampson, Mr. Sanders, Mr. Walsh, Mr. Case, Mrs. Jones of Ohio, Ms. Kaptur, Ms. Carson of Indiana, Mr. Olver, Mr. Baird, Mr. Rush, Mr. Frank of Massachusetts, Ms. Ros-Lehtinen, Mr. Lantos, Mr. Davis of Illinois, Ms. Bordallo, Mr. Hinchey, Mr. Rangel, Mr. Hinojosa, Mr. Michaud, Mr. Rothman, Mr. Hastings of Florida, Mr. Cummings, Mr. Wexler, Mrs. Christensen, Ms. Eddie Bernice Johnson of Texas, Mr. Van Hollen, Mr. Wynn, Mr. McDermott, Mr. Brady of Pennsylvania, Mr. Lynch, Mr. Gutierrez, Mr. Kucinich, Mr. Ackerman, Mr. Payne, Mr. Owens, and Mr. Ryan of Ohio):

H.R. 736. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself, Ms. Pelosi, Mr. Hoyer, Mr. Menendez, Mr. Rangel, Mr. Stark, Mr. Matsui, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. McNulty, Mr. Jefferson, Mr. Doggett, Mrs. Jones of Ohio, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baca, Ms. Baldwin, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of New York, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Ms. Carson of Indiana, Mr. Clay, Mr. Conyers, Mr. Costello, Mr. Crowley, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Deutsch, Mr. Dingell, Mr. Engel, Mr. Evans, Mr. Farr, Mr. Filner, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gephardt, Mr. Gordon, Mr. Grijalva, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoeffel, Mr. Holden, Mrs. Johnson of Connecticut, Mr. Israel, Ms. Kaptur, Mr. Kildee, Mr. Kind, Mr. Lampson, Mr. Langevin, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Ms. Lofgren, Mrs. Lowey, Mr. Lynch, Mr. Markey, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McGovern, Mr. Meehan, Mr. Michaud, Mr. George Miller of California, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Rahall, Mr. Rodriguez, Mr. Ross, Ms. Roybal-Allard, Mr. Rush, Mr. Ryan of Ohio, Mr. Sabo, Ms. Loretta Sanchez of California, Ms. Linda T. Sánchez of California, Mr. Sanders, Ms. Schakowsky, Mr. Schiff, Mr. Scott of Virginia, Mr. Serrano, Mr. Sherman, Mr. Skelton, Ms. Solis, Mr. Strickland, Mr. Stupak, Mr. Taylor of Mississippi, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Visclosky, Ms. Watson, Mr. Waxman, Mr. Wexler, Ms. Woolsey, and Mr. Wynn):

H.R. 737. A bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. Shays, Mr. Brown of Ohio, Ms. Baldwin, Mr. DeFazio, Mrs. Davis of California, Mr. Andrews, Mr. Holt, Mr. Honda, Mr. Kildee, Mr. Leach, Mr. Hoeffel, Mr. Gilchrest, Mr. Wexler, Ms. Schakowsky, Mrs. Capps, and Mr. Smith of Washington):

H.R. 738. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD (for himself and Mr. Pomeroy):

H.R. 739. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. Towns, Ms. Corrine Brown of Florida, Mr. Paul, Mr. Boucher, Mr. Wexler, and Mr. Holden):

H.R. 740. A bill to amend the Internal Revenue Code of 1986 to encourage new school construction through the creation of a new class of bond; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. Crowley, and Mr. Tancredo):

H.R. 741. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for health insurance costs of self-employed individuals to be allowed in computing self-employment taxes; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. Hefley, Mr. Bilirakis, Mr. Miller of Florida, Mr. Tom Davis of Virginia, Mr. Turner of Texas, Ms. McCollum, Ms. Corrine Brown of Florida, Mr. Holden, Mr. Simmons, Mr. Shimkus, Mr. LoBiondo, Mr. Osborne, Mr. Filner, Mr. Kennedy of Rhode Island, Mrs. Johnson of Connecticut, Mr. Smith of Washington, Mr. Foley, Mr. Rodriguez, Mr. Burr, Mr. Boozman, Mr. McIntyre, Mr. Hoeffel, Mrs. Jo Ann Davis of Virginia, Mr. Crenshaw, and Mr. Smith of New Jersey):

H.R. 742. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Collins, Mr. Pomeroy, Mr. Lewis of Kentucky, Mr. Becerra, Mr. Ryan of Wisconsin, Mrs. Jones of Ohio, Mr. Rangel, Mr. Foley, Mr. Ballenger, Mr. Fletcher, Ms. Harris, Mrs. Northup, and Mr. Whitfield):

H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Ways and Means.

By Mr. SPRATT (for himself, Mr. Clyburn, Mr. DeMint, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, and Mr. Barrett of South Carolina):

H.R. 744. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LaTourette, Mr. Rangel, Mr. Kleczka, Mr. Waxman, Mr. Pallone, Ms. DeGette, Mr. Serrano, Mr. Simmons, Mr. Towns, Mr. Weiner, Ms. Lee, Ms. Lofgren, Ms. Schakowsky, Mr. Moore, Ms. Norton, Ms. Woolsey, Mr. Frost, Mr. Owens, Mr. Kildee, Ms. DeLauro, Mr. Sanders, Mrs. Christensen, Mr. Grijalva, Mr. Lynch, Mr. Frank of Massachusetts, Mr. Langevin, Mrs. Capps, Mr. Meehan, Mr. Filner, Mr. Hinchey, Mr. Inslee, Mr. McDermott, Mr. Wexler, Mr. Nadler, Mr. Gordon, Mr. Bishop of New York, Mr. Gutierrez, Mr. Sandlin, Ms. Kilpatrick, Mr. Cardin, Mr. Andrews, Mr. Carson of Oklahoma, Mr. Davis of Illinois, Mr. Kucinich, and Mr. Holt):

H.R. 745. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mrs. Jones of Ohio, Mr. Stupak, Mr. Lipinski, and Mr. Deutsch):

H.R. 746. A bill to prohibit the Federal Government from entering into contracts with companies that do not include certifications for certain financial reports required under the Securities Exchange Act of 1934; to the Committee on Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. Upton, and Mrs. Wilson of New Mexico):

H.R. 747. A bill to improve the Telecommunications Development Fund; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 748. A bill to require the Council on Environmental Quality to conduct a study on urban sprawl and smart growth, and to ensure the consideration by Federal agencies of urban sprawl in the preparation of their environmental reviews under the National Environmental Policy Act of 1969; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 749. A bill to direct the Secretary of the Interior to establish the Cooperative Landscape Conservation Program; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 750. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 751. A bill to authorize increased fines for improper use of vehicles that results in damage to public lands or national forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. Hinchey, Mr. Quinn, Mr. Rangel, Ms. Slaughter, Mr. McHugh, Mr. Sweeney, Mr. Olver, Mr. Engel, Ms. Kaptur, Mr. Rahall, Mrs. McCarthy of New York, Mr. Pascrell, Mr. Meeks of New York, Mr. Owens, Mrs. Maloney, Mr. George Miller of California, Mr. Serrano, Mr. Acevedo-Vilá, Mr. Towns, Mr. Weiner, Ms. DeLauro, Mr. Gilchrest, Mr. Brown of Ohio, Mr. Stupak, Mr. McNulty, Mr. Nadler, Mr. Crowley, and Mr. Boehlert):

H.R. 752. A bill to prohibit oil and gas drilling in Finger Lakes National Forest in New York; to the Committee on Resources.

By Mr. WICKER (for himself, Mr. Norwood, Ms. Hart, Mr. Thompson of Mississippi, Mr. Moran of Kansas, Mr. Taylor of Mississippi, Mr. Hastings of Washington, Mr. Nethercutt, Mr. Bartlett of Maryland, Mrs. Cubin, Mr. Pickering, Mr. Bonilla, Mr. Evans, Mr. Johnson of Illinois, Mr. Case, Mr. Abercrombie, Mr. Weller, Mr. McCrery, Mr. Peterson of Pennsylvania, Mr. Stenholm, Mr. Frost, Mr. Rehberg, Mr. LaHood, and Mr. Boozman):

H.R. 753. A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Transportation and Infrastructure.

By Mr. WICKER:

H.R. 754. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the Medicare Program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 755. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare Program of 1; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCARTHY of Missouri (for herself, Mr. Ryun of Kansas, Mr. Payne, Mr. Wamp, Mrs. Christensen, and Mr. Frost):

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida:

H. Con. Res. 35. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Tom Davis of Virginia, Mr. McDermott, Mr. Waxman, Mr. Brown of Ohio, Mr. Bartlett of Maryland, Mr. Holden, Mr. Clay, Mr. Akin, Ms. Lee, Mr. Emanuel, Mr. Kleczka, Mr. Serrano, Mr. Towns, Ms. Velázquez, Mr. Etheridge, Mrs. Jones of Ohio, Mrs. Maloney, Mr. Scott of Virginia, Mrs. Christensen, Ms. Eddie Bernice Johnson of Texas, Mr. Farr, Mr. Markey, Mr. Cummings, Mr. McNulty, Mr. Jackson of Illinois, Ms. Slaughter, Mr. Owens, Mr. Reyes, Mr. Meehan, Mr. Israel, Mr. Moore, Ms. Schakowsky, Ms. Majette, Mr. Davis of Alabama, Mr. Filner, Mr. Moran of Virginia, Mr. Johnson of Illinois, Mr. Shimkus, Mr. Ryan of Ohio, Mr. Wamp, Mr. Case, Mr. Rogers of Alabama, Mr. Boehlert, Mr. Frank of Massachusetts, Mr. Terry, Ms. Waters, Ms. Carson of Indiana, Ms. Watson, Mr. Rahall, Mr. Doyle, Ms. Baldwin, Mr. George Miller of California, Mr. Sabo, Mr. Michaud, Mr. Sanders, Mr. Nadler, Mr. Fattah, Mr. Costello, Mr. Pallone, Mr. Sandlin, Mr. Grijalva, Mr. Brady of Pennsylvania, Mr. Evans, Ms. DeLauro, Mr. John, Mr. Udall of Colorado, Mr. Engel, Mr. Wu, Mr. Conyers, Ms. Bordallo, Ms. Millender-McDonald, Mr. Frost, Mr. Hinojosa, Mr. Blumenauer, Mr. Kucinich, Mr. Wynn, Mr. Boyd, Mr. Meek of Florida, Mr. Gonzalez, Mr. Payne, Mr. Hastings of Florida, Mr. Inslee, Mr. Rodriguez, Mr. Dicks, Mr. McKeon, Mr. Delahunt, Mr. Strickland, Mr. Ross, Mr. Meeks of New York, Mr. Manzullo, Ms. McCarthy of Missouri, Mr. Ballance, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Hinchey, Ms. Pelosi, Mr. Jefferson, Mr. Carson of Oklahoma, Mr. Ford, Mr. Lantos, Mr. Watt, Ms. Norton, Mr. Kildee, and Mr. Berman):

H. Con. Res. 36. Concurrent resolution encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Saxton, Mr. Ferguson, Mr. Hastings of Florida, Ms. Berkley, Mr. Smith of New Jersey, Mr. Pascrell, Mr. Frost, Mr. Hayes, Ms. Bordallo, Mr. Rodriguez, Mr. Reyes, Mr. Miller of Florida, Mr. McIntyre, Mr. Wilson of South Carolina, Mr. Cunningham, Mr. Snyder, Mr. Jones of North Carolina, Mr. Taylor of Mississippi, Mr. Langevin, Mr. Gibbons, Mr. Franks of Arizona, Mr. Bilirakis, Mr. Davis of Florida, Mr. McNulty, Mr. Visclosky, Mr. Forbes, Mr. Quinn, Mr. Filner, Mr. Tancredo, Mr. Fossella, Mr. Hefley, Mrs. McCarthy of New York, Mr. Akin, Mr. Goode, Mr. Foley, Mr. Brady of Texas, Ms. Corrine Brown of Florida, Mr. Kind, Mr. Evans, Mr. Simpson, Mrs. Tauscher, Mr. Bishop of New York, Mr. McInnis, Mr. Cardoza, Ms. Loretta Sanchez of California, Mr. Skelton, Mr. Renzi, Mr. Wolf, Mr. Weldon of Pennsylvania, Mr. LoBiondo, Mr. Goodlatte, Mr. Kildee, Mrs. Myrick, Mr. Upton, Mr. Scott of Virginia, and Mr. Ross):

H. Con. Res. 37. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who distinguished themselves by their service in the armed forces; to the Committee on Government Reform.

By Mr. GREEN of Texas:

H. Con. Res. 38. Concurrent resolution expressing the pride of the Congress for the Pilgrims landing at Plymouth Rock on December 21, 1620; to the Committee on Government Reform.

By Mr. WYNN (for himself, Mr. Upton, Mr. Ford, Mr. Kildee, Ms. Norton, Mr. Towns, Mr. Gutierrez, Mr. Snyder, Mr. Janklow, Mrs. Jones of Ohio, Mrs. Christensen, Mr. Waxman, Mr. Rodriguez, Mr. Engel, Mr. Strickland, Mr. Frost, Mr. Dingell, Ms. Granger, and Mr. McDermott):

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress regarding viral hepatitis; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Res. 67. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on March 12, 2003; to the Committee on House Administration.

By Mr. KUCINICH (for himself and Mr. McDermott):

H. Res. 68. A resolution requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; to the Committee on International Relations.

By Mr. DOOLITTLE:

H. Res. 70. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By. Mr. HASTINGS of Washington:

H. Res. 71. A resolution waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the joint resolution (H.J. Res 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

By Mr. CAPUANO (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Conyers, Mr. Tom Davis of Virginia, Mr. Fossella, Mr. Kirk, Mr. Larson of Connecticut, Ms. Loretta Sanchez of California, Mr. Wilson of South Carolina, Mr. Wu, Mr. Blumenauer, and Ms. Eddie Bernice Johnson of Texas):

H. Res. 72. A resolution recognizing the inauguration of President Roh Moo Hyun as a momentous moment for the people of the Republic of Korea (South Korea) and an opportunity to broaden and deepen the friendship and cooperation between the United States and the Republic of Korea, and for other purposes; to the Committee on International Relations.

By Mr. DREIER (for himself and Mr. Frost):

H. Res. 73. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. POMBO (for himself and Mr. Rahall):

H. Res. 74. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. TAUZIN:

H. Res. 75. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. WYNN (for himself, Ms. Ros-Lehtinen, Mr. Lantos, Mr. Smith of New Jersey, Mrs. Jones of Ohio, Mr. Crowley, Mr. McGovern, Mr. McNulty, Mr. English, Mr. Meeks of New York, Mr. Pallone, Mr. Berman, Mr. Ackerman, Ms. Norton, Mr. Hastings of Florida, Mr. Frank of Massachusetts, Mr. Deutsch, Mr. Dicks, Ms. McCollum, Mr. Michaud, Mr. Leach, Mr. Burton of Indiana, Mr. Kirk, Ms. Berkley, Mr. Ryan of Ohio, Mr. Waxman, Mr. Chabot, and Mr. Lincoln Diaz-Balart of Florida):

H. Res. 76. A resolution condemning the terrorist attacks in Mombasa, Kenya, which occurred on November 28, 2002; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. Kennedy of Minnesota, Ms. Ginny Brown-Waite of Florida, and Mr. Combest.

H.R. 13: Mr. Nadler, Mr. Dooley of California, Mr. Doolittle, Ms. Harman, Mrs. Tauscher, Mr. Schiff, Mr. Thompson of California, Mr. Sherman, Mr. Matheson, Mr. Rogers of Michigan, Ms. Solis, Mr. McKeon, Mr. Wu, Mr. Jackson of Illinois, Ms. Lee, Mr. Calvert, Ms. Waters, Mrs. Miller of Michigan, Mr. Farr, Mr. McNulty, Mr. Kolbe, Mrs. Capps, Mr. George Miller of California, Mr. Stark, Ms. Woolsey, Mr. Nunes, Ms. Loretta Sanchez of California, Mr. Tierney, Ms. Linda T. Sánchez of California, Mr. Davis of Illinois, Ms. Millender-McDonald, and Mrs. Wilson of New Mexico.

H.R. 20: Mrs. Miller of Michigan, Mr. Levin, and Mrs. Davis of California.

H.R. 57: Ms. Harris and Mr. Culberson.

H.R. 111: Ms. Jackson-Lee of Texas, Mr. Carter, Mrs. Wilson of New Mexico, Mr. Gallegly, Mr. Turner of Texas, Mr. Weller, and Mr. Kildee.

H.R. 119: Mr. Walden of Oregon.

H.R. 135: Mr. Hayworth.

H.R. 138: Mr. Peterson of Pennsylvania and Mr. Boehlert.

H.R. 140: Mr. Abercrombie.

H.R. 151: Mr. Hinchey, Mr. Simmons, Mr. Neal of Massachusetts, Mr. Green of Wisconsin, and Mr. Carson of Oklahoma.

H.R. 156: Mr. LIPINSKI, Mr. LANTOS, and Mr. GILLMOR.

H.R. 162: Mr. BOEHLERT and Mr. SWEENEY.

H.R. 171: Mr. MCHUGH.

H.R. 194: Mrs. CHRISTENSEN.

H.R. 208: Mr. TERRY and Mr. COSTELLO.

H.R. 218: Mrs. MCCARTHY of New York, Mr. BURR, Mr. ADERHOLT, Ms. CORRINE BROWN of Florida, Mr. GOODLATTE, Mr. PICKERING, Mr. GILLMOR, Mr. TANNER, Mr. PLATTS, and Mrs. BIGGERT.

H.R. 219: Mr. GREEN of Wisconsin.

H.R. 254: Mr. FRANK of Massachusetts.

H.R. 300: Mr. BILIRAKIS and Mr. HYDE.

H.R. 303: Mr. BEAUPREZ, Mr. DAVIS of Florida, and Mr. WAXMAN.

H.R. 312: Mr. KOLBE.

H.R. 323: Mr. COSTELLO, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H.R. 356: Mr. MCINNIS.

H.R. 382: Ms. KILPATRICK.

H.R. 391: Mr. NUNES and Mr. BOOZMAN.

H.R. 399: Ms. MCCARTHY of Missouri.

H.R. 426: Ms. LOFGREN, Mr. KING of Iowa, and Mr. GREEN of Wisconsin.

H.R. 438: Mr. KELLER.

H.R. 483: Mr. BLUNT.

H.R. 487: Mr. BOUCHER.

H.R. 490: Mr. LANTOS, Mr. BOOZMAN, Mr. FILNER, Mr. GREEN of Wisconsin, and Mr. LIPINSKI.

H.R. 494: Mr. MCHUGH and Mr. PAUL.

H.R. 496: Mr. SOUDER and Mr. GOODE.

H.R. 498: Mr. PAUL, Mr. KIRK, Mr. CRANE, Mr. HAYES, and Mrs. JO ANN DAVIS of Virginia.

H.R. 501: Ms. GINNY BROWN-WAITE of Florida.

H.R. 525: Mr. TURNER of Texas, Mr. STRICKLAND, Mr. MATSUI, Mr. BECERRA, Ms. WATSON, Mr. BERRY, Ms. HOOLEY of Oregon, Mr. DAVIS of Alabama, Ms. MAJETTE, Mr. OBEY, Mr. TANNER, Mr. MCCOTTER, Mr. PENCE, Mr. HUNTER, Mr. COOPER, and Mr. FORD.

H.R. 528: Mr. CARDOZA.

H.R. 531: Mrs. CAPPS, Mr. WAXMAN, Mr. ENGEL, Mr. RAHALL, Mr. HINCHEY, Mr. CAPUANO, Mr. SNYDER, Mr. ABERCROMBIE, Mr. FROST, Mr. HAYES, Mr. JOHN, Mr. VISCLOSKY, Mr. KLECZKA, and Mr. MCNULTY.

H.R. 533: Mr. ABERCROMBIE.

H.R. 534: Mr. REHBERG, Mr. BAKER, and Mrs. MILLER of Michigan.

H.R. 570: Ms. DUNN, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. SANDLIN.

H.R. 571: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. FORBES, Mr. ENGLISH, Mr. HOBSON, Ms. BERKLEY, Mr. BLUNT, Mr. CANTOR, Mr. HAYWORTH, and Mr. REYNOLDS.

H.R. 575: Mr. UDALL of Colorado.

H.R. 586: Mr. LAMPSON, Mr. DICKS, Mr. WEXLER, Mr. ISRAEL, and Mr. FROST.

H.R. 594: Mr. DEFAZIO, Mr. CARTER, Mr. MCNULTY, Mr. MCINTYRE, Mr. DAVIS OF TENNESSEE, and Mrs. BIGGERT.

H.R. 618: Mr. ENGLISH.

H.R. 624: Mr. BROWN of Ohio, Mr. GRIJALVA, Ms. KILPATRICK, Mr. OWENS, Mr. PALLONE, Mr. RODRIGUEZ, Mr. SCOTT of Virginia, and Mr. WYNN.

H.R. 625: Mr. ABERCROMBIE, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CONYERS, Mr. GUTIERREZ, Mr. HINCHEY, Ms. KILPATRICK, Mr. PALLONE, and Mr. TIERNEY.

H.R. 627: Mr. RYAN of Ohio, Mr. DEFAZIO, and Mr. ABERCROMBIE.

H.R. 663: Mr. ISSA, Ms. ESHOO, and Mr. GREEN of Texas.

H.R. 684: Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. PITTS, Mr. TANCREDO, Mr. PENCE, Mr. COX, Mr. CHOCOLA, and Mr. VITTER.

H.R. 692: Mr. STARK, Mr. BROWN of Ohio, Mr. FILNER, Mr. MCDERMOTT, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 15: Mr. WAXMAN.

H. Con. Res. 21: Mr. TANCREDO, Mr. SKELTON, Mr. WALSH, Mrs. JO ANN DAVIS of Virginia, Mr. SULLIVAN, Mr. BERRY, and Mr. HERGER.

H. Con. Res. 23: Mr. CULBERSON.

H. Con. Res. 28: Mr. KUCININCH and Ms. MILLENDER-MCDONALD.

H. Con. Res. 31: Mr. MCNULTY.

H. Res. 46: Ms. CORRINE BROWN of Florida, Mr. DEUTSCH, Mr. HYDE, Mr. REYNOLDS, Mr. FOSSELLA, Mrs. LOWEY, Mr. SHAYS, Mr. ACKERMAN, Ms. BORDALLO, and Mr. POMBO.

H. Res. 53: Mr. SMITH of Washington, Mr. FILNER, Ms. BORDALLO, Ms. SOLIS, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. FROST, and Ms. BALDWIN.

H. Res. 62: Mr. ANDREWS, Mr. FORBES, Mr. GREENWOOD, Mr. HAYES, Mr. HERGER, Mr. LEVIN, Mr. RYAN of Wisconsin, Mr. TIAHRT, Mr. TURNER of Texas, Mr. BURTON of Indiana, Mr. JONES of North Carolina, Mr. RYUN of Kansas, Mr. FLAKE, Mr. CHABOT, Mr. LINDER, Mr. TOOMEY, Mr. AKIN, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. SOUDER, Mr. NORWOOD, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. PEARCE, Mr. ADERHOLT, and Mr. PENCE.

SENATE—*Wednesday, February 12, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The Senate will be led in prayer today by our guest Chaplain, Dr. John Tolson, First Presbyterian Church, Orlando, FL.

PRAYER

The guest Chaplain offered the following prayer:

Our Gracious Heavenly Father, we thank You for the gift of this day, for Your incredible love for us and for the privilege and opportunity of and the freedom in which we live. May our lives reflect our gratitude for all these things by living according to Your purpose.

Father, we realize that our children, to a large extent, will become like us as parents. In the same way the shaping of our Nation will be molded by its leaders. May we be willing to ask if we, as leaders, are like what You want our Nation to become.

Your word says, "Blessed are the poor in spirit." In our great and rich Nation, too many find themselves spiritually poor. Father, help them to open their eyes to Your love. Please help all of us to understand that no woman or man can open his or her heart without humility and willingness to accept their dependence on You.

On this day when we honor President Lincoln and all he did to unite our Republic, we recall how he never lost sight of Your hand of grace and guidance.

Father, help and encourage the Members of this great body to aspire to excellence as Senators, as leaders, and as Americans. Build Your character into their lives so that their conduct will be a reflection of You.

And now, may the living Lord be with you this day; may He go above you to watch over you, behind you to encourage you, beside you to befriend you, and within you to give you peace and before you to show you His way. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader is recognized.

SCHEDULE

Mr. FRIST. The Senate will resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit. We have spent 4 days and over 20 hours debating this eminently qualified nominee. Yesterday 14 Senators participated in the debate. To afford Senators ample time to fulfill their constitutional advise and consent responsibilities and to facilitate unfettered consideration of this nomination, I expect tonight to be a very late night. Senators are encouraged to come to the floor over the course of today to engage in this debate.

The Democratic leader and I have discussed options to conclude the Senate's constitutional responsibilities as they pertain to this nominee. My colleagues on the other side of the aisle continue to object to any time agreement and refuse to set a time for a dispositive vote. My objective is to provide all Senators with sufficient opportunity to debate the merits of this nominee and then to move this nomination to a final vote.

Therefore, once again, I encourage Senators to come to the floor today and this evening and, if necessary, tomorrow and tomorrow evening, to express their views so a final vote can be scheduled. I do hope the Democratic leader will assist me in achieving this goal.

In addition, the Senate continues to wait for the completion of the very important conference report on the omnibus appropriations bill. Those discussions have gone on over the course of the last several days, well into last night and over the course of this morning. This omnibus appropriations bill—I believe I speak for both sides of the aisle—is a must-pass item to be addressed and ultimately passed prior to any recess.

Mr. REID. While the majority leader is on the floor, Mr. President, we on this side are prepared to stay as long, of course, as the leader asks us to do so. But because we will have to have people here to make sure there are people on the floor to discuss whatever they feel they want to discuss during this nomination process, do you have an idea how late you might want us to stay tonight?

Mr. FRIST. Mr. President, I want to provide ample opportunity. We have been on this nomination since last Wednesday. I would expect we will be here very late into the evening; I don't know what time. But if we are to achieve having a recess at all, I do want to be able to fully address the issue of the omnibus appropriations and the Estrada nomination. I would think it is going to be very late tonight, but I can't give an exact time.

Mr. REID. As I said last night, as Senator HATCH and I were closing the Senate, everything has been said, but not quite everyone has said it, on the nomination of Miguel Estrada. Both sides have talked about what they like and dislike about this nomination. Yesterday, of course, there were a lot of repetitive statements.

We will be here. I think it is quite clear that we won't be speaking much about Miguel Estrada as the day proceeds. We will want to talk about Chairman Greenspan's statements and other issues we think are just as important to talk about. But during these nominations, when there is extended debate, we are allowed to do that. Whatever the leader wants us to do, we are here. Whether it is tonight, tomorrow night, Friday, Saturday, whatever it is, we will be at your disposal.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant Democratic leader. My objective is to fully address the nomination of this outstanding, well-qualified candidate. If we really get to the point where the other side of the aisle says there is nothing more to be said, I would simply ask that we do take this to a vote and give us in this body the opportunity to vote, yes, we are for the nomination or, no, we are against the nomination, if we really have had full debate, and from what I have just heard we are getting close to that point, and if everything has been said.

But the one thing I don't want to happen is for people to be critical: We didn't have enough time; we didn't have enough opportunity to debate.

Our willingness to at least present why we believe Miguel Estrada is extremely well qualified is close to being fulfilled. And if we get to the point where there is nothing more to say on the other side of the aisle, then we would expect, if that is the case, an up-or-down vote. I think that signal is being sent strongly through our colleagues and what has happened on the floor this week.

I think America is paying attention, recognizing that at this juncture, we believe Miguel Estrada is well qualified and that there is a critical, drastic shortage of Federal judges today. When you put those two together—that we feel strongly Miguel Estrada is a well-qualified judge and that there is a drastic shortage of judges and our responsibility to address that issue, which we are doing well on the floor now—we would expect that up-or-down vote in the next couple of days.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the leader. In the short time he has been leader, he has allowed full and adequate debate. He could have tried to stop debate on the omnibus bill, and the leader chose not to do that, and I think it worked to everyone's advantage. On this side of the aisle, we appreciate that very much.

I do say, though, speaking as one Senator, but having spent a little time on this floor, just about everything has been said about Miguel Estrada. There will be other people who wish to make statements. As I said, everything has been said but not everyone has said it. We will do everything we can to make sure everyone has said it. The majority leader is going to find there will be other issues spoken about here. We are not going to—there is no reason to mince around. We are not going to allow an up-or-down vote on Miguel Estrada. That is clear.

Our leader gave a speech yesterday to that effect. So the majority leader has to make a decision whether this nomination is going to be pulled, whether the memos will be supplied to us so we can review them, whether there is going to be more opportunity to ask questions, or whether there is going to be a vote on cloture. Those are the three choices the leader has.

Mr. FRIST. Mr. President, I agree, in essence, those are the three choices, and as majority leader, I consider what I feel is stalling on this nomination and not allowing an up-or-down vote of sufficient importance that we will continue to address it. There are many other important issues this Senate must address. If we could just agree on an up-or-down vote right now, which the distinguished assistant Democratic leader has said they are not going to do on the other side of the aisle, we could go on to address these other important issues.

I do want to make it clear, both to this body, to the House of Representatives, and to America, this side of the aisle is ready for an up-or-down vote since, as we just agreed, there has probably already been adequate debate put forward, and I think it is important for America to understand your side of the aisle—whether you use the word "filibuster" or not—is obstructing or stalling the process which is important to our judicial system and to our responsibilities, our constitutional responsibilities in this body.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief. I see the distinguished chairman of the committee on the floor. Under normal procedures, he would speak first. I appreciate his courtesy in withholding for a moment.

A lot has been said, and as the distinguished senior Senator from Nevada said, not all have said it. There is actually one person who, were he to speak, could speed this whole matter up very quickly. Miguel Estrada has written extensively on his views on very complex issues on law which would be of great interest to those who have to vote on somebody for a lifetime position in the courts. He has written extensively, but he has kept the writing secret.

We have ample precedent for similar writings that have been made available for everything from a nomination of a man who became Attorney General to a man who became the Chief Justice of the United States, William Rehnquist. The Democratic leader and I wrote to the President and asked once again: Release those secret writings.

Ironically, Mr. Estrada told us, when asked, he had no objection to those writings being released. He has no objection to them being released. It is only the White House has said: We will not release them. If they were released, I suspect we would then have a discussion of what is in those writings, and we would go to a vote up or down, win or lose.

At least we would know what we are voting on. We would not have a stealth candidate before the Senate. I think the White House ought to look at the fact Mr. Estrada has said he has no objection to his writings being made public. They ought to make them public, and then we can go ahead and complete action up or down on this nominee.

Again, I thank my good friend from Utah for his courtesy in letting me go forward. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is interesting that my colleague, who is my friend, says Miguel Estrada is holding this process up, and then at the end of his remarks says he has agreed, he has no objections to giving these documents, but they never emphasize the fact the Justice Department is highly justified, is absolutely right, and has the opinion of the seven former Solicitors General saying these types of confidential memoranda should not be given to the Judiciary Committee or to Congress. The reason for this is that these memoranda are utilized in deciding what the Solicitor General's Office should do with regard to various cases.

If these memoranda become readily available or available at all outside the Justice Department, this would chill the honest, forthright deliberations, suggestions, and recommendations by those who work in the Justice Department. I do not think it takes any brains to realize the Justice Department is totally right.

Miguel Estrada is being blamed because the Justice Department, in accordance with their seven former Solicitors General, refuses to give up these confidential memoranda, which are privileged, so the Democrats can go on a fishing expedition and see if they can find some matters in those memoranda with which they disagree. They can then say: We cannot confirm him because he wrote some memoranda with which we disagree.

That is what is behind this. This is not trying to be fair. This is not trying to understand what is good or bad about Mr. Estrada. It is a fishing expedition to try to get into privileged documents that should remain privileged, according to these seven former Solicitors General of the United States, four of whom are Democrats and partisan Democrats at that, although highly respected by me. And the other side seems to act like we should just brush those opinions aside, even though they are bipartisan opinions by people who have held this office. I do not think they can have it both ways. I do not think their arguments are worth a grain of salt.

In addition, I listened intently yesterday morning, when I could, to the comments by the junior Senator from New York who spoke about the role of the Senate in the constitutional advice and consent process. According to the Senator, Mr. Estrada's failure to answer questions about his personal views on legal issues, which she called "basic information about where a nominee stands," amounts to an unconstitutional strategy to deny the Senate an opportunity to engage in its role to advise and consent on nominations.

While this is an interesting argument, it is wrong on the law. It is wrong on the law and wrong on the facts, too. Her argument ignores the basic underpinnings of the Senate's role in the advice and consent process.

In fact, I submit that the other side's effort to demand Mr. Estrada's personal views on certain legal issues is itself an unconstitutional threat to the separation of powers inherent in our system of Government and to the Framers' desire to maintain an independent judiciary. I think that is a very persuasive argument on my behalf.

It has never been the case that the Senate is constitutionally entitled to an answer to any question it chooses to ask a nominee while exercising its advice and consent responsibility.

The reason for this is clear. The Framers sought to ensure the judicial branch would remain independent of the legislative branch. According to the Federalist Papers 78, judicial independence "is an excellent barrier to the despotism of the prince" and "in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body."

For this reason, the Constitution prohibits Congress from reducing Federal judges' salaries, guarantees that judges will remain on the bench "during good behaviour" and allows Congress to remove them only by the process of impeachment. These protections were borne of the Framers' fear that like King George III, the Federal legislature would pressure judges into reaching outcomes of which it approved that otherwise were consistent with its interests.

The Framers' intent to insulate Federal judges from the political influence of the legislative branch also informed their decision to restrict the role of the Senate in the confirmation process. The Senate's limited function is apparent from the Constitution's very text. To state the obvious, the President holds the power to nominate candidates to the Federal bench while the Senate's role is restricted to providing "advice and consent."

Now, that does not mean advice and filibuster. It does not mean advice and obstruction. It does not mean advice and a demand that only the Senate's will can be followed. It does not mean advice and fishing expeditions, which is exactly what is going on.

I do not think my colleagues on the other side have a leg to stand on in these arguments they have been making. Even if they did, they had every opportunity to examine Mr. Estrada. This argument that he did not answer the questions is ridiculous. They had every opportunity to ask him every question they wanted to, and even stupid questions they could ask. Any member of the Judiciary Committee could ask anything they wanted to, and sometimes we have some of the dumbest questions anybody could possibly hear, but they have a right to ask these dumb questions. But the nominee has a right to say: I do not think I can answer that because that issue may come before me as a judge, and if it does, I do not want to have to recuse myself. Virtually everybody who has ever been nominated, who has been in any controversy, has said exactly that. Top authorities from both sides of the political spectrum agree they should not answer that, and the American Bar Association's ethical rule says they should not. Yet, Mr. Estrada is being crucified because he did not tell them everything they wanted to hear.

The real problem was, and I think is, that Mr. Estrada just did not say anything they could use against him. It is very disconcerting to my colleagues on the other side that they didn't find anything to use against Mr. Estrada. So they use ridiculous, idiotic arguments like he has no judicial experience. I saw the press release by Congressman Menendez who has led this terrible fight against Mr. Estrada, with his very partisan Democrat colleagues in the House, all of whom are rebutted by the Republican Hispanics in the House.

He basically said, well, he has no judicial experience. Well, that is not only ridiculous, it is idiotic. One of them made the case one does not have to have judicial experience to be a great judge, and that President Clinton nominated innumerable people to be judges, that we approved, who had no judicial experience. Some of the greatest judges in the history of this country did not have any judicial experience, and yet that argument is used.

It is a terrible argument. I think it is a prejudicial argument against Hispanics, because how many Hispanic judges are there in this country who might be put on the circuit court of appeals? Very few. That means all these great Hispanic lawyers who belong to the Hispanic Bar Association do not have a chance to be a judge under that reasoning because they have not sat as a judge anywhere before. Talk about discrimination. Talk about ridiculous arguments. Talk about prejudice.

It is a shame it comes from one of the Hispanic leaders in the House—Democrat Hispanic leaders, I might add. I cannot imagine anybody who really wants to see Hispanics progress and to become judges saying he has no judicial experience, therefore, he cannot be a judge. Give me a break.

Very few Hispanics have judicial experience, but there are a number of them who I hope President Bush and succeeding Presidents will give the opportunity of being a judge.

Now that just shows the lengths to which the other side has gone to basically scuttle this nomination, and this constitutional argument we had yesterday fits in that category. The Constitution assigns the Senate a limited role in the selection of judicial nominees. It simply allows the Senate to ratify the President's choices, or decline to do so. That is the Senate's power.

Put simply, the President selects, then the Senate reviews and reacts. As Alexander Hamilton explained in The Federalist No. 66:

> There will, of course, be no exertion of choice on the part of the senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice he may have made.

I think some of our colleagues on the other side want to choose these judges, and we are finding that continuously in their arguments, that the administration does not "consult" with them. If consultation means the administration has to take whatever judges the Democrats desire, then that is not consultation. Consultation is letting them know what is on the mind of the President, and the administration discussing it with them, seeing if they have any real objections to the choices of the President, asking them to weigh in and give the administration whatever information they can, and then making the choice and going from there. That is consultation.

The administration even goes further. The administration has had to put up with the blue slip system, which means local Senators have a lot of power in determining who are going to be the Federal district court judges. They do not have the same type of power in who should be Federal circuit court of appeals judges. That power has always been jealously guarded by whichever White House.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DURBIN. I want to make sure, the Senator is saying we are going to stay with the blue slip approach then for judges in the future?

Mr. HATCH. I doubt we are, because I have said I will follow the exact blue slip policy Senator KENNEDY, Senator BIDEN, and I followed. So all this bull in the press saying that I am going to change the blue slip laws, yes, I am changing it from what Senator LEAHY did, but I am going back to the process of KENNEDY, BIDEN, and HATCH.

Mr. DURBIN. So if the Senators from a State were——

Mr. HATCH. I have said it enough I would hope the Senator heard it.

Mr. DURBIN. To make sure it is clear for the record, if Senators from a State where a judge is being appointed do not approve of that judge, then you are not going to have a hearing; the Senator has to have two blue slips from two Senators from the State?

Mr. HATCH. That is absolutely false. Senator KENNEDY set the process to begin with. When he became chairman of the committee, he said negative blue slips shall be given great weight, but they are not dispositive.

If both Senators are against the nominee, that is given great weight by me. It was by Senator KENNEDY.

Mr. DURBIN. Senator LEAHY's approach of both Senators having a voice as to whether the nominee goes forward, the Senator is not going to abide by that blue slip process in the future?

Mr. HATCH. I have changed the Leahy approach because it was in contradiction to the Kennedy, Biden, and Hatch approach, who followed Kennedy and Biden and did it to the letter.

It is very difficult, when two Senators go against a nominee, for that nominee to make it, but it is, as Senator KENNEDY said, not dispositive. That has been the rule, as long as I can remember, until Senator LEAHY changed it. I think even Senator LEAHY basically acknowledged that rule.

Mr. DURBIN. I say to the Senator from Utah, the rule that has been followed since I have served in the committee under your leadership, as well as under Senator LEAHY, said both Senators would have a voice in the blue slip process.

Mr. HATCH. And both do.

Mr. DURBIN. The fact the Senator is changing it suggests to me, again, he is removing the power of the committee and of the Senate to look at judicial nominees.

Mr. HATCH. Not one bit.

Mr. DURBIN. That is what the debate is all about.

Mr. HATCH. Not one bit. In fact, I reiterate to my friend again, I did not set this policy. It was set by Senator KENNEDY. I remember when he set it way back then, there was a lot of people upset about it on our side, but it became the policy of the committee. Then when Senator BIDEN became chairman of the committee, he agreed with that policy. He adopted that policy. Then when I became chairman of the committee for the first time, I agreed with that policy and I followed that policy. All I am saying is I am going to follow the policy set by Democrats.

Mr. DURBIN. The Senator from Utah is rejecting Senator LEAHY's policy?

Mr. HATCH. I am not rejecting it. I am just saying we are going back to the original policy set by Senator KENNEDY, Senator BIDEN, and myself.

Mr. DURBIN. That is a very positive spin, but I think the answer is the Senator is rejecting Senator LEAHY's approach.

Mr. HATCH. We will not use the Leahy approach, that is true, because I think it is wrong. And I think Senator KENNEDY and Senator BIDEN thought it was wrong, as well, by their actions.

I find it a little strange that Democrats are criticizing a policy they themselves set and trying to say I have changed the policy when in fact it was set by Democrats—and leading Democrats at that.

The fact that Senator LEAHY changed it does not mean it was right for him to overrule Senators KENNEDY and BIDEN and myself. I believed he was wrong.

Mr. DURBIN. I ask the Senator one last question, does the Senator, as chairman——

Mr. HATCH. Let me ask this: Does the Senator have a question?

Mr. DURBIN. Yes. Did the Senator from Utah, as chairman of the committee, ever have a hearing for a nominee who did not receive both blue slips from Senators in the State?

Mr. HATCH. I don't recall.

Mr. DURBIN. I think the answer is no.

Mr. HATCH. As the general rule, it stopped the nominee—as a general rule, but it is not dispositive.

(Ms. MURKOWSKI assumed the chair.)

Mr. DURBIN. So we will change not only the Leahy approach but the Hatch approach?

Mr. HATCH. No, I still have the same approach. I gave great weight to the Senators, and I intend to in the future. But that does not mean that a legitimate nominee should not have his or her day in court.

Mr. DURBIN. One last question: Does the Senator, as chairman of the committee, now send out blue slips to Members so they can respond?

Mr. HATCH. We do. That is a policy of the Senate Judiciary Committee.

Mr. DURBIN. They have been sent out?

Mr. HATCH. As far as I know. If they have not, they should be. We know some have been returned and some have not been returned.

Mr. DURBIN. Thank you.

Mr. HATCH. Now, let me just say this. I was speaking a few minutes ago about the Federalist Papers and what they had to say.

As I said before, and has been repeatedly quoted, as though I said something I am not following to this day, I agree that the Senate should not be a rubberstamp to a President's choices for the judiciary. We do not have to be a rubberstamp.

We have an obligation to look at these people and to see what is wrong. Tell me what is wrong with Miguel Estrada. Tell me one glove they have laid upon him. Tell me one proof they have that he is not worthy of being on the Circuit Court of Appeals for the District of Columbia—other than the specious, spurious argument: Well, we do not know enough about him.

They conducted a hearing. They controlled the process. They asked questions. That hearing transcript is this thick. Normally the transcript is 10 pages. They controlled everything. They could have asked written questions. Only two of them did—two Democrats did. And he answered them.

Now they are coming in here crying over their failure to ask any further questions, saying: We must examine him more.

I am hearing that on every judge this President has nominated. We have 26 emergency situations in this country—in other words, 26 real problems in this country—and other vacancies that are also problems, and I am getting these spurious arguments.

We have a markup tomorrow. We have 3 circuit court nominees, and we had a hearing for 12 solid hours. I was willing to stay even longer. I would have stayed all night, if necessary, to get that hearing over with. It was the Democrats who decided it was over. They had every chance to ask questions. I am hearing they will filibuster these three nominees in the Judiciary Committee tomorrow.

When is it going to stop? When are they going to start doing what is right? Will this all be partisan just because they did not win the Presidency? Is President Bush going to be treated this way on every judgeship? They say these are controversial judges. I have not seen one circuit court of appeals nominee since I have been chairman of this committee who they do not think is controversial. Every one is controversial. The reason is they are circuit court of appeals nominees, and this President has nominated them, and they presume they must be Republicans and conservative. The only nominees about whom I did not hear any argument were the Democrats this President has nominated, holding out his hand to them, saying, let's work together. He has nominated Democrats we have been able to get through, and with my approval.

Now that we have some Republicans such as Miguel Estrada, who may be conservative, the President is not getting a fair shake. They are not even trying to give him a fair shake. I don't think my friends on the other side have to rubberstamp anybody, but they ought to be fair. They ought to be fair to this President. He is the President of the United States. He has a right to nominate these people. Unless they can show some legitimate reason for not confirming these people, then these people should be confirmed.

Where is the legitimate reason against Miguel Estrada? I don't see any. I have not heard one legitimate reason the whole time we have debated this for the last week—not one, not one—other than we should be able to continue a fishing expedition long after they held a very extensive hearing on this person, long after they had the opportunity of sending him written interrogatories or questions. And only two of them did. Now they are in here crying as if they have been somehow mistreated in this process. They controlled the process.

As has been the case history, the Senate is entitled to detailed information about a nominee's background, career, and qualifications for the bench. Mr. Estrada has provided ample information to allow the Senate to determine his qualifications.

First, it bears repeating that the American Bar Association, their gold standard, when we were having problems whether the Bar Association was fairly examining judges—and there were some real questions on our side because of some ridiculous, I think, ratings they had given in the past—the Democrats said: We must have the ABA ratings. We will not allow candidates to go through, nominees to go through, without the ratings. It is our gold standard.

I think it bears repeating that the American Bar Association unanimously—the standing committee that really examines these judges and takes it seriously—unanimously rated Mr. Estrada well qualified for this position, the Democrats' "gold standard." That is the highest rating the American Bar Association grants.

Let me say one other thing before I yield to my colleague. That is this: I have had real problems with the American Bar Association in the past. I was the one who said: We are not going to allow them to be part of the process. They can submit their recommendations. I will give them weight, and Senators can give whatever weight they want. But they will not be a vetting processor that can determine whether a person sits or not. The reason I did that was I believed they were not being fair.

In the intervening years, and currently, I believe the American Bar Association has straightened out its act, and I believe they are being fair, and I believe they are doing a good job. I want to be the first to correct the record as to why I am in agreement that we can pay very good attention. I don't think even the American Bar Association should stop someone from being a judge just because they disagree—and I can name two cases where I personally led the fight to have judges confirmed who were rated not qualified by the American Bar Association and the judges have turned out to be very good judges in the end.

I yield.

Mr. DURBIN. I think the Senator may have answered. I was going to ask, as chairman of the Senate Judiciary Committee, if the Senator believes we should approve Miguel Estrada because he was rated well qualified by the American Bar Association, has the Senator from Utah ever failed to approve a nominee from President Clinton who was well qualified by the American Bar Association? I think the Senator has answered that question that there were times when he rejected nominees, voted against nominees, refused to have hearings for nominees, delayed hearings on nominees who were rated well qualified by the American Bar Association.

Mr. HATCH. Not that I recall. I never allowed the American Bar Association to make the determination in my mind whether I was for or against someone. I have paid attention to what they do, even when I disagree with them. I always read what their recommendations were, and I always gave credibility where credibility should be given. I will continue to do that.

What I disagree with: I don't think the American Bar Association system should be a determining factor one way or the other whether a person is approved by a Judiciary Committee of the full Senate, whether a person is confirmed. I personally don't think anybody should take that attitude. Some did. But that should not be a rule of the Senate. We have that responsibility, not the ABA. I appreciate the Senator's excellent question.

Nor am I for Mr. Estrada because he happens to be unanimously well qualified. It is because he is the fulfillment of the American dream. Here is this young Hispanic man who came to America not speaking a lot of English, he learned English, and then he goes on and becomes a graduate of Columbia University, magna cum laude, and then he goes to Harvard and graduates magna cum laude there, where he was editor of the Harvard Law Review. Then he holds various positions, ranging from clerk on the Second Circuit Court of Appeals and clerk for Justice Anthony Kennedy, a moderate on the Supreme Court. And then he worked in the Solicitor General's Office in the first Bush administration and also for the Clinton administration. He has raving reviews of the kind of work he did there. Then he becomes a partner in one of the great law firms in this country, Gibson, Dunn & Crutcher, at a relatively young age. He has argued 15 cases before the U.S. Supreme Court, winning 10 of them.

Look, it doesn't take many brains to say this must be one heck of a guy, he must be one heck of a lawyer, and he must really be someone who can do the job on any bench in this country. To say he has no judicial experience when he clerked for two major Federal judges—one a circuit judge and the other a Supreme Court Justice—I think is pure bunk, and everybody knows it. That keeps coming up like it is a real argument. That is what they call arguments—that he wasn't a judge and, therefore, he should not have this privilege; that he hasn't answered questions just the way they want him to answer, even though the transcript is thick with extensive hearing questions and answers. He answered their interrogatories, written questions, but only two of them took the time to write them. I hope we don't send written questions to every one of these nominees, but if you have some questions, send them.

He said if the Justice Department wants to give up these memoranda, it is OK with me, I am proud of my work. But he fully understands why they don't want to simply turn them over. They are private, they are confidential, and they involve opinions that could undermine the work of the Solicitor General of the United States in arguing for our country. If they are disclosed and if other workers in the Solicitor General's Office believe their opinions are going to be disclosed to the public, guess how honest the future opinions are going to be, especially if somebody wants to go on to hold another position in the Justice Department or Government that is a confirmable position, or wants to become a district court, or circuit court, or Supreme Court judge.

Second, Mr. Estrada testified for a full day in the Senate Judiciary Committee on a range of subjects and then answered written follow-up questions from committee members. As I said, it should be mentioned that only two members of the committee decided to pose such questions.

Third, Mr. Estrada has received broad bipartisan support from lawyers who know him best, including former Clinton Solicitor General Seth Waxman and Vice President Gore's former chief of staff, Ron Klain—these are top Democrats who say this man deserves confirmation—former Clinton Justice Department officials Randolph Moss and Bob Litt—again, two top Democrats, many individuals in the Justice Department; and, in addition, 14 other colleagues of Miguel Estrada in the Solicitor General's Office have all written glowing recommendations of Mr. Estrada.

Fourth, the Senate is free to review the briefs and other publicly available written work Mr. Estrada performed on behalf of clients in the more than 15 Supreme Court cases he has handled during his career.

The record is voluminous. They are also able to get the oral arguments he made before the Court. Surely they can get, from all of that documentation, enough to understand what his judicial philosophy might be. Keep in mind, he was representing clients, so it would probably even be unfair for them to distort and utilize anything they disagreed with in all these documents because he represented clients and had to do the best he could for them. That doesn't mean those were necessarily his opinions, other than he did a job as an attorney must do on behalf of his clients. It's a ridiculous argument that we don't know enough about him because there is no doubt that the record is voluminous. They could go through all of that. I don't believe they have gone through very much of it. Perhaps some of the staff.

This is just a phony bunch of excuses for giving this Hispanic American a rough time. They are against him because he is supported by a Republican President and he may be conservative. My goodness, he may even be against their hallmark decision of Roe v. Wade. Come on. These are foolish arguments.

All of this information is more than adequate. We have the Supreme Court cases, the briefs that were filed, and arguments that were made—all of that information is more than adequate to address Mr. Estrada's qualifications. We have approved thousands of judges who have never argued a case in the Supreme Court. He argued 15, winning 10 of them. This body must, in order to maintain the proper constitutional balance, refrain from seeking just this sort of information from Mr. Estrada. We should not have a right to this sort of information any more than we have a right to have them from their nominees to serve in our Federal courts.

Many distinguished Democrats have themselves noted that seeking personal views is highly inappropriate. Justice Thurgood Marshall made this point in 1967, when he refused to answer questions at his confirmation hearing about the fifth amendment. He said:

> I do not think you want me to be in the position of giving you a statement on the fifth amendment, and then, if I am confirmed and sit on the Court, when a fifth amendment case comes up, I will have to disqualify myself.

Lloyd Cutler, one of the great lawyers in this town, a former Clinton White House counsel, and former Carter White House counsel, who also was at the other end of Pennsylvania Avenue at the same time as the Senator from New York, disagrees with efforts to discern a nominee's ideology during the confirmation process. According to Mr. Cutler:

> It would be a tragic development if ideology became an increasingly important consideration in the future. To make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one. That is not only wrong as a matter of political science; it also serves to weaken public confidence in the courts. Just as candidates should put aside their partisan political views when appointed to the bench, so too should they put aside ideology. To retain either is to betray dedication to the process of impartial judging.

Former Senator Albert Gore, Sr., also believed that efforts to discern a nominee's personal views were inappropriate. Former Senator Gore noted the following in connection with the 1968 nomination of Abe Fortas to serve on the Supreme Court:

> [A] judge is under the greatest and most compelling necessity to avoid construing or explaining opinions of the Court lest he may appear to be adding to or subtracting from what has been decided, or may perchance be prejudging future cases.

The Senate Judiciary Committee agreed with Senator Gore, noting the following in a committee report on the Fortas nomination that year:

> Although recognizing the constitutional dilemma which appears to exist when the Senate is asked to advise and consent on a judicial nominee without examining him on legal questions, the committee is of the view that Justice Fortas wisely and correctly declined to answer questions in this area.

To require a judge to state his views on legal questions or to discuss his past decisions before the committee would threaten the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of government as required by the Constitution.

Democrats back then made it very clear, including Lloyd Cutler and countless others, that they should not be answering questions about how they might rule on given cases. Why this is suddenly not so clear to my colleagues on the other side is a mystery.

Finally, the ABA's Model Code of Judicial Conduct also prohibits a nominee from discussing his personal views.

Canon 5A(3)(d) of the ABA's Model Code of Judicial Conduct states that prospective judges "shall not . . . make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office . . . [or] make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court."

Mr. Estrada's opponents in essence are asking him to violate this ethical canon.

Mr. Estrada possesses an excellent record—one which merits confirmation. Efforts by the other side to deny him confirmation in the face of this excellent record are unfair and degrading to the confirmation process.

The arguments made by the other side are not constitutional, they are political. The other side knows that the Constitution prohibits this body from intruding on the independence of the judiciary, and from forcing candidates to provide us with their personal views on legal issues. I hope the Senate will reject these unconstitutional efforts and I surely hope that we will vote soon to confirm Miguel Estrada.

I have to ask, Where are the real arguments against Mr. Estrada? The fact they haven't been able to dig up any dirt on him is lamentable, I guess, to them. But, on the other hand, they haven't been able to. The fact is they do not have a good argument against Miguel Estrada, other than these specious arguments that they should be allowed to get into confidential, private, and privileged information at the Department of Justice in the Solicitor General's Office. They can't get those materials, but the fact of the matter is they shouldn't be able to do so. Not only do I say that, but seven former Solicitors General—four of them are top Democrats—even to this day take that position as well.

My gosh. The fact he wasn't a judge is irrelevant. If he is qualified, as he certainly is—and I don't think anybody can really argue he is not, with the reputation and the achievements he has had in his life—in all honesty, we should move to a vote. The fact he hasn't had judicial experience other than the years he spent as a judicial clerk in the Second Circuit Court of Appeals and with the Supreme Court of the United State of America—I mean, in all honesty, we have had fellow Hispanics say he is not Hispanic enough, and he hasn't done enough for the Hispanic community. Gee, I think everything he has done has been for the Hispanic community, and for everybody else as well. This is a man who really does.

Where does all of this come from? It comes from the 2001 retreat the Democrats held where they had some of the top liberal law professors come in and suggest to them how they have to fight on judges and how they have to be unfair. They came up with these "weapons of mass obstruction" because they do not want to have Bush judges confirmed.

No. 1, they suggested: "Bottle up these nominees in committee."

We are doing that every day. I have had a threat they will filibuster the nominees in our markup, which I do not recall ever happening in my almost 30 years in the Senate. But that is what I have been informed might happen. I hope they will reconsider that.

No. 2: "Inject ideology in the confirmation procession."

We see that regularly, where heretofore both sides have said ideology is not a part of this process. Yet, we have seen that in almost every circuit court of appeals nomination.

No. 3: "Seek all unpublished opinions."

That is why they are upset. Because he is not a judge, he has no published opinions. He has unpublished opinions. But unpublished opinions—judges do hundreds of those every year. Over a course of time, such as in the case of Dennis Shedd, he did thousands of them. Yet, they wanted his unpublished opinions because that would slow the process down even more. Regardless of how much it cost the taxpayers to go back through all of those archival records and dig up unpublished opinions, there were thousands from Dennis Shedd.

They don't have that in this case. They can't do that in the case of Miguel Estrada. What they seek is privileged in terms of memoranda. No nominee worth his salt is going to want his privileged internal memoranda made public to the Senate Judiciary Committee, or to anybody else, because that would chill the giving of fair, reasonable, and honest, and I might say, effective opinions of the Justice Department.

What they really then said—and this is the bottom line—if all those top three weapons don't work, and so far they haven't worked in the Estrada nomination—then you do the last thing; that is, filibuster for the first time in the history of the United States against a circuit court of appeals nominee, or even a district court nominee.

I acknowledge we have had cloture votes in the past, but not because there was a true filibuster. But yesterday we were told by our colleagues on the other side they are going to filibuster. And we are, in effect, in the middle of a filibuster, as my good friend from Nevada mentioned this morning: that they are not going to allow a vote unless they can get these privileged internal memoranda, which is again part of this weapon of "mass obstruction" or these weapons of "mass obstruction" to totally shut down and delay fairness to President Bush's nomination. That is what it comes down to.

Let me tell you, it is the wrong thing to do, because it works both ways. Someday perhaps the Democrats may get the Presidency themselves and then find themselves in the same stupid position we find ourselves in where they cannot get honest treatment for their nominees because whenever there is a "controversial" nominee, there is going to be a filibuster. It is a dangerous road to go down. I want to recommend to my colleagues on the other side, don't go down that road anymore. The best thing you can do is to face the music and let the Senate vote. That is what the Senate should do in this matter. It should vote up or down.

It is believed by some on the other side that Miguel Estrada is a shoo-in because every Republican is going to vote for Miguel Estrada. We know there are a number of Democrats—I do not know how many, but there are a few for sure, and I believe others—who will vote for him as well, which means he will sit on the Circuit Court of Appeals for the District of Columbia. There are some on the other side who do not want him to sit on the bench under any circumstances because they think he might be a conservative judge who might disagree with them on some of their litmus test issues.

That is wrong. If we took that attitude, there would be very few judges sitting on the circuit courts of appeals.

I have worked my very best to make sure we never, ever had a filibuster started on my watch. We were successful. There were some who wanted to filibuster occasionally because they felt so deeply ideologically opposed to some of the Clinton nominees. There were some who felt deeply against some of the Carter nominees. But we stopped it. I believe my colleagues on the other side of the aisle ought to do the right thing to stop it here.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic leader.

Mr. REID. Mr. President, I have sat here for the last couple of days trying to figure out a way to explain Miguel Estrada's refusal to answer questions. I think I have finally come to a conclusion of how to explain why he has not answered questions.

Travel with me 3,000 miles to Nevada. We have a home in a place called Searchlight, NV. It is a relatively new home. We built it a year ago last December. We have new furniture in it. I have a lot of grandchildren—12 and soon to be 13. One of my sons has three little boys. They are just very close together. My little grandson, Wyatt, just turned 3. It was obvious he had gone to one of our new couches and had written on it.

So his dad sees that, and he goes to him and he starts interrogating my 3-year-old grandson. He had just turned 3. He said: Did you do that? Wyatt said: No. He said: Well, who did it, then? He said: I don't remember his name.

That is how Miguel Estrada answers questions. He uses the "Wyatt" answering method. Sure, he fills up a book, but he does not say anything: "Who did it?" "I don't remember his name."

Mr. President, I cannot do it in a better way: "Miguel Estrada's Answers to the Judiciary Committee's Questions." Here they are, on this chart, for everyone to see. That is it: "Miguel Estrada's Answers to the Judiciary Committee's Questions." That is it. It is a blank page.

He can fill up a volume this deep with "Wyatt" answers. And the way he answers questions, here is what we know about his legal philosophy, as shown on this chart. That is it: "Miguel Estrada's Legal Philosophy" is summed up with those four words. There isn't any. We don't know.

And if we want to take a look at his memoranda, which is some evidence of what he said in his legal writings, this is what we have: "Miguel Estrada's Legal Memoranda." That is it, another blank page.

I said, as politely as I could, to the distinguished majority leader, we have a problem here. Now, we may be wrong, Mr. President. We think we, on the basis of principle, are doing what the Constitution directs us to do. We believe, as a matter of principle, we are right. And history, I believe, will prove we are right.

Mr. HATCH. Will the Senator yield?

Mr. REID. I will, in just a second, to my dear friend.

Mr. President, people have a right to disagree with us, but we are united in saying we want from this man the ability to have him answer real questions and not give "Wyatt" answers.

We also believe, Mr. President, without any question, we have a right to his legal writings he performed while he was with the Solicitor General's Office. It has been done before.

Now, if this man is as good as they say he is, then that seems a very small duty. They can talk about how it is chilling, and all this kind of stuff, and that there have been people who say he should not do it. Of course, they say he should not do it. But that does not mean it cannot be done and has not been done in the past. Ask Chief Justice Rehnquist: Has it been done in the past? Of course, it has been done in the past. Ask others who have been here, Attorney General Civiletti, and others.

Of course, when there is a question that arises and you think somebody is really good, then you do what is necessary to get them confirmed. We are not asking that much: Answers to questions, real answers, not "Wyatt" answers. And let's see what you wrote.

Mr. HATCH. Will the Senator yield?

Mr. REID. I am happy to yield for a question without losing my right to the floor.

Mr. HATCH. Is the Senator familiar with this huge transcript of the hearing? I do not believe the Senator was there.

Mr. REID. I say to my friend——

Mr. HATCH. I think it is a little unfair to put up there that he doesn't answer any questions. This whole transcript is filled with answers. He may not have answered them all the way the Democrats wanted him to answer them.

Is the Senator also familiar with the fact he argued 15 cases before the Supreme Court, and that the Democrats have had access to all of those briefs, all of those arguments?

Mr. REID. As I told the majority leader——

Mr. HATCH. I think that is a little unfair to use that type of argument—look at it.

Mr. REID. As I told the majority leader this morning, everything has been said but not everybody has said it. What I am doing today is just saying it a different way. Everything has been said.

Mr. HATCH. Let's be fair about it.

Mr. REID. I would be happy to answer my friend. As I said—I am sure my friend was not listening—you could fill up a volume twice that big with "Wyatt" answers. That is what he has done. He has not answered questions. He has said words, but he has not answered questions.

Mr. HATCH. Will the Senator yield for another question?

Mr. REID. We have gone through his transcript. And, in fact, the distinguished Senator from California, DIANNE FEINSTEIN, is a person who is very fair, and on these nominations she bends over backwards to make sure the Republican President gets whoever he wants. But DIANNE FEINSTEIN was so concerned, she went back and reread everything, and she came to the conclusion he has said nothing. And that is what this is all about: He has said nothing.

Mr. HATCH. Will the Senator yield again for another question?

Mr. REID. Yes, I will.

Mr. HATCH. Has the Senator read this transcript?

Mr. REID. I have gone through the transcript.

Mr. HATCH. You have read it, and you say he has not answered the questions?

Mr. REID. He has given "Wyatt" answers. He has answered questions, but he has not answered questions committee members felt he should have answered. I think he was evasive, terribly evasive, and I think this adequately describes his answers.

I want to say something else. It has been said—but let me say it again—he has been at the Supreme Court 15 times. Now, the distinguished Presiding Officer is a trial lawyer. I was very impressed, even though I disagreed basically with his presentation, right here, 4 years ago. But it was very clear, as I learned afterward, that the Presiding Officer was a fine trial lawyer. And I would like to think I have had some fairly good experience in a courtroom. I tried over 100 jury trials. But with all the jury trials I tried, you could go back and read every word I argued to a jury, every cross-examination I did, every direct examination I did, and you would not know how I stood on a single issue, because I was there representing people. I represented people who killed people. I represented people who robbed people with guns. I represented insurance companies. I represented people who had been injured. And I sued insurance companies. That does not have any bearing on how I feel about a particular principle, me personally.

You could have 5,000 cases at the Supreme Court and that does not determine how you stand. You write briefs. You are an advocate for a client. And Miguel Estrada argued cases before the Supreme Court when he worked for the Federal Government. He had a job to do, and he did a decent job. He won 75 percent of his cases, I understand.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DURBIN. The point has been made by the chairman of the Judiciary Committee, Senator HATCH of Utah, that because some Democrats do not agree with what is supposed to be Miguel Estrada's political philosophy, that is why he is running into some difficulty in the course of this debate.

I would like to ask the Senator from Nevada, is it not true we have approved over 100 nominees from the Bush White House, and 100 of those were under Senator LEAHY, the Democratic chairman of the Judiciary Committee? And is it not also true that among those nominees were people who were generally conservative in terms of their political beliefs, who have been approved by the Judiciary Committee, and by the Senate, because we understood where they particularly held their beliefs and went forward and gave them approval?

Mr. REID. Let me answer the question this way. A member of the Judiciary Committee, who has liberal credentials, came to me and said: You know, there's this man named McConnell—I think that was the name of the individual who came before the Judiciary Committee. The member of the Judiciary Committee disagreed with every answer he gave, but he knew what he was talking about, and he answered every question to the best of his ability. And that Senator voted for that person, even though that member of the Judiciary Committee told me he was not of that person's political philosophy. That is an example. Not only did we do 100, exactly 100 last year, the 18 months we were in control, but as I recall, Monday we voted on three judges. Not a single Democrat voted against any of those nominees.

I said last night, and I will tell my friend from Illinois—I will repeat just what I said. My father-in-law was a chiropractor, but even though he was not a trained medical doctor, he really understood people's feelings and their illnesses. He always used to tell my wife, and he told me, that if a person says they are sick, they are sick. We have had people second-guess: He's not really sick, he's faking it. He said if somebody says they are sick, they are sick.

What I have been telling everybody on the other side is Miguel Estrada has a problem. You may not agree it is a problem, but it is just like my father-in-law says: When somebody keeps telling me they have a problem, they have a problem. Miguel Estrada has a problem, and the only way they can have that problem resolved is supply his memos and, in addition to that, answer questions. If he doesn't do that, there are very few alternatives left.

One is to try to invoke cloture to stop this debate. No. 2 is pull the nomination. That decision has to be made by the Republican majority. We are not in the business of stopping judges. We, along with many groups in America today—not the least of which is the Congressional Hispanic Caucus, but we could go on and on with other groups—believe this man is a blank slate.

I want to say something to my friend from Illinois and everyone within the sound of my voice, including my dear friend from the neighboring State of Utah, somebody for whom I have great respect and admiration, ORRIN HATCH.

I don't know who came up with this "weapons of mass destruction," but they should be ashamed of themselves. We have a situation where my family is out today trying to buy duct tape because they are afraid. They are afraid there is going to be a biological attack or a chemical attack, as we have been told by Secretary Ridge there might be.

Why? Because people are going to bring to our country weapons of mass destruction. A play on words today, thinking it is real cute—they are saying we are using "weapons of mass obstruction." I think it is cheap, petty, wrong, and is below the dignity of this Senate.

I want anyone who thinks that is cute to get a better joke writer because it is not very funny.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Matter of personal privilege.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. We did not use the term "weapons of mass destruction." Matter of personal privilege.

Mr. REID. I have the floor. I have the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I am happy to yield to my friend from Illinois.

Mr. DURBIN. I want to say to my friend from Nevada——

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. Will the Senators yield for an inquiry?

Mr. REID. No.

Mr. DURBIN. I want to say to my colleague, the Senator from Nevada, many people here may characterize this debate over Miguel Estrada in a variety of ways, but many of us believe—I think the Senator from Nevada shares this belief—what is at issue here is a constitutional principle. It goes to the founding of our Republic. When the Founding Fathers decided that this body of 100 people would have the last word, to advise and consent on appointments to the Federal bench of judges who were seeking lifetime appointments, this is no trivial thing. It is not a personal thing when it comes to Miguel Estrada.

I think the point I tried to make to the Senator from Nevada: We have approved 103 nominees from the Bush White House without fail, each one of them conservative politically. I am sure I disagree with them on many issues, but so be it. That is the nature of the system.

I ask the Senator from Nevada, what is at stake in this debate, the reason it is taking so much time? Is it not a constitutional principle that goes beyond a cute political phrase as to whether or not this Senate is going to meet its constitutional responsibility to make sure that every nominee is honest and open and candid with the American people and the Senate so we do not end up with a secret judiciary, men and women who skate through by keeping their mouths shut?

I am sorry your grandson has become the object of this debate, but his answer to the question is a priceless one. When he was asked if he was guilty of mischief, he said: I don't remember the name of the person who was. That is the kind of evasive answer we have with Miguel Estrada. It goes way beyond a catchy political phrase. It goes way beyond political posturing.

I ask the Senator from Nevada, did we not sit here yesterday, both of us, going to the Constitution itself, to read again our constitutional responsibility when it comes to advice and consent on the judges nominated by any President?

Mr. REID. Article II, section 2.

I am happy to yield to my friend from Utah.

Mr. HATCH. I appreciate it. I knew he would. My friend is a very fair and very decent man. Personally, I just want to correct the RECORD. We did not use the term "weapons of mass destruction." We used the term "weapons of mass obstruction."

Mr. REID addressed to Chair.

Mr. HATCH. The Senator yielded to me. We have used what was used in the Senate retreat for the Democrats in 2001, exactly what these liberal law professors said Democrats should do to mess up the confirmation process and make it difficult for this President to be treated fairly. If these are not weapons of mass—obstruction—to make it clear, then I don't know what they are. But I would be ashamed to use all of those approaches. Above all, I would be ashamed to use a filibuster, the first time in history, to risk the whole judiciary because of partisan politics, and to do it against the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia.

What is fair about that? What is right about that? I would be ashamed.

Mr. REID. I thought the Senator had a question for me.

Mr. HATCH. I thought I was yielded the floor.

Mr. REID. I technically yield the floor. I thought it was for a question. You have the floor.

Mr. HATCH. If not, I apologize.

The PRESIDING OFFICER. The Senator has the floor.

Mr. HATCH. And then bring up Moreno, as if there were a blue slip policy issue? It could have been. But the real issue was that the White House refused to consult with the two Senators of the State. I wrote a letter to Chuck Ruff and said: You need to consult with them. And they never did.

I have to say, in my chairmanship, if this administration doesn't consult with two Democrat Senators in the State, that nominee is not going to move. Now, I am not going to put up with a screwed-up definition of what consultation is. But they are going to have to consult. And they are consulting. That has been my direction to Judge Gonzales, to the Justice Department, to anybody: You need to consult with Democrats and Republicans up here. We do have some rights as Senators.

But let me tell you, I personally resent anybody trying to compare what we are doing here, quoting liberal law professors who ought to know better, by calling what they have suggested to the Democrats "weapons of mass obstruction"—it is a far cry from "weapons of destruction."

This is true. There is not a word on there that is not true. You go down to the bottom line, which is, if you can't win on all these other procedural mechanisms that really are not valid, then you filibuster; for the first time in the history of circuit court nominees, we have a true filibuster. And to do it against the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia I find particularly reprehensible. But it is not just that. It is not just that. The real reason they are doing this is that they are so afraid that this brilliant young Hispanic lawyer, with all of these credentials, may someday be tapped by the President for the U.S. Supreme Court. The very fact that he is considered for that shows the quality of the man.

But look at his record. Then, to try to imply that he did not answer questions, or even state that he didn't, with this kind of hearing record, when they controlled the whole process, I think is particularly wrong.

Look, I happen to respect my colleagues on the other side. I like them. I definitely have a great relationship with my friend from Nevada. We are close personal friends. This isn't the usual language around here. I am saying he is one of my close personal friends. I would do almost anything for him. I like the Senator from Illinois. He is one of the brightest, most articulate people in this body. He is a good lawyer.

But I tell you, I have never seen anything like this, not in my whole time in the Senate. I think it is wrong. I think it is wrong.

You know what is driving all these outside left-wing groups that are out there? It is their base, and they even say it, led by People for the American Way who are acting in a very un-American way: Distorting these people's records, bringing partisanship in, demanding litmus test votes, demanding a filibuster, which is exactly what the other side has done. They are hurting this process like you can't believe.

Are my colleagues on the other side listening to that stuff? We have had some on our side listen to it, but we have always stopped it. I am really concerned about it. I am concerned about this process. As important as Miguel Estrada is, this process is even more important. But I have to say, Miguel Estrada is a terrific nominee. They should have to come up with something valid or substantive, not just all of these philosophical objections that really have no merit to begin with.

Mr. REID. Will my colleague yield?

Mr. HATCH. I am happy to yield.

Mr. REID. The Senator raised a personal privilege.

Mr. HATCH. I withdrew that.

Mr. REID. And then I yielded the floor.

Mr. HATCH. You did.

Mr. REID. I didn't do it in the proper way. I had not finished my statement. I should have said, I yield the floor to my friend for a question. I didn't do that. I hope the Senator doesn't talk too much longer so I can get the floor back.

Mr. HATCH. Let me honor my colleague's request by just saying that I hope we can work fairly through this process. I know my friends on the other side don't like President Bush or don't agree with his philosophy, and they don't agree with his choices of judges. Several of them really feel that way, and they do it sincerely. I can understand that. But let's treat them fairly. Let's treat the President of the United States fairly. Some day the Democrats will have that position. I hope it is not in the near future. But they may have that position. And if I am here, I am going to treat them fairly, which I did for President Clinton. I think everybody around here knows it. I made every effort I could.

If my colleague asks for the floor back, I will be glad to give it back at this time.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I want to complete my statement, and I will be very brief.

I think it is improper. I have attended every Democratic retreat that has been held in the last many years. I don't remember anyone ever saying that at a retreat that I attended. It is improper and not good to use it at a time when the President is talking about going to war, when we have a war going on with terrorists today.

Suffice it to say that Miguel Estrada's answers to Judiciary Committee questions are just like this, a blank slate. He has given answers, as my grandson answers questions: I don't remember his name.

We refuse to serve as a rubberstamp. We believe strongly that there is a way out of this, and that is by answering the questions that were asked in detail as have other nominees who have come before us. We also believe he should supply the memoranda that he wrote when he was in the Solicitor General's Office.

We believe this is our constitutional duty. And as I said before, everything has been said. We are going to figure out, however long the majority leader wants to talk, different ways to say it. But we are not going to back down from this. This is something we believe as a matter of principle. If we let this go through, somebody can come before the Judiciary Committee and, in effect, give them nothing and say, boy, I showed you guys. I think people need to be candid, forthright, and he has simply not done that. The record is very clear to that effect. I think using the term "weapons of mass obstruction" is wrong.

Mr. BENNETT. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. BENNETT. The Senator from Nevada has said this morning that the Democrats would not allow a vote on this nomination. He has also said they want to see the memoranda that were compiled by Miguel Estrada while he was working for the Clinton administration.

Mr. REID. And the Bush administration.

Mr. BENNETT. And the Bush administration. I would ask the Senator from Nevada if he knows of any Senator on his side who, upon seeing the memoranda, would change his vote and allow a vote, not change his vote and vote for Estrada but change his vote and allow a vote on Estrada upon seeing the memoranda?

Mr. REID. We would have to leave that to individual Senators. I am sure there could be some. It would be very helpful.

I am not a member of the committee, but we have a former chairman and ranking member here and one of the active members who has been on the floor a lot during this debate.

It could be very important in arriving at a decision about how you feel about this man if he did give his opinions. It helped with Rehnquist. It helped with Civiletti, Roberts, and a number of other people who came before various committees seeking their attention in the Senate.

Mr. LEAHY. Will the Senator yield for a question?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. LEAHY. Mr. President, if the Senator from Nevada is aware of what the Senator from Vermont said, I realize the junior Senator from Utah was not in the Chamber at that time—the senior Senator from Utah was, as was the distinguished majority leader—it would be safe to say to the distinguished Senator from Utah that the Senator from Vermont stated this morning very clearly that I would be prepared to see this go to a vote once response would be made. And the Senator from Vermont noted that Mr. Estrada himself said he had no objection to having all this memoranda that we have sought made available but had been told by the administration that he would not be allowed to.

If the question is how various Senators would feel if the memoranda were made available and we were allowed to question Mr. Estrada, something he said personally that he would have no objection to, then as far as I am concerned I would be perfectly willing after that to have the matter go forward to a vote and have Senators vote up or down however they may feel.

Mr. REID. I would respond to my friend from Vermont, I would only add this: I think if the memoranda raise any questions, then certainly the members of the committee would be entitled to ask questions relating to those memoranda and get better answers—I should say, get answers, period—to the questions that were asked relating to those memoranda. That is fair; would the Senator agree?

Mr. LEAHY. I would agree. In fact, that is what I said again this morning. If we had the memoranda, something Mr. Estrada said he is perfectly willing to let us have but the administration wouldn't let him, but if we had the memoranda, if we were able to ask what he meant by this or that in the memoranda, once that was done, if he answered those questions, whether I agreed or disagreed with the answers to the questions, this Senator at least is perfectly willing to have it go forward on a vote, which is basically what we did with numerous other Democratic and Republican nominees in the past in similar circumstances. I don't want there to be any question about that.

This Senator is perfectly willing to have this matter come to a vote once Mr. Estrada did what he has said that he is perfectly willing to do—make available his memoranda and answer questions about them. So far only the administration has refused, and the distinguished Democratic leader and I wrote a letter to the President to that effect.

Mr. REID. That was yesterday.

Mr. LEAHY. That was yesterday.

Mr. REID. It is no secret that the ranking member, on behalf of the members of the committee, has for weeks and weeks sought this information.

Mr. LEAHY. Absolutely.

Mr. REID. Does the Senator from Utah have another question? I would be happy to yield without losing my right to the floor.

Mr. BENNETT. Mr. President, without the Senator from Nevada losing his right to the floor, I would like to continue a discussion at this point.

The PRESIDING OFFICER. Without objection.

Mr. BENNETT. Because I see perhaps the makings of a deal here, if indeed the senior Senator from Vermont is willing to allow this to go forward if the memoranda were made public and if indeed the nominee himself knows of nothing in the memoranda that would be objectionable, it comes down now, ultimately, to the decision of the client because this was an attorney serving a client, the decision of the client to allow this information to come forward.

Now, every living Solicitor General has said it would be a bad idea for this to come forward. The Washington Post has said it would be a bad idea for it to come forward. But if it could be worked out that on a one-time basis, not setting precedent, the opinions of the Solicitors General, both Republican and Democrat, could be set aside and these memoranda could be made available, do we have a commitment that, then, this could come to a vote? Because if that is the case, I, for one, would go to the administration and say let's allow it to come forward.

I recognize this is a precedent no one wants to set, but I think the precedent of establishing a filibuster is one nobody wants to set. I would be happy to join with the Senator from Vermont in asking the administration to consider these memoranda to be made public if, in fact, we can get a commitment that upon their being made public, we could get a vote.

Mr. REID. Mr. President, I say to my friend from Utah that even though he is not a lawyer, he certainly acts like one. I won't tell anybody in Utah that.

Mr. BENNETT. I am not sure that is a compliment.

Mr. REID. I indicated I would not tell anyone in Utah.

I want to respond to this question. The Democratic leader and the ranking member of the Judiciary Committee wrote a letter to the President of the United States yesterday and outlined exactly what we have talked about today. If, in fact, the memoranda were made public, were given to the Judiciary Committee—and it has happened other times in the past—and he would respond to questions, we would be happy to take another look at this man. That is what the letter said to the President of the United States. I said last night, and this morning, that there are a number of ways out of this: Pull the nomination, give us the information we want, the memoranda, and answers to these questions, or file cloture.

I yield to my friend from Illinois.

Mr. LEAHY. If I might, Mr. President, the suggestion has been made on the floor that this is a one-time precedent. It is not a fact that this is a one-time precedent. It happened in the nominations of Robert Bork, William Bradford Reynolds, Benjamin Civiletti, Stephen Trott, and William H. Rehnquist.

I yield to my friend from Illinois.

Mr. DURBIN. I say to my friend from Nevada, thank you for yielding. And I say to my colleague from Utah, Senator BENNETT, with whom I share some responsibility on the Appropriations subcommittee, and whom I have found to be an extremely fair person, I think perhaps he has come up with the solution to the gordian knot we face.

We are not against Miguel Estrada. Without information, we cannot make a judgment on Miguel Estrada. We believe it is our constitutional responsibility to ask of every judicial nominee, from both Democratic and Republican Presidents, obvious important questions. In the case of Mr. Estrada, since he never served as a judge, he has legal writings, legal memoranda, legal opinions. We are asking him to share those with us so we can have insight into who he is, what he believes, and what he will do with a lifetime appointment to one of the most important Federal benches in America.

That is what this is about. It is not about being Hispanic. If you look at the record on the Democratic side, President Clinton appointed far more Hispanics to the bench than any other President in history. We supported him, and we continue to support that. I believe this affirmative action by the White House to bring Hispanics into the judiciary is a good thing for America. Our judiciary should reflect the diversity of the country. Whether they are Hispanic, Irish, or Lithuanian, we are going to ask the hard questions. Then the Senate will make a decision. The thing the Senator from Nevada has stated repeatedly is that what we are about today is a real quest for information, a search for information.

I hope the Senator from Utah will prevail not only on his leadership, but on the President, to follow the Bennett model here—full disclosure. Bring the legal memoranda and writings before us, let us ask the obvious questions that they will lead us to, and then let us consider up or down this nomination. That is an honest approach, and I think it would avoid what we have been through in the last couple weeks. Isn't this what the Senator from Nevada has been asking for and what the leadership has been asking for?

Mr. REID. I say to my friend from Illinois, I have said not once, not twice, I don't know how many times—over a dozen times—if this man is as good as they say he is, this seems to be such a small push, to have him answer questions and give us his legal memoranda. That is what we are asking, because as I had shown through my visual aid today, we have nothing from him. If he is as good as they say, I repeat, bring that forward. That would make us happy in so many different ways. It would show that we don't have to take these people given to us, just jammed through, having blank slates. We have the right to ask questions.

Secondly, it is important because I believe it sets a very dangerous precedent that Miguel Estrada, HARRY REID, DICK DURBIN, or anyone going through the process can go through without the Senate having the ability to learn who they are. We have that obligation. The Senator is absolutely right. We sat back there next to one another yesterday looking through the Constitution—we both had one—looking up article II, section 2, to make sure we felt good about what we were doing. I think it is very clear that our constitutional responsibilities not only allow us to do this but demand that we do it. We have an obligation to not only this Senate but future Senates, and not only the people of America today but future generations, that we are doing the right thing.

Mr. DURBIN. If the Senator will yield further for a question, I listened earlier when the Senator made his presentation about Miguel Estrada and what he said and did not say to the Senate Judiciary Committee and to the American people. He was challenged by Senator HATCH, who produced a binder and said: Have you read the words in here?

The Senator from Nevada said: You can evade answers and fill up pages and pages.

I would like to read, if the Senator will allow me, one exchange that I think gives light to why we are here today. This was between the Senator from New York, Mr. SCHUMER, and the nominee. Senator SCHUMER asked the following question:

> Other than the cases in which you were an advocate, please tell us three cases from the last 40 years of Supreme Court jurisprudence you are most critical of.

Mr. Estrada answered:

> I'm not even sure that I could think of three that I would be—that I would have a sort of adverse reaction to, if that's what you're getting at.

Senator SCHUMER asked:

> So with all of your legal background and immersion in the legal world, you can't think of three or even one single case that the Supreme Court has decided that you disagree with?

Answer:

> I don't know that I am in a position to say that I disagree with any case that the Supreme Court has ruled on or that I think that the Court got it right.

Senator SCHUMER:

> I'm not asking you how you approach cases. That is a legitimate question and some have asked it. I want to know how you feel about cases, and you have said more broadly than any other witness I have come across, you have given us virtually no opinion on anything because it might come up in the future.

Answer:

> But the problem is the same, Senator Schumer, because in taking case A and looking at whether the Court got it right or whether I think they got it right, I have only the benefit of the opinions. I haven't seen the litigants. I haven't—the case is ruled on, but I don't get to see what didn't make it into the opinion.

That is the end of that exchange.

I went to law school many years ago, as did the Senator from Nevada, but if they put you on the spot today and said can you think of one Supreme Court case with which you might disagree——

Mr. REID. I think maybe I would come up with Dred Scott.

Mr. DURBIN. A case that approved slavery in the United States is one with which we might disagree. Why would a man with his academic and legal background not have that spring to his mind? How about Plessy v. Ferguson, separate but equal?

Mr. REID. That was another dandy they did.

Mr. DURBIN. Those are two obvious ones. You don't have to go to law school to think about those. This is an example of the how he filled up a page, and what did he say? I guess he would say: If I didn't get a chance to meet Dred Scott, I will not comment on that case. I didn't know Mr. Plessy or Mr. Ferguson, for that matter, so I should not say what I think about that.

You wonder why the Democrats are coming to the floor and saying, for goodness' sake, this makes a mockery of the process. If a man wants a lifetime appointment to the second highest court in America, should he not be more honest, open, and candid? That is all we are asking today.

I ask the Senator from Nevada, does he believe, as Senator BENNETT is suggesting, that if there is full disclosure and openness that this will come to a vote? Miguel Estrada's legal memoranda will be presented, we will have a chance to ask questions, he will give us straight answers instead of these evasions, and then let the chips fall where they may; is that not what we are about?

Mr. REID. Yes, that is what we have been saying, and I told the majority leader this morning, this is no game we are playing; this is a filibuster. We have a right to do that. Why? Because we believe that what is being done is wrong.

I say to my friend from Illinois, we talk about article II, section 2, but the Constitution is a little document. It is so unique, and it does so much to protect people. The Constitution was not written to protect majorities. They can always protect themselves. It was written to protect minorities.

We know that the majority would vote 51 for this man today, and I think we have set a very bad tone for what we are doing in this country. What we have said is, there are a significant number of Democratic Senators—well over 40—who say this is not right. If we do this, why do you need the Senate? If you do this, why not just have, instead of President George, King George? He can just tell us what he wants done. It is not King George; it is President Bush. As a result of that, he has to go through this process, and if he wants this man, who they say they like so much, then let them come forward with the memoranda he wrote when he was in the Solicitor General's Office and let him answer some questions. It is as simple as that.

Mr. DURBIN. If the Senator will yield for a further question, I, of course, will give my friend and colleague from Utah the opportunity to respond.

Mr. REID. I yield to my friend for a question.

Mr. DURBIN. I wish to ask this question. I assume the Senator from Nevada, as a Senator from that great State, has had an opportunity to sit down with judicial nominees who were seeking district or circuit court appointments affecting Nevada and probably has nominated men and women for the Federal bench in Nevada. I do not know what his process has been. I have had that great honor in Illinois, and I try to get to know these people. I ask them questions to get an idea of what is going on in their minds.

It is not uncommon for me to ask the question we asked Miguel Estrada: Can you think of a Supreme Court case you think was particularly good or particularly bad and tell me why, as open-ended and as nonconfrontational as possible?

I say to the Senator from Nevada, this is a question I asked Miguel Estrada, and I ask the Senator from Nevada to think about it in the context of interviewing nominees for the Federal bench in Nevada. A simple question and a simple answer. The question I asked was:

> In terms of judicial philosophy, please name several judges, living or dead, whom you admire and would like to emulate on the bench.

That is a pretty tame question: Tell me who you admire.

Answer—this is Miguel Estrada:

> There is no judge, living or dead, whom I would seek to emulate on the bench whether in terms of judicial philosophy or otherwise.

Forgive me, you cannot go through law school, you cannot be a clerk at the Supreme Court, you cannot argue before that Court 15 different times and not look at least at those nine Justices and think: I like that Justice's approach, or read the history of the Supreme Court and think: This judge added something to America; I would like to emulate this judge.

If you have no heroes, living or dead, among the Federal judiciary, the obvious question is, Have you been paying attention? Have you noticed that men and women have made a difference for America sitting on the Federal bench?

Here is this man being carefully groomed by the White House to move to the highest circuit court in our land, the DC Circuit, and perhaps to the Supreme Court—no one has denied that—and he cannot give us an answer to that question? It is the reason why we are here today.

I ask the Senator from Nevada, when he brings nominees before him for his State, what kind of questions does he ask them?

Mr. REID. Mr. President, I respond to my friend, I think he asked a trick question. I am being facetious, of course. I think that answer—that is why I sat here, and I have sat here for days now and the Senator has been in the Chamber—but I finally came upon it: I do not remember his name, just like my little grandson. That ended the conversation. He could not remember whether it was one of his brothers or his grandmother. So that ended that. That is what we have here.

We have a man who is evading answering a question. Obviously, he was pretty smart in doing that. He filled up a whole book saying: I am not going to answer. He filled up a book of non-answers.

It is my understanding that the Senator from Utah wants to ask a question.

I allow the Senator from Utah to ask a question without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I have now been given a copy of the letter signed by Senator DASCHLE and Senator LEAHY addressed to the President. As I have examined the letter, I do not find in it the commitment I have been seeking in our dialog here. So I renew that with the Senator from Nevada. The question is, Could we on this side of the aisle get a commitment that we could go to a vote if the memoranda were delivered? Senator DASCHLE and Senator LEAHY do not give that commitment in this letter. They simply say they want that information, they would appreciate the President's personal attention, and that they need the information in order to make an informed decision.

I think most of the Senators have already made their decision, be it informed or otherwise, and the issue that I am striving at is to try to get an up-or-down vote, an opportunity for them to express their decisions. So I am asking again——

Mr. REID. I respond to my friend, I think we have answered that very deliberately to the effect we feel that the memoranda are important, and we feel his answering questions regarding the memoranda and a couple of other issues are important.

This is my recommendation to the majority leader and to my friend from Utah who is, by the way, a deal maker, and there is nothing negative at all about that. Legislation is the art of compromise, and this is no different than any other issue.

If I were majority leader, I would simply ask the White House to supply this information, and that answer speaks for itself. I think if the information were forthcoming and the man, either in writing or otherwise, answers a few questions—I do not know what questions could come up by virtue of that information—but my answer speaks for itself. I think the majority leader should have that done. We should go on to other business in the Senate. There are other judicial nominations. There is other substantive legislative business on which we can work. I think when we come back from our break, this matter could be resolved very quickly.

I do say that unless this is done, this nomination is going nowhere. We have waited a long time to announce we were conducting a filibuster. We understand the seriousness of looking at judicial nominations in the manner we did. We understand. We understand the heartburn we are causing Senator HATCH. We know how he feels, that this is intemperate and wrong. We know, as we have explained in conversation between Senator DURBIN and me this morning, that it is extremely important we do this. We are locked in. We have talked to our Members over here. We are locked into this, but this does not mean if the information is forthcoming—and we will do what we think is appropriate. The margins in the Senate are very slim. You do not have to change a lot of votes to get what you want.

I suggest if you do what we want, things will work out probably for you. If you do not, nothing is going to happen.

Mr. BENNETT. Mr. President, if I may, I ask unanimous consent, without the Senator from Nevada losing the floor, to make a comment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I think the Senator from Nevada and I could probably make a deal here, but we are both representing groups behind us. What I would search for would be a firm commitment that this can come to a vote, not a statement that, well, we will do the right thing; not a statement that we will review the answers; but a firm commitment that if the memoranda is produced and Mr. Estrada gives answers with respect to that memoranda, we can then have a firm vote.

The Senator from Illinois has given us an example of a question that was asked. He received an answer. He considers the answer totally inadequate and improper, but he received an answer. If we get into this conversation and say, all right, the memoranda will be produced, he will be questioned, and then you say, We do not like his answers, so we still will not give you a vote, that is not a blind alley into which I want to go.

Mr. REID. Mr. President, let me reply to my friend. Without that information, Miguel Estrada will never be a Federal judge. We have talked with our Members, and it does not matter if there is 1 cloture vote or 50 cloture votes, we will all be together on that—those who have agreed to hold up on this nomination.

I am speaking only for myself, but I think if he supplied that information, not evasive answers but tried to be fair in responding to any questions we had regarding those materials—and answers to some of these other questions people feel serious about—it would be resolved. I have no doubt that would be the case. So I think the Senator could spend his time with the significant influence he has—I know he is filling in for my counterpart who is ill temporarily, and that shows the respect people have for him on his side of the aisle—I am sure if the Senator from Utah went to work on that side, it would bear fruit. If it does not happen, nothing will happen other than acrimony, which is too bad because we are going to see this one through.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair. I thank Senator BENNETT for the contribution he has made. I hope he understands my position—I cannot speak for others—once this nominee has made full disclosure—his legal background, opinions, memoranda, his answer to questions—frankly, I would view him as other nominees. I may vote for him or against him. I think I voted against 6 out of 103 of President Bush's nominees. I have not made a pattern of this, but some disagree with this thought. I think that is where we are leading to. I hope that is where we are leading to.

More importantly, I hope the Senator from Utah understands why we are doing this. There is a belief among some that with the newfound majority on the Republican side since the last election and with the control of Congress by the Republican Party and the White House, the process is going to be pushed aside and things are going to be moving quickly through without the kind of deliberation we have had in the past in the history of the Senate.

Some have suggested that on their way to the bar serving on the bench, people will be moving through the Senate Judiciary Committee like the receiving line at an Irish wedding, and I hope that does not happen. I think what we need to have is a deliberative process where Members have a chance to ask questions of every nominee, and then, satisfied or not satisfied, they come to a vote.

Make no mistake, Miguel Estrada is opposed by a variety of organizations which believe they know who he is and have seen enough evidence to raise questions in their mind. But I think for the sake of the Senate as an institution, whether Republican or Democrat, what we are asking is not unreasonable.

When one reads these answers from this nominee, they have to say to themselves, why is the Senate Judiciary Committee wasting its time? Because if someone can get by with that type of an answer where they cannot identify one single Supreme Court decision they disagree with, they cannot name a single Federal judge, living or dead, whom they admire—if they can get by with that, why are we here?

It reminds me of the Clarence Thomas nomination when he said before God and the world he never considered the issue of abortion in his life, had no opinion on it. A man who was a former Catholic seminarian at Conception Abbey in Missouri, a man who had been in law school when Roe v. Wade was decided, had no opinion on the issue of abortion? I guess that sort of thing was glossed over because of all the other hoopla and attention given to his nomination, but I thought to myself—and I was not in the Senate at the time—would the Senate Judiciary Committee let others get by with this where they do not even answer the question?

I can tell the Senator from Utah, and others who are following this matter, there have been nominees who have come before this Senate Judiciary Committee with whom I have disagreed vehemently on issue after issue. In fact, I have even successfully nominated judges to the bench in my State whom I disagreed with on basic issues. But I am not looking for a person who has the same political DNA that I am bringing to this job. I want a person who is moderate and reasonable, who shows that they are open minded and prepared to be a fair jurist.

How can one reach that conclusion about a person without asking some very basic questions to try to get into their mind a little bit as to what makes them tick and where their values might be?

Think about the election process for the Senate. Is that not what it is about? Don't the voters of this country basically want to know, whether it is ROBERT BENNETT or RICHARD DURBIN, who are you? What are your values? What are you likely to do?

We cannot predict what votes they are going to cast, but what have they done in the past or generally how do they feel about the principles and the constitutional values of this country? Those are some pretty basic questions. Why wouldn't we ask that of a person seeking a lifetime appointment to the Federal bench, a person who, with the stroke of a pen, could basically wipe out a law or say that a law is valid? That is an enormous delegation of power to the judiciary, particularly to this level of the judiciary.

What we are saying today when it comes to Miguel Estrada is we want to know some basic answers. We do not expect him to tell us his opinion of a case pending before the DC Court and how he is going to rule. Lloyd Cutler is right; we should never ask about a particular case. But to ask a judicial nominee their views on the issue of privacy, is that an important issue today?

Pick up this morning's paper. We are going through a debate now as to whether the Department of Defense can collect information about Americans across the board in the hope of finding those who might be threatening this country with terrorism, and Congress has basically said to the Department of Defense: Close that shop. We do not know if we want you mining these data banks across America at the expense of the privacy of individuals' rights and liberties.

This is an issue which is not going away. Since September 11, 2001, it has been front and center in the national debate and will continue to be.

So when one asks a judicial nominee, a person who is going to the second highest court in the land with a lifetime appointment, what is their view on the issue of privacy, is that an important question? It is not only important; it is timely; it is critical. And for nominees such as Miguel Estrada to basically say, I do not have an opinion, that tells me we have a problem.

We should be able to ask these nominees the most basic general questions relative to constitutional law and the rights and liberties of Americans, and we should not apologize for it.

I have told my colleagues in the Senate Democratic Caucus, I met Miguel Estrada. I sat down with him. I have read his background, his personal resume, his legal credentials. They are very impressive. This is a man who has come very far in his life against great odds, and I respect him so much for that. He is an immigrant to America.

I have a special affection for immigrants because my mother was an immigrant. I am proud to put her naturalization certificate in my office for everyone to see that I, as her son, would be standing today as a Senator from Illinois. Immigrants such as Miguel Estrada, my mother, and so many others bring so much to this country. So from a personal point of view, I admire this man very much. His legal credentials put me to shame. As a law student, I never got close to his level of achievement in law school, so I certainly admire that.

Having said all of that, accepting that he is a good person, accepting that he has a marvelous career as a lawyer and as a law clerk, I still need to ask some basic questions in terms of where he is going, given this position of responsibility. When the Democratic Caucus sat down, they decided this was an important issue to raise. Miguel Estrada was the case in point.

It is an important issue relative to the role of the Senate when it comes to President Bush's judicial nominees. If we cannot ask the questions, if we cannot ask questions that have been asked of nominees over and over again when Presidents of different political parties have been in power, then frankly we have given up more than our political right, we have squandered our constitutional responsibility.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. BENNETT. I want to pursue this with the Senator. If we can get Miguel Estrada to give the Senator the name of a Supreme Court Justice whom he appreciates, along with the memoranda, and answer questions on the memoranda, would the Senator—not speaking for his caucus, just for himself—agree to give us a vote?

Mr. DURBIN. I say to the Senator, obviously we do not know what the answers might be and what they might lead to, but what he suggests as a basic principle is one I stand behind. When nominees are open and honest with the Senate Judiciary Committee and the Senate, they are entitled to a vote.

Mr. BENNETT. I appreciate the comment of the Senator because we must understand, once again, we are not talking about the Senate rubberstamping something from King George. We are talking about the Senate entering a whole new era of saying a nominee must be approved by 60 votes—which is something we have not done before. I appreciate the Senator's understanding of how serious this is, that because Miguel Estrada gave answers that were not acceptable to some members of the Judiciary Committee, and because this memoranda has not been forthcoming—not at his request, but at his clients' request—we are now going to sail into a whole new sea. I hope everyone understands how significant that is, regardless of the qualifications of this man.

I will do what I can to get him to come up with a name for the Senator from Illinois. I do not know if I will be successful. If that is the whole thing stopping his confirmation, that he could not think of a Supreme Court Justice whom he admired under those circumstance and if, after reflection, he now can come up with a name, we would like to see the Senator from Illinois allow this to come to a vote.

Mr. DURBIN. We gave two illustrations where we asked Miguel Estrada for a Supreme Court Justice, or a Federal judge, living or dead, he would emulate and admire; we also asked for a Supreme Court case he might disagree with. Senator SCHUMER asked the question. I say to the Senator from Utah, those are two very egregious illustrations of his evasion. There were others.

I cannot speak for my colleagues, but I will go back to the premise of my reply. I believe when a nominee is open and honest and cooperative, they are entitled to go through the process and have a vote. That is my personal view. I don't speak for any other Senator.

I have felt the same about issues on the floor of the Senate. My feeling is this: This is a deliberative body. We take our views on issues to the court of public opinion and to the 100 Senators gathered. We should be entitled to produce an amendment or a bill, debate it, and have an up-or-down vote. I think that is what the process should be all about. I have lost plenty in the Senate—the Senator of Utah can attest to that—I have won a few, but lost quite a few, too. I accept that consequence. That is why we serve.

The same is true with nominees. If they are open and cooperative, they are entitled to go through the process, whether nominated by a Democratic or Republican president.

When you take a look at the groups that oppose Miguel Estrada, many of them have seen in his background areas of great concern. Consider the groups that have opposed him: The Congressional Hispanic Caucus—all members of the Congressional Hispanic Caucus have opposed this Hispanic nominee; the Mexican American Legal Defense Fund, which is the premier civil rights organization for Mexican Americans and many Hispanics in the United States, opposes Miguel Estrada; the Puerto Rican Defense and Education Fund opposes Miguel Estrada. And then more generic groups: The Leadership Conference on Civil Rights, NARAL, Pro-Choice America, the Sierra Club, the National Women's Law Center, People for the American Way, and many others. I had printed in the RECORD yesterday the names of the organizations and I will not take up the pages of the RECORD again today with those illustrations.

The clear question before the Senate is why a man with such a compelling personal story and such great legal credentials has so many groups questioning whether he is the right person for a job. Some of it has to do with his evasion. Some has to do with the secrecy that has surrounded his nomination and the suggestion that this relatively young lawyer is on his way to the Supreme Court as early as next year.

Many believe when it comes to Supreme Court nominees, there are certainly higher standards that need to be met, but the DC Circuit Court is not far behind. As I said yesterday, the DC Circuit Court is the AAA for the major leagues on the Supreme Court. We have been told time and again by the "great leakers" at the White House, Miguel Estrada is on the fast track of the major leagues, the Supreme Court. We want to know his batting average and we want to know whether he can take an inside pitch. And he will not answer those questions. That really calls into question whether we are meeting our responsibility.

As I said yesterday, the choice is simple. It is a choice between the Constitution, article II, section 2, which says the Senate shall advise and consent to nominees. It gives us a role of responsibility to advise and consent. Or whether we will give up this Constitution for a rubberstamp and just say, as the President sends his nominees, thanks a lot, Mr. Bush, "approved." I will not do that. I don't think I was selected for that purpose.

I think the Senator from Utah is understanding better what we are about. The fact Miguel Estrada has refused to disclose his writings is unprecedented. We have at least five illustrations, including Justice William Rehnquist, nominated as Chief Justice of the Supreme Court, who produced his writings so we could understand more about his thinking before he assumed the highest judicial post in America.

Antonin Scalia, who was called on to rule in a case involving the disclosure of legal views, Antonin Scalia, absolutely the hero of the rightwing in American politics and of our President, when he had to rule on a case as to whether or not nominees would disclose their opinions on legal issues, the case was the Republican Party of Minnesota v. White, Justice Antonin Scalia said:

> [E]ven if it were possible to select judges who do not have preconceived views on legal issues, it would hardly be desirable to do so. "Proof that a Justice's mind at the time he joined the Court was complete tabula rasa [blank slate] in the area of constitutional adjudication, would be evidence of lack of qualification, not lack of bias."

So, many of us, despite this impressive resume of Miguel Estrada, have fundamental questions. Is the man qualified for the job? By stepping back and saying, I am a blank slate, can't think of a Supreme Court case I disagree with in its history, can't think of a Supreme Court Justice or any Federal judge whom I admire, you wonder why we have questions about him? You wonder why this extraordinary debate is under way?

I see my colleague from New Jersey has come to the floor and I thank him for joining us this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, to my colleague from Illinois, who is so eloquent on so many issues, his articulation, a reason why it is so important we challenge this nomination, if not the nominee, because of the process we have gone through, is just overwhelming. I think it is a basic sense of responsibility we should have as Senators. If we do not ask the questions on how one will respond in a jurisprudence context to not specific issues but general thought process before we hire someone to be an appellate court judge, I don't think we are fulfilling our constitutional responsibility of advise and consent.

Would the Senator hire someone if you had not been able to ask how they may think about some of the basic processes and logic they might bring to bear in giving you advice with regard to legal counsel in your office? It is incredible to me. No one with a blank slate would turn over such an important duty without doing a serious interview process to understand at least the thinking process of an individual.

Mr. DURBIN. Just to respond to my colleague from New Jersey, not only would I not hire them, I would be derelict in my responsibility in doing so. I think the Senator from New Jersey would agree, many times he has asked prospective staff people their opinions—and may even disagree with them. I, frankly, believe within my legislative staff there are people who think I am wrong on some issues. That is not only their right but their responsibility to give me that point of view. But at least going in, that is a pretty basic question.

If we can't ask Miguel Estrada, who is seeking a lifetime appointment to the second highest court in the land, what is in his mind in terms of his values and principles when it comes to constitutional law, then we have failed as Senators and we fail our constitutional responsibility.

Mr. CORZINE. Mr. President, I could not agree more with the Senator from Illinois. I have a responsibility to the people of New Jersey to make sure we ask serious questions with regard to how judges are selected. In my own process in reviewing district court judges and circuit court judges that we are asked to opine about by the White House, about how we would react, I have a bipartisan committee that does just exactly that. It sits literally for hours to make sure we have some sense of the approach future judges might take, how they think about issues, how they feel about constitutional principles. I think this is one of the most important debates we can have with regard to the responsibilities of being a Senator—making sure, when we determine the people who are actually going to sit on the court with lifetime appointments, that we do so with the full knowledge and understanding of where they are coming from.

By the way, that is not to say you are going to agree with everyone with regard to all aspects about how they might think about issues. But you ought to at least understand what you are getting into. I certainly hope we will have the opportunity to review real information on this as we go forward.

THE BUSH BUDGET

Mr. CORZINE. Mr. President, I come to the floor to make a statement with respect to something I believe is vital that the American public get focused on. Last Monday President Bush proposed a budget to the American people that, if it were adopted, would basically dramatically change the landscape, reshape the future of our Nation in a lot of different ways. I would like to speak about that in the context of a few ideas today.

I hope I can come here every day, as long as is necessary, to make sure we raise up this, I think revolutionary document, radical document, with regard to what the shape of our economy and the shape of our participation of the Federal Government in our life in America is about.

Perhaps because of its release so soon after the tragic *Columbia* shuttle tragedy, the budget has not received the public attention it deserves. Frankly, we had unbelievably revealing testimony by the Chairman of the Federal Reserve yesterday with respect to how that budget fits into the overall concept of fiscal responsibility and fiscal prudence that is so important for Americans to understand. But even with that, even with such dramatic statements coming from the Chairman of the Federal Reserve, the budget has not received the public's attention. I think we need to raise up the debate that is embedded in many of the propositions that are made in the President's budget.

I do not think this is a run of the mill—these are the revenues, these are the expenses. By the way, we are going to have a $307 billion budget deficit, but that is not so important. This is a radical change from the direction that we in this country have been moving for a very long time. I don't think we are talking about it in those contexts, and I think the American people should understand the huge implications of its many far-reaching proposals.

There are so many significant elements in this budget that it is difficult for me to actually even know where to start. The big picture is clear. The Bush budget is fiscally reckless, in my view, and imprudent in the extreme in the macroeconomic context, and would substantially reduce the security of America's working families for decades to come. I will try to go through some of that.

But at the biggest level, when President Bush came to office we were projecting budget surpluses of $5.6 trillion over 10 years. We just preceded that with 3 years of budget surpluses. Since then that figure has declined by almost $8 trillion. We had projected $5.64 trillion in surpluses. Now in the same timeframe, until 2011, we are projecting $1 trillion-plus in deficits. Where I come from in the private sector, if you have an $8 trillion negative cashflow, somebody would ask some questions about what is driving it, what is making such an overwhelming difference in the context of our financial posture with respect to fiscal affairs in this country. That is extraordinary.

By the way, take that a step further. It was projected at the same time that we were going to pay down, for all practical purposes, the publicly held debt of the U.S. Government. That was in 2001, early 2001—going down to $36 billion.

Today, out to 2008, we are expecting a $5 trillion publicly held debt. That is extraordinary. That is an extraordinary amount of debt that will go on, not just to be financed by current generations of Americans. The view that we are not going to transfer to our kids and our grandkids future responsibilities to pay for what we are doing today, as we benefit from those expenditures—we are transferring it on. That is $5 trillion.

By the way, it is a heavy burden not only in the debt that the current generation is transferring to future generations, but it is also an extraordinary expense. We are going from a $622 billion cost of our debt under the projections that were established in 2001 to, get this, $2.3 trillion we are going to spend—$2.3 trillion we are going to spend just to finance that debt, that change in that $8 trillion that comes across. That is what it is going to cost us over 10 years to finance the bad fiscal policies we are taking on.

I don't know about most Americans, but I think they can figure out that we have lots of important things in this country that we could spend $2.3 trillion on, relative to this $622 billion, that we would have been able to spend if those changes had not occurred such as Leave No Child Behind, such as making sure our health care systems are properly funded, or that the Social Security trust fund is in place so Social Security can be in place. And maybe most importantly, we could protect Americans with something other than duct tape. We could actually put real protections in our ports, on our highways. We could make sure that the security surrounding our chemical plants across this country was in place. There are lots of things that this country could do if we had that $2.3 trillion that we are going to now give out in interest expense, many of those dollars going offshore, not even to Americans.

I think it is absolutely irresponsible that we are putting ourselves in a position that we are going to run the kinds of deficits we are talking about. In fact, I think that was the overwhelming weight of the conversation we had with the Chairman of the Federal Reserve Board yesterday. If we do not get our fiscal house in order, we are going to put ourselves into a position where the United States is going to have not just small deficits and not just $2.3 trillion worth of interest expense, but we are going to see that explode in the years well beyond the next decade because that is when the baby boomers retire. We will go from 40 million retired Americans to 75 million retired Americans on Medicare and Social Security and that will put unbelievable pressures on what we have as a nation in our fiscal responsibility.

So I find this a hard budget, at a macro level, for us to take on. I hope the American people can understand that we are burdening our children and our grandchildren as we go forward; that we really are putting at risk Medicare and Social Security as we understand it today as we go forward. Frankly, I think without a full discussion and without creating a full understanding in the minds of the American people, we are not doing our jobs. I think it is almost a question of ethics, about what our responsibility is to raise up this discussion so those choices are understood by the American people and not buried in some document of hundreds and hundreds of pages of numbers that really do not translate into the practical impact that the individuals need.

I go back to it again. It is basic economics.

We have had an $8 trillion swing in the cashflow of this government. There is no one I know who would think that is a positive way for us to approach the financial management of this country.

To carry on with slightly more detail, as economists would say, this budget calls for a dramatic reduction in national savings. When you are borrowing all this money, that money isn't going into the private sector. It isn't going into areas of productivity and growth in this country.

That is what we saw happen in the 1990s. We saw 22.5 million new jobs created, and we saw productivity rise from very low levels to the kind of high levels that are driving the successes of the economy in the late 1990s and continue to be the only really positive element we see in the economy today.

When you have that capital going off to the Federal Government, it means less capital to be available to invest in plant and equipment and less capital to implant new technologies and new inventions, and to do research and medical advances. The end result almost inevitably will be lower economic growth in the future, if you carry those kinds of debt burdens into the future. That is not a conclusion based on partisanship or ideology. It is economics 101. Less savings means less investment which means lower growth.

It is just that those are the truisms defined by the basic laws of economics. Less savings means less investment which means lower growth.

By the way, when you are borrowing money at the $8 trillion level at the Federal Government, you are having less savings.

That is just by definition. I guess that is why the 10 Nobel economists yesterday put out the statement they thought we were on the wrong track with regard to our fiscal policy; that we were putting ourselves into a grave position with regard to our longrun fiscal structure. It is absolutely essential, in my view, that we stand back and get hold of the budget mess I think we are putting in place, if we go forward.

Unfortunately, many administration officials have lately been denying the laws of economics, as far as I can tell, dismissing the importance of fiscal discipline. As OMB Director Mitch Daniels put it, while we have returned to an era of deficits, "We ought not hyperventilate about this issue."

I guess we are just taking off the board all that discussion about balanced budget amendments, the No. 1 issue, and the Contract With America, all that discussion we had through the 1990s, all that discussion that the private sector has tried to impart to the public sector; that there really is competition for funds out in the marketplace; that deficits really do drive up long-term interest rates which, by the way, Chairman Greenspan once again reiterated very clearly and unequivocally yesterday; and that we hear consistent conversation about deficits do not matter to the investment function of the economy.

It is hard to believe we are so blind to the fundamentals of economics. Supply and demand do matter. When there is demand for the credit in the marketplace for the Federal Government, it does impact on the private sector and the savings function.

Comments like these—the one about hyperventilating about deficits—make it seem like we are living in a strange twilight zone, in my view.

As I said, we just came through a heavy period of discussion—actually before I got into political life—about amending the United States Constitution to establish a rigid Balanced Budget Act. I do not know where that discussion went. I guess we had a change of heart and a change of mind at some particular point. But it really is hard for me to understand. I almost find it humorous, although I don't, really.

We hear comments with regard to my Democratic colleagues that we are concerned about rising deficits. One of the leaders in the House dismissed the importance of fiscal discipline, arguing that "The Soviet Union had a balanced budget."

I am not exactly how sure that fits into the overall structure of our debate. But I think it demonstrates we are making so light of this $8 trillion—I repeat, $8 trillion—negative cashflow swing this government is now burdening our people with. It is serious.

I come from a part of the world where you can tolerate some negative income for a short period of team, but, after a while, you go bankrupt. It undermines the reality of your financial success. It will for our Government. It may not go bankrupt, but we will be living with higher interest rates than we need be, and we will be losing the ability to see our private sector invest appropriately and basic saving functions as defined by economics.

Think about it. Perhaps the most powerful Member of the other body, in effect, was comparing fiscal discipline to a failed regime on how operations work.

I am really troubled about how light we are making this issue of our fiscal responsibility.

Why are the administration and its supporters abandoning fiscal discipline? Quite simply because their overriding priority is to provide huge new tax breaks to those who are doing the best, I guess. There is no other basis of understanding. It looks to me like political policy as opposed to economic policy.

Let us look at these tax breaks. As many of my Democratic colleagues have pointed out, they would provide relatively few benefits to working Americans. But, more importantly, they would do virtually nothing to create jobs or stimulate our economy. In fact, the Bush plan could well cost jobs, and I believe very clearly it is bordering on antigrowth. That is true for at least four reasons I would like to expand on.

First, very simple, very little impact of that initiative the President has laid out—less than 5 percent of the growth package—would kick in right away in 2003, and very little of it in 2004. Most of its impact would be delayed into the future, undermining the long-term structure of our fiscal health, but doing little for the current package.

By the way, those 10 Nobel economists yesterday also talked about temporary, short-term stimulus was needed to create demand in our economy—create demand now so we can pump-prime the economy and help get it going. And then we will see the growth of revenues be the basis of how we reestablish the cashflow to the Federal Government.

By the way, we don't need to have all of these long-term cash cuts unless you are going to do it in a tax reform package. And, by the way, I totally agree with Chairman Greenspan. Double taxation on dividends is a bad idea. It ought to be done from a comprehensive, revenue-neutral position of tax reform. No one would argue there is very little in tax difference. But it ought to be done with a comprehensive set of tax reforms. The American people understand that. They understand companies are paying only about one half of what they report on their income statements to the public when they try to sell their stock as taxable income. They are doing all kinds of things—some legitimate, some not so legitimate—to try to shelter income.

We need to have a reform package that actually works—to raise revenues but also to make sure we don't have inhibition on American business in formation of capital such as taxes on dividends. But it ought to be on a comprehensive, revenue-neutral basis.

I think most people, when they are honest and step back, will see the logic of that. Certainly the American people do.

Second, the President's tax proposals provide, as I said, most of the benefit for those at the very highest incomes. These are the people least likely to spend a tax break. I think a better approach, as I have advocated with Senator LANDRIEU—and as Senator McCAIN talked about a "payroll tax holiday"—would target tax relief to middle-class working Americans who need help.

By the way, I happen to think this "payroll tax holiday" and what Senator LANDRIEU and I talked about is really fundamental to how we can stimulate the economy today. Three out of four Americans pay more in payroll taxes than they do in income taxes. It is also the people who are stretched the hardest in trying to keep their budget together at home. By the way, individuals have to balance their budgets. So it is not exactly like they can walk away from running their debts up. We can do that in the Federal Government, but you cannot do that at the individual level. Otherwise, your creditors will come and see you and say it is time for you to sell your house.

Third, the Bush plan to exempt most dividend income from taxation would have the effect of taking cash off the balance sheets of American corporations. That would mean less money to invest in plants and equipment and less money to hire new workers and retain old ones. In other words, it will depress the economy further as opposed to stimulating it.

If you want to deal with double taxation on dividends, you do it at the corporate level. It might not be as politically attractive, but it would certainly be more rational that you would treat dividends as the equivalent of interest, and it would allow for the basic judgment of corporations as to whether they wanted to invest, pay dividends, hire new workers, or do whatever the economic, advantageous element of managing their business is about. But if you take the cash off the balance sheet, and pay it out in dividends, because you have an incentive to do that, you end up with far less of an incentive to grow the economy. And, in fact, you may very well get an incentive to stifle growth in the economy. I think it is very dangerous.

Finally, whatever stimulative impact—and very few people think it is significant at all—the budget would have in the short-term, it is likely to be offset by those higher long-term rates, as projected future deficits shoot through the roof.

I know the administration likes to claim there is no connection between deficits and interest rates, as I suggested, but the economic evidence is overwhelming that expectations of future deficits—that is, more Government competition for a limited pool of capital—almost inevitably leads to higher interest rates.

It was actually refreshing yesterday at the Senate Banking Committee to hear someone—who I do not necessarily always see eye to eye with, with respect to economic policy—make a clear and unequivocal statement that deficits do matter with respect to interest rates and the performance of the economy, and particularly with respect to the performance of the investment activities of this Nation. This is, again, simple supply and demand. If you have $8 trillion worth of deficits that you would not have had otherwise—or $5 trillion—it is going to compete with the private sector for capital. That, ultimately, is going to have something to do with the shape of our economy in the future, and it is absolutely the most important element of the savings function in the country.

So the administration's tax breaks, in my view, for all of those reasons, are antigrowth as much as they are anything else. Again, I reemphasize that I think it is a political proposal, not an economic one. They have the effect of starving the Government of resources needed to protect the security of working families, while we are basically rewarding those who I think are doing reasonably well.

The last I checked, in the 1990s, people did pretty well economically. There were more millionaires made in the 1990s, while we were creating 22.5 million jobs than I think we are doing so far in the new century. I wonder why it is that we think we need to have all these structural changes when, in fact, if we just get some demand going, taking up some of that overhang of excess production we have in our country, that we could get going.

There are, though, some issues in this budget that go beyond these macroeconomic issues. And they are really important. I do not want to make light of them in and of themselves.

I think budget deficits and whether you have a stimulus program or growth program are all fair questions, but are we going to continue as a nation to participate in helping protect the security of working families, protect the security of Americans everywhere?

I think what is really radical about this budget is that it is beginning the process to undermine whether we are really going to provide that kind of support. Because we have to make choices, we are going to have to make choices whether we are going to run those deficits, driven in at least a significant part by the kinds of tax cuts we have, or whether we are going to retain some of those resources to be able to invest in the security of working families.

I will take a few examples from the President's budget.

First, the budget fails to provide funds that are badly needed to protect our Nation against the threat of terrorism. This is maybe the most important domestic issue. While there is some funding for some homeland security programs, we have really turned our back on a lot of the critical priorities, such as port security and border patrols.

I heard today that actually we will have fewer people at border crossings, based on this budget, than we had prior to 9/11. I just visited the New York/New Jersey Port a weekend ago. The fact is, we are inspecting less than 2 percent—less than 2 percent—and that has not changed. We have been using that same number in debates on the floor of the Senate. It was not changed in our port at all.

The resources are not being made available to check containers, and we are doing nothing to improve the safety and security of the American people—certainly the people in New Jersey and New York—with regard to our ports. We are doing nothing with regard to improving the security surrounding our chemical production facilities in this country. And all this just keeps going on and on, without putting our money where our mouth is with regard to homeland security. We talk about it as our top priority, and we do not put the resources with it.

Time and time again, we have asked to try to increase the budget appropriations in this area and have not been able to do it. I think maybe it is the most important domestic issue. It is certainly on the minds of the people of New Jersey, and I suspect it is for most Americans.

Second, the budget reneges on the President's promise to provide a meaningful prescription drug benefit for our seniors. Instead, the administration, in effect, forces millions of seniors to drop their own doctor and move to a private sector approach in order to secure a prescription drug. It moves away from fee-for-service plans. This amounts to a backdoor attempt, in my view, to privatize Medicare.

We have not seen all the details, so it is a little hard to be as specific as I would like to be, but I have to tell you, if it is anything similar to the headlines we have heard in the State of the Union speech, there are a lot of us who are going to fight this tooth and nail. This is not the promise we have given to the individuals who have been paying payroll taxes for years and years with the expectation there will be a serious Medicare benefit at the end of the day. As you know, if anybody does any analysis, not only are the payroll taxes that go to Social Security being used to finance tax cuts for those who are already doing well, we are now using payroll taxes for Medicare to also do that. And we have gone through all those numbers. It is very hard to understand how we are putting this together.

Many of my constituents say: What is going on with those payroll taxes that we are paying every day? We go to work with the expectation that we are going to get Medicare benefits and Social Security benefits at the end of the day when we retire. It is really wrong, and I hope, as we discuss this budget, that becomes clear and more clear to the American public.

Third, the budget process proposes to gut health care coverage for the most disadvantaged Americans. Under the administration's plan, Governors, in effect, would be—I was going to say bribed—encouraged to leave the current Medicaid system and move to an alternative that probably would end up with poor and disabled Americans losing coverage.

I tell you, I know in New Jersey that we have to cut the number of people who are accessing this, particularly kids in the Children's Health Insurance Program, because we do not have the resources to be able to deal with bringing them into these programs which have long been something that has provided broader health care.

There is big, bipartisan support for a concept around here called Start Healthy, Stay Healthy, which is to bring prenatal care to a lot of our less economically enabled citizens. And it is through the Medicaid system and State programs. We are having to cut all of those kinds of programs because the resources are not available.

I have to ask—anyone has to ask—is that what the administration means by "compassionate conservatism"?

I could go on and on with the misplaced priorities, from my point of view, of the administration's budget: Its underfunding or complete elimination of so many education programs, including afterschool care; its cuts in environmental protection—the riders included in the omnibus bill that is coming over which doesn't have to do with the 2004 budget, is a mind-boggling way to legislate environmental laws—its abandonment of a program to put police officers on the streets, the COPS program—there are law enforcement officials who are enraged about their ability to continue to protect the public; again, it sort of relates to homeland security—its cuts for children's health insurance; its abolition of the HOPE VI homeownership initiative, which is one of the great programmatic efforts to try to get people to buy into their communities, to be a part of the community, a whole host of other housing programs.

I could go on, and I probably will as the days go on, because these issues need to be identified in the mind of the American public. This is a budget that is changing the shape of what the role of the Federal Government is. Maybe that is what people want. Maybe they don't want afterschool programs for kids. Maybe they don't want the COPS programs. Maybe they don't want Leave No Child Behind underfunded. Maybe they do want it underfunded. Maybe they want no increase in affordable housing. Maybe they don't want them, but we ought to tell them what they are getting as opposed to piling it up into a whole host of numbers and covering it up with other things that don't make it clear why we are doing what we are doing.

I also want to talk about the administration's proposal to fundamentally change the tax treatment of investment income, another area where—a little bit of my background—it strikes me as really debilitating to the longrun fiscal posture of this country. I know proposals to allow sheltering of investment income sound attractive to many. I used to promote a few of them myself. I think we all agree about the value of expanding opportunities for all Americans to save, to better prepare for retirement. But when you look at the administration's proposal, it has little to do with promoting retirement security for working families.

In fact, there are a whole series of these. For most Americans, these proposals are much more likely to undermine retirement security, and they will apply to a very narrow segment of American retirees or future retirees. Most Americans are not using all the tax-supported programs we have today. They are only using about 25 percent of them, if memory serves. And these programs will drain resources critical to the Federal budget to protect Social Security and Medicare in the future—again, as we go from 40 million retired seniors to 75 million. They represent a dramatic shift in the tax burden, a redistribution of wealth, to speak bluntly, to the benefit of those who have substantial investment income and to the detriment of people who depend on wages and support themselves and, by the way, pay payroll taxes.

Once again, those people who are paying payroll taxes are funding tax breaks in the income tax system—really hard to understand.

These new tax proposals are not merely radical in their redistribution of the tax burden, they are fiscally irresponsible and reckless in the context of our overall budget situation. There are a few elements of this program that need the light of day. They need the focus of the American people, whether it is homeland security, taking care of our kids' educational system, our health care, but probably most important, the longrun ability to fulfill the promise of Social Security and Medicare. That is what this debate is about. Are we really going to have the resources to do the kinds of things the American people have been promised?

It is not enough to say: We don't want to do this. We have promised the American people they will at the end of the day have their Social Security benefits, guaranteed benefits. We need to make sure we have the fiscal structure that is in place that allows that to happen.

This budget will not allow for that to take place. It needs lots of debate from the American people, lots of debate by the Senate, and a lot of debate in general until we get to a conclusion that is a long way from where we are starting.

There is too much at risk here, too many jobs in the first instance, too much in the longrun investment in our economy, to grow our productivity, too much investment to protect the American people with regard to homeland security and the war on terrorism, too much risk with regard to health care and disparities, the ability to provide a meaningful prescription drug benefit to seniors, too much at risk with regard to Social Security.

I hope we can truly flush out what the choices are being made through the context of this budget.

I appreciate the opportunity to speak. It will be one of many times I would like to come to the Chamber to make sure the American people understand we have a radical reshaping of America's priorities through this budget. Frankly, it is a political statement, not an economic program. Nothing less than the future of our country is at stake. We need a real and serious debate about it.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a number on the other side, in the majority, have lamented the fact that to get this man, Miguel Estrada, approved to be a circuit judge, it is going to take 60 votes. They ask, why can't we just have an up-or-down vote? Both Senators from Utah have talked about that today. Senator BENNETT indicated it would be a tremendous change if we required 60 votes for Mr. Estrada. There are cartoons around the country today in support of our position—cartoons that have indicated nominees are coming through here and no one is asking any questions that are answered, and that there should be some answers forthcoming. But the issue is that in fact Mr. Estrada hasn't answered many important questions. That is one of the big problems.

I found my colleagues' remarks very curious, lamenting the idea that it would take 60 votes to approve Mr. Estrada's nomination. They have lamented this, but I find this interesting because when President Clinton sat in the White House, his nominations were subject to anonymous holds by one or more Senators. Many were not provided hearings. Many were provided no votes. That is, rather than needing at least 41 votes to delay or block consideration of a nominee, Republicans allowed one Senator or a handful to block many of President Clinton's judicial nominees from getting hearings or votes.

Mr. President, I have a list of nominees, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLINTON JUDICIAL NOMINEES NOT CONFIRMED IN CONGRESS FIRST NOMINATED

(31 CIRCUIT/48 DISTRICT—59 OF THESE NEVER ALLOWED VOTES BY REPUBLICAN-CONTROLLED SENATE)

31 CIRCUIT COURT NOMINEES (22 BLOCKED FROM GETTING VOTE OR BEING CONFIRMED)

Merrick Garland, D.C. Circuit. Allen Snyder, D.C. Circuit, never given a vote by Republicans/not confirmed. Elena Kagen, D.C. Circuit, never given a vote by Republicans/not confirmed.

Robert Cindrich, 3rd Circuit, never given a vote by Republicans/not confirmed. Stephen Orlofsky, 3rd Circuit, never given a vote by Republicans/not confirmed. Robert Raymar, 3rd Circuit, never given a vote by Republicans/not confirmed.

James Beatty, 4th Circuit, never given a vote by Republicans/not confirmed. Andre Davis, 4th Circuit, never given a vote by Republicans/not confirmed. Elizabeth Gibson, 4th Circuit, never given a vote by Republicans/not confirmed. Roger Gregory, 4th Circuit, never given a vote by Republicans/not confirmed. J. Rich Leonard, 4th Circuit, never given a vote by Republicans/not confirmed. James Wynn, 4th Circuit, never given a vote by Republicans/not confirmed.

H. Alston Johnson, 5th Circuit, never given a vote by Republicans/not confirmed. Enrique Moreno, 5th Circuit, never given a vote by Republicans/not confirmed. Jorge Rangel, 5th Circuit, never given a vote by Republicans/not confirmed.

Eric Clay, 6th Circuit. Kent Markus, 6th Circuit, never given a vote by Republicans/not confirmed. Kathleen McCree Lewis, 6th Circuit, never given a vote by Republicans/not confirmed. Helene White, 6th Circuit, never given a vote by Republicans/not confirmed.

Bonnie Campbell, 8th Circuit, never given a vote by Republicans/not confirmed.

Marsha Berzon, 9th Circuit. James Duffy, 9th Circuit, never given a vote by Republicans/not confirmed. William Fletcher, 9th Circuit. Barry Goode, 9th Circuit, never given a vote by Republicans/not confirmed. Ronald Gould, 9th Circuit. Margaret McKeown, 9th Circuit. Richard Paez, 9th Circuit.

Christine Arguello, 10th Circuit, never given a vote by Republicans/not confirmed. James Lyons, 10th Circuit, never given a vote by Republicans/not confirmed.

Timothy Dyk, Fed. Circuit. Arthur Gajarsa, Fed. Circuit.

(Helene White waited more than 1,500 days, never to be allowed a hearing or a vote.)

(Richard Paez waited more than 1,500 days to be confirmed.)

48 DISTRICT COURT NOMINEES (37 BLOCKED FROM GETTING VOTE OR BEING CONFIRMED)

Steven Achelpohl, District Court, never given a vote by Republicans/not confirmed. Ann Aiken, District Court. Richard Anderson, District Court, never given a vote by Republicans/not confirmed. Joseph Bataillion, District Court, never given a vote by Republicans/not confirmed. Steven Bell, District Court, never given a vote by Republicans/not confirmed. John Bingler, District Court, never given a vote by Republicans/not confirmed. David Cercone, District Court, never given a vote by Republicans/not confirmed '02. Patricia Coan, District Court, never given a vote by Republicans/not confirmed. Jeffrey Colman, District Court, never given a vote by Republicans/not confirmed. Valerie Couch, District Court, never given a vote by Republicans/not confirmed. Legrome Davis, District Court, never given a vote by Republicans/not confirmed '02.

Rhonda Fields, District Court, never given a vote by Republicans/not confirmed. S. David Fineman, District Court, never given a vote by Republicans/not confirmed. Robert Freedberg, District Court, never given a vote by Republicans/not confirmed. Dolly Gee, District Court, never given a vote by Republicans/not confirmed. Melvin Hall, District Court, never given a vote by Republicans/not confirmed. William Hibbler, District Court. Faith Hochberg, District Court, never given a vote by Republicans/not confirmed. Marian Johnston, District Court, never given a vote by Republicans/not confirmed. Richard Lazzara, District Court, never given a vote by Republicans/not confirmed. J. Rich Leonard, District Court, never given a vote by Republicans/not confirmed. Stephen Lieberman, District Court, never given a vote by Republicans/not confirmed.

Matthew Kennelly, District Court. James Klein, District Court, never given a vote by Republicans/not confirmed. John Lim, District Court, never given a vote by Republicans/not confirmed. Harry Litman, District Court, never given a vote by Republicans/not confirmed. Frank McCarthy, District Court, never given a vote by Republicans/not confirmed. Donald Middlebooks, District Court. Jeffrey Miller, District Court. Margaret Morrow, District Court. Sue Myerscough, District Court, never given a vote by Republicans/not confirmed. Lynette Norton, District Court, never given a vote by Republicans/not confirmed.

Susan Oki Mollway, District Court. Virginia Phillips, District Court, never given a vote by Republicans/not confirmed. Robert Pratt, District Court. Linda Riegle, District Court, never given a vote by Republicans/not confirmed. Anabelle Rodriguez, District Court, never given a vote by Republicans/not confirmed. Michael Schattman, District Court, never given a vote by Republicans/not confirmed. Gary Sebelius, District Court, never given a vote by Republicans/not confirmed. Kenneth Simon, District Court, never given a vote by Republicans/not confirmed. Christina Snyder, District Court. Clarence Sundram, District Court, never given a vote by Republicans/not confirmed.

Hilda Tagle, District Court. Thomas Thrash, District Court. Cheryl Wattley, District Court, never given a vote by Republicans/not confirmed. Wenona Whitfield, District Court, never given a vote by Republicans/not confirmed. Ronnie White, District Court, never confirmed by floor vote. Frederic Woocher, District Court, never given a vote by Republicans/not confirmed.

Mr. REID. They had mysterious holds and were not provided with votes of any kind and were simply not allowed to have their matters brought before the Senate. We would have liked the opportunity to even see if we could have stopped a filibuster, if that was what they wanted, but they simply would not bring them forward.

I will name a few circuit court nominees. Out of 31 submitted who were not confirmed in the first Congress they were nominated, 22 were blocked by the Republicans from ever being confirmed. Allen Snyder, DC Circuit, never given a vote by Republicans, certainly not confirmed; Elena Kagen, DC Circuit, never given a vote by the Republicans; Robert Cindrich, Third Circuit, never given a vote; Steven Orlofsky, Third Circuit, never given a vote; Robert Raymar, Third Circuit, never given a vote; James Beatty, Fourth Circuit, never given a vote by the Republicans; Andre Davis, Fourth Circuit, never given a vote; Elizabeth Gibson, Fourth Circuit, never given a vote by the Republicans; Roger Gregory, Fourth Circuit, never given a vote by the Republicans, but finally, Mr. President, because President Clinton, in a recess appointment, appointed him, as a sitting judge, he was eventually confirmed; J. Richard Leonard, Fourth Circuit, never given a vote by the Republicans; James Wynn, Fourth Circuit, never given a vote by the Republicans; H. Alston Johnson, Fifth Circuit, never given a vote by the Republicans; Enrique Moreno—a Latino nominee—never given a vote by the Republicans; Jorge Rangel, Fifth Circuit, never given a vote—he is also Hispanic—Eric Clay, Sixth Circuit, and nothing happened with him; Kent Markus, Sixth Circuit, never given a vote by the Republicans; Kathleen McCree Lewis, Sixth Circuit never given a vote; Helene White, Sixth Circuit, never given a vote; Bonnie Campbell, Eighth Circuit, never given a vote; James Duffy, never given a vote; Barry Goode, Ninth Circuit, never given a vote; and Christine Arguello and James Lyons, Tenth Circuit, never given a vote.

I just note that Helene White waited more than 1,500 days, never to be allowed a hearing or a vote. Richard Paez waited more than 1,500 days, but there is good news there: He was finally confirmed. I spoke to that good man on a number of occasions during his time in "legal limbo," or wherever he was, never being given a vote. But, finally, he had a hearing and he was confirmed after more than 1,500 days, more than 4 years.

Mr. President, we submitted 48 district court nominees who were blocked in the first Congress they were nominated, and 37 were blocked from ever getting a vote or being confirmed. So for my friends to lament the fact that we are in the light of day, where we have told everybody here we are not going to allow Miguel Estrada to be confirmed unless he submits to proper questioning—I should not say proper questioning, how about proper answers—and unless we are allowed to review the Solicitor's memoranda that have been given to us on other occasions and unless he is forthcoming in answers to questions.

These are not anonymous holds. We are telling the world that we will not allow Miguel Estrada to become a DC Circuit Court judge unless he does that. If he doesn't do that, the majority leader has three options: Pull the nomination, go forward to invoke cloture, or have this on the floor forever, which is something—boy, they are really giving it to us tonight. They are going to make us work late.

That is what the leader said. We are going to work late. I said everything has been said about Miguel Estrada, just not everyone has said it. So we are going to have other people come and say the same things that have been said by approximately 20 Senators, and they will try to say it a little differently, but everything has been said.

If the majority leader wants to take the time of the Senate and go forward on this nomination, not trying to invoke cloture, then that is his prerogative. He runs the floor. But there is other business we need to do. I know the omnibus bill should be here tomorrow. There are other judges we could approve perhaps. We approved three on Monday including Judge James Otero of California. So there is other business that could be done, but if he wants to have us stay late and keep talking about this person—we on this side believe there is a problem, and we feel it is our constitutional prerogative and duty to ask questions and have them answered.

When we have someone who has a track record like this, where there is not much in the way of legal information other than some cases he handled, we should be able to review his legal memoranda he wrote when he was a member of the Solicitor General's Office.

There were 48 district court nominees who did not get through the Senate in the Congress first nominated; 37 were blocked from getting a vote or being confirmed:

Steven Achelpohl, district court, never given a vote by Republicans; Joseph Bataillon, district court, never given a vote by Republicans; Steven Bell, district court, never given a vote by Republicans; John Bingler, district court, never given a vote by Republicans; David Cercone, district court—once in a while there is some good news. David was not given a vote but eventually was confirmed.

Patricia Coan, district court, never given a vote by Republicans; Jeffrey Colman, district court, never given a vote by Republicans; Valerie Couch, district court, never given a vote by Republicans; Legrome Davis, district court, never given a vote by Republicans finally allowed a vote once Democrats became the majority; Rhonda Fields, district court, never given a vote by Republicans; S. David Fineman, district court, never given a vote by Republicans; Robert Freedberg, district court, never given a vote by Republicans; Dolly Gee, district court, never given a vote by Republicans; Melvin Hall, district court, never given a vote by Republicans; Marian Johnston, district court, never given a vote by Republicans; Richard Lazzara, district court, never given a vote by Republicans; J. Rich Leonard, district court, never given a vote by Republicans; Stephen Lieberman, district court, never given a vote by Republicans; James Klein, district court, never given a vote by Republicans; John Lim, district court, never given a vote by Republicans; Harry Litman, district court, never given a vote by Republicans; Frank McCarthy, district court, never given a vote by Republicans; Sue Myerscough, district court, never given a vote by Republicans; Lynette Norton, district court, never given a vote by Republicans; Virginia Phillips, district court, never given a vote by Republicans; Linda Riegle, district court, never given a vote by Republicans. This is very familiar to me because she is a bankruptcy judge from Nevada, still serving on the bankruptcy court. I nominated her. It simply did not move forward. I had a couple judges who did move forward and was very happy about that. Senator HATCH allowed me to move those nominations.

Anabelle Rodriguez, district court, never given a vote by Republicans; Michael Schattman, district court, never given a vote by Republicans; Gary Sebelius, district court, never given a vote by Republicans; Kenneth Simon, district court, never given a vote by Republicans; Clarence Sundram, district court, never given a vote by Republicans; Cheryl Wattley, district court, never given a vote by Republicans; Wenona Whitfield, district court, never given a vote by Republicans; Ronnie White, this is a fine man. He was defeated in a surprise strict party-line vote, but his nomination at least was done in the light of day, and I appreciate that. That is better than all these anonymous holds and nothing never happens.

Frederick Woocher, district court, never given a vote by Republicans.

My friend, and he is my friend, Senator BENNETT from Utah, a neighboring State—I have great admiration for him. He comes from a wonderful family. His father served in the Senate. He was very honorable. His wife is a friend. She is quite a musician. So I have only good thoughts about my friend, Senator BENNETT, but I do say to the distinguished Senator from Utah that he should not come here and talk about what a terrible thing it is for us to require that Mr. Estrada answer these questions and submit the memos. This is something we are doing openly. We are not trying to hide what is happening in any way.

I want to say one thing. I wanted to say it to him before he left the floor this morning, that I have been very honored to serve in the Senate. It is something I never dreamed could happen. I am every day aware of what an honor it is to serve in the Senate, and to serve with other Senators is an honor for me. This is unique.

The two Senators from Vermont are in the Chamber. One just walked in. The senior Senator from Vermont has been in the Senate approximately 30 years, and I have watched a magician—I say that in the most positive sense—perform his duties. I have the honor of serving with a senior member on the Appropriations Committee and the ranking member of the Judiciary Committee. I have so much admiration and respect for the work he does. He has been so fair. When people were saying, Don't do this, the senior Senator from Vermont stepped above the political fray and did what was right on many judges.

I have come to the Chamber many times telling the Senator what a good job he has done, but I have not done it recently. I want the Senator to know the people of Vermont are so well served by his public service. The Senator from Vermont could go anyplace in America and make a fortune, literally, because of his legal skills and his experience in the Senate, but he has taken the more difficult path, and that is serving the Senate because of his love of public service.

The people of Vermont are well served, but so are the people of Nevada. The people of Nevada benefit every day from the service of the Senator from Vermont.

I am very grateful he is here helping us—not helping us, this is his committee. He is leading us on this most important matter to bring about some direction and responsiveness to the process which we are now going forward with.

I see the other Senator from Vermont who is such a fine man. I want him to know how much I respect his service to the country, especially the work he does on the Environment and Public Works Committee. The environment is better because of the junior Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank my dear friend, the senior Senator from Nevada, for his comments. We have served together for a long time, as he said, on the Appropriations Committee. I have been in the Senate with several hundred Senators. I have been fortunate. Like the Senator from Nevada, I never knew I was going to be a Senator. I grew up in Montpelier, the State's capital. It had only 8,500 people. I lived almost diagonally across from the Statehouse.

I remember as a child, probably about 4 years old, riding my tricycle through the halls of the Statehouse delivering newspapers to the Governor, playing on the Statehouse lawn, sliding in the snow. Suddenly one day, at the age of 34, I was being sworn in as a Senator and I think what a thrill it was. I was the junior most member of the Senate, but then I realized the best part of it is the people you get to know and serve with.

Nobody has been more of a help, a mentor, a conscience for me, than the Senator from Nevada. Every morning when I come to work I look at the Capitol and I think this is a nation of 260 to 270 million Americans, so diverse, and there are only 100 of us who get a chance to serve at any given time. Only 100 Americans get a chance to serve and represent the whole country. Out of that 100, only 4 get to be the leaders of their party, the Republican leader and the deputy Republican leader, the Democratic leader, the deputy Democratic leader.

I have served with a number of them, but I would say the Senator from Nevada, Senator HARRY REID, is one of the most extraordinary leaders the Senate has ever had. He has kept the old-fashioned virtue that was drilled into me by the first leader I knew, Senator Mike Mansfield. Senator Mansfield said, whatever you do—and this is far more important than how you vote—always keep your word.

No Senator has a higher reputation for integrity and truth-telling than the Senator from Nevada, and that means a lot to me. I do appreciate the way he has watched the floor and brought dignity and respect to this debate. I admire him for it because, just as with the distinguished Presiding Officer, we all bring different experiences to the Senate. We all have different reasons for being here and we all have different life experiences.

The distinguished Presiding Officer was a war hero. After serving, he began a business. He gained great experience in that field in his home State of Nebraska, and then he came to the Senate.

The distinguished Senator from Nevada, of whom I was speaking, had varied experiences before coming to the Senate. He was a trial lawyer, a boxer, and a state official in Nevada. He even served as a Capitol police officer back in the days when many times they were chosen by the Senators of the congressional delegation from the particular State. All of these experiences of his he has brought to the Senate.

Many times I have asked the distinguished Presiding Officer questions on military matters, not having had the experience of serving in the military. Considering how close he came to ending his life in Vietnam, the country has benefited by the fact he was there. I know as a result of his life being spared, I had the opportunity to gain another close and dear friend in the Senate.

There are a few observations I would like to make before I go into the discussion I had earlier with both of the Senators from Utah about the administration's refusal to allow Senators to examine Mr. Estrada's writings—which, incidentally, is an unfortunate situation because Mr. Estrada told me and other members of the committee on both sides of the aisle he is perfectly willing to share and discuss his writings. He personally had no objection to his writings, his memos, his suggestions in the Department of Justice and elsewhere to be made public. He would have no objection to answering questions based upon what he wrote but, as he said, and he was very honest about this, the administration had told him he could not.

Mr. Estrada said the administration told him he could not, which in itself is too bad because when this matter has come up many times before in history in connection with nominations for lifetime appointments as well as for short-term appointments, past administrations, Democratic and Republican, have allowed memoranda by Department of Justice attorneys to be examined by the Senate Judiciary Committee.

I make this point speaking as one Senator, if Mr. Estrada were forthright and responsive to questions of Senators and if the administration sent these writings up and allowed Mr. Estrada to discuss them and answer questions about them—something Mr. Estrada himself has said he is perfectly willing to do—I may not like the candid and responsive answers, I may disagree with what is in the writings, but at that point I feel the questions have been answered, assuming he is forthcoming and we have the material, so then let us go ahead and vote for him or against him. But when my colleagues are going to vote for somebody on one of the most important courts in the country, at least we should do it knowing what is in the record and having meaningful, not evasive, answers to questions about his judicial philosophy, his views, and his feelings about legal decisions.

Republican Presidents and Democratic Presidents have faced this question before. President Reagan, President Carter, and other Presidents did, and the material was forthcoming and the Senate then went on to make a decision based on what they knew about the nominees. This is the best way to do it.

Before I discuss this precedent in more detail, I would like to note that this morning we had our third hearing in 2 weeks on the Judiciary Committee. This included the 16th nominee to receive a hearing, the fifth nominee to a circuit court in just two weeks. That is interesting because when a Democrat was President, the same Judiciary Committee chairman often took until the summer before having a hearing for these many nominees, especially this many circuit court nominees, many of whom have controversial or divisive records.

I see the distinguished senior Senator from Utah on the floor. When he was chairman under a Democratic President, when the Democrat was making the nominations to the courts, it often took until the summer to have hearings for this many nominees, especially circuit court nominees. We are talking about having hearings for five circuit court nominee hearings by early February.

In 1996, the Republican chairman did not hold hearings for five circuit court nominees all year. Of course, it was a Democrat President. Actually, no circuit court nominees were confirmed that year, and none of the four who were allowed a hearing were confirmed during that entire year.

In 1997, when President Clinton had been in office now on his fifth year, we did not reach this number if circuit court nominees getting a hearing until September. Now the Committee has done it in just 2 weeks. It is interesting because there have been questions of partisanship. Now the Senate Judiciary Committee does in 2 weeks with a Republican President, with the same chairman, what took 9 months—more than 35 weeks—to do with a Democratic President.

I think that sort of demonstrates what the partisanship is. In fact, there is a nomination hearing being held this morning for a seat that has been vacant since 1999. One part of me says good, it is about time we have had a hearing for that vacancy, but President Clinton nominated two people to that vacancy. This was to the Court of Appeals for the Tenth Circuit. One is the Honorable James Lyons who was blocked for partisan political reasons. There was an anonymous hold on the Republican side.

I mention this because also coincidentally we hear a lot about somebody getting the highest rating from the American Bar Association, actually from a screening committee which is now headed by a close friend and supporter of President Bush's. This nominee of President Clinton's had the highest rating possible. He could have easily been confirmed, but anonymous holds, not open holds but anonymous holds, on the Republican side stopped it. He was not even allowed a hearing or a vote in the committee. So the President nominated a second person, Christine Arguello, a Latina nominee. She had bipartisan support. She was supported by both her home State Senators. One would think she would get at least a hearing or a vote in the committee. No. A number of people were nominated after her and were given hearings and votes, but this Hispanic American woman was not. Under Republican control of the Senate, Professor Arguello was not even given a hearing, to say nothing about a vote.

Regarding the document request related to Mr. Estrada's nomination, he has told both Senator HATCH and myself, as well as several Members of the Senate, that he is perfectly willing to show us his writings and respond to them and answer questions about them, but he has been told by the administration that he cannot; the administration, however, would review those writings. They are the only ones who know whether this direct evidence of his views, the interpretation of law, is accurate or misleading—they are the only ones who have access to it and they say, basically: Trust us. In carrying out your constitutional duties of advise and consent: Trust us. Give someone a lifetime appointment of one of the most important posts in the country: Trust us.

Mr. HATCH. Will the Senator yield on that one point? I have some new information.

Mr. LEAHY. I will yield on the basis that I will be allowed to retain the floor, to which I know the Senator from Utah does not object, and I want to continue then. Because of my deep respect and quarter century of friendship with the distinguished Senator from Utah, I yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. And we do have mutual friendship.

I have done some checking on this, and I thought I would bring it do the attention of the Senator. They tell me at the White House that they have never, the Justice Department has never given out these materials requested by the Democrats—not in the Bork case, not in any other case.

Now, in the Bork case they did give materials that pertained to his dismissal of Archibald Cox during Watergate, specific materials, but not a widespread fishing expedition. And there is a reason they do not want to give these documents up—because they are privileged, they are a work product of the Solicitor General's Office, they are crucial to the Solicitor General's Office functioning well.

I bring that to my friend's attention because the arguments that have been brought up have been not persuasive, they are not accurate, and frankly in the other people beside Judge Bork, there is no record at all that the Justice Department ever gave those documents to those people. Somebody may have leaked them, but the Justice Department did not give them.

I thank the Senator. I just wanted to tell the Senator that I think this is a red herring.

Mr. LEAHY. Retaining my right to the floor, I ask the Senator from Utah to hear my speech because it may be that whoever he talked to at the White House may be new or may not be aware of this.

Here are some of the memos past White Houses have provided us. They are still in the files here. They are pretty extensive. Included in this large volume are some of the same memos written by attorneys to then-Solicitor General Bork, as well as memos related to the nominations of Justice William Rehnquist to be Chief Justice, of Bradford Reynolds, the Reagan Associate Attorney General for Civil Rights to be Associate Attorney General and other nominees to short-term or lifetime appointments.

I really do want to finish my speech, and I think that then the Senator from Utah will understand what is going on—with Mr. REYNOLDS, Mr. Benjamin Civiletti, in his nomination to become Attorney General, and other past nominees. I will not put them in the RECORD now, but if my friend from Utah will bear with me, he will see what happens on this, and I will lay out the case where this has been done over and over again in the past.

This is a case where the administration asks for the Senate to advise and consent to a lifetime appointment, something that will go on well after most of us have left the Senate, but the administration does not want to provide information and memoranda relevant to this nomination. The administration has done this in both judicial and executive nominations. Even this very administration has done so in another nomination for a short-term position, but it has refused to do so in the case of Mr. Estrada.

I wonder—and of course if the Senator wishes me to yield, I will—I wonder if he would give me the courtesy of hearing some of these points.

Mr. HATCH. If I could ask one question, and of course I will listen to the Senator.

It is my understanding that the Democrats have asked for memoranda of appeals, certiorari petitions, and amicus curiae. Does the Senator have any indication that any documents pertaining to recommendations of appeals, certiorari, or amicus curiae have ever been given by the Justice Department?

Mr. LEAHY. I do have evidence of exactly that. If the Senator would let me finish my speech, he would understand that.

The current White House has disclosed to the Senate legal memorandum writing by an attorney of President George H.W. Bush's White House Counsel's Office in connection with the nomination of Jeffrey Holmstead to be Assistant Administrator of the Environmental Protection Agency, and, interestingly enough, this was a position of far less duration and importance than a lifetime judicial appointment.

In Mr. Estrada's case, the White House will not provide any of the information sought. That bothers me. I wonder what is in there. They seem to be saying: We have looked at it; trust us, it is OK. Well, I remember the made-up Russian proverb that President Reagan speech writers came up with: Trust, but verify. Even though there was no such proverb, I thought it was a great saying, so I will use the same one.

The administration's claim that such a request is unprecedented, as the distinguished Senator from Utah suggested, is actually wrong within the administration's own knowledge, even their own history. It is also wrong with respect to prior administrations and the confirmation history of the Judiciary Committee.

What is happening is the White House seems willing to rewrite history for this case. I suspect if that is to be allowed, then the next difficult confirmation that comes up, the history will be rewritten again and the Senate will be stonewalled again.

The facts, I say to my friend from Utah, are these. The Senate has requested, and past Justice Departments have provided, similar memoranda such as memoranda related to appeals, certiorari petitions, and amicus curiae—the decision to join a case as a friend of the court—written by attorneys of the Department of Justice. They have done this in connection with the nominations of Robert Bork to become Associate Justice of the Supreme Court; William Bradford Reynolds, Assistant Attorney General for the Civil Rights Division, to become Associate Attorney General; Benjamin Civiletti, nominated by President Carter to become Attorney General; Stephen Trott, nominated to become a judge in the Ninth Circuit; and then- Justice William Rehnquist, who was nominated by President Reagan to become Chief Justice—among others.

I did not get a chance to go to the gym this morning, but I guess I can almost get as much exercise in picking up and holding some examples of the memoranda that have been provided by both Republican and Democratic administrations in the past, the exact same type of memoranda to the Solicitor General, as well as other similar legal memoranda, that we now ask for on Mr. Estrada. So the real red herring is to assert that there is no precedent and to claim that no such documents have never been shared with the Senate Judiciary Committee in past nominations, and to say therefore that the Senate cannot examine such documents and that they will not accommodate the committee's request. Mr. Estrada has stated, and I admire his candor in doing this, that he is proud of his memoranda and has no personal objection to us seeing his memoranda and he has no objection to answering questions based on what he wrote. The administration, however, says: We object. That objection is based on a complete rewriting of the history of such requests and past cooperation and accommodation. They have refused to allow Mr. Estrada to answer many questions and they have refused to allow the Senate to look at his memoranda.

The Committee's request, however, is well within the practice of the Senate in prior administrations.

What does seem to be said by the administration is we cannot ask for this because we have not asked it in relation to every judicial nominee who has ever worked at the Department. Many who worked there and who were nominated did have lengthy careers or academic writings or had no controversy about being unable to set aside deeply held beliefs, unlike the stealth candidate before us. The administration also ignored the fact that when the Senate Judiciary Committee has requested memoranda written by nominees for term and lifetime appointments who worked at the Justice Department, past Justice Departments have accommodated past Congresses upon the request.

We get a lot of paperwork on nominees. Sometimes we ask for more and sometimes we ask for less, depending on the record before us. But when we have asked for it, everybody, except this administration, has allowed it and not stonewalled us. In fact, I have been here for 29 years and I do not know of a time when the Justice Department has taken such an uncooperative approach to a request for information relating to a nomination.

History shows the Senate does not always seek information it has the power to seek. We could ask for a whole lot of things that would be relevant to entrusting a person with a lifetime appointment as a judge. Often we do not ask. Sometimes there does not seem to be a need for it because there is enough other information on the record.

But when the requests have been made, they have been honored by prior administrations that have followed a policy of accommodation in response to a request from a co-equal branch of the Government for relevant information related to constitutional responsibilities, especially related to nominations.

This administration has not taken this position. Instead, they seem to be saying: We know what is there, just trust us. Rubberstamp what we send up to you. Don't ask any questions. Be quiet little boys and girls, just approve our lifetime judges and leave us alone.

The irony with all this is that they don't want to show us this material so we could make an objective analysis and not look to second hand evaluations, but they are perfectly willing to go to some of these files and take out selective pieces and give them to the supporters of the nominee and give them to the press or leak them to the press. They want to have it both ways. They are more than happy to use anything from a confidential Government file they think will help them, but they don't want to disclose the entire record because they don't want to have it in context because then the truth may hurt.

If this is how the administration and Department of Justice approach our shared constitutional responsibility for the appointment to high office, how are we to have confidence in them in their other representations about so many things critical to how our Government functions and how they exercise the enormous power entrusted to them as a function of the public office they occupy? How are we to accept it when they say, We don't want to talk about this but trust us? Yet when we ask questions about things we legitimately believe could be looked at—nothing classified, nothing confidential—they say they still don't want to show us that.

We talked about the performance evaluation. The administration and Republican supporters of Mr. Estrada have sought to exploit his performance evaluation.

Let's go to the whole story on that. They keep saying Professor Bender gave the highest evaluation to Mr. Estrada when he was at the Department of Justice. They claim that is all you need to know. They say we can't give you anything else in the file, but we will show you this one thing.

Well, this is not quite the whole story. There is a letter received from Professor Bender this week. It was sent to Senator HATCH and the members of the committee. I assumed, since Senator HATCH had been putting so much in the RECORD, he would probably put this in. He somehow didn't.

This is what Professor Bender's letter says in part. I would like to have the entire letter printed. He says:

> It has come to my attention that, in responding to statements I made to the press several months ago regarding the Estrada nomination, you [Senator HATCH] have said, both to the Judiciary Committee and to the full Senate, (1) that I have since changed my opinion about the nomination, and (2) that performance evaluations of Mr. Estrada's work that I signed in 1995 and 1996, when I was Principal Deputy Solicitor General, are inconsistent with the views about the nomination that I gave to the press. I am writing this to correct those statements of yours.
>
> No. 1. I have not changed my opinion of the nomination—

That is, the adverse opinion he had, in which he opposed the nomination of Mr. Estrada.

He said:

> I have not changed my opinion of the nomination, nor have I ever said to anyone that I had changed my opinion. . . . I have not changed that opinion in any respect.

This is dated February 10, 2003. He can't be any more specific than that. He was opposed to his nomination before. He is opposed to his nomination since.

Then he says, speaking of the performance evaluations of Mr. Estrada, these:

> . . . are not inconsistent with my published statements [of opposition to him.] To the best of my recollection, it was the policy of the Solicitor General's Office at the time to give every Assistant to the Solicitor General exactly the same performance evaluation.

These things could have been printed up a month before.

> The language in the Performance Achievements portions of Mr. Estrada's evaluations was not written by me, nor did I fill out the Employee Appraisal Record form.

Then he goes on to say:

> I believe that the Solicitor General's Office had the policy of giving each of the Assistants exactly the same Excellent rating each year.

And he stated why? Of course. It paid them the highest salaries permitted by the Government. Everybody they hired had those highest salaries. To keep the highest salaries, they had to have the excellent rating.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> ARIZONA STATE UNIVERSITY,
> *Tempe, AZ, February 10, 2003.*
>
> Renomination of Miguel A. Estrada to the United States Court of Appeals for the District of Columbia Circuit.
>
> Hon. ORRIN HATCH,
> *U.S. Senate,*
> *Hart Senate Office Building,*
> *Washington, DC.*
>
> DEAR SENATOR HATCH: It has come to my attention that, in responding to statements I made to the press several months ago regarding the Estrada nomination, you have said, both to the Judiciary Committee and to the full Senate, (1) that I have since changed my opinion about the nomination, and (2) that performance evaluations of Mr. Estrada's work that I signed in 1995 and 1996, when I was Principal Deputy Solicitor General, are inconsistent with the views about the nomination that I gave to the press. I am writing this to correct those statements of yours.
>
> 1. I have not changed my opinion of the nomination, nor have I ever said to anyone that I had changed my opinion. Someone must have inadvertently given you incorrect information about this. When asked by reporters what I thought of the nomination when it was first made (I assume I was asked because I have been one of Mr. Estrada's supervisors in the Solicitor General's Office), I stated my honest opinion, to the best of my ability. I have not changed that opinion in any respect.
>
> I have declined to keep stating the same views to the press, over and over again, because I am not engaged in, and do not wish to seem to be engaged in, any kind of campaign or crusade against Mr. Estrada. I did not volunteer my negative comments to anyone, either in the press, the government, or elsewhere. I was asked my opinion and I gave it. Having done so, I did not see any reason to keep repeating it to reporters who called. My opinion has not changed.

2. The "Excellent" performance evaluations of Mr. Estrada that I signed in 1995 and 1996 are not inconsistent with my published statements about the nomination. To the best of my recollection, it was the policy of the Solicitor General's Office at the time to give every Assistant to the Solicitor General exactly the same performance evaluation. The language in the Performance Achievements portions of Mr. Estrada's evaluations was not written by me, nor did I fill out the Employee Appraisal Record form. You will notice, in examining the Performance Appraisal Record form, that the language in the Performance Achievements portion was taken, word for word, from the printed Performance Standards that precede each part of the evaluation form. As far as I can remember, an administrator in the Solicitor General's Office prepared identical "Excellent" evaluations for each Assistant each year, taking the language directly from the printed performance standards. I do not think this practice is an unusual one in the government.

When these filled-out-forms came across my desk, I believe that I asked the Solicitor General what to do with them, and that he asked me to sign them, as written, as the Rating Official. I did as he requested. He then signed them as the Reviewing Official. No actual individual written evaluation was done by me—or, so far as I know, by anyone else—in connection with these evaluations for any Assistant to the Solicitor General. They were boilerplate.

I believe that the Solicitor General's Office had the policy of giving each of the Assistants exactly the same Excellent rating each year because it hired only the most highly qualified lawyers and it paid them the highest salaries permitted by the government. "Excellent" ratings were necessary to justify these salaries. I signed the already filled-out Performance Evaluation forms, as they were give to me, as part of that policy.

Since my views seem to be relevant to the Senate's consideration of the nomination, I would appreciate it if you would share this information with your colleagues who are considering the nomination. I thank you in advance for this consideration.

Sincerely,

PAUL BENDER,
Professor of Law.

Mr. LEAHY. Mr. President, I am doing that because Professor Bender asked that this be made known to the Senate, especially as he has been quoted as having changed his mind. He still opposes Mr. Estrada. I will quote him again. He says:

> I have not changed my opinion of the nomination, nor have I ever said to anyone that I had changed my opinion.

He makes it very clear that he feels he has been misquoted on the Senate floor. He may feel it was done inadvertently. He said, "Someone must have inadvertently given you incorrect information about this," making it very clear that he was misquoted.

I know what he means. It is easy to get misquoted around here. Earlier this week a Republican Senator misquoted me in the Senate Chamber. The Senator who purported to quote my words certainly could not have known that he was quoting me incorrectly. I can't believe—I would be shocked to think somebody would come here and quote me out of context or incorrectly to make a partisan point. I would be as shocked as Claude Raines was in "Casablanca."

So people understand, the statement I did make on June 18, 1998, was to protest the anonymous Republican hold in the consideration of the judicial nomination of Judge Sonia Sotomayor. The nomination of Judge Sonia Sotomayor was held up, as I have stated before, for months and months and months by anonymous holds. She had been nominated by President Clinton to the Second Circuit Court of Appeals. I believe she was the very first Hispanic woman to go to that court of appeals. Everybody assumed her to be a slam dunk. She had been originally appointed by President George H.W. Bush to the district court. But Republicans allowed anonymous holds and nobody on the Republican side would say who was holding her up, but they held her up.

I am saying I would never do this to a judge. What I said was I would refuse to put an anonymous hold on any judge. I never have put an anonymous hold on a judge. If I wanted to delay for whatever reason a nomination, I state it on the floor as I am doing now, in the light of day, not the cloak of secrecy.

The portion of my speech about anonymous holds—like some speeches I made in the years 1996, 1997, 1998, 1999, and 2000—were not heard on the other side of the aisle. That is probably why they now misquote it. I am sure it is an inadvertent misquote. I think it is because they didn't hear it. They certainly didn't hear it at the time because they continue to use the "anonymous holds." It is a practice I put an end to when I was chairman of the Judiciary Committee. But when Republicans controlled the Senate in years past they held up scores of judicial nominees of President Clinton, and never allowed them to come to a vote by "anonymous holds" of a single Republican Senator or more than one.

I am not surprised that they misquote me on the floor, because they didn't hear my speech at that time. In this case, people should understand what was happening.

Judge Sonia Sotomayor's nomination was delayed by anonymous Republican holds and was on the Senate calendar for months and months. She was favorably reported by the Judiciary Committee in early March of 1998. But then her nomination was stalled without explanation or accountability on the calendar without Senate action. Even after I made my speech criticizing anonymous holds and stating that I would never put on such an anonymous hold, her nomination continued to be delayed for several more months to the very end of the session of Congress. It was actually delayed, I think, for 7 months. When it finally came up, 29 Republican Senators voted against confirmation of Judge Sonia Sotomayor for the Second Circuit.

I went back and checked the CONGRESSIONAL RECORD. They are not required to, of course, but you would think after voting against a judge, or having anonymous holds on a judge for a long period, there would be at least one or two words in the CONGRESSIONAL RECORD explaining why this was done. They don't have any requirement to do that, but I think it would have been nice. If they carry out an anonymous hold like that for all of those months, you might say, Why?

I mention this because there seems to be a lot being overlooked. When that same Republican Senator quoted part of a colloquy between me and the then-majority leader, TRENT LOTT, I suspect that he did not really recall the discussion, or he would not have had it so wrong here on the floor.

I will read again what Senator LOTT, the Republican leader, said at that time:

> [T]here are not a lot of people saying: Give us more Federal judges. They just are not. For us to be pontificating about this and gnashing, how unfair, this appointment of more Federal judges, It is just not there. . . . Some people might argue that we have plenty of Federal judges to do the job. I hope they will do that. I am saying to you, I am trying . . . but getting more Federal judges is not what I came here to do.

The distinguished Presiding Officer was not in the Senate at that time. But he may recall Justice Ronnie White came from his State.

The nomination of Ted Stewart to the District Court in Utah was also very controversial. A lot of the so-called "liberal groups" the distinguished chairman is fond of excoriating around here opposed Mr. Stewart. A lot of the same groups the distinguished senior Senator from Utah implies control things around here opposed Mr. Stewart.

I voted for Mr. Stewart. I was one of those Democrats who should not be lumped together. In fact, a whole lot of Democratic Senators voted for Mr. Stewart, even though he was strongly opposed by groups that are normally aligned with Democratic interests, especially those who support a clean environment in this country.

Then there was, of course, the nomination of Justice Ronnie White. He also was supported by every Democratic Senator. And every single Republican, including those who had voted for Ronnie White in committee, came down on the floor and voted against him.

I do not recall anything like that ever happening on the Senate floor.

His nomination was rejected by a party-line vote of Republics—it was quite unusual to vote down a district court nominee, especially one who had been voted out by the Judiciary Committee. Some of the same Republicans who voted for him before the committee voted against him on this floor.

This superb African American jurist was humiliated and defeated.

It took several more months of hard work to obtain votes on the nomination of Judge Paez and Marsha Berzon.

Again, these anonymous Republican holds held them up until March of the following year 2000.

Again, as I said, I will always oppose such anonymous holds.

Even then, after obtaining a vote of Judge Paez's nomination to the circuit court involving overcoming several procedural hurdles and several votes before we were finally able, after more than 4 years of trying—4 years it sat here—this distinguished Hispanic jurist finally got a vote. Then 39 Republicans voted against the nomination, including a number of Republican Senators who were involved in yesterday's debate saying it would be a terrible and unique precedent if we don't immediately vote for a Hispanic who is nominated to the court of appeals, in this case, Mr. Estrada.

They were perfectly willing to block floor votes for years before. I am not sure what the difference is. They both have supporters.

I do recall the difference now. One was appointed by a Democratic President and one by a Republican President. Like I said, that seems to be all the difference in the world.

In the debate, my Republican colleagues speak of the weight of the letter from the former Solicitors General and Acting Solicitor General. They say this is definitive and assert that the Senate has no right to ask these questions.

Immediately, the independent 100 Members of the Senate say, My gosh. These guys who held these important staff positions at the Department of Justice are telling us we can't ask questions; that we should immediately run for cover, and say, of course, we will not ask questions.

I don't quite read the Constitution that way.

In fact, I frankly didn't get elected to the Senate and take my oath of office and decide at that point I will vote or take actions based upon what somebody who worked for the Attorney General tells me to do or not do as a Senator. I don't care which attorney general it might have been, Republican or Democrat. It is not in the cards.

But I was concerned. I know of these former Solicitors General from both Republican and Democratic administrations. For many of them, I was impressed with their legal abilities. So I am struck with their letter's ignorance of the precedents. I do not know who wrote the letter, but one of the people who signed it was Robert Bork. But I doubt he wrote it because his own nomination provides some of the strongest precedent for the requests we are making.

I do not fault them for seeking to maximize the secrecy of executive branch memoranda and deliberations, although I am surprised they are willing to do that at a time when we have the most secretive administration I have ever known out of the six administrations—I came here right after the Nixon administration, so I cannot speak for the Nixon administration. But this administration is certainly far more secretive than the other ones I have served with before: the Ford, the Carter, the Reagan, the first Bush, and the Clinton administrations.

This letter states a policy preference and has been misinterpreted by some as a statement of law, or privileged, which it is not. I want to emphasize that. They state what they think the policy should be. They do not state what the law should be. Therein lies an enormous difference. They are not writing this based on their legal knowledge, saying this is the law. They are saying: This is what we think the policy should be.

Well, I have always felt, on these kinds of issues, Senators should make that policy. Especially we should make the policy of what we are going to ask for in confirmation hearings. That was done at the time of our nation's first leader, President George Washington in cooperation with the Senate. I would note that in 1795, four years after the Constitution was adopted, the Senate defeated one of the judicial nominations of President Washington, that of John Rutledge and that vote was based on differences between many of the Senators and Justice Rutledge regarding ideas and policies. The Senate's consideration of judicial nominees and their views and approach to the law has been done by every Senate since.

It is especially difficult to understand, hearing the sudden urge on the other side of the aisle that: Oh, my gosh, we have to keep everything in the executive branch confidential. Well, Congress passed the Presidential Records Act to require the opposite, that memoranda and writings of advisors to the President be made public.

Additionally, I would not that some of the same Senators made demand after demand for internal documents of the Clinton administration over the last several years. They were asking for things that had never been asked for before, such as information related to on-going investigations. In fact, I think the Republican-led Senate spent tens of millions of dollars—tens of millions of dollars—of the taxpayers' money asking for document after document, many of which were probably were never read. I would be willing to bet some are still sitting in the envelopes they were transmitted in. And it was done almost every day: Let's think of something else to ask for. And it was sent. And the taxpayers were paying for it.

Now, if you have something that is relevant to the core functions of the Senate, especially the confirmation function, then it is appropriate to ask for it. This is especially so for the only positions in our whole system of government that are for life—these judgeships are lifetime appointments. The Senate cannot amend these decisions, like a law, if we make a mistake.

The administration's assertion that the documents produced to the committee during the Bork nomination did not reveal internal deliberations is way off the mark—way off the mark. When they say this did not reveal internal deliberations, that is way off the mark. It is quite clear the Department provided the Senate with memoranda written to Mr. Bork by lower level attorneys, those who were in the exact same capacity as Mr. Estrada, making recommendations about appeals in a variety of cases.

For example, the Justice Department provided the Senate Judiciary Committee with memoranda related to the Justice Department's legal analysis of school integration cases, such as memoranda from Frank Easterbrook when he was an Assistant Solicitor General and Bork was Solicitor General. The Easterbrook legal memo and similar memos were shown as examples at Mr. Estrada's recent hearing as part of the large volume of legal memoranda provided by the Reagan Justice Department and examined by Senators and key staff.

Senator DODD, in an excellent speech, referred to some of these materials last night in debate. Not all of the information disclosed was previously placed in the Estrada hearing record, so I ask unanimous consent, Mr. President, to have printed in the RECORD a sample of the correspondence between Senator BIDEN, who was the then-chairman of the Judiciary Committee, and the Justice Department, which demonstrates the substantial cooperation and the types of disclosures the Justice Department made to accommodate the Senate in past administrations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS
Washington, DC, May 10, 1998.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BIDEN: This letter requests that the Committee return to the Justice Department all copies of documents produced by the Department in response to Committee requests for records relating to the nomination of Robert Bork to the Supreme Court. As Assistant Attorney General John Bolton noted in an August 24, 1987, letter to you, many of the documents provided the Committee, "reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch." We provided these privileged documents to the Committee in order to respond fully to the Committee's request and to expedite the confirmation process.

Although the Committee's need for these documents has ceased, their privileged nature remains. As we emphasized in our August 24, 1987, letter, production of these documents to the Committee did not constitute a general waiver of claims of privilege. We therefore request that the Committee return all copies of all documents provided by the Department to the Committee, except documents that are clearly a matter of public record (e.g., briefs and judicial opinions) or that were specifically made a part of the record of the hearings.

Please contact me if you have any questions. Thank you for your cooperation.

Sincerely,

Thomas M. Boyd,
Acting Assistant Attorney General.

U.S. Department of Justice, Office of Legislative and Intergovernmental Affairs,
Washington, DC, September 2, 1987.

Hon. Joseph R. Biden, Jr.,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: Attached is one set of copies of documents assembled by the Department in response to your August 10, 1987 request for documents relating to the nomination of Robert Bork to the Supreme Court of the United States, and provided in response to requests made to date by Committee staff. These documents are being provided under the conditions stated in my August 24, 1987 letter to you.

Sincerely,

John R. Bolton,
Assistant Attorney General.

Attachments.

U.S. Senate,
Committee on the Judiciary,
Washington, DC, August 10, 1987.

Hon. Edwin Meese III,
Attorney General, Department of Justice,
Washington, DC.

Dear General Meese: As part of its preparation for the hearings on the nomination of Judge Robert Bork to the Supreme Court, the Judiciary Committee needs to review certain material in the possession of the Justice Department and the Executive Office of the President.

Attached you will find a list of the documents that the Committee is requesting. Please provide the requested documents by August 24, 1987. If you have any questions about this request, please contact the Committee staff director, Diana Huffman, at 224-0747.

Thank you for your cooperation.

Sincerely,

Joseph R. Biden, Jr.,
Chairman.

Request for Documents Regarding the Nomination of Robert H. Bork to Be Associate Justice of the United States Supreme Court

Please provide to the Committee in accordance with the attached guidelines the following documents in the possession, custody or control of the United States Department of Justice, the Executive Office of the President, or any agency, component or document depository of either (including but not limited to the Federal Bureau of Investigation):

1. All documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the so-called Watergate affair.

2. Without limiting the foregoing, all documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to any of the following:

a. any communications between Robert H. Bork and any person or entity relating in whole or in part to the Office of Watergate Special Prosecution Force or its predecessors- or successors-in-interest;

b. the dismissal of Archibald Cox as Special Prosecutor;

c. the abolition of the Office of Watergate Special Prosecution Force on or about October 23, 1973;

d. any efforts to define, narrow, limit or otherwise curtail the jurisdiction of the Office of Watergate Special Prosecution Force, or the investigative or prosecutorial activities thereof;

e. the decision to reestablish the Office of Watergate Special Prosecution Force in November 1973;

f. the designation of Mr. Leon Jaworski as Watergate Special Prosecutor;

g. the enforcement of the subpoena at issue in *Nixon* v. *Sirica*;

h. any communications on October 20, 1973 between Robert H. Bork and then-President Nixon, Alexander Haig, Leonard Garment, Fred Buzhardt, Elliot Richardson, or William Ruckelshaus;

l. any communications between Robert H. Bork and then-President Nixon, Alexander Haig and/or any other federal official or employee on the subject of Mr. Bork and a position or potential position as counsel to President Nixon with respect to the so-called Watergate matter;

m. any action, involvement or participation by Robert H. Bork with respect to any issue in the case of *Nader* v. *Bork*, 366 F. Supp. 104 (D.D.C. 1975), or the appeal thereof;

n. any communication between Robert H. Bork and then-President Nixon or any other federal official or employee, or between Mr. Bork and Professor Charles Black, concerning Executive Privilege, including but not limited to Professor Black's views on the President's "right" to confidentiality as expressed by Professor Black in a letter or article which appeared in the *New York Times* in 1973 (see Mr. Bork's testimony in the 1973 Senate Judiciary Committee hearings on the Special Prosecutor);

o. the stationing of FBI agents at the Office of Watergate, Special Prosecution Force on or about October 20, 1973, including but not limited to documents constituting, describing, referring or relating to any communication between Robert H. Bork, Alexander Haig, or any official or employee of the Office of the President or the Office of the Attorney General, on the one hand, and any official or employee of the FBI, on the other; and

p. the establishment of the Office of Watergate Special Prosecution Force, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any assurances, representations, commitments or communications by any member of the Executive Branch or any agency thereof to any member of Congress regarding the independence or operation of the Office of Watergate Special Prosecution Force, or the circumstances under which the Special Prosecutor could be discharged.

3. The following documents together with any other documents referring or relating to them:

a. the memorandum to the Attorney General from then-Solicitor General Bork, dated August 21, 1973, and its attached "redraft of the memorandum intended as a basis for discussion with Archie Cox" concerning "The Special Prosecutor's authority" (typeset copies of which are printed at pages 287–288 of the Senate Judiciary Committee's 1973 "Special Prosecutor" hearings);

b. the letter addressed to Acting Attorney General Bork from then-President Nixon, dated October 20, 1973., directing him to discharge Archibald Cox;

c. the letter addressed to Archibald Cox from then-Acting Attorney General Bork, dated October 20, 1973, discharging Mr. Cox from his position as Special Prosecutor;

d. Order No. 546–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled "Abolishment of Office of Watergate Special Prosecutor Force";

e. Order No. 547–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled "Additional Assignments of Functions and Designation of Officials to Perform the Duties of Certain Offices in Case of Vacancy, or Absence therein or in Case of Inability or Disqualification to Act";

f. Order No. 551–73, dated November 2, 1973, signed by then-Acting Attorney General Bork, entitled "Establishing the Office of Watergate Special Prosecution Force";

g. the Appendix to Item 2.f., entitle "Duties and Responsibilities of Special Prosecutor";

h. Order No. 552–73, dated November 5, 1973, signed by then-Acting Attorney General Bork, designating "Special Prosecutor Leon Jaworski the Director of the Office of Watergate Special Prosecution Force";

i. Order No. 554–73, dated November 19, 1973, signed by then-Acting Attorney General Bork, entitled "Amending the Regulations Establishing the Office of Watergate Special Prosecution Force"; and

j. the letter to Leon Jaworski, Special Prosecutor, from then-Acting Attorney General Bork, dated November 21, 1973, concerning Item 2.i.

4. All documents constituting, describing, referring or relating in whole or in part to any meetings, discussions and telephone conversations between Robert H. Bork and then-President Nixon, Alexander Haig or any other federal official or employee on the subject of Mr. Bork's being considered or nominated for appointment to the Supreme Court.

5. All documents generated from 1973 through 1977 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the constitutionality, appropriateness or use by the President of the United States of the "Pocket Veto" power set forth in Art. I, section 7, paragraph 2 of the United States Constitution, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any of the following:

a. The decision not to petition for certiorari from the decision of the United States Court of Appeals for the District of Columbia Circuit in *Kennedy* v. *Sampson*, 511 F.2d 430 (1947);

b. the entry of the judgment in *Kennedy* v. *Jones*, 412 F. Supp. 353 (D.D.C. 1976); and

c. the policy regarding pocket vetoes publicly adopted by President Gerald R. Ford in April 1976.

6. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and the incidents at issue in *United States* v. *Gray, Felt & Miller*, No. Cr. 78-00179 (D.D.C. 1978), including but not limited to all documents constituting, describing, referring or relating in whole or in part to

any of the exhibits filed by counsel for Edward S. Miller in support of his contention that Mr. Bork was aware in 1973 of the incidents at issue.

7. All documents constituting, describing or referring to any speeches, talks, or informal or impromptu remarks given by Robert H. Bork on matters relating to constitutional law or public policy.

8. All documents constituting, describing, referring or relating in whole or in part either (i) to all criteria or standards used by President Reagan in selecting nominees to the Supreme Court, or (ii) to the application of those criteria to the nomination of Robert H. Bork to be Associate Justice of the Supreme Court.

9. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and any study or consideration during the period 1969–1977 by the Executive Branch of the United States Government or any agency or component thereof of school desegregation remedies. (In addition to responsive documents from the entities identified in the beginning of this request, please provide any responsive documents in the possession, custody or control of the U.S. Department of Education or its predecessor agency, or any agency, component or document depository thereof.)

10. All documents constituting, describing, referring or relating in whole or in part to the participation of Solicitor General Robert H. Bork in the formulation of the position of the United States with respect to the following cases:

a. *Evans* v. *Wilmington School Board*, 423 U.S. 963 (1975), and 429 U.S. 973 (1976);

b. *McDonough* v. *Morgan*, 426 U.S. 935 (1976);

c. *Hills* v. *Gautreaux*, 425 U.S. 284 (1976);

d. *Pasadena City Board of Education* v. *Spangler*, 427 U.S. 424 (1976);

e. *Roemer* v. *Maryland Board of Public Education*, 426 U.S. 736 (1976);

f. *Hill* v. *Stone*, 421 U.S. 289 (1975); and

g. *DeFunis* v. *Odegaard*, 416 U.S. 312 (1975).

GUIDELINES

1. This request is continuing in character and if additional responsive documents come to your attention following the date of production, please provide such documents to the Committee promptly.

2. As used herein, "document" means the original (or an additional copy when an original is not available) and each distribution copy of writings or other graphic material, whether inscribed by hand or by mechanical, electronic, photographic or other means, including without limitation correspondence, memoranda, publications, articles, transcripts, diaries, telephone logs, message sheets, records, voice recordings, tapes, film, dictabelts and other data compilations from which information can be obtained. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.

3. In the event that any requested document has been destroyed or discarded or otherwise disposed of, please identify the document as completely as possible, including without limitation the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.

4. If a claim is made that any requested document will not be produced by reason of a privilege of any kind, describe each such document by date, author(s), addressee(s), recipient(s), title, and subject matter, and set forth the nature of the claimed privilege with respect to each document.

(Mr. TALENT assumed the Chair.)

Mr. LEAHY. I put that material in the RECORD because it stands in stark contrast to the total lack of cooperation by the current occupants of the Justice Department.

The administration, quite inappropriately, I believe, refuses the request of a coequal branch of Government. To quote a friend of mine, one who went to the same law school I did, at about the same time: We are not potted plants up here. The Senate has demonstrated its role in the confirmation of judges from the beginning of this country's history. After all, the Senate rejected some of President George Washington's and President Madison's judicial nominees. But let's go ahead with what has happened here. It makes me wonder if there is some kind of huge disconnect at the administration, or whether they are getting all their information based on some of the things that were wrongly stated on the Senate floor.

What happened first is, the administration claimed: We cannot send up this material, these memos of Mr. Estrada because we never provided internal legal memos in the past. Then, of course, we gave them evidence: Well, yes, previous administrations had. Then the administration says: Whoops, well, those were different. They are distinguishable. So then we show them evidence: No, it is exactly the same kind of memoranda. And they say: Prove that you received memos that contained confidential information written by attorneys. And they say, we are still not going to accommodate you. We are still not going to come forth. They, in essence, are saying we are still going to stonewall you and we will continue to deny that any precedent exists.

I am reminded of the famous story of President Lincoln's cross-examination in a case when he was a young lawyer. As the story goes, Lincoln was cross-examining a witness about how a man, who was far away from the scene of a fight, could have seen what happened. And it went something like this.

Lincoln said: Isn't it true that you were across the road from where the incident took place?

The answer was: Yes.

Then Lincoln said: Isn't it true that you are near-sighted?

The witness answered: Yes.

And then Lincoln said: Isn't it true that your view of the fight was blocked by trees?

The witness said: Yes.

So Lincoln said: Then, how can you sit there and testify under oath that the defendant bit Mr. Smith?

The witness answered: Because I saw the defendant spit Mr. Smith's ear out of his mouth.

In our case, subsequent to Mr. Estrada's hearing, we learned that most of the Bork appeal memos disclosed to the Senate were returned to the Department the year after the nomination. The proof is in a letter from Acting Assistant Attorney General Thomas Boyd to Chairman BIDEN in May 1988, which notes that:

> [M]any of the documents provided to the Committee, "reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch. We provided these privileged documents to the Committee in order to respond fully to the Committee's request and to expedite the confirmation process."

Sound familiar? Well, the requests should be familiar. It is exactly what we requested last year. The difference is, during President Reagan's administration, they responded. During this administration, they say: There is no precedent for it.

So, frankly, this is the "ear being spit out." The fact is, this letter "spits out" that the overly partisan current occupants of the Justice Department have sought to deny the Justice Department previously provided such documents. Mr. President, those denials are false.

Surely, a copy of this letter is also in the Justice Department's files. If we had been able to get this letter earlier, even by the time of Mr. Estrada's hearing, we would have put it in the RECORD. It is obvious why the Justice Department probably did not want us to have it. Because it conclusively demonstrates the precedent that documents like the ones written by Mr. Estrada were provided to the Senate Judiciary Committee in the past.

The Boyd letter conclusively demonstrates the precedent that documents like the ones written by Mr. Estrada were provided to the Senate Judiciary Committee in the past. It must now be admitted beyond dispute that, as the Justice Department acknowledged back then, "the work product of attorneys in connection with government litigation or confidential legal advice" was provided to the Senate in connection with past nominations.

I hope that the administration and its Republican supporters will finally quit denying the precedent for the request and provide us with Mr. Estrada's memoranda. Letters from the Justice Department itself finally conclusively establish the precedent for our request.

The longstanding policy of the Justice Department, until now, and the policy of prior administrations, including the Reagan and first Bush administrations, has been a practice of accommodation with the Senate in providing access to materials requested in connection with nominations. This administration would rather deny the truth and long-standing practices. At times it is as if this administration thinks it has a blank slate and a blank check notwithstanding tradition, history, precedent or the shared powers explicitly provided by our nation's Constitution.

There is part of a pattern of hostility by this administration to requests for information by Congress acting pursuant to powers granted to it by the Constitution, regarding nominees and other important oversight matters.

Yesterday, I joined with the distinguished Democratic Leader in a letter to the President setting forth background on the stonewalling of his administration that has occurred with respect to this nomination and urging him to take action to help resolve the impasse. I thank the Democratic Leader for taking this action and seeking accommodation between the two branches of our government. I have been seeking such accommodation for the last two years with respect to judicial nominations. I hope that we can now be more successful.

I would also note that the few court cases cited by the administration about the general desirability of confidentiality for government documents are dicta and not precedential or binding on the Senate.

One of the cases relied on by the administration is United States v. Nixon, 418 U.S. 683 (1974), in which the Supreme Court ordered President Nixon to disclose his Watergate-related tape recordings of Oval Office conversations with his closest personal and legal advisors. The Supreme Court also noted in the Nixon case that it is quite unlikely "that advisors will be moved to temper the candor of their remarks by the infrequent occasions of disclosure." 418 U.S. at 712.

Just as the Supreme Court observed in the Nixon case, it seems unlikely that Mr. Estrada was chilled from expressing his views in his memos following the disclosure of memos written by attorneys at the Department in the decade prior to his service there in connection with the Trott, Bork, Rehnquist, and Reynolds nominations. Ironically, memoranda by Mr. Bork assessing President Nixon's authority to refuse to disclose information was one of documents provided to the Senate in connection with the Bork nomination.

Other cases cited by the Justice Department in its second letter are inapplicable to the Senate or pre-date the Nixon decision. For example, NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975), is a case brought under the Freedom of Information Act (FOIA) involving a statutory-based claim of deliberative process privilege under FOIA, not a request from the Congress. I wish this administration were more forthcoming in connection with FOIA requests, but this is not a FOIA request, nor does FOIA limit Congress' authority to seek information from the Executive Branch or its agencies. Indeed, 5 U.S.C. 552(d) expressly provides that FOIA "is not authority to withhold information from Congress."

During the course of this debate Republican Senators have also spoken as if these materials are somehow protected by an attorney-client privilege. First, I note that even the administration has not made that claim. The administration's refusal to cooperation is not based on any claim of a legal privilege, just recalcitrance. I believe I explained at Mr. Estrada's hearing some of the reasons a claim of attorney-client privilege would be misplaced. Until this week, only the Washington Post had gotten it wrong in asserting that privilege applies.

Unfortunately, Republican Senators are now taking up that chant. It is heartwarming to hear Republicans' devotion to concepts like the attorney-client privilege but it is that concept is inapplicable to the request for Mr. Estrada's writings.

As a legal matter, the Seventh, Eighth, and District of Columbia Circuits have ruled that government lawyers are not entitled to claim the attorney-client privilege.

Moreover, in this setting the "client" is the government of which the Congress is certainly a part.

This administration's own Assistant Attorney General for Legal Policy Viet Dinh flatly rejected the notion of such a privilege five years ago when he told Legal Times that a government lawyer's "employer is not a single person but the United States of America." He said both the "United States of America" and the "government" obviously include the United States Senate, especially when it is fulfilling constitutional responsibilities. As conservative law professor Ronald Rotunda has noted, "government lawyers work for the government, and not the particular individual whose offices happen to be down the hall." He added that "the government cannot plead attorney-client privilege against itself." This is from the Legal Times of August 3, 1998.

The attorney-client privilege is designed to encourage candor by the client, not the attorney. For those who are not attorneys, I note that the attorney-client privilege is designed for litigation in courts between private parties. It is a judge-made doctrine based on policy considerations to foster an effective adversary legal system. I am a strong believer in our adversarial legal system and a strong supporter of the attorney-client privilege. It does not apply in these circumstances.

Finally, there is ample precedent that the attorney-client privilege does not apply to requests by Congress. As Senator Fred Thompson, who chaired one of the many Republican investigations into the Clinton Administration, noted: "In case after case, the courts have concluded that allowing it [the attorney-client privilege] to be used against Congress would be an impediment to Congress' obligation and duty to get to the truth and carry out its investigative and oversight responsibilities."

My good friend from Utah, Senator HATCH, has echoed that analysis. A few years ago, he observed: "The attorney-client privilege exists as only a narrow exception to broad rules of disclosure. And the privilege exists only as a statutory creation, or by operation of State common law. No statute or Senate or House rule applies the attorney-client privilege to Congress. In fact, both the Senate and the House have explicitly refused to formally include the privilege in their rules."

The Congressional Research Service has found that "No court has ever questioned the assertion of that prerogative" and noted that the privilege "is not of constitutional dimensions, [and] is certainly not binding on the Congress of the United States."

I regret that so many of our Republican colleagues have chosen to seek comfort and concealment in a legal principle that has no application to this matter. I think that the confusion started with a Washington Post editorial that got this matter all wrong and reflects a lack of familiarity with the history of nominations and the Senate's long-standing view of the privilege. The Washington Post's editorials on these matters has been prone to err in a number of ways and they remain free to do so, but I am sorry so many were led astray on this and other matters.

This Administration's policy argument for absolute secrecy of these memoranda is undermined by other long-standing practices related to nominees. The Senate routinely receives confidential information about lifetime and term-appointed nominees by way of the FBI's background investigation of a nominee, which details their adult lives and many private matters. Thus, the Senate is not required to show a particularized need for such private information which has long been germane to a nominee's fitness for judicial office.

Moreover, the memos at issue do not involve national security. There are no state secrets in the documents Mr. Estrada has written requiring that they be sealed from congressional view forever. The memos do not relate to any on-going criminal investigation or to any matters that have not likely already been disposed of by the courts long ago. His writings are relevant to how he thinks, analyzes legal issues and makes judgement and, therefore, relevant to whether or not he should be confirmed to the second highest court in the country. Moreover, as Senator SCHUMER noted in his letter, anytime one of these memos is written, the writer must assume, and even hope, that his or her views will become the

Department's official position. Thus, it is hard to believe the risk of disclosure on the remote chance that one might someday be selected for a judgeship would be chilling.

Further, as noted long ago by the Supreme Court in McGrain v. Daugherty, 273 U.S. 135 (1927), Congress has the power to inquire into the administration of the Department of Justice—whether its functions are being properly discharged or neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties. Even Montesquieu, the architect of separation of powers, stated that "The legislature should have the means of examining in what manner its laws have been executed by public officials." In this case, whether Mr. Estrada was using his position as an Assistant Solicitor General to advance his personal political opinions or to defend faithfully the laws passed by Congress has been called into question.

In sum, there is ample historical precedent for the request made by the Senate Judiciary Committee. This Administration's refusal to cooperate obstructs Senators from fulfilling their role of giving meaningful advice regarding lifetime appointments and to give or withhold consent. The advice and consent responsibility that the Constitution entrusts to the Senate is demeaned if the Administration refuses to disclose information reasonably related to a nominee's fitness or integrity.

Public confidence in the fairness of the judiciary is eroded when the Administration hides pertinent information about a nominee sought by the Senate Judiciary Committee in seeking to fulfill its role related to the appointment power that the Constitution confers jointly on the Senate and the President. The advice and consent clause of the Constitution is part of the Constitution's checks and balances in the lifetime appointment of individuals to a co-equal third branch of the federal government, unaccountable to the normal democratic process. The public's representatives in the Senate should have an opportunity to examine the writings of Mr. Estrada in advance of entrusting him with a judicial role for life.

The influence of the courts over the lives of Americans demands that the Senate exercise its checking responsibility carefully and only after reviewing all relevant information.

I think it has to be admitted beyond dispute that, as the Justice Department acknowledged back then, "the work product of attorneys in connection with government litigation or confidential legal advice" was provided to the Senate in connection with past nominations. I hope the administration and their supporters here in the Senate will finally quit denying the precedent for the request and provide us with Mr. Estrada's memoranda. Letters from the Justice Department itself finally and conclusively establish the precedent for our request.

I ask unanimous consent that the letter, dated May 10, 1988, from Acting Assistant Attorney General Thomas Boyd be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 10, 1988.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BIDEN: This letter requests that the Committee return to the Justice Department all copies of documents produced by the Department in response to Committee requests for records relating to the nomination of Robert Bork to the Supreme Court. As Assistant Attorney General John Bolton noted in an August 24, 1987, letter to you, many of the documents provided the Committee, "reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch." We provided these privileged documents to the Committee in order to respond fully to the Committee's request and to expedite the confirmation process.

Although the Committee's need for these documents has ceased, their privileged nature remains. As we emphasized in our August 24, 1987, letter, production of these documents to the Committee did not constitute a general waiver of claims of privilege. We therefore request that the Committee return all copies of all documents provided by the Department to the Committee, except documents that are clearly a matter of public record (e.g., briefs and judicial opinions) or that were specifically made a part of the record of the hearings.

Please contact me if you have any questions. Thank you for your cooperation.

Sincerely,

THOMAS M. BOYD,
Acting Assistant Attorney General.

Mr. LEAHY. It is interesting to note that after I wrote the Attorney General and Mr. Estrada in May 2002, when I requested Mr. Estrada's writings, the administration didn't respond immediately. If they really believed in their own precedent, they would have come back and said: Look, we have a precedent against it. I think they realized there really was no such precedent, and they were going to try to make one up. They took weeks to respond. They could have responded in a day because the precedent was so clear. Or if they simply wanted to say, well, maybe all other Presidents did it that way, we are not going to do it that way, they could have done that in just a matter of days. But instead, it makes you wonder, did they go back and read those memoranda and say: Whoops, we don't want these to go before the Senate, they are too revealing?

Whatever it is, Mr. Estrada himself says: As far as I am concerned, you can see them, and you can ask me questions about them.

The irony is, in all likelihood we would not be here today, having this long debate on the Estrada nomination, if he had simply done that. If the administration simply said: Look, Miguel Estrada is willing to have his memoranda before the Senate Judiciary Committee and then to answer questions about what he meant, we would not be here; we would not be in the circumstance where he is asked, over the last 40 or 50 years: Is there anything that you disagreed with that the Supreme Court said? During that time, the Supreme Court has overruled itself. No, nothing.

So we really have no idea what he thinks. They simply said: Look, we nominated somebody. We were not willing to allow the nominations to go forward when President Clinton nominated people here. We blocked them for year after year after year, but take ours on faith.

Again, to the folks who made up a slogan I kind of liked, "Trust, but verify," we will trust but verify. As I said, we would not even be here today, we would not be having this debate today, if this had been done.

The longstanding policy of the Justice Department until now, the policy of prior administrations, including Reagan and the first Bush administration, has been a practice of accommodation with the Senate in providing access to materials requested in connection with nominations. But this administration wants to deny the truth and longstanding practices. You would think they believe they have a blank slate and a blank check notwithstanding tradition, history, and precedent or the shared powers explicitly provided by our Nation's Constitution.

This goes beyond hubris. This goes to a sense of entitlement. It is a "l'etat, c'est moi" attitude on the part of the administration. It is saying: If we say it, it happens. If we want it, it is OK. It is almost like the little kid on the playground who says: I want this one, I want this one, I want this one, and I don't care what the playground rules are.

Well, this is a lot more than a playground. This is the U.S. Senate, a place I love and revere and a place steeped in constitutional history, steeped in constitutional prerogatives; but even more so, one where we are called upon day after day to protect the Constitution of the United States. I see a pattern of hostility by this administration to requests for information by Congress, even though Congress is actively pursuing the powers granted to it by the Constitution, regarding not only nominees but important oversight matters.

Yesterday, I joined with the distinguished Democratic leader in a letter to the President. We set forth the background of the stonewalling of this administration that has occurred with respect to this nomination. We urged them to take action to help resolve the impasse. I thank the Democratic leader for taking this action seeking accommodation between the two branches of our Government. I have been seeking such accommodation for the last 2 years with respect to judicial nominations. I hope we can be more successful.

I hope that now people will step back and say: Look, let's put this on a more even keel. Let's have real hearings, not assembly line type hearings. Let's carry out our constitutional responsibilities. Let's go forward. That is the way I thought it should be when I came to the Senate 29 years ago. That is the way I think it should be now. I think that is the way it could be. It is the way it was with both Republican and Democratic administrations.

I was not here at the time of the Nixon administration. I came shortly thereafter. I don't know if this kind of stonewalling is precedent or not. In my experience, I would not know that. But I know it was not during the administrations of President Ford, President Carter, President Reagan, the first President Bush, or President Clinton.

I ask unanimous consent that a copy of the letter Senator DASCHLE and I sent to the President on this matter, pointing out that the precedent for what we have asked for was shown in the nominations of Robert Bork, William Bradford Reynolds, Benjamin Civiletti, Stephen Trott, and William Rehnquist, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, February 11, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing in reference to your nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia Circuit. Pursuant to the Constitution, the Senate is to act as a co-equal participant in the confirmation of judges to the Federal bench. Unlike nominations made by a President for Executive Branch appointments, judicial nominees are reviewed by the Senate for appointment to lifetime positions in the Judicial Branch.

The Senate has often requested and received supplemental documents when it is considering controversial nominations or when evaluating a candidate with a limited public record. The Chairman of the Senate Judiciary Committee wrote to your Administration on May 15, 2002 to request such supplemental documents to assist in Senate consideration of the Estrada nomination. In particular, the request was made for appeal recommendations, certiorari recommendations, and amicus recommendations that Mr. Estrada worked on while at the Department of Justice.

Prior Administrations have accommodated similar Senate requests for such documents. Such documents were provided during Senate consideration of the nominations of Robert H. Bork, William Bradford Reynolds, Benjamin Civiletti, Stephen Trott, and William H. Rehnquist.

Your Administration has refused to accommodate the Senate's request for documents in connection with the Estrada nomination. That refusal was a matter of inquiry at the confirmation hearing held on this nomination on September 26, 2002. Following the hearing, Senator Schumer wrote to the Attorney General on January 23, 2003, to follow up on the request.

In addition to requests for documents, Senators frequently question judicial nominees during their confirmation hearings to determine their judicial philosophy, views and temperament. For example, then-Senator John Ashcroft asked nominees: "Which judge has served as a model for the way you would conduct yourself as a judge and why?" Mr. Estrada refused to answer a similar question.

During consideration of President Clinton's judicial nominees, Republican Senators asked repeated questions regarding nominees' judicial philosophy, views on legal matters, and approaches to interpreting the Constitution. They insisted on and received answers. During his consideration before the Senate Judiciary Committee, Mr. Estrada failed to answer these kinds of questions. These questions have not only been routinely asked by the Senate, they have been routinely answered by other nominees—including other nominees from your Administration.

For the Senate to make an informed decision about Mr. Estrada's nomination, it is essential that we receive the information requested and answers to these basic legal questions. Specifically we ask:

1. that you instruct the Department of Justice to accommodate the requests for documents immediately so that the hearing process can be completed and the Senate can have a more complete record on which to consider this nomination; and
2. that Mr. Estrada answer the questions that he refused to answer during his Judiciary Committee hearing to allow for a credible review of his judicial philosophy and legal views.

We would appreciate your personal attention to this matter.

Sincerely,
TOM DASCHLE.
PATRICK LEAHY.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to this day after day after day. It is clear this is a game. It is a bad game. If they don't like the answers Mr. Estrada has given, vote against him. That is the remedy here. Don't filibuster. Don't explode this body into always having filibusters on any judge who may be controversial on one side or the other. Vote against him. Talk against him, like we have had plenty of. Then you have an absolute right to vote against him if you want to.

Now, let me go back through some of the things we were talking about. On May 15, 2002, Senator LEAHY sent the following letter to Attorney General Ashcroft:

In connection with the nomination of Miguel Estrada to the United States Court of Appeals for the D.C. Circuit, I write to request that the Department of Justice send to the Judiciary Committee appeal recommendations, certiorari recommendations, and amicus recommendations Mr. Estrada worked on while at the Department of Justice. This should assist the Committee in considering this nomination.

On June 5, in a letter from the Department of Justice, they answered the then-Chairman LEAHY'S letter:

Dear Mr. Chairman:

This is in response to your letter dated May 15, 2002, requesting appeal recommendations, certiorari recommendations, and amicus recommendations that Miguel Estrada worked on when he was employed at the Department of Justice.

The categories of documents you have requested are among the most highly privileged and deliberative documents generated within the Department of Justice. The Solicitor General must have the benefit of candid and confidential advice in order to discharge his critical responsibility of deciding what appeals the Government will take and what positions the Government will adopt in pending litigation. Attorneys like Mr. Estrada who serve as Assistants to the Solicitor General are asked to render candid, unbiased, and professional advice about the merits of potential appeals.

They do so by preparing exactly the kinds of recommendation memoranda you have requested. These documents review the substantive legal issues in a case, the broader jurisprudential implications of the case, policy considerations, the strength of the factual record, and the overall likelihood of success on appeal.

If highly privileged and deliberative documents of this kind are not shielded from disclosure, the Department will face the grave danger that Assistants to the Solicitor General, and others in comparable positions, will be chilled in the future from providing the candid and independent analysis that is essential to high-level decisionmaking. As the unanimous Supreme Court recognized: "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." United States v. Nixon, 418 U.S. 683, 705 (1974). The Court observed that "the importance of this confidentiality is too plain to require further discussion." Simply put, the Department cannot function properly if our attorneys write these kinds of documents with one eye focused on the effect that their words, if made public, might have on their qualification for future office.

For these reasons, the Department has a longstanding policy—which has endured across administrations of both parties—of declining to release publicly or make available to Congress the kinds of documents you have requested.

We trust that you will appreciate the important institutional interests that lead us to decline your request. In our judgment, the Committee has had ample time and alternative means for obtaining assessments of how Mr. Estrada's performance as an Assistant to the Solicitor General bears on the merits of his nomination. In particular, you have been free to inquire of the Solicitors General under whom Mr. Estrada served their views as to his qualifications for the position to which he has been nominated.

On January 25, 2002, you promised a Committee hearing for Mr. Estrada this year. So that the Committee can meet our commitment, we would request that you contact me or Judge Gonzales as soon as possible to discuss this matter if you have any questions or concerns.

That is the letter from the Justice Department in response to the letter Senator LEAHY sent on May 15. Apparently, at the hearing this issue was raised again, and the Department of Justice responded to Chairman LEAHY again on October 8, 2002:

Dear Mr. Chairman:

During the hearing on September 26, 2002, on the nomination of Miguel A. Estrada to the U.S. Court of Appeals for the District of Columbia Circuit, you and Senator Schumer restated your request that the Department of Justice disclose certain confidential and privileged appeal, certiorari, and amicus memoranda that Mr. Estrada authored when he was a career lawyer in the Office of the Solicitor General.

As we indicated in our letter of June 5, 2002, we must respectfully decline your request. The relevant historical, policy, and legal considerations implicated by your request demonstrate that disclosure of these memoranda from the Office of the Solicitor General would undermine the integrity of the decisionmaking process in that Office.

The Committee's request threatens the proper functioning of the Office of the Solicitor General. Indeed, all seven living former Solicitors General—from Archibald Cox to Seth P. Waxman—have written to the Committee and explained that the Committee's broad and unprecedented request would have a debilitating effect on the ability of the United States to represent itself in litigation. Their letter explained that, as Solicitors General, their "decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure."

That letter is quite detailed, Mr. President. It goes on to make this case as persuasively as it can, and it gives a number of charts that make the case as well, all to no avail, apparently, because our colleagues think this is a good issue to stop and stymie this Hispanic nominee.

Now, that was October 8. Not until after we noticed the markup for Mr. Estrada on January 23, 2003, did Senator SCHUMER write to the Honorable John Ashcroft at the Attorney General's Office, again requesting these matters. And then the Department of Justice responded immediately. We received it on January 23. Jamie E. Brown, Acting Assistant Attorney General, explained that they cannot do this. I have been informed that never have they given up appeal recommendations, amicus recommendations, and certiorari recommendations.

I ask unanimous consent that these letters be printed in the RECORD in that order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 5, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter dated May 15, 2002, requesting appeal recommendations, certiorari recommendations, and amicus recommendations that Miguel Estrada worked on when he was employed at the Department of Justice.

The categories of documents that you have requested are among the most highly privileged and deliberative documents generated within the Department of Justice. The Solicitor General must have the benefit of candid and confidential advice in order to discharge his critical responsibility of deciding what appeals the Government will take and what positions the Government will adopt in pending litigation. Attorneys like Mr. Estrada who serve as Assistants to the Solicitor General are asked to render candid, unbiased, and professional advice about the merits of potential appeals. They do so by preparing exactly the kinds of recommendation memoranda that you have requested. These documents review the substantive legal issues in a case, the broader jurisprudential implications of the case, policy considerations, the strength of the factual record, and the overall likelihood of success of appeal.

If highly privileged and deliberative documents of this kind are not shielded from disclosure, the Department will face the grave danger that Assistants to the Solicitor General, and others in comparable positions, will be chilled in the future from providing the candid and independent analysis that is essential to high-level decisionmaking. As the unanimous Supreme Court recognized: "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." *United States* v. *Nixon,* 418 U.S. 683, 705 (1974). The Court observed that "the importance of this confidentiality is too plain to require further discussion." *Id.* Simply put, the Department cannot function properly if our attorneys write these kinds of documents with one eye focused on the effect that their words, if made public, might have on their qualification for future office.

For these reasons, the Department has a longstanding policy—which has endured across Administrations of both parties—of declining to release publicly or make available to Congress the kinds of documents you have requested.

We trust that you will appreciate the important institutional interests that lead us to decline your request. In our judgment, the Committee has had ample time and alternative means for obtaining assessments of how Mr. Estrada's performance as an Assistant to the Solicitor General bears on the merits of his nomination. In particular, you have been free to inquire the Solicitors General under whom Mr. Estrada served their views as to his qualifications for the position to which he has been nominated.

On January 25, 2002, you promised a Committee hearing for Mr. Estrada this year. So that the Committee can meet your commitment, we would request that you contact me or Judge Gonzales, as soon as possible to discuss this matter if you have any questions or concerns.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 8, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During the hearing on September 26, 2002, on the nomination of Miguel A. Estrada to the United States Court of Appeals for the District of Columbia Circuit, you and Senator Schumer restated your request that the Department of Justice disclose certain confidential and privileged appeal, certiorari, and amicus memoranda that Mr. Estrada authored when he was a career lawyer in the Office of the Solicitor General.

As we indicated in our letter of June 5, 2002, we must respectfully decline your request. The relevant historical, policy, and legal considerations implicated by your request demonstrate that disclosure of these memoranda from the Office of the Solicitor General would undermine the integrity of the decisionmaking process in that Office.

The Committee's request threatens the proper functioning of the Office of the Solicitor General. Indeed, all seven living former Solicitors General—from Archibald Cox to Seth P. Waxman—have written to the Committee and explained that the Committee's broad and unprecedented request would have a debilitating effect on the ability of the United States to represent itself in litigation. Their letter explained that, as Solicitors General, their "decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure." Thus, "[a]ny attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself."

Longstanding historical Senate practice reinforces the position of the former Solicitors General that confidential, deliberative documents from the Office of Solicitor General have been, and should remain, confidential during confirmation hearings. As the attached charts demonstrate, since the beginning of the Carter Administration in 1977, the Senate has approved 67 United States Court of Appeals nominees who previously had worked in the Department of Justice. Those 67 nominees—of whom 38 had no prior judicial experience—include eight former lawyers with the Office of the Solicitor General. Our review of each of these 67 nominees' hearing records establishes that in none of these cases did the Department of Justice produce internal deliberative materials created by the nominee while a Department lawyer. In fact, we could find no nominee for whom the Senate Judiciary Committee even requested that the Department produce such materials. The Committee's request with respect to Mr. Estrada therefore is unprecedented.

Of particular relevance are the appellate-court nominees who previously had been Assistants to the Solicitor General or Deputy Solicitors General, and had not served as judges as the time of their nomination—the same position Mr. Estrada occupies now. The nominees, nominated by Presidents of both political parties and confirmed by Senates controlled by both political parties, are:

Samuel A. Alito Jr. (Assistant to the Solicitor General, 1981–85; confirmed to the Third Circuit, 1990);

Danny J. Boggs (Assistant to the Solicitor General, 1973–75; confirmed to the Sixth Circuit, 1986);

William C. Bryson (Assistant to the Solicitor General, 1978–79; Deputy Solicitor General, 1986–94; confirmed to the Federal Circuit, 1994);

Frank H. Easterbrook (Assistant to the Solicitor General, 1974–77; Deputy Solicitor

General, 1978–79; confirmed to the Seventh Circuit, 1985);

Daniel M. Friedman (Assistant to the Solicitor General, 1959–68; Deputy Solicitor General, 1968–78; confirmed to the appellate division of the Court of Claims (later the Federal Circuit), 1982);

Richard A. Posner (Assistant to the Solicitor General, 1965–67; confirmed to the Seventh Circuit, 1981); and

A. Raymond Randolph (Deputy Solicitor General, 1975–77; confirmed to the D.C. Circuit, 1990).

In none of these cases did the Department of Justice provide to the Committee the nominees' appeal, certiorari, or amicus recommendations. And in none of these cases did the Committee request that the Department do so.

The policy considerations implicated by the Committee's request underscore the strength of the Department's position and demonstrate that previous Senate Judiciary Committees have recognized the essential, long-term interest of the United States in protecting the integrity of such memoranda. The need to ensure the integrity of the process by which the Solicitor General makes litigation decisions for the United States is extraordinarily important. As the former Solicitors General explained, the interest in receiving honest, candid assessments of possible litigation positions, agency interests, and Supreme Court opinions would be severely compromised by disclosure in this context. It is important to add, furthermore, that memoranda written by Assistants to the Solicitor General present legal arguments supporting the litigation position of the United States, not their personal views. These memoranda seek to determine the legal arguments that are appropriate in government briefs, not the legal or policy preferences of their author.

Furthermore, the committee's need to assess a nominee's performance, intellect, and integrity can be accommodated in ways other than introducing into the deliberative process of the Office of the Solicitor General. For example, the Committee can review the nominee's written briefs and oral arguments, consider the opinions of others who served in the Office at the same time, and examine the nominee's written performance reviews. In Mr. Estrada's case, for example, there is a substantial body of information about his tenure in the Office of the solicitor General. Former Solicitor General Seth Waxman, who supervised Mr. Estrada, has written to the Committee in support of his nomination. Mr. Waxman wrote: "During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected anything other than the long-term interests of the United States."

Moreover, 14 of Mr. Estrada's former colleagues in the Office of the Solicitor General have written the Committee to emphasize his ability, collegiality, and integrity: "We also know Miguel to be a delightful and charming colleague, someone who can engage in open, honest, and respectful discussion of legal issues with others, regardless of their ideological perspectives. Based on our experience as his colleagues in the Solicitor General's office, we are confident that he possesses the temperament, character, and qualities of fairness and respect necessary to be an exemplary judge. In combination, Miguel's exceptional legal ability and talent, his character and integrity, and his deep and varied experience as a public servant and in private practice make him an excellent candidate for service on the federal bench."

Finally, Mr. Estrada has sent the Judiciary Committee copies of his performance evaluations from his tenure in the Office. These documents indicate that Mr. Estrada's supervisors gave him ratings of "outstanding"—the highest possible score—in every category for every evaluation period.

It bears emphasis that the long-standing historical practice, policy considerations and views of the former Solicitors General are fully supported by applicable legal principles. At the outset, it is important to note that the memoranda sought by the Committee are indisputably within the scope of the deliberative process, attorney-client, and attorney working-product privileges. The Supreme Court has recognized "the valid need for protection of communications between high Government officials and those who advise and assist them in the performance of their manifold duties." *Houchins* v. *KQED*, 438 U.S. 1, 35 n.27 (1978). Indeed, the Court has explained that "the importance of this confidentiality is too plain to require further discussion. Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." Id. (internal quotation omitted). The deliberative process privileges's ultimate purpose is to prevent injury to the quality of agency decisions by allowing government officials freedom to debate alternative approaches in private. *NLRB* v. *Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975). Based on these principles, courts have long recognized the Executive Branch's authority to protect the integrity of documents and other materials which would reveal advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated. *See In re Sealed Case*, 121 F.3d 729, 737 (D.C. Cir. 1997).

As a matter of law and tradition, these privileges can be overcome only when Congress establishes a "demonstrably critical" need for the requested information. *Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). It is insufficient for the requested material merely to "have some arguable relevance" to appropriate Congressional function. Id. at 733. In assessing whether Congress' possesses a "demonstrably critical" need for the material in question, one crucial consideration is whether Congress can obtain reasonably equivalent information from alternative sources that would satisfy its legitimate needs. In this instance, we again note that the Committee has full access to Mr. Estrada's briefs and oral arguments, to the information provided by Mr. Waxman, to the letter from former colleagues in the Solicitor General's office, and to his performance reviews. The Committee also is free to contact any of Mr. Estrada's former supervisors and colleagues in the Office of the Solicitor General to seek further information about Mr. Estrada's temperament, fairness, analytical skills and abilities or any other matters the Committee appropriately deems relevant to its inquiry. Because the Committee has adequate sources of information about Mr. Estrada, among other reasons, it cannot establish the "demonstrably critical" need for the deliberative materials in question.

None of the seven examples cited during Mr. Estrada's hearing as precedent for the Committee's request—the nominations of Judge Frank Easterbrook to the Seventh Circuit, Judge Robert Bork and Chief Justice William Rehnquist to the Supreme Court, Benjamin Civiletti to be Attorney General and Deputy Attorney General, William Bradford Reynolds to be Associate Attorney General, Judge Stephen Trott to the Ninth Circuit, and Jeffrey Holmstead to be Assistant Administrator at the Environmental Protection Agency—supports the Committee's request in this matter.

Of the seven cited nominees, the hearings of only two—Judge Bork and Judge Easterbrook—involved documents from their service in the Office of Solicitor General. Senator Schumer placed into Mr. Estrada's hearing record a single, two-page amicus recommendation memorandum that Judge Easterbrook authored as an Assistant to the Solicitor General. The official record of Judge Easterbrook's confirmation hearing contains no references to this document, and based on a comprehensive review of the Department's files, we do not believe that the Department authorized its release in connection with Judge Easterbrook's nomination. Senator Schumer's possession of this memorandum does not suggest that the Department waived applicable privileges and authorized its disclosure in connection with Judge Easterbrook's or any other nomination.

The hearing record of Judge Bork's nomination to the Supreme Court demonstrates that the Committee received access to a limited number of documents related to three specific subjects of heightened interest to the Committee, two of which were related to Judge Bork's involvement in Watergate-related issues and triggered specific concerns by the Committee. The vast majority of memoranda authored or received by Judge Bork when he served as Solicitor General were neither sought nor produced. And the limited category of documents that were produced to the Committee did not reveal the internal deliberative recommendations or analysis of Assistants to the Solicitor General regarding appeal, certiorari, or amicus recommendations in pending cases.

The remaining five nominations cited at the hearing similarly do not justify the disclosure of deliberative material authored by Mr. Estrada. None of the limited documents disclosed in the hearings for those five nominations involved deliberative memoranda from the Office of the Solicitor General. The Committee with respect to those five nominations requested specific documents primarily related to allegations of misconduct or malfeasance identified by the Committee. Moreover, as noted above, with respect to the nomination of Judge Trott, the Committee requested documents wholly unrelated to Judge Trott's service with the Department. Again, the vast majority of deliberative memoranda authored or received by these nominees where never sought or received by the Committee. In sum, the existence of a few isolated examples where the Executive Branch on occasion accommodated a Committee's targeted requests for very specific information does not in any way alter the fundamental and long-standing principle that memoranda from Office of Solicitor General—and deliberative Department of Justice materials more broadly—must remain protected in the confirmation context so as to maintain the integrity of the Executive Branch's decisionmaking process.

In conclusion, we emphasize that the Department of Justice appreciates and profoundly respects the Judiciary Committee's legitimate need to evaluate Mr. Estrada's qualifications for the federal bench. We again suggest, however, that the information currently available is more than adequate to allow the Committee to determine whether Mr. Estrada is qualified to be a federal judge.

Thank you for considering the Department's views on this matter. Mr. Estrada's nomination for a position on an important federal court of appeals has now been pending for 518 days. There is no disagreement about the fact that he is a talented, experienced and exceptionally well-qualified nominee with strong and widespread bipartisan support. In fact, after an intensive investigation, the American Bar Association found Mr. Estrada to be unanimously well-qualified for a judgeship on the District of Columbia Circuit. We sincerely hope that the Committee and the Senate will approve Mr. Estrada's nomination before the close of the 107th Congress.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, Jan. 23, 2003.

Hon. CHARLES E. SCHUMER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SCHUMER: I am responding to your letter dated January 23, 2003, in which you once again requested that the Department disclose the confidential and privileged appeal, certiorari and amicus memoranda that Miguel Estrada authored when he was a career lawyer in the Office of the Solicitor General. You continue to insist that disclosure of this sensitive material is necessary to allow you adequately to address Mr. Estrada's nomination to the United States Court of Appeals for the District of Columbia Circuit—a nomination that has been pending for some 624 days. As you know, Mr. Estrada has received a unanimous "well qualified" rating from the American Bar Association, the ABA's highest rating.

We addressed fully the assertions made in your most recent correspondence in our previous letters to you dated June 5, 2002, and October 8, 2002 (attached herewith). Our previous explanations remain equally applicable today, and we therefore must again respectfully decline your request. As we have explained, the relevant historical, policy and legal considerations implicated by your request establish that disclosure of these memoranda from the Office of Solicitor General would undermine the integrity of the decision making process in that Office. Notwithstanding our previous letters, several specific items in your letter merit discussion.

At Mr. Estrada's hearing, you asserted that the Department disclosed memoranda written by Judge Easterbrook in connection with his confirmation hearing. In response to that claim, as we noted in our letter of October 8, 2002, we comprehensively reviewed the Department's files and the public record of Judge Easterbrook's confirmation hearing and we found absolutely no evidence that the Department authorized the release of these memoranda in connection with Judge Easterbrook's nomination. Your most recent letter now asserts that the Easterbrook documents "apparently" were provided to the Committee in connection with Judge Bork's nomination. However, the public record of Judge Bork's confirmation hearings contains no mention of the Easterbrook memoranda you reference. As we explained previously, your mere possession of these documents does not suggest that the Department waived applicable privileges nor authorized their disclosure in connection with either nomination.

You also suggest in your letter that the Administration's decision to disclose legal memoranda from the White House Counsel's Office in connection with the nomination of Jeffrey Holmstead to serve as Assistant Administrator of the Environmental Protection Agency serves as precedent for disclosing Mr. Estrada's highly privileged work product. As you may be aware, the White House initially declined to provide all of Mr. Holmstead's files as requested by the Senate Environment and Public Works Committee, on the basis of the deliberative process, attorney-client and work product privileges. In response, the Environment Committee, based on its particularized concerns and allegation of misconduct regarding one specific subject, requested a small subset of documents related only to that matter. Because of the specificity of the Environment Committee's concerns, the White House permitted the Committee to review that limited subset of materials, which answered the allegation in question. This example, if anything, further demonstrates the overbreadth and impropriety of the current request—a request that some have characterized as a fishing expedition requesting all documents authored by Mr. Estrada about all subjects during his entire tenure in the Office.

Finally, we respectfully submit that, despite your view to the contrary, your request threatens the proper functioning of the Office of the Solicitor General. All seven living former Solicitors General, including Archibald Cox, Drew Days, Walter Dellinger and Seth Waxman, have written to the Senate Judiciary Committee and explained the debilitating impact your request would have on the ability of the Office to represent the United States in litigation. The letter—authored by distinguished lawyers of both parties—noted that their "decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure." While we respect your right to disagree with these seven former Solicitors General, we must defer to their considered judgments about the impact of disclosure based on their collective experience of decades heading the Office. Thus, we respectfully adhere to our previous decision to protect these highly privileged documents from disclosure.

Thank you for considering the Department's views on this matter. As we have noted previously, the public record is more than adequate for the Committee to evaluate Mr. Estrada's qualifications to be a Circuit Judge on the D.C. Circuit. We look forward to Mr. Estrada's prompt consideration by the Committee and confirmation by the full Senate.

Sincerely,

JAMIE E. BROWN,
Acting Assistant Attorney General.

Mr. HATCH. Mr. President, I want to make one or two other points, and then I understand Senator KYL is here and I hope he can be heard. I ask unanimous consent that he be recognized after me.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. All right. Here we are in the middle of an unprecedented filibuster. We have heard a lot of arguments and many repeated arguments. We have heard Mr. Estrada "has not answered the Senators' questions." Well, he has. They asked question after question at the hearing—one that they conducted and they controlled. Any Senator who was not satisfied, and had additional questions, had the opportunity to send additional questions. Well, they did. Two Senators—only two of them—sent Mr. Estrada followup questions. Senators DURBIN and KENNEDY asked multiple questions. Mr. Estrada answered these, and answered them fully.

Here is what is unfair. If they don't like the answers, as I have said, my Democratic colleagues have a remedy: they can vote against him. That is their right. If that is what they want to do, that is the proper exercise of their constitutional duty. But to simply deny the Senate a vote is unfair to the nominee, unfair to this body, unfair to the President, and unfair to a majority of Senators who want to vote for this man and exercise their constitutional duty under article II, section 2. This is an abuse of the debate privileges of this body. This is simply an abuse by the minority. It is nothing more than what some would call the tyranny of the minority. It is the first time in the history of this country that an appeals court nominee has been filibustered. It is a doggone shame the first Hispanic ever nominated to the Circuit Court of Appeals of the District of Columbia happens to be the nominee here. This is against our constitutional duty and against the spirit of what we are elected to do. We are supposed to advise and consent. Consent means Senators can vote against or they can vote for. It doesn't mean advise and filibuster. It doesn't mean advise and obstruct.

I will say it again. The Democrats have asked their questions and they have gotten their answers. If they don't like the answers, they can vote against the nominee. But don't continue to obstruct. It is simply not fair.

Mr. President, I think any fair observer who looks at the transcript of this hearing, and looks at those questions and answers, will have to admit he answered their questions. Admittedly, I suspect he did not answer them the way they wanted him to. That is, they could not dig up any dirt on him. So what are they doing now? Trying to see if, through a fishing expedition, they can find some documents where they can. That is offensive. To ask for confidential, privileged documents from the Solicitor General's Office in spite of the warning of seven former Solicitors General, four of whom are leading Democrat attorneys who vociferously say you should not do that, that would be very harmful and detrimental to the process. They have ignored those recommendations.

Any fair observer who looks at these questions and answers will have to say he answered their questions, maybe not the way they wanted him to, but he answered them as a deliberative person would, and as most other nominees have answered the same type of questions. He answered them in a very intelligent, worthwhile fashion.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Arizona.

Mr. KYL. I thank the Chair.

Madam President, I wish to expand on what the Senator from Utah was just talking about. To put this in context, I remind my colleagues we are talking about the nomination of a very distinguished lawyer, Miguel Estrada, by President Bush to serve on the DC Circuit Court of Appeals.

There have been two primary objections recently raised by Members of the other side of the aisle to this nomination. The first includes a recitation of a long list of nominees of previous Presidents—I presume primarily President Clinton—who allegedly were not considered by the Republicans. I do not have the information. It has not been given to me, so I cannot vouch for its authenticity. But if that is the basis for denying a vote to Mr. Estrada, then it is nothing more than retribution or spite.

I cannot believe that is the motivation of any of my colleagues on the other side. I refuse to believe that. So of what relevance is it that in previous Congresses some other President's nominee was or was not given a vote? What is the relevance to this individual, Miguel Estrada, who, by everyone's admission, is an extraordinarily well qualified lawyer? It has no relevance at all.

The other line of thought is that he has not answered questions, and that is what Senator HATCH was just talking about. He answered every question that was asked of him. He was in a hearing from 10:06 a.m. until 5:25 p.m. There were other candidates on the panel with him, but hardly any questions were asked of them. Almost all of the questions were asked of Miguel Estrada. He answered them all, until there were not any more to be asked.

Then there was the questionnaire. Senator HATCH noted the questions that have been asked by Senators in writing, in addition to the others. There was the questionnaire from the Judiciary Committee with 25 pages of answers. They are all right here. I will not suggest they be printed in the RECORD because I presume they already have. Every question was answered fully and satisfactorily, as far as I am concerned.

I think one of them is especially interesting. It used to be there was not a litmus test for judges. When President Reagan was nominating judges, some people on the other side thought President Reagan was asking these nominees their opinions on how they might rule on a case. They said that was a litmus test and that would be wrong. They were wrong. He never had such a litmus test. But the committee has had a question in its file ever since—and I think even before then—that has been asked of every single nominee, and this is one of the questions to which Miguel Estrada responded.

Let me read the question and his answer. The question is: Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue, or question in a manner that could reasonably be interpreted as asking you how you would rule on such case, issue, or question? If so, please explain fully.

Answer: No.

Mr. President, that is just about all he got in the hearing by the members of the other side of the aisle in the Judiciary Committee on how he would rule and what he felt about certain specific cases, legal issues, or questions. Specific cases were mentioned by name. Specific hypothetical questions were asked of him. Apparently, it is not OK for the President to find out how a candidate might feel about an issue, but Senators, by golly, we have the right and, in fact, it is so important to us, or to some of the body, that we are going to deny a nominee a vote even; we are going to deny the other Senators to have the opportunity to vote yes or no if we did not like the way he answered one of those questions.

Senator HATCH is right; it is not that he did not answer the questions. It is that some people did not like his answers to the questions. If so, vote no, but do not deny everyone else the opportunity to vote, and that is what is going on here. It is called a filibuster.

Our friends on the Democratic side have acknowledged that is exactly what they are engaged in: a filibuster of a judge. That is fundamentally wrong. It destroys the comity between the three branches of Government. It seeks to modify the majority vote confirmation process to an extra-majority requirement. It is going to poison the consideration of nominees of every President from here on, Democrat or Republican. This is one of those issues which, when once let out, you can never bring back; the horse will have been out of the barn.

Never in the history of the Senate has a partisan filibuster succeeded in preventing the confirmation of a judge. That is what is at stake here. Of course, also at stake is the confirmation of a very decent, very fine, very forthright, and highly qualified candidate for judge.

There was one other criticism I noticed early on, but I have not heard it recently, and that is he had no prior judicial experience. Senator HATCH pointed out the literally scores of Federal judges who became a judge when they were a lawyer. Not everybody can be born a judge, you see. First, you have to be a lawyer, and then somebody has to appoint you judge. So not everybody has experience as a judge when they are asked to be a judge.

Current members of the U.S. Supreme Court, in fact, five out of the nine members of the DC Circuit Court of Appeals, the court to which Mr. Estrada is being nominated, were not judges before they were nominated.

Mr. Estrada is a Hispanic lawyer. Are we going to create a new bar for minority lawyers? You have to be a judge before you can be elevated to the next level of the court? Not very many minority lawyers have been appointed or nominated as judges. President Bush is nominating a lot of them, that is true, but they are not judges now; they are lawyers. Are we going to create a bar that says if you are not already a judge, you cannot become a judge in the next level of the court?

I do not want to see us setting a glass ceiling for minorities just because not as many of them have gotten to be judges. I think that is a very pernicious argument made with respect to Miguel Estrada. Five of the nine members of the court were not judges before they were nominated to serve. Why does it matter with respect to Miguel Estrada? I did not hear arguments made from the other side with respect to those nominees, so why with regard to Miguel Estrada? It is not right.

I quoted yesterday, when the Senator from Vermont was on the floor, his own words, so I feel it appropriate to mention them again. He himself, the former chairman, now ranking member, of the Judiciary Committee said what many of the other leaders on the other side of the aisle have said: That filibustering a judge is wrong. And the Senator from Vermont said he would oppose—strongly oppose, I believe were his words—any filibuster of a judge regardless of whether he supported the nominee. You can always vote yes or no, but you should at least vote to invoke cloture.

Madam President, I will give you an example. Twice I voted to invoke cloture so we could come to a vote on two of President Clinton's nominees. I supported one; I opposed the other. That is our right. I have good reasons for opposing the judge I opposed, but I believed my colleagues needed or had the right to vote on both of the candidates, and so I voted for cloture in both cases. That is the same point the Senator from Vermont made earlier: That we should vote for cloture and have an up-or-down vote.

I will later bring to the floor the literally scores of statements by my colleagues on the other side of the aisle over the years who have made the point over and over that filibustering a judge is wrong, that they would oppose it regardless of how they felt about the nominee, and that they would vote to invoke cloture.

What has changed with Miguel Estrada? Why is he different? Why all of a sudden has their strongly held opinion, which was expressed before, changed? It is not that my colleagues are not consistent. Obviously, they want to be consistent. So it must be something else. It must be that in this nominee they see something very bad. They must see a reason why we should not even be allowed to vote on the nominee. It is so bad with Miguel Estrada that they are not willing to put it to a vote. They have to prevent the vote from occurring.

What is it about Miguel Estrada that is so dangerous or so bad? If my colleagues say it is not about Miguel Estrada, it is the process, he would not answer the questions, Senator HATCH and I have already responded to that. He answered every question he was asked. Any more questions?

As Senator HATCH said, the problem is they do not necessarily like all the answers. That is their right. We do not all agree with each other. That is why we have votes and the majority wins.

I get back to the question, Why is it different with Miguel Estrada? There were 30 questions asked in the hearing that was held, and he answered them all. Maybe they did not like the answers. So vote no. But why would the other side deny the right of the Senators to cast a vote on the nominee?

At the end of the day, the American people are going to look at this and wonder what is going on, what is this all about. Why will a minority of the Senate not agree to let the others vote? Is it because the candidate is not well qualified? No. This candidate had the highest rating that the American Bar Association can give a candidate.

Is it that he does not have any experience? No. He is one of the most experienced lawyers in the country. In fact, he has argued at least 15 cases to the U.S. Supreme Court. I practiced law for 20 years and only went to the Supreme Court three times, which is pretty good. Most lawyers never get there. Fifteen times he has argued cases.

He answered every question that was asked of him. He has been strongly recommended by members of the bench and bar all over the country, Democrats and Republicans, including members of the former Democratic administration.

There has been a question raised about when he was an Assistant Solicitor General and was providing advice to his seniors, should his confidential memos be released to the public? For the first time, our colleagues on the other side say, oh, yes, we want to see all of that.

Now, I would kind of like to see the staff memos going to the Senators on the other side. Would that be fair? Would that be right? No, it really would not. Much as I would like to see what kind of advice they are getting, that would not be right.

What about someday when very highly qualified staff of some of our colleagues on the other side of the aisle are going to be nominated for the court? That happens actually fairly frequently. Staff of the Judiciary Committee have been nominated to various courts. In fact, one of them serves no less than on the U.S. Supreme Court. How about asking for the memos that he sent to his boss advising his boss on various issues prior to his confirmation? What would we get there? I think we would get pushed back by Members saying, wait a minute, I was asking for his personal advice. I was asking for his judgment. I was not asking him for what he necessarily believed personally, and what he told me cannot be taken as something he personally believed but rather what he thought was the best advice for me on this particular issue. That is why our employees are protected from having to disclose all of the information they give us as their best judgment on different issues, because we are not asking them necessarily what they believe in their head or their heart. We are asking them for what the law is on this, what their recommendation is as to what I should do on this, knowing my views, not theirs.

So to ask a young lawyer in the Solicitor General's Office to disclose all of the advice that he gave his bosses is nothing more than an unprecedented fishing expedition.

I ask my colleagues on the other side of the aisle, is this the precedent that they want to create? When they seek to have one of their staff members nominated to a high court, do they expect to see a request for all of the memos that this staff person gave to them because they just might be useful in opposing the nomination? Maybe he said something that we could pick apart somehow or another.

That is what is going on, and that is why four Democratic Solicitors General and three Republican Solicitors General, those who are living today, all wrote a letter unanimously saying this should not be done and all of them would have recommended against it.

I happened to work for one of the Solicitors General who is no longer alive. One of the things he told me over and over again was that this is an office considered by some to be the tenth Justice on the Court. The Solicitor General is literally almost a member of the Court in a sense because of the objectivity and forthrightness with which he or she represents the views of the Government before the Court.

The Court often solicits a brief from the Solicitor General saying, we have heard from both sides in this case but we would like to hear from the lawyer for the Government, the Solicitor General, who is supposed to be a very honest, forthright, and objective person. That is the office in which Miguel Estrada was working.

If we ever get to the point where the decisions made by the Solicitor General, based upon the advice from the lawyers that work for him, do not represent the best objective advice, do not represent the best truth and the proper reading of the law as they can bring forth but, rather, now must take into consideration political considerations that arise from the fact that these memos and this advice would be disclosed publicly, the Solicitor General is no longer going to be deemed the "tenth Justice."

The Government is no longer going to be solicited for its advice to the Court on these important matters because the consideration would be, well, what did they have to consider politically since the whole world is going to read these memos and is going to know what the advice was that was given. It does not work that way. It cannot. That is why it would be wrong.

Many of my colleagues on the other side know that it would be wrong. They know they are never going to get the memos. They know they should not get the memoranda. But because they can ask for it knowing that it is not going to come, they have an excuse to be able to say, gee, we do not have all the information we need.

I do not think that is the motivation of any of my colleagues on the other side of the aisle because I think they realize this is not something that historically has been requested and should be requested.

So when you parse out all of the different objections to Miguel Estrada, it all boils down to abstract process and, from some of the outside groups anyway, retribution. It has nothing to do with his qualifications. It seems to me that common decency and fairness would cause each one of the 100 of us to look deep within ourselves and say maybe we vote yes, maybe we vote no on his nomination, but we should not deny him a vote. That is partisanship and negativity and obstructionism that is not worthy of the Senate. So we should not do that.

We should agree to let this nominee be voted on, cast the vote we believe is appropriate, and then move on with the Nation's business. At a time when we may well be on the brink of engaging in military conflict, and the President has a great many issues on his agenda to deal with in that regard, I think it is unseemly for the Senate to be holding up, filibustering, one of his highly qualified nominees to the DC Circuit Court of Appeals.

As the Senator from Nevada said earlier today, everything has been said, it is just that everybody has not said it.

Fine. Come on down and say it so we can get on with the vote, confirm Judge Miguel Estrada, and move on with the Nation's business.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Madam President, if this were a matter of retribution, it would have started a long time ago.

Senator DASCHLE came to the floor after we took the majority in the Senate and said that as it related to judicial nominations this was not payback time; we were not going to treat the then-minority, the Republicans, as we were treated when we were in the minority. To show that we were true to our word, we approved 100 nominees during the short time we had the majority of the Senate.

I read into the RECORD earlier today the scores of judicial nominees who did not receive hearings, who waited and never got a vote on their nominations. They are out practicing law someplace. This is not retribution.

Madam President, once in a while I try to come up with something that has not been said on the Senate floor during the last several days. My friend from Arizona said: Everything has been said, but not everyone has said it. I have come up with something that has not been said, in response to what my friend from Utah and others have said about this ABA rating that Estrada has. The Republicans thought so much of the ABA rating that when they had the majority, they decided to do away with it. But now they have decided it is a good thing.

It is true, Estrada received a well-qualified rating from the American Bar Association. I think everyone acknowledges that the ABA should not completely supplant the Senate's role. Those on the other side have indicated the ABA rating of Mr. Estrada should be afforded great weight. I think it should be afforded some weight. Some have implied it should take the ABA's word for it when it comes to Estrada and simply limit our role in reviewing his record because he got a well-qualified rating from the ABA.

The American Bar Association rating is a useful tool for the Senate. But that is all it is, a tool. It is not a replacement for the Senate exercising its own independent judgment regarding a nominee's suitability for the second highest court in the land. There are good reasons for that. The best reason is the Constitution, Mr. President.

I am sorry, I referred to the Presiding Officer as a "Mister." I have the greatest respect for the Senator from North Carolina, having one of the most distinguished records of any Senator who has come to the Senate, having served in so many different Cabinet positions that they are difficult to name; and, in addition, the highly visible role the Senator from North Carolina has held in different administrations. She has been head of one of the greatest organizations in the history of the world, the American Red Cross. I know who is presiding, and I was just reading from my notes and apologize for referring to the Senator as "Mr. President."

The best reason we do not agree with the majority is the Constitution. The Constitution assigns the role of evaluating a nominee to the Senate—not to the American Bar Association. In addition, if you look at the ABA process, it is far from perfect. The ABA delegates the review of potential nominees to one individual member of the ABA committee for each circuit. In effect, these nominations that the President gives us, no matter what party, go to one lawyer in the ABA, and that lawyer makes a recommendation. The ABA delegates that review to one individual who nominates each nominee and appoints to the ABA a recommended rating of that nominee's qualifications.

In this instance, a man by the name of Fred Fielding was in charge of evaluating potential nominees for the DC Circuit at the time Miguel Estrada was under consideration by the White House. In this role, Mr. Fielding was in charge of evaluating Mr. Estrada's qualification and was in charge of recommending a rating to the ABA. He recommended well-qualified. The ABA places heavy reliance upon the recommendation of people such as Mr. Fielding and approved Fielding's recommendation unanimously.

There have been some concerns about how this ABA process works and how it will work in this case. In this case, Mr. Fielding, at the same time he was evaluating DC Circuit Court nominees such as Miguel Estrada, continued to be heavily involved in partisan politics. He was counsel to the Republican National Committee for the Republican National Convention of 2000 and served on the Bush-Cheney transition team in 2000. At the same time he was serving on the ABA committee that evaluated DC nominees, Mr. Fielding cofounded, with C. Boyden Gray, something called the Committee for Justice.

We all know C. Boyden Gray has been a long-time, very partisan Republican. There is nothing wrong with that. But that is a fact of life. This organization was founded to help the White House with the public relations effort to pack the Federal bench with extreme judges. They also founded it to run ads to intimidate Democrats from exercising their constitutional duty to scrutinize the President's judicial nominees. Ads are now run to that effect, saying Senate Democrats are really bad. The ads are paid for by the Committee for Justice, which is this front that has been established by Fred Fielding and Boyden Gray. Their ads label Members of this Chamber as "liberal extremists" and "anti-Hispanic" even though the Hispanic Caucus has said Miguel Estrada should not be placed in the DC Circuit.

These ads run by this organization that is led by Fielding and Gray are unfortunate. It is a right that Fielding and Gray have to engage in these activities to mislead the American people. They have that right. But it does call into question whether someone so heavily steeped in partisan activities can objectively and impartially evaluate nominees' qualifications to the second highest court in the land.

This man, Fred Fielding, was the person who gave Estrada the recommendation while he was doing this. He was forming a committee he calls Committee for Justice, with Boyden Gray, another partisan Republican, and the purpose was to pack the bench with right-wing conservative judges. They also raised money so that if someone disagreed with them, they would run ads and intimidate them into agreeing with them. It does call into question whether someone so heavily steeped in partisan activities can objectively and impartially evaluate the qualifications of the nominees of the second highest court in the land.

The Senate is not privy to Mr. Estrada's ABA report, and we have no way to evaluate how Mr. Fielding arrived at his recommendation, but I think at the very least his partisan activities at the time he was charged with independently evaluating Mr. Estrada create the appearance of a conflict of interest and should embarrass the American Bar Association.

People expect the ABA reviews to be conducted by independent, nonpartisan individuals, not by partisans who are the President's foot soldiers in the effort to pack the Federal courts. The circumstances of Estrada's ABA evaluation are very serious—very serious. These circumstances underscore the need for the Senate to independently evaluate Mr. Estrada's record.

It would be somewhat shallow for people to say that this man, Fielding, who evaluated this judge to be, was fair and independent. I said the ABA should be embarrassed. What we are talking about here is Estrada. This has made an independent review impossible. I am not willing to delegate my constitutional duty to Mr. Fielding, the cofounder of a group designed to attack Members of this body who do not agree with him.

Earlier today, I had a chart here that outlined Mr. Estrada's assistance to this body so we could come up with answers to Judiciary Committee questions. Some people called in and said the chart was small and they could not read it. I want to make sure they can read this chart. It is titled "Miguel Estrada's answers to the Judiciary Committee's questions." Here are his answers.

There weren't any. Those from the other side can come here and talk and show us visual aids about all the answers given to this committee that fill volumes when, in fact, as Senator DURBIN so well described, his answers were evasive.

> Mr. Estrada, give us the name of a Supreme Court Justice that you would like to be.
>
> I don't have an opinion.
>
> Give us a case you disagree with.
>
> I don't have an opinion.

These were his answers to the Judiciary Committee's questions.

I had some other charts here, and they said the writing was too small. Here is one about Miguel Estrada's legal memoranda. Here is the information we have regarding Miguel Estrada's legal memoranda. The writing this morning was too small. But here is what it says:

> Miguel Estrada's legal memoranda.

Here is what we have: Nothing.

My friend from Arizona said this would be chilling; why would we want to set a precedent like this?

It has been set in the past. We have had Chief Justice Rehnquist, for beginners. When he came before this body and we wanted to look at a memo, we got it. I don't have all the names here, but we know Civiletti and Roberts and others—it has happened on other occasions. This is no dangerous, misleading, scary precedent.

We have, by virtue of the Constitution of the United States, an obligation to make sure that we advise and consent to the nomination of the President. Article II, section 2, says that is our obligation, and that is what we are doing. We have an obligation that is in the depths of the Constitution to do just that.

If they, the majority, believe this man is as good as they say he is, let us share in the information, let us look at his legal memoranda, and let us also have him answer questions.

You would think we would want to know, as part of our constitutional duties, what a person's legal philosophy is. As the Senator from Illinois, Mr. DURBIN, and I this morning indicated in an exchange, Mr. DURBIN, the distinguished Senator from Illinois, the senior Senator from Illinois, he said to Miguel Estrada: Give us the name of a case in the Supreme Court that you disagreed with.

As Senator DURBIN and I said: You know, we have been to law school. I will bet it is not too hard of a press to come up with a case about which you think the U.S. Supreme Court was wrong. How about Dred Scott? Maybe Dred Scott was wrong.

Not him. He wouldn't tell us. No.

> I have no opinion on that.

Miguel Estrada's legal philosophy—that is it. And because that is it, this blank, we are going to make a decision? No.

The majority leader is the one here who has to make a decision. He can go on like we are today, tonight, tomorrow. In fact, I read in a publication here that one of the Republican leaders says:

> If [Democrats] want to stay through the weekend, we'll stay through the weekend.

Boy, is that a threat that just chills me. We may have to work here over the weekend? That would be terrible. Is that supposed to take away our constitutional duties, because they are going to make us work? I work whether I work here or go home.

The leader has to make a choice: Are they going to pull this nomination or do they think enough of this man to give us his legal memoranda and have him answer questions? Or he could do something that is done a lot around here: File cloture. See if he can stop the debate.

As I have said before, we are in harmony over here. We believe what we are doing is principled and right. No matter how many times the other side says there is no problem, all they have to do is see what is going on here. There is a problem. If they want to resolve that problem, all the cards are in their hands and they can decide how they want to handle it. Otherwise, if they want us to stay here, we will stay in quorum calls or we will talk.

I have suggested to some of the Senators here if we get past the morning hour when we have to be fairly germane to what is being talked about, I think it would be an excellent time, as the Senator from West Virginia did yesterday, I think we should have a little discussion about what is going on in the world. We are very close to going to war. That is what I am told. I think it would be very important to the people of Nevada to have a discussion about that. I think we are going to win the war, but are we going to win the peace in Iraq? That should be a subject. If they want to keep us here all weekend, we could talk about that at some length.

Mr. BYRD. Madam President, will the Senator yield?

Mr. REID. I am happy to yield for a question without losing the floor.

Mr. BYRD. Are we likely to be in session this weekend?

Mr. REID. That is a decision they have to make. I am just reading from one of the publications. One of the Republican leaders said they are really going to get us on this. They are not filing cloture, but what they are going to do is talk all night tonight and all night tomorrow night, to get a vote on the Estrada nomination by the weekend.

Let me just say to everyone within the sound of my voice, that will not get them a vote on Estrada. We have told them what we believe is appropriate.

People may disagree with us. This is the Senate. We have certain rules. We are not dealing from under the deck. We are not holding any cards up our sleeves. We have said openly what we are doing. We are not going to allow a vote on this until we get the information we want. So it is up to them. If they want to threaten us, we could also—we could talk about the war, as the distinguished Senator from West Virginia did yesterday.

I think it is also important to think about this economic plan that has been suggested, the one the President has put forward that the Chairman of the Federal Reserve says is not a good plan. The chairman of the Ways and Means Committee in the House says it is not a good plan. We could talk and elaborate on how some of the Republicans feel about their own plan. That would take a little bit of time.

We could talk about the President's Medicare fix, which the Speaker of the House of Representatives said is a really bad idea.

We can talk about a lot of things. This is the Senate rules. We do not have to talk about Miguel Estrada. I said to everyone yesterday and I have said it today, everything has been said about Miguel Estrada, for and against him. But not everyone has said it. So we can be here, we can continue rehashing Miguel Estrada.

But the President said—I think I am quoting almost verbatim when he was told there is a filibuster—the game is over.

I don't know what that means. That is a term he used a lot. He said the game is over in Iraq. The game is over on Estrada. This is not a game; this is something we are doing based upon principle.

I think, for the good of the country, unless they are going to give us the information we want, this nomination should be pulled. Then we can get on to other things that I think are very pressing that we should get on to.

I want to make sure I was right. I want to make sure I said this right.

> Senate Judiciary Committee Chairman Orrin Hatch . . . scoffed the Democrats' demand for more information about Estrada.

I said the President said: The game is over.

Senator HATCH said that. He is quoting what the President said on other things.

> That game is over.

The game is over—this is not a game. This is not something that was arrived at in a short period of time. In fact, the Democratic leader waited a number of days before the decision was made, after he conferred literally with every Democratic Senator about how he felt about this. This is not an arbitrary decision made by the Democratic leader. This is a decision made by Senator DASCHLE after having conferred with every Democratic Senator, on more than one occasion in most instances. That is what the body over here desired to do, and that is what we are doing. We hope everyone understands this is not a game. We are very serious about what we are doing. We believe what we are doing is principled.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOE MEADOWS

Mr. BYRD. Madam President, this past Saturday my longtime, good friend, and former staff member, Joe Meadows, passed away.

Joe Meadows was a dedicated, hard-working, conscientious, sincere, and loyal individual. As the mail clerk in my office in the Hart Building, he managed the mailroom for me. He did his job effectively and efficiently. And everyone else on the staff liked him.

One couldn't help but like Joe Meadows. From time to time, when I went into his section of the office, I would find Joe Meadows with a handful of papers, letters, correspondence, and files in one hand. And with his glasses down over his nose, he would look up over his glasses.

He was a wonderful man. He rarely talked about it, this quiet, soft-spoken, hard-working, unassuming man. He was also one of the best country fiddle players in the United States. He was a bluegrass musician, born in a small coal town in southern West Virginia, on the last day of 1934.

Joe never learned to read a note of music.

Does the distinguished Senator from New York have memories concerning the year 1934?

Mr. SCHUMER. Madam President, I appreciate the Senator yielding. I say to the Senator, my memories are those my parents told me.

Mr. BYRD. Well, the Senator, I take it, was not around in 1934?

Mr. SCHUMER. I was not.

Mr. BYRD. OK. Well, I was a high school senior in 1934. I graduated that year. And we were hearing talk, in those days, about a gadget that would allow one to see a person as that person spoke or would allow one to see a person who played the violin as the violin was being played. That was a few years right after the invention of the television. Television was invented in 1926. And so I am talking about 1934, just 8 years after television was invented. Eight years after television was invented, 1934.

Oh, we heard about this gadget, as I say. It was coming and would be on the market in a few years. My, what a change that made. 1934; well, the last day of 1934, Joe Meadows was born. He never learned to read a sheet of music, but he could really play it. He could make that fiddle cry. He could make it scream. He did have neighbors and a father who played the fiddle.

He had an extraordinary gift for music: Joe Meadows from the hills of southern West Virginia. He is one of the finest bluegrass musicians I ever heard. Like many lads in southern West Virginia, including myself, Joe Meadows grew up listening to the Grand Ole Opry on the radio. The Grand Ole Opry, I can remember the times when that was all we had to listen to on Saturday night—the Grand Ole Opry.

Yes, I can remember the Solemn Old Judge and Deford Bailey. Deford Bailey played that harmonica. Oh, he could make that harmonica scream. He could make that harmonica play "Freight Train Blues," Deford Bailey. And there was Sam and Kirk McGee. There was Arthur Smith and His Dixieliners: "Going on down that Dixie line, walking in my sleep"—Arthur Smith and His Dixieliners. He played "The Mockingbird." He could make that mockingbird sing on that violin.

But Joe Meadows could do anything that Arthur Smith could do, and better.

The Grand Ole Opry, that is all we had in those days. On Saturday nights we would square dance and listen to the Grand Ole Opry. There was the Fruit Jar Drinkers. That was kind of a lousy band. I probably shouldn't say that. But I did not think as much of the Fruit Jar Drinkers as I did the Dixieliners, by any means. And Roy Acuff used to sing "That Great Speckled Bird" Saturday nights. Saturday nights, 1934.

I graduated from high school in 1934. I liked a pretty, pretty girl, too. She was not in my class. She was in the next class behind me, and she was the daughter of a coal miner. And that coal miner played a fiddle. His name was Fred James.

I took a liking to that daughter of the coal miner. And I tell you, you young ladies, and young men as well, who are pages here, I tell you how I courted my girl, my sweetheart, how I won her hand in marriage.

There was another boy in my class at Mark Twain High School in 1934. His name was Julius Takach. His father had a grocery store at Ury, what we called Cooktown, about 3 miles south of Stotesbury where I lived. And Julius Takach would, every morning, come to school with his pockets filled with that candy and chewing gum, bubble gum, and so on, from his father's store.

Now, I tell you, I made it my business to be the first to greet Julius at the schoolhouse door upon his arrival every day because he would give me some of that candy and chewing gum.

I tell you, it was something to be able to present your girl, your sweetheart, a piece of bubble gum. And I never let her know that I did not buy that, I did not purchase that gum or candy. I did not let her know it was given to me, but it was given to me by Julius Takach.

I would meet her when the classes changed, and I would give her that candy and chewing gum. Boy, what a hit I thought I was, giving that pretty girl that candy and chewing gum.

Well, now, 65 years and almost 9 months after I married that pretty girl, I am here to tell these young men who are pages, that is the way you court your girl, with another boy's bubble gum.

Mr. SCHUMER. Will my friend and leader from West Virginia yield?

Mr. BYRD. Yes.

Will the CONGRESSIONAL RECORD please note that there was laughter.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. Would the reporter kindly note there was laughter again in the CONGRESSIONAL RECORD. We have to make that CONGRESSIONAL RECORD come alive.

Mr. SCHUMER. My colleague from West Virginia, if he might yield——

Mr. BYRD. Yes.

Mr. SCHUMER. Is making everything come alive in this Chamber. We have not had a happier moment in a long time. And I very much appreciate the stories he is telling. I was going to say, I guess we all ought to take this up, because 65 years of marriage to Erma—and we all hope and pray she is in good health again; and I hope she is—is something we should all pay very good attention to.

Now, I don't know, these days, if the young ladies will just accept bubble gum. You might have to do a little more than that, maybe a whole basket of candy or something. But it is good for us to know.

I did not want to interrupt my colleague. I just, in terms of the scheduling, ask if it might be all right to ask unanimous consent that after the Senator from West Virginia is finished I be recognized for the time that I might need.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, if I may continue, I try to remember great speeches. One of the best speeches I ever heard was made by our colleague from West Virginia when he came to the floor, it must have been about a year and a half ago, and talked, with as much love as he has for his employee who has passed and almost as much love as for his wife, about the beauties of coming to West Virginia on a vacation. It was one of the finest, nicest speeches I ever heard. I will never forget it, and I think this one is going to be just as memorable. I look forward to hearing my friend continue. I thank him for his courtesy.

Mr. BYRD. Madam President, I thank the distinguished senior Senator from New York for his observations. I am very grateful to him.

Like many lads in southern West Virginia, including myself, Joe Meadows grew up listening to the Grand Ole

Opry on radio—that was back in the days of the Great Depression—as well as "Farm and Fun Time" and other radio programs that featured country and bluegrass music. And Joe Meadows absorbed it all. His ear was fixed on and naturally attuned to the fiddle playing. Joe listened. Joe learned. And later, Joe performed what he had heard. At the age of 16, Joe Meadows began performing with Melvin and Ray, the Goins Brothers, and from there he went on to tour with and recorded with the greatest names in country and bluegrass music including Jim and Jesse, the Stanley Brothers, and the legendary Bill Monroe and his Blue Grass Boys.

Joe Meadows' musical career included 25 years on the road as a professional fiddle player and a 7-year run at the Grand Ole Opry. He had toured Europe four times and Japan once where he was incredibly well received. Before I stopped playing the fiddle, Joe Meadows and I would sometimes sit down on weekends and play our fiddles together. We usually taped our sessions, and then we listened to our recordings together to see how we could improve our playing. Well, he couldn't improve his playing much, but I had plenty of room to improve my own. I always hoped to be as smooth in handling that bow, that fiddle bow as Joe was. He had complete control of that fiddle bow. I don't think I ever got there, but he never stopped trying to help me.

Joe Meadows was not only naturally endowed with a strong and supple bow arm, the good Lord blessed him with a great pair of fiddler hands.

I never have had the pleasure to observe anyone whom I liked to listen to better than I liked Joe Meadows. He had nimble, quick fingers, and he used them beautifully.

The bluegrass and mountain music and old-time fiddling world has lost a great musician. I have lost a good friend. West Virginia has lost a good and gracious son.

My wife Erma and I extend our deepest condolences to Joe Meadows' family and to his many friends.

Let fate do her worst.
There are relics of joy,
Bright dreams of the past
That she cannot destroy.

They come in the nighttime
Of sorrow and care,
And bring back the features
That joy used to wear.

Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled.

You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang 'round it still.

ON THE BRINK OF WAR

Mr. BYRD. Madam President, to contemplate war is to think about the most horrible of human experience. On this February day, as this Nation stands at the brink of battle, every American on some level must be contemplating the horrors of war.

My wife says to me at night: Do you think we ought to get some of those large bottles, the large jugs, and fill them with water? She says: Go up to the attic and see if we don't have two or three there. I believe we have two or three there.

And so I went up to the attic last evening and came back to report to her that, no, we didn't have any large jugs of water, but we had some small ones, perhaps some gallon jugs filled with water. And she talked about buying up a few things, groceries and canned goods to put away.

I would suspect that kind of conversation is going on in many towns across this great, broad land of ours. And yet this Chamber is for the most part ominously, dreadfully silent. You can hear a pin drop. Listen. You can hear a pin drop. There is no debate. There is no discussion. There is no attempt to lay out for the Nation the pros and cons of this particular war. There is nothing.

What would Gunning Bedford of Delaware think about it? What would John Dickinson of Delaware think about it? What would George Read think about it? What would they say?

We stand passively mute in the Senate today, paralyzed by our own uncertainty, seemingly stunned by the sheer turmoil of events. Only on the editorial pages of some of our newspapers is there much substantive discussion concerning the prudence or the imprudence of engaging in this particular war. I can imagine hearing the walls of this Chamber ring just before the great war between the States, a war that tore this Nation asunder and out of which the great State of West Virginia was born.

But today we hear nothing, almost nothing, by way of debate. This is no small conflagration that we contemplate. It is not going to be a video game. It may last a day or 6 days. God created Earth, and man, the stars, the planets, and the Moon in 6 days. This war may last 6 days. It may last 6 weeks. It could last longer. This is no small conflagration that we contemplate. This is no simple attempt to defang a villain. No, this coming battle, if it materializes, represents a turning point in U.S. foreign policy and possibly a turning point in the recent history of the world.

This Nation is about to embark upon the first test of a revolutionary doctrine applied in an extraordinary way, at an unfortunate time—the doctrine of preemption, no small matter—the idea that the United States or any other nation can legitimately attack a nation that is not imminently threatening but which may be threatening in the future.

The idea that the United States may attack a sovereign government because of a dislike for a particular regime is a radical, new twist on the traditional idea of self-defense. It appears to be in contravention of international law and the U.N. Charter. And it is being tested at a time of worldwide terrorism, making many countries around the globe wonder if they will soon be on our hit list, or some other nation's hit list.

High-level administration figures recently refused to take nuclear weapons off the table when discussing a possible attack on Iraq. What could be more destabilizing? What could be more world shattering? What could be more future shattering? What could be more unwise than this kind of uncertainty, particularly in a world where globalism has tied the vital economic and security interests of so many nations so closely together?

There are huge cracks emerging in our time-honored alliances. One wonders what is going to happen, and about what is happening to the United Nations. One should pause to reflect on what is happening there at the United Nations, formed 54 years ago. And we say: If you are not with us, you are against us. That is a pretty hard rule to lay down to the United Nations. If you are not with us, you are against us. If you don't see it our way, take the highway. We say to Germany and we say to France—both of whom have been around longer than we—if you don't see it our way, we will just brush you to the side.

Do we fail to think about a possible moment down the road, a bit further on, when we may wish to have Germany and France working with us and thinking with us, standing with us, because there is a larger specter, at least in my mind, looming behind the specter of Saddam Hussein and Iraq. There looms a larger specter, that of North Korea, which has one or two nuclear weapons now, and others within reach within a few weeks. So there are huge cracks, I say, emerging in our time-honored alliances, and U.S. intentions are suddenly subject to damaging worldwide speculation.

Anti-Americanism based on mistrust, misinformation, suspicion, and alarming rhetoric from U.S. leaders is fracturing the once solid alliance against global terrorism which existed after September 11, 2001.

Here at home, people are warned of imminent terrorist attacks, with little guidance as to when or where such attacks might occur. Family members are being called to active duty, with no idea of the duration of their stay away from their hearthside, away from their homes, away from their loved ones, with no idea of the duration of their stay or what horrors they may have to face, perhaps in the near future. Communities are being left with less than adequate police and fire protection, while we are being told that a terrorist attack may be imminent. What about those communities like little Sophia, WV?

Mr. DURBIN. Will the Senator yield for a question?

Mr. BYRD. Yes, I am happy to yield.

Mr. DURBIN. I am happy the Senator has taken the floor today. We have spent most of our time discussing other matters. But this is a critically important matter in West Virginia and Illinois.

I ask the Senator, as a matter of record, if he would kindly recount, since September 11, the efforts he has personally made, as well as speaking on behalf of this side of the aisle in the caucus, to try to bring together the necessary resources and funds so that we can be prepared to deal with acts of terrorism against the United States. We were just alerted this weekend that we were on something called the orange alert. The Senator noted that his wife asked what does this mean in terms of water and protecting our families and our houses.

Would the Senator be kind enough to tell us for the record, as we reflect on whether we are prepared to deal with terrorism, what we have tried to do—unsuccessfully—since September 11 to respond to this challenge?

Mr. BYRD. Madam President, I thank the very able and distinguished Senator from Illinois who is a graduate of the other body where I believe he served on the Appropriations Committee.

He serves on the Senate Appropriations Committee. I need only respond in a brief way at this point to the incisive question which the distinguished Senator has asked. I refer him to the CONGRESSIONAL RECORD upon several occasions last year when I said to the Senate that I was bringing to the floor, or said to the Appropriations Committee, that I was bringing an amendment up dealing with homeland security, and I shall do that again, hopefully before this week is over.

Let me say briefly in response to the able Senator, time and time again the Senator has worked with me and with every other Senator on the Senate Appropriations Committee, Republicans and Democrats alike, to report measures from the Senate Appropriations Committee unanimously that provided moneys for homeland security.

I remember our providing $2.5 billion—$2.5 billion—for homeland security. We designated it in the committee as an emergency item, and all that remained to be done—all that remained to be done—in order to have that $2.5 billion immediately flow to the policemen, the law enforcement officers, the firefighters, the health emergency personnel all over this country, all that needed to be done was for the President of the United States to attach his signature and likewise designate that $2.5 billion as an emergency.

How little to ask. But how much it would have meant to the first responders in the many towns and cities and rural communities in Illinois, in North Carolina, in West Virginia, and cities and hamlets all over this country if the President had but condescended in that moment to sign his name on that item, making it an emergency item.

The law requires that for an item to be declared an emergency item, both the Congress and the President have to designate the item as an emergency. Congress did its part, and, in that case, that involved $2.5 billion. The President literally gave the back of his hand to that effort on the part of the elected representatives of the American people in this Chamber and on that committee. He gave the back of his hand to that effort on the part of Congress to provide $2.5 billion for the local responders and people in the health laboratories all over this country, for border security, airport security, port security, and all of the many facets that are involved in homeland security. He turned his back on that effort.

Then last year, I believe in November of this past year when we had the omnibus appropriations bill before the Senate, I offered an amendment, a $5 billion amendment, an amendment making $5 billion available for homeland security. Did the administration support that amendment? No, the administration fought it, and the amendment went down in flames, as it were, on the floor of the Senate on virtually a party-line vote.

That $5 billion would have gone a long way, would have been out there today when we have this orange alert scaring the American people—I am not saying it is not appropriate to have an orange alert, but we have seen alert after alert after alert, and in spite of the alerts that have been so often set forth in this country by the administration's own people, the administration, the President, have turned their backs on these efforts of the Senate Appropriations Committee by unanimous votes, including the Republicans on the committee, to provide ample moneys for homeland defense.

Again, having lost the $5 billion, I came back with an amendment providing for $3 billion. We slimmed down—you can go to the store and get the Slim Fast at the Giant. I go to the store and do the shopping for my wife. She does not need Slim Fast, but I sometimes get Slim Fast. Well, we slimmed fast that $5 billion and brought it down to $3 billion, thinking we would pick up some votes with the administration's support.

Did we get any more votes? No, the administration was against the $3 billion, and today they are telling us all, we better be on watch day and night.

Mr. DURBIN. Will the Senator yield for another question?

Mr. BYRD. Yes.

Mr. DURBIN. Madam President, the Senator is probably preeminent in this Chamber in his knowledge of history, and he certainly knows the history leading up to World War II when a Member of the House of Commons by the name of Winston Churchill took to the floor week after week, month after month, year after year, warning the people of England that the looming crisis, the rise of Nazism and fascism and their failure to prepare. William Manchester's famous biography of that period of Winston Churchill's life is entitled "Alone" because he stood alone warning the people of England of the crisis that was to come.

I say to my colleague from the State of West Virginia, his role in this crisis facing America has been Churchillian in that he has taken the leadership in the Senate time and again to warn us of a looming crisis. I ask him if he agrees with most people that to have an orange alert and to tell mothers and fathers across America to put aside some bottles of water, buy some duct tape and plastic sheeting, and prepare for the crisis of terrorism is not enough; that we as a nation should have taken this looming crisis seriously long ago?

I believe I know the answer to this question, but, Madam President, I thank my colleague from West Virginia for his leadership. I thank him for standing on this floor and reminding us that there is still an unfulfilled agenda, and that if we face terrorism, we have to be honest with the American people. We have tried in the Senate, but we have failed. We are not as prepared as we should be to face this threat.

I ask the Senator from West Virginia—I am not going to take any more time from his great comments—if he would comment on the Churchill analogy.

Mr. BYRD. The Senator is preeminently correct. His mention of William Manchester reminds me of that great book, "The Glory and the Dream" by William Manchester who wrote about the Great Depression. In fact, Herbert Hoover was the first President to have a telephone on his desk in the White House. "The Glory and the Dream."

Yes, we have had time to prepare. In many respects, we have failed. Our committee on which the distinguished Senator from Illinois sits conducted hearings and requested that the Homeland Security Director, former Gov. Tom Ridge, appear before the Appropriations Committee to testify concerning the needs of homeland security in this country. Did he come? He probably would have come but his boss, the President, said, no, he shall not come. So we conducted 5 days of hearings on homeland security in those early months of 2002. As a result, we brought to the floor legislation based on the testimony that had been adduced from witnesses from all over this country—mayors, Governors, and first responders.

This legislation, to a large extent, was pretty much sneered at—it is hard to respond in any other way—by the administration. Based on the testimony of those witnesses, we tried time and again to bring to the Senate and pass legislation that would provide for the needs of those local responders, the people at the local level, in the effort to prevent terrorist attacks and in the effort to deal with terrorist attacks once they occurred. We got no help from this administration.

Did the people out there know it? Some of us attempted to tell the American people about these efforts, but the press has not picked up on it very well. Communities are being left with less than adequate police and fire protection. Other essential services are also shortstaffed. The mood of the Nation is grim, is the only way I know how to put it. The economy is stumbling. Economic growth is worse than it has been in 50 years. Fuel prices are rising and may soon spike higher.

This administration, now in power for a little over 2 years, must be judged on its record. I believe that record is dismal. In that scant 2 years, this administration has squandered a large projected surplus of some $5.6 trillion. How much is that? That is $5,600 for every minute since Jesus Christ was born.

Let me say that again. In that scant 2 years—I am talking about the last 2 years—of this administration's record, this administration has squandered a large projected surplus of some $5.6 trillion over the next decade and taken us to projected deficits as far as the human eye can see. This administration's domestic policy has put many of our States, including my own, in a dire financial condition, underfunding scores of essential programs for the people, the people out there who are watching through those electronic lenses.

This administration has fostered policies that have slowed economic growth. This administration has ignored urgent matters such as the crisis in health care for our elderly. This administration has been slow to provide adequate funding for homeland security. The distinguished Senator from Illinois, Mr. DURBIN, and I have been talking about that.

This administration has been reluctant to better protect our long and porous borders to the north and to the south, and to the east and to the west, where the great oceans form the borders.

In foreign policy, this administration has failed to find Osama bin Laden. In fact, yesterday we heard from him again marshaling his forces and urging them to kill, kill, kill.

This administration has split traditional alliances, possibly crippling for all time international order, crippling entities such as the United Nations and NATO. This administration has called into question the traditional worldwide perception of the United States as being a well-intentioned peacemaking, peace loving, peacekeeping nation.

This administration has turned the patient art of diplomacy on its head. It has turned the patient art of diplomacy into threats, labeling, and name calling of the sort that reflects quite poorly on the intelligence and sensitivity of our leaders and which will have consequences for years to come, calling heads of state pygmies, labeling whole countries as evil—as though we are not evil, as though there is no country that is not evil—denigrating powerful European allies as irrelevant. These types of crude insensitivities can do our great Nation no good.

We may have massive military might, and we have, but remember we have had massive military might before. How many millions of men marched to the drums of war only 60 years ago? Thirteen million American men under arms, was it? Millions.

While we may have massive military might today, we cannot fight a global war on terrorism alone. We need the cooperation and the friendship of our time-honored allies, as well as the newer found friends whom we can attract with our wealth. Our awesome military machine will do us little good if we suffer another devastating attack on our homeland which severely damages this economy.

Our military manpower is already stretched thin, and they are taking them from our States every day. Yesterday, I talked to the Senate about the vacancies, about the empty seats at the dinner tables in the homes of many West Virginians, because of the National Guard and Reserve departures every day from the State of West Virginia. Yes, there they come. They are law enforcement officers. They are State troopers. They are road builders. They are doctors. They are teachers. They are Sunday school teachers. These are the men and women who keep the lights burning when the snows fall and darkness comes. But on whom will we depend when these men and women are gone to foreign lands to fight a war if a war faces us here at home, a different kind of war.

Our awesome military machine will do us little good if we suffer another devastating attack on our homeland which severely damages our economy.

As I say, our military forces are already being stretched thin and we will need the augmenting support of those nations that can supply troop strength, not just sign letters cheering us on.

The war in Afghanistan has cost us $37 billion so far. Yes, we bombed those caves. We ran them into the holes, but they could not hide. We ran them out of the holes, and we ran behind them to get them. But there is evidence that terrorism may already be starting to regain its hold in that region. We have not found Bin Laden, and unless we secure the peace in Afghanistan, the dark dens of terrorism may yet again flourish in that remote and devastated land.

Pakistan, as well, is at risk of destabilizing forces. This administration has not finished the first war against terrorism, and yet it is eager to embark on another conflict with perils much greater than those in Afghanistan. Is our attention span that short? Have we not learned that after winning the war, one must also secure the peace?

Yet we hear little, precious little, about the aftermath of war in Iraq. In the absence of plans, speculation abroad is rife. Will we seize Iraq's oil fields, becoming an occupying power which controls the price and supply of that nation's oil for the foreseeable future? There are some who think so.

To whom do we propose to hand the reins of power in Iraq after Saddam Hussein? Will our war inflame the Muslim world, resulting in devastating attacks on Israel? Will Israel retaliate with its own very potent nuclear arsenal? What are we about to unleash here? The genie is getting out of the bottle. Can it ever be put back? Will the Jordanian and Saudi Arabian Governments be toppled by radicals, bolstered by Iran, which has much closer ties to terrorism than Iraq? Could a disruption of the world's oil supply lead to a worldwide recession? Has our senselessly bellicose language and our callous disregard for the interests and opinions of other nations increased the global race to join the nuclear club and make proliferation an even more lucrative practice for nations which need the income?

In only the space of 2 short years, this reckless and arrogant administration has initiated policies which may reap disastrous consequences for years.

We have heard it asked, Are you better off today than you were 4 years ago? The question can be shortened: Are we better off than we were 2 years ago?

One can understand the anger and the shock of any President after the savage attacks of September 11. One can appreciate the frustration of having only a shadow to chase and an amorphous, fleeting enemy on which it is nearly impossible to exact retribution. But to turn one's frustration and anger into the kind of extremely destabilizing and dangerous foreign policy debacle that the world is currently witnessing is inexcusable from any administration charged with the awesome power and responsibility of guiding the destiny of the greatest superpower on the planet.

Frankly, many of the pronouncements made by this administration are outrageous. There is no other word. Yet this Chamber is hauntingly silent—silent. What would John Langdon of New Hampshire say about that? What would Nicholas Gilman of New Hampshire say about that? What would Rufus King and Nathaniel Gorham of Massachusetts say? What would Alexander Hamilton, who signed the Constitution, from the State of New York, say about the silence in this Chamber? What would Dr. Samuel Johnson of Connecticut say about the silence in this Chamber? What would William Paterson or William Livingston or David Brearley or Jonathan Dayton of New Jersey, the signers of the Constitution, have to say about the silence in this Senate which they created? What would Benjamin Franklin, Thomas Mifflin, James Wilson, Robert Morris, of Pennsylvania, have to say? What would Thomas FitzSimons or Gouverneur Morris, who signed the Constitution on behalf of the State of Pennsylvania, have to say about the silence that rings and reverberates from these walls today, the silence with respect to the war on which we are about to enter? What would they have to say? What would their comments be? Gunning Bedford, George Read of Delaware, Daniel Carroll, Dan of St. Thomas Jenifer of Maryland. These and more.

What would these signers of the Constitution have to say about this Senate which they created when they note the silence, that is deafening, that emanates from that Chamber on the great subject, the great issue of war and peace? Nothing. Nothing is being said except by a few souls. Yet this Chamber is hauntingly silent—hauntingly silent on what is possibly the eve of horrific infliction of death and destruction on the population of the nation of Iraq. Think about that.

Oh, I know Saddam Hussein is the person who is primarily responsible. But how about us? How about ourselves?

Yes, there are going to be old men dying. There will be women dying. There will be children, little boys and girls dying if this war goes forward in Iraq. And American men and women will die, too.

Iraq has a population, I might add, of which over 50 percent is under age 15. Over 50 percent of the population in Iraq is under age 15. What is said about that? This Chamber is silent—silent. When it is possibly only days before we send thousands of our own citizens to face unimagined horrors of chemical and biological warfare, this Chamber is silent. The rafters should ring. The press galleries should be filled. Senators should be at their seats listening to questions being asked about this war, questions to which the American people out there have a right to expect answers. The American people are longing for information and they are not getting it. This Chamber is silent. On the eve of what could possibly be a vicious terrorist attack in retaliation for our attack on Iraq, it is business as usual here in the Senate, and business as usual means it is pretty quiet. There is not much going on in the Senate. Business as usual.

Oh, I know it may be scare talk to talk about what may happen in the event of a terrorist attack. But when the Twin Towers fell, it wasn't scare talk. When hundreds of local firefighters and police officers, law enforcement officers died as the walls of the Twin Towers came tumbling down, it wasn't scare talk. It wasn't scare talk.

We are truly sleepwalking through history. In my heart of hearts I pray that this great Nation and its good and trusting citizens are not in for a rudest of awakenings. To engage in war is always to pick a wild card. And war must always be a last resort, not a first choice.

But I truly must question the judgment of any President who can say that a massive unprovoked military attack on a nation which is over 50 percent children is in the highest moral traditions of our country. This war is not necessary at this time. Pressure appears to be having a good result in Iraq. Our mistake was to put ourselves in a corner so quickly. Our challenge is now to find a graceful way out of a box of our own making. Perhaps—just perhaps—there is still a way, if we allow more time.

Madam President, I yield the floor. I suggest the absence of a quorum—I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I believe Senator SCHUMER is scheduled to speak. I understand he is not now going to claim his time. If I may, I would like to speak about Miguel Estrada. I appreciate the Senator from West Virginia and his effort to present his perspective. I find myself wanting not to be silent, though, in response. He has a perspective that is not one I share with respect to President Bush and the job he is doing as our Commander in Chief and as the leader of the free world. So before I speak about Miguel Estrada, I would like to remain not silent.

When I was elected to this body in 1996 I was given membership on the Senate Budget Committee. Being given membership on that committee, I remember President Clinton presented his first budget. We were coming through a period of great deficits and President Clinton projected deficits for as far as the eye could see. But something happened to our economy, something entirely unrelated to Government, something entirely unrelated to the Clinton administration. We saw what has happened periodically in the great civilizations, and that is a speculative bubble, irrational exuberance, and we saw the stock market surge with stock values wholly unrelated to their book values.

We began to witness a great bubble. That is when Alan Greenspan and others said there is irrational exuberance. We have a problem. They began pulling back on the money supply, and by the time George W. Bush took his oath of office, this country was in a full blown recession. He inherited this. For a colleague to suggest that this President has run this economy into the ground is belied by the facts and it is belied by the common sense of the American people who do not blame this President for the condition of this economy that he inherited and they, in fact, appreciate the fact that he is doing something about it and trying to do what the Federal Government can, with the levers available to it, to help put people back to work, to grow the economy, to say to the country, to say to the Congress: You know, the economy is tough. When the economy is tough, families have to tighten their belts, and Congress should do the same with the Government budget so we can leave more money at home so people can spend it to pursue their dreams, to balance their economies because when they do that, we are more likely to see employers reemploying people.

I must tell you, like my friend from Wisconsin, before I came to this body I was in the business of meeting a payroll. It was always a source of frustration to me to hear politicians from mighty places say that they were responsible for creating jobs, that they were somehow responsible for the condition of the private sector economy. We are citizens of a nation that has a free market economy, not centrally planned. I have always been upset, whether from Republican or Democratic politicians, when there is the claim that somehow we in the public sector create jobs.

It is false. It is a lie. So when I hear speeches saying that President Clinton is to blame for it, or President Bush is to blame for it, I say baloney because, as long as I have been in public life, I have seen us do various things with the levers available to us to try to help the economy, to take credit for it. But you know what. We can't. And may we never be able to because if we do, we will have adopted the ways of western socialist societies, of Western Europe, and these are failing models. These are not models designed to reemploy people and to give them opportunity and hope.

I sit on this side of the aisle for, frankly, one major reason. I believe in free enterprise. I do not believe in creeping socialism. I believe if you are interested in social justice you will pursue those policies that leave more money at home and give people a chance to reemploy folks and to produce products, to provide services that other people want to buy.

So when I hear a statement like I have just heard, with all due respect to a great man in this Chamber, I think it simply disregards the nature of the economic system we are in. I say that as a businessman before I was a Senator. So I thank President Clinton for doing the best job he could. I thank President Bush for doing the best job he could. But in the middle of the administration there was a stock market bubble that neither of them created for which we are now trying to deal with the consequences of the bursting of that bubble.

IRAQ

Madam President, on the issue of Iraq, I think every American feels disquiet about the fact that we are actually contemplating going on the offense because we are trying to provide for the defense of the American people.

I don't think President Bush relishes going to war. But I will tell you that I am glad he does not check our national security with the French or the Chinese or some international body which is, at the core, anti-American and anti-Semitic. I am grateful we have a President who goes to such bodies and makes America's case and stays engaged but never loses sight of the fact that America's interests are best determined by Americans.

I have never believed there was a sharp line of coordination between all the Islamic terrorist groups and Islamic states. But I am not so naive to believe that this is not a loose confederation of terrorism—a loose confederacy that has as its purpose the murder of Jews and Americans and other minorities who do not share their religious faith.

It takes foolish people to look at all the money moving around and all of the ammunition being bought and all of the murder being committed to say we just have to wait for them to hit us again.

I thank God for a President who is willing to say: I am going to protect the American people, and I am going to go where the facts lead us. And even if it says we have to play defense by going on offense we are going to do that.

I don't believe we are going to Iraq out of reasons of oil. I believe we are going there for the security of the American people. Who can like the situation in the Middle East now? Perhaps there is a prospect of a better future. Perhaps there is a prospect of democracy that takes root in the middle of Arabia on the border of Persia that may ultimately figure out how to find peace with their Jewish neighbors. We have no prospect of that in the current arrangement.

When I hear motives described of this President that his response to 9/11 is somehow failed, I think maybe they are going to different briefings than I am. Maybe they are seeing different facts than I see. I don't understand the charges that were just made here. The charge was made that we are being silenced. I diverted from my Miguel Estrada speech because, frankly, I don't want to be silent if that is what people actually believe here because it is wrong. I want to make clear my opposition to it.

Madam President, when I came to this body, I promised the people of Oregon that while I have values I refuse to check at the door, I would not have a single-issue litmus test when it came to judicial nominees.

I remember very vividly our phones ringing off the hook with calls from conservative people in my State who were very upset at all the Clinton nominees for whom I voted. But I wanted to keep my word that I would not have a single-issue litmus test. I was going to focus on whether President Clinton's nominees were qualified and for some reason not disqualified by personal conduct or ethics.

So with that, I can think of only one exception when a nomination was defeated on the floor of this body at the request of the two Senators of that State.

I voted time and time again for President Clinton's nominees who probably in most cases had different views than I did. I remember specifically the nomination of Richard Paez of California which the Republicans held up for some time. But some of us pushed on this side to get him confirmed.

I remember the nomination of Marsha Berzon, another Ninth Circuit nominee. The conservatives couldn't stand her. Some of us pushed through and got her confirmed and voted for her because we didn't want to happen in this place what is happening now in the case of Miguel Estrada.

I was trained in the law. As a lawyer, I have to tell you that I am envious of the credentials of Miguel Estrada. I will bet in all the time I serve here, few nominees will come to this place who are better prepared and better credentialed than Miguel Estrada. Yet it has come to this? A filibuster? Not for the Supreme Court but for an appeals court—an important one for sure but not even the highest court. We are in the midst of a filibuster.

But consider what an Horatio Alger story is Miguel Estrada when it comes to American law. This man came to this country, from Honduras, at the age of 17, speaking little English. He went to Columbia University. He graduated there magna cum laude. Then he went to Harvard Law School and he graduated there as the editor in chief of the Harvard Law Review, Order of the Coif. Then he went on to clerkship for United States Supreme Court Justice Anthony Kennedy.

You cannot get better credentials than this.

He then served as Assistant Solicitor General of the United States under both the Bush and Clinton administrations, earning high praise from colleagues, including President Clinton's Solicitor General, Seth Waxman, under whom he served.

By the way, I also note that he argued the Government's case against the abortion clinic demonstrators. He upheld the law.

He has the unanimous high rating by the American Bar Association as "very well-qualified"—its highest rating. That used to be the gold standard for the Democratic conference for people coming through the Judiciary Committee to this floor.

He enjoys broad support from Hispanic communities, including the U.S. Hispanic Chamber of Commerce, the Hispanic National Bar Association, and the Washington Post, of all papers, which editorialized that this confirmation should be an "easy call". But it is not. It is all bollixed up. Charges have been raised against Miguel Estrada that he is way out of the mainstream. When you ask for evidence of that, I find none forthcoming. They say he has no judicial experience. Well, I have told you what his legal training is, as well as his legal practice at Gibson, Dunn & Crutcher, a great law firm in California.

I would note that five of the eight current judges on the District of Columbia Circuit had no prior judicial experience before they served on it. But, clearly, that doesn't cut it.

I noted before that he has the highest rating of the American Bar Association. Some have said: Well, but he defended antigang laws. These are known as antiloitering laws. But I would point out that he did that when he was hired by Chicago's Solicitor, at the request of Democratic Mayor Richard Daley, to defend their constitutionality. There is no partisan conspiracy in this. They wanted a good lawyer to defend it. This is a man who has argued 15 cases before the U.S. Supreme Court. No judicial experience? That doesn't hold up.

Some have said he didn't answer all the questions.

I can tell you I fear that what we are doing in this Chamber by the process that began with Robert Bork is setting a standard that if you provide the opposition with your views and your records, you give them ammunition to shoot you—at least politically speaking—in this place.

I come back to my belief that what this really is is the victory of single-issue politics. I regret that.

My friend from Nevada holds the same view I do on single issue. He is evidence that his party has had a big enough part to include people who may—I emphasize "may"—have a view as to the sanctity of life that is out of the mainstream, if you will.

You see, Miguel Estrada has never told us what his views are. Maybe that is what is wrong here. Maybe if he would come and pledge allegiance to Roe v. Wade all this opposition would go away. But I want to lament that our process has come down to single issue litmus tests. I do not think it should.

See, Miguel Estrada has said what should be said in the case of abortion, issues coming before appellate courts. He has said: I will follow the law. I understand stare decisis. And I am not going to be out there trying to make new law. That is what he should say.

What he has not said I think is feared on that side; and that is, coming from a Latin American part of our hemisphere, that he has a Catholic background, that he has a heritage, a tradition that sanctifies human life. And they are worried about that.

Yet I have to say I think a lot of the American people worry about that. I, for one, who describes myself as pro-life, understand completely that it is unlikely in our lifetime that early rights to choose will ever be abridged by this place or by the Court. But I think Americans generally are increasingly discomforted by late-term abortions.

You have but to see the General Electric advertisement about seeing this couple looking at their unborn child in utero and the inexpressible joy they feel at the anticipation of the child's birth. And to think: Well, this unborn child is of no consequence—it is of enormous consequence.

I think there is a fear there that Miguel Estrada may have some of those beliefs. We do not know that. And, frankly, I think he has said what is right and that is: I will enforce the law.

Madam President, I, for one, say, without reservation, Miguel Estrada has my vote. And I think for the good of our institutions, some of our colleagues on the other side ought to remember that some of us pushed through a lot of President Clinton's nominees with whom we had differences because we were fearful of going down the road of single issue litmus tests for judicial nominees, because if we go there, we are ratcheting up to a different level, and it will be to the lament of this country and its judicial processes because we will leave too many places and seats vacant on the bench, and that will mean justice delayed. And justice delayed means justice denied. I urge his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. DORGAN. Will the Senator from Wisconsin yield for a unanimous consent request?

Mr. KOHL. I will.

Mr. DORGAN. I ask unanimous consent that I be recognized following the presentation by the Senator from Wisconsin.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KOHL. Madam President, I rise today to express my concerns about the nomination of Miguel Estrada. Once a nominee is confirmed by the Senate, these men and women serve lifetime appointments, unanswerable to Congress, the President, or the people. They become the guardians of our liberties, of our Constitution, and of our civil rights. Our duty to advise and consent is the only check we will ever have on the qualifications and fitness of those chosen to serve as Federal judges.

In considering judicial nominees, we can review their credentials, their professional record, their writings, and the recommendations of their colleagues. But to truly evaluate a nominee's fitness, especially one with no judicial record, we are dependent on the nominee to candidly share with us their opinions, their judicial philosophy, and their approach to interpreting the Constitution during the give and take of a confirmation hearing.

The need for forthright testimony is especially crucial in the case of Mr. Estrada, given the minimal public record we have to evaluate him. He has never served as a judge and, therefore, unlike many appellate court nominees, has no judicial opinions to review. He has virtually no professional writings for us to read. And although he has argued before the Supreme Court, he has rebutted any attempt we made to attach his personal views to the positions he advocated in those cases. Therefore, we were dependent on his testimony from his confirmation hearing. But this testimony gave us precious little on which to evaluate him.

Instead, we have been told that Mr. Estrada is bright, capable, and qualified. His proponents say "trust us, he will make a good judge." Trust is not enough; trust leaves too much to doubt. When considering a nominee, we do not owe the benefit of the doubt to the nominee but, rather, to the courts, the Constitution, and to our civil liberties.

A judicial confirmation hearing is not an intrusive exercise. We do not ask nominees to comment on pending cases or to speculate on unlikely facts. Rather, we only ask them to help us reach a level of comfort with them as potential judges. Without candid and honest testimony by the nominee our advice and consent process is meaningless.

Unfortunately, at his confirmation hearing, Miguel Estrada refused to answer question after question regarding his views and judicial philosophy. Mr. Estrada even went so far as to refuse, when asked by Senator SCHUMER, to name a single Supreme Court decision of which he was critical in the last 40 years. I myself have asked that very same question of many nominees, and every one had an answer—until now. This is not an isolated example. Senator FEINSTEIN asked him to state whether he believed Roe v. Wade was correctly decided, and Mr. Estrada refused to do so.

He refused to provide responsive information to my own questions on a variety of topics, ranging from his views on two recent Federal court opinions striking down the Federal death penalty, to the Government's role in protecting the environment, and to the use of "protective orders" mandating court secrecy in products liability cases. This pattern of evasiveness and avoidance falls far short of what we need to evaluate a candidate's fitness to serve a lifetime appointment on the DC Circuit Court of Appeals.

The importance of the court to which Mr. Estrada has been nominated makes his efforts to hide his views from us all the more serious. The DC Circuit, a court second in importance only to the Supreme Court, is unique among the Federal courts of appeals as the court that reviews decisions of the executive branch and the independent agencies. The rules and regulations reviewed by this court are felt by all Americans every single day. If you work, your safety is protected by rules issued by the Occupational Safety and Health Administration. When we drink water and breathe the air, we are protected by rules issued by the Environmental Protection Agency. When we shop and watch advertisements, we are protected from fraud and deceit by the Federal Trade Commission. And when we see our cable, phone, and internet bills, we can be sure that the Federal Commerce Commission played an important role. The decisions of the D.C. Circuit on these and many other subjects have a real and immediate impact on the lives of all Americans.

My decision to oppose this nomination in the Judiciary Committee was not taken lightly. I have done so only six times in my more than 14 years of service in the Senate, and I do so reluctantly in the case of Mr. Estrada. We recognize that Mr. Estrada is a talented attorney who has compiled an impressive record of achievement, and that he is to be commended for devoting a substantial portion of his professional career to public service.

My decision to support the need for a filibuster on this nomination is also not taken lightly. We take this step reluctantly, and with the full understanding that we are left with no other choice. Our constitutional responsibility to advise and consent has been compromised by a process that has provided us with no opportunity to learn anything about this nominee. If we permit Mr. Estrada's nomination to proceed, we have provided future nominees a roadmap to evade questions and hide who they are. This would be a disservice to the people we were elected to represent.

We cannot support Mr. Estrada's nomination to the DC Circuit in the face of his unwillingness to candidly share his views, his approach and his judicial philosophy. If no further information is provided about Mr. Estrada, then I will be forced to oppose his nomination.

I thank the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to my colleague from Wisconsin, who serves on the Judiciary Committee, on the nomination of Mr. Estrada to the DC Circuit Court. I also listened to my colleague from Oregon and others who have spoken today.

Mr. Estrada has had his name submitted to the Senate by the President, acting under article II of the Constitution. And the President has the right to send nominations for lifetime appointments to the judiciary to the Senate for advice and consent. It is the Senate's responsibility to evaluate the President's nominees and determine whether to vote to confirm those nominees and provide someone a lifetime tenure on one of the Federal courts.

That advice and consent is not in any way subordinate to the President's right of sending a nomination. We both have constitutional obligations. One is for the President to select and send nominations to the Senate. The other is for the Senate to evaluate and provide its advice and consent.

The DC Circuit Court is the second highest court in the land. It is very important that for a lifetime appointment, we decide carefully whether we want to confirm a nominee sent to us by the President. Most of us would not know the nominees personally. That is certainly the case in this circumstance. I don't know Mr. Estrada personally.

I have been to one hearing where he appeared. I was there for only a brief period because a candidate for a Federal judgeship in North Dakota was being heard at that time. This was a nomination of President Bush's. I was pleased to be there to support President Bush's nomination and to support the candidate whose name had been sent to us. I went down to the hearing and supported Mr. Hovland's candidacy. I am proud to say he is now a Federal judge in the West District of North Dakota. He is going to be a credit to the bench. He will be a wonderful Federal judge. I was very pleased to support President Bush in sending this nomination to the Senate.

On that day when he was also testifying, Mr. Estrada was there. That is the only time I have seen him. I was there for only a couple questions, and I don't know a great deal about him but have read a lot about him since.

It is the case with respect to Mr. Estrada's appearance before the committee and also the interviews and discussions prior to his appearance before the Judiciary Committee, that Mr. Estrada decided he would not answer some basic questions put to him by Members of the Senate. Members of the committee were asking some pretty basic questions. Tell us a bit about your judicial philosophy, because you don't have experience as a judge and you have not served as a judge at any level in the judiciary system. Tell us about how you see this job. Evaluate for us some of the decisions that have been made over time by the Supreme Court, and so on. Mr. Estrada essentially said, I don't care to do that.

Contrast that for a moment, for example, with Dan Hovland who is now a Federal judge in the West District of North Dakota. He was asked: What three U.S. Supreme Court cases can you identify that you disagree with? This is Mr. Hovland. He said: Well, Behrens v. Peltier, 1996; a 2002 case, Thompson v. Western States Medical Center; and then, of course, the case I suspect most would cite, Korematsu v. the United States. That is, of course, the case in which the Supreme Court affirmed the conviction of a person of Japanese ancestry for a violation of a curfew order solely because of the individual's ancestry.

I think now most would view that Supreme Court decision as a profound mistake. Mr. Hovland did. He was asked a simple question. He gave a straightforward answer. He said: Here is my notion of three Supreme Court decisions with which I would disagree. It gave Members a bit of an insight into who Mr. Hovland was, what he thinks. That was helpful.

The same question was asked, for example, of Freda Wolfson: What three U.S. Supreme Court cases can you identify that you disagree with. Plessey v. Ferguson, that would come to mind almost immediately for everyone. They held that the State statute requiring passenger railroads to provide separate but equal accommodations for African Americans and Caucasians did not violate the 13th or 14th amendments. It seems to me that is probably an obvious case one would disagree with.

Yet questions of that type were asked repeatedly of Mr. Estrada, and he said he just wouldn't offer an opinion, wouldn't answer the questions. So then the members of the committee said: Well, you served in the Solicitor's Office at the Justice Department. Could we be provided with the memoranda written there, the advice you were offering, to get some insight into how you feel about these issues, how you reason, how you think?

He said, no, those are confidential. Those should not be released.

Well, they have been released in the past. On other occasions candidates have indicated they wanted those papers released. They were released. It gave the committee, when making a lifetime appointment, some better judgment about how this person thinks, how this person reasons, what approach this person takes to dealing with some of these questions. Mr. Estrada said, no, he couldn't do that.

What has happened with this nomination, a circuit court nomination is that, both the President's administration and the candidate himself, Mr. Estrada, have said: I don't intend to answer questions, and I don't intend to make the information available with respect to what I was doing as assistant in the Solicitor's Office.

If that is the case, Mr. Estrada is then a blank sheet. What are we to make of Mr. Estrada? Who is he? How does he think? How does he reason? Would he be a good judge? This is, after all, a lifetime appointment. This isn't an appointment for 5 years, 10 years, or 20 years. We are being asked by the President to take Mr. Estrada's nomination and say, yes, we will put him on this Circuit court forever, for his entire life, and we have no right to get answers to basic questions, to understand a bit about the philosophy of Mr. Estrada, a bit about his approach, his thinking. We have no right to that?

I have been astounded to hear some colleagues on the floor say: You have a responsibility to approve this nomination. No, we have a responsibility under the Constitution to advise and consent. The President has a responsibility to send us a nomination. We have a responsibility to evaluate it and make a decision. Is this someone who should be given a lifetime appointment or not? That is our judgment. That judgment doesn't rest with others. It rests with us.

I would like very much for Mr. Estrada to give us the information requested. My colleagues on the Judiciary Committee have repeatedly requested this information. I would like very much to see the information. It is entirely possible I would see all of this information, understand a bit more about Mr. Estrada, and decide to support his nomination. I don't know. I would like to see the information and make a judgment.

I believe I have voted for virtually all the nominations the President has sent to Congress with respect to judgeships. I would hope to be able to support this and others as well. But I don't intend to decide that we should force the Senate to vote for a lifetime appointment for a candidate on the DC Circuit Court who tells us nothing about himself.

He seems to suggest, I am here for a job interview, but I will not tell you anything about me. That would be a job interview that would last a very short time. It ought to last a very short time here. When Mr. Estrada and the administration provide the information that is requested, then, in my judgment, this Congress has a responsibility to consider it, and consider it with great seriousness because this is, after all, a Federal judgeship, not just a district judgeship, but a circuit court judgeship of DC, which is the second highest court in the land.

Judge Scalia once said—and I am not prone to quoting him often:

> Indeed, even if it were possible to select judges who didn't have preconceived views on legal issues, it would hardly be desirable to do so.

What are the preconceived views on legal issues of Mr. Estrada? Does anyone know? Does anyone who has spoken in support of this nomination know? Can you answer that question? The answer is no one in this Chamber knows; no one in the Chamber can answer the question because Mr. Estrada and the administration say you are not entitled to know.

They are wrong. The Constitution requires us to know. It says we are entitled to know. I don't believe we ought to vote on this nomination until we have received the information requested. When we do, I think we should vote on this nomination. But until then, in my judgment, this is not a problem of our making, this is not something someone from the other side should shoehorn over here. This is a problem the administration and Mr. Estrada created by deciding on a strategy that, if we allow to continue, would essentially say to the Senate, you consider us for lifetime appointments and we won't give you any information about ourselves as we ask for that consideration.

There are reciprocal obligations here—ours, the President's, and the nominee's. We will and should meet ours as soon as others have met theirs. The first test of that is to send the names of qualified people to the Senate for judgeships. Mr. Estrada may well be very well qualified. The ABA says he is well qualified. The second obligation on the part of those who send his nomination to us is for the candidate himself, or herself, to make themselves available to the Senate, answer questions, and allow us to evaluate whether this is the kind of person we want to provide a lifetime appointment to on the Federal bench. That hasn't been the case at this point.

With respect to this nominee, we are waiting; but we should not vote, and no one in this Chamber ought to pressure others to vote until we have the basic information we have requested. What is so secret about all of this? What is there we should not know? Is there anyone qualified to serve on the second highest court of the land who doesn't have some basic views on past Supreme Court decisions—especially some of the controversial ones—they might explore with us in order to give us some evaluation of how they think and reason, what kind of capability they have to sit on the bench? If such a nominee is sent to the Senate, that nominee ought not ever be confirmed.

I don't believe that is the case with Mr. Estrada. I think he has views on all of these issues. He certainly could tell us his views about Supreme Court decisions with which he would disagree and why, so we could develop some notion of his reasoning. He just refuses to do that. I don't know why. I assume if this is the case with this candidate and the Senate says that is fine, we will see future nominees refuse to answer anything; our advice and consent will become a rubberstamp; and we will not ask people to give us basic information. Then the next candidate will do exactly the same thing and we won't have a constitutional responsibility at all here in the Senate. We will say, all right, whatever it is you decide to give us, we will take, or whatever you decide to withhold, we will accept.

I am not willing to do that. Why not the materials from the Solicitor's Office? It has been done in other nominations. Why not now? Why won't the candidate answer basic questions? Again, I come here not as a member of the committee and as someone who has a preconceived notion that Mr. Estrada would not do a good job. I don't know. And no one else in the Senate knows. There is nobody in the Senate who can stand up and say Mr. Estrada has answered these questions for us, because he has refused to answer the questions for all Senators. Some in the Senate might be perfectly comfortable deciding the constitutional role granted us in this process of lifetime appointments on the judiciary is not very important. But I am not among them.

THE STATE OF FOREIGN AND DOMESTIC POLICY

Mr. President, let me speak for a moment, while I have the floor, about a couple of other issues that are happening that I think are very important. I know others want to come and speak about the nomination. I want to talk for a moment about what has been happening in our country with respect to foreign policy and domestic policy.

In recent days, we have had the following occur: We wake up in the morning and turn on the television programs. The lead story is, as it has always been in recent weeks, days, and months, the war with Iraq. When is it going to happen? How is it going to happen? When is it going to start? Who is going to support it? Who is going to be involved? Every week, day, and month.

As a result, this economy of ours, which desperately needs certainty, predictability about the future—and this economy, in my judgment, is in a stall, serious trouble—is not going to come out of its problems unless we stop every day the lead news story being about war. I am not suggesting Iraq is not a problem; it is. Saddam Hussein is a bad guy. North Korea is a problem—a bigger problem than Iraq, I might say. Terrorism is a bigger problem than both of them. We have a situation in which we have to deal with all three. I understand that. But the other day we get an orange alert in the country, the second highest alert for terrorist activity in our country, the terrorist threat. Today, I understand we have hardware stores that are out of duct tape. Why? Because yesterday they said we are on orange alert, under the threat of terrorist attack, and we need people to go out and buy gas masks and plastic sheeting and duct tape. So the hardware stores in our country are being cleared out of duct tape. Why? People are concerned about the potential of a terrorist attack in our country.

North Korea. Apparently, we read in the news—I have not heard it in classified briefings because we have not had any—that trucks are leaving a facility in North Korea, potentially with spent fuel rods, which will, in the not-too-distant future, be turned into weapons-grade plutonium, probably sold to a terrorist; and it is not out of the question that 18 or 24 months from now a terrorist will have a nuclear weapon with which to hold hostage an American city.

Is that a frightening thought? You bet your life it is. So what consumes our attention today? Iraq. Saddam Hussein. Oh, but today is a bit different in that Osama bin Laden also shows up. He is out there. The other day Osama "been forgotten" is what I called him, because you don't hear about him anymore from the administration. They cannot find him, don't know where he is. I have flown over those mountains; it was about a year ago. You can look down and see where the caves are, where Osama bin Laden and his band of murderers plotted the murder of innocent Americans, thousands of them. And so men and women wearing America's uniform went into Afghanistan, kicked the Taliban out, ran the al-Qaida up into the hills. But Osama bin Laden was not found. Al-Qaida still lives. The head of the CIA said a couple of months ago that the terrorist threat against this country is as serious now as it has ever been since September 11. What of terrorism? What do we make of North Korea? What about Bin Laden? And, yes, what about Iraq?

We have had a single track playing now for month after month about the country of Iraq. I want to see regime change in Iraq. I want to see Saddam Hussein displaced. My preference, by far, is that the free world in unison says to this man: You leave, you disarm, or you are going to be disarmed, and you are going to be replaced. I would hope very much the entire free world says that to Mr. Saddam Hussein, but I also hope that we understand in this country—the President and, yes, his key advisers understand—

that there are more threats and, in my judgment, at this moment, more serious threats with respect to North Korea and the development of additional nuclear weapons that could possibly go into the hands of terrorists very quickly; more serious threats with respect to al-Qaida which still lives, and Osama bin Laden, who is still broadcasting to those who follow him, which is also a very serious threat to this country and to the free world.

We need to understand that we face very serious problems, and it is not just Iraq. Inattention to some parts of our foreign policy, in my judgment, have contributed to this. I understand North Korea has lied to us. I understand that. But deciding not to talk to them? It is not an option.

There are only two options dealing with a problem that serious. One is military. We are not going to do that. The second is diplomacy, and that means we talk. We talk and we talk and we talk, and we try to work through these issues.

With respect to al-Qaida and terrorism, the fact we do not mention it, the fact no one will talk about it, the fact it is not something the Defense Department, the State Department, or others want to talk much about does not mean it has gone away. It is as serious today, perhaps more so, than ever, and we have a responsibility to deal with it. I worry a great deal about these terrorist issues and the terrorist threat against our country.

My point is not to say somehow the attention to Iraq is misplaced. It is to say that the sole attention to Iraq at the expense of, in my judgment, a more serious threat from North Korea, the sole attention to Iraq at the expense of attention to al-Qaida and the growth and the continuation of a very serious threat of terrorist attacks is unwise, in my judgment. It makes no sense.

We have a responsibility to protect the national interests of this country, and I will and always have supported our President as we proceed to do that, but I think it is important with respect to not only advice and consent on judgeships, but providing advice on issues as we perceive threats to this country, it is important for some of us to speak up to say: Mr. President, you are right, Saddam Hussein is a bad guy, but you are wrong to not pay attention to North Korea and the war on terrorism with equal vigor and equal strength.

Frankly, no one can take a look at what has happened in the last 6, 8, 10 months and judge there has been that kind of balance. My hope is that in the coming days we will see greater balance dealing with this terrorist threat and also the threat of North Korea producing more nuclear weapons and potentially moving those nuclear weapons into the hands of terrorists who the next time they threaten us will do so with a nuclear weapon.

God forbid we will face a world in which a nuclear weapon is used as an act of terrorism, not killing 3,000 people but 300,000 people or 1 million people.

If ever we wonder about these issues, we have a world in which there is somewhere, we think, around 30,000 nuclear weapons. We do not know exactly. With theater weapons, strategic weapons, somewhere around 25,000 to 30,000 nuclear weapons, one of which, just one, missing or in the hands of terrorists will cause chaos. The explosion of one will be devastating, and the genie will be out of the bottle.

Pakistan and India have nuclear weapons, and the other day they were shooting at each other over Kashmir. Dangerous? You bet your life that is dangerous.

We have a responsibility, especially in the shadow of the terrorist threat against this country, in the shadow of what is now happening in North Korea and the potential of the spread of nuclear weapons, we have a responsibility to decide that job No. 1 is protecting ourselves against the terrorist threat and then trying to find ways to reduce the number of nuclear weapons in this world.

I have kept in my desk for some long while a couple of items I have always used to remind us of what this job is about.

This little piece of metal, if I may show by consent, Mr. President, this little piece of metal is from a backfire bomber. This bomber was a Soviet bomber. It used to be flown by Soviet aircrews hauling bombs that presumably would threaten the United States of America. It was at a Soviet airbase in Ukraine when it was destroyed.

How was this bomber destroyed? Did we shoot it down? No, this bomber was destroyed with a saw, a large circular metal saw. We sawed the wings off a Soviet bomber, and we paid for it under Senate appropriations.

We destroyed a bomber, not through hostile action but under what is called threat reduction. We destroyed missiles. We took off the nuclear warheads. In the Ukraine, where there was once a missile with a nuclear warhead aimed at the United States of America, there is now no missile, no nuclear warhead, and sunflowers are now planted on that ground. Is that progress? Boy, I think so.

This is ground up copper from a Russian submarine that I assume at one point or another was lingering off the east coast of the United States with missiles in its tubes armed with nuclear warheads. But we did not sink that submarine. This is copper wire ground up from a submarine that was taken apart under the Threat Reduction Program.

Senator LUGAR, who is a real champion of this issue, and former Senator Nunn were the first to start the funding by which we actually paid to destroy weapons of our adversaries with whom we had agreements on nuclear weapons reductions and the reduction of delivery systems.

We sawed the wings off a bomber; a submarine, we simply took it apart and ground up the copper wire. Is that progress? I think it is. If we do not in this country assume world leadership in stopping the spread of nuclear weapons and reducing the stockpiles of nuclear weapons, our children and grandchildren will almost certainly see a future in which nuclear weapons are used.

It is our job, our responsibility to be a world leader in this area. There are some who seem not to understand or care about that responsibility. We have some right now in this town talking about designing new nuclear weapons. Let's design a nuclear weapon, a designer nuclear weapon, that will be a cave buster. Hard to get into caves? Let's design a little new nuclear weapon to drop on a cave someplace.

Apparently, after the al-Qaida situation in which they hold up in caves, we have some people thinking they can create designer nuclear weapons. Once that thinking starts, the thinking that you can use nuclear weapons in circumstances such as that, others will say: We can use nuclear weapons. Once the thinking starts that you can use preemptive strikes against countries because you are worried what they might do later, other countries will say: We can do preemptive strikes.

I worry a lot about where we are headed with the multiple policies with respect to weapons programs. I think we ought to be strong. I have supported many weapons programs, but I also believe, with respect to nuclear weapons, we must lead the world. We must stop the spread of nuclear weapons. We must reduce the stockpile of nuclear weapons all around the world. It is our job. It is our responsibility. We are the world leader. We are the ones.

ECONOMIC POLICIES

These are challenging, difficult, tricky times. Every one of us in this Chamber wants this President to succeed. We want our country to succeed. I do not want us to have foreign policy failures. I do not want us to have an economy that is in trouble. I want this President to succeed. I am a Democrat. He is a Republican. It is in my interest and our country's interest for him to do well. It is also in our interest, where we have differences of opinion, differences on policies, for us to bring out those differences and debate them aggressively.

There is an old saying that when everyone in the room is thinking the same thing, no one is thinking very much. I know some do not like that. There are some who think if questions are raised these days, shame on you. But with the challenges we have in both domestic and foreign policy, we ought to have questions flying from every direction in every corner and every philosophy of this Chamber and then pick the best of those ideas and suggestions.

There is a tendency for each side to want the other to lose these days, and so instead of getting the best of each, we get the worst of both, and that does not serve the interests of this country, whether it is foreign policy challenges, which I just discussed, or the challenges in economic policy which I am going to talk about for a moment. We really need to understand that there is not only one way to address these. On some occasions, there are wrongheaded ideas, things that will make things worse with the economy or with foreign policy. There are some good ideas, some brilliant ideas, some in the middle. Our job is to select from the range of alternatives and to work with this President.

I will talk for a moment about the challenge with respect to the economy. I know there are others who want to speak. I started by talking about the Estrada nomination, but I do want to take a moment to talk about the foreign policy and the economic policies that I think are significant challenges as well.

Yesterday, Mr. Greenspan came to the Congress and I think he poured a 5-gallon pail of cold water on President Bush's fiscal policy proposals. I am thankful for that because the President is proposing, in the face of the largest budget deficits in history by far, more tax cuts, the bulk of which will help upper income taxpayers. I do not think that is what we need to do for the economy.

As I said earlier, this economy is not going to grow if every day, in every way, the lead story is about war, as it has been every day and every week and every month for some long while. This economy does not grow when that happens. The price of oil increases. People are uncertain about the future, and they manifest that uncertainty by what they do. So we need to get through this.

When we get through it, the question is: How is a jump start provided to this ship of state of ours? How is this economy provided a boost? The President says what we need to do is more tax cuts. He said what we ought to do is exempt dividends from taxation.

That is interesting. Certainly, if one were discussing tax reform, if that were the subject, they would have that as part of their discussions, no question about that. Of course, that is not the subject at the moment. The subject at the moment is, should we do an economic stimulus package? So the President takes the opportunity to say let's exempt dividends.

I am wondering why exempting taxation from dividend checks has a priority over exempting taxation from work, such as paychecks. Dividend checks should be exempt; paychecks should be taxable? Is that a value system that says let's tax work and exempt investment? If so, does that make sense? I do not know. I do not know how one chooses that approach.

I will talk now about where we are and how we have gotten to this point. Mitch Daniels, who runs the fiscal policy program at the White House—he is at the Office of Management and Budget—has been the prognosticator of where we have been and what we have been doing.

On March 2, 2001, which is not quite 2 years ago, he said:

> It has become clear that this new era of large surpluses is more dangerous to the taxpayer than the preceding era of large deficits.

So Mr. Daniels was gnawing at his fingernails worried about these large surpluses: Woe are we; the surpluses are going to kill us. He said these big surpluses are a big problem. That was about 2 years ago.

Then about a year and a half ago, he said:

> We're going to have an enormous surplus, $160 billion or more.

So he must have gotten his crystal ball at a Dollar Store, I guess, because in November—that is, about 15 months ago—he said:

> It is, regrettably, my conclusion that we are unlikely to return to balance in Federal accounts before, possibly, fiscal year 2005.

What happened in that short period of time? Well, we ran into a recession. I stood at this desk when they were proposing their $1.7 trillion tax cut and said: How can you be so certain? Maybe we will not have surpluses. Maybe we will run into some problems. Guess what we ran smack into. A recession, a September 11 terrorist attack, a war against terrorists, the largest corporate scandals in the history of this country, the tech bubble burst, the stock market pancake, and all of those surpluses that Mr. Daniels was worried about turned to big deficits.

Did that change Mr. Daniels' mind about what we ought to do with the economy? Oh, no. He has only one speed in his transmission. In January—just a year ago—he said:

> We project effective balance in 2004.

So he is still using that same crystal ball. A month later he says:

> Despite everything, the outlook is promising for balance in the year after next and for a return to large surpluses thereafter.

That was 1 year ago. Still predicting, Mr. Daniels says:

> Despite simultaneous war, recession and emergency, we are in a position to fund the requirements of victory, plus a stimulus package, and still be near balance.

That was 1 year ago.

March 27—11 months ago: The U.S. budget is in an extremely good position, Daniels said, adding that:

> OMB expected the fiscal year 2002 budget deficit to be about $50 billion.

This is a guy who was excessively worried about having surpluses that were too large. I assume he was not sleeping; he was worried about large surpluses. A year later, he is saying it is only going to be a $50 billion deficit. That will be the smallest recession deficit in modern times.

But then we come to February 2003, the same man, same crystal ball apparently, same prognosticator:

> Our projections, which incorporate extraordinarily conservative revenue estimates, see deficits peaking this year, heading back thereafter.

Now let me show the chart of Mr. Daniels. In 2002, he predicted our surplus would be $283 billion. We did not have a surplus. We had a deficit of $159 billion. In 2003, he predicted we would have a surplus of $334 billion. We did not have a surplus. We had a deficit of $304 billion. In 2004, he predicts a $387 billion surplus. He missed it by well over half a trillion dollars.

I do not know what to make of this. This is the guy who is driving the stage, with apparently 8 or 10 runaway horses, and does not have the foggiest idea what is happening in this economy. He says we are going to have big surpluses—that is his biggest fear—turns them into the largest deficits in this country's history and says: Oh, by the way, I can solve that. Let's do more tax cuts, the bulk of which will go to upper income people, and let's decide to keep taxing work but we will start exempting investment—a value system that is curious to me. Why would work be taxed and investment be exempted? Is work less worthy than investment?

Yesterday, we had 10 Nobel laureates in the field of economics, along with 400 economists, who put an ad in the New York Times, I believe it was—it could have been the Washington Post—saying that this proposed fiscal policy is going to lead to bigger deficits and bigger problems; it is going to saddle our children and their children with the burdens that we create, and it makes no sense at all. It certainly will not stimulate or jump start this economy.

This country is a strong, resilient country. It will overcome bad policies from Democrats and Republicans, and it has had plenty in two centuries. It has also been benefited by good policies, by visionaries who had the strength and the endurance to stick to those good policies that they knew would allow this country to grow, that they knew would invest in working families, they knew would give investors and entrepreneurs an opportunity. This country is a great place, but it faces very serious challenges at the moment. Those challenges will not be resolved—domestic and foreign policy—by having our heads in the sand.

Al-Qaida and terrorism is a very serious abiding threat in this country right now.

The fact is, homeland security is not adequately funded and everybody knows it. But no one will admit it. North Korea is a bigger problem than Iraq and everyone understands and no one will admit it. Yes, Iraq is a problem, but it is not the only problem. It does not even lead the list with respect to North Korea and the issue of terrorism.

Having said all that, against that backdrop of foreign policy challenges as aggressive and difficult as we have seen in some long time in this country, we have an economy that is sputtering and has lost strength. It will not gain strength by deciding to borrow more money and add to the Federal budget deficit and do it for the purpose of reducing the tax burden of those at the upper income levels.

Upper income people are wonderful people who do a lot for this country. But should a proposal, when we are up to our neck in Federal debt—should a proposal that gives an $80,000 average tax cut to the American who earns $1 million a year be a priority in this country?

Yesterday, I was at a hearing and I was told by the Secretary of the Interior: By the way, we will close, we will zero fund a school called the United Tribes Technical College. It is a wonderful school, 32 years in existence. Native Americans from across the country, some 40 States, go to school there. It gives them a chance in life. These schools are very important. Why are we going to defund it? Why doesn't the administration want to fund it? It is a matter of choices. I asked, What choices? Exempting dividends? Or funding an Indian school that does wonderful things for people who want to advance their education?

These are the choices. Yet there are too many wrong choices being made.

My hope is as we confront these economic challenges and foreign policy challenges, this country will succeed. We have survived a lot. This country has been through a lot. We have survived a Great Depression. We beat back the oppressive forces of fascism and Hitler. This country has achieved what no other country in the world has achieved. But it is not because it has made bad choices, it is because it made good choices.

The question is, What are those good choices? They do not come from one location. They come from all corners of this Chamber, all corners of this country. They come from, yes, the executive branch, but they come from the legislative branch, as well. It does no service to our country to not have an aggressive, vigorous debate about these issues.

Let me finish where I started. I don't particularly enjoy coming to the floor of the Senate saying we ought not vote at this point on Mr. Estrada. That is of Mr. Estrada's doing, not ours. That is of the White House's doing, not ours. When they ask us to give someone a lifetime appointment to the Federal bench, and then say to us we have no right to receive answers to basic questions asked—questions asked and answered by other candidates—we have no right to those answers, then we have a responsibility to say, well, advise and consent does not mean that we rubberstamp anything sent down to the Congress. It means it is an obligation of ours to evaluate. Is this person worthy of being on the Federal bench? How do they reason? How do they think? How do they approach this job?

I mentioned when we asked questions, or my colleagues on the Judiciary Committee asked questions of Mr. Estrada, he said he would not answer them. Those same questions were asked of Mr. Hovland. He is now a district judge. He answered. Questions were asked of Freda Wolfson. She answered the questions. Ed Kinkeade answered the questions. Linda Rae Reade answered the questions. All are Federal judges now because they came to the Congress, not expecting and demanding to be approved, just presenting themselves as the President has done through nomination, to say, here I am; now, Members of the Senate, your job is to give advice and consent and to vote on this nomination. I am willing to answer questions. Here I am. Here is who I am. Ask me questions. I will answer them.

Mr. Estrada's approach was different. He said: Here I am. But I will only tell you my name and you get a chance to look at me, but I will not answer your questions. We cannot allow that to happen. If it happens on this nomination, it will happen on the next nomination.

What we have said to Mr. Estrada is, answer the questions. We have submitted a list of things he refused to answer that others have routinely answered. We said: Release the information from your term working in the Solicitor's office. Others have done that. Mr. Estrada is not a judge so we do not have much of a record to go on regarding how he thinks and how he approaches his responsibilities.

He should, and I hope he will, decide to meet the basic requirements of providing information to the Senate. When he does that, in my judgment, I think we ought to proceed. Until he does, in my judgment, we ought not proceed under any circumstance.

Our job is to give advice and consent on a lifetime appointment. Anyone who treats that lightly does not understand the responsibility under article II of the Constitution.

Let me finish by saying I take no pleasure in saying that Mr. Estrada has additional requirements in front of him. But it is he himself who has visited that upon this Senate. Had he answered the questions and provided the information, we would not be in this situation. But we are in this situation of requiring this nominee, before he is voted upon, to provide the basic information that we have requested in consideration of whether he ought to receive a lifetime appointment on the second highest court in this country. If and when he provides that information, I will be happy to vote and make a judgment on Miguel Estrada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise first of all in support of the Estrada nomination and to say a word or two about it. Mr. Estrada's qualifications are excellent. I reviewed them the other day and it struck me that the man is so smart it is almost scary: Harvard Law School, Phi Beta Kappa graduate, clerk of the court of appeals, clerked on the Supreme Court, argued numerous cases before the Supreme Court.

I clerked on a court of appeals, and I mean no disrespect to the members of the Federal judiciary when I say I wish every Judge had Mr. Estrada's qualifications when he or she went on the bench. Mr. Estrada is competent, qualified, honest, and he deserves to be on the court of appeals.

I regret the filibuster that is currently underway to prevent his confirmation. It is unfair to him. It is bad for the country. Worst of all, it introduces a note of discord into the Senate that makes me discouraged about our ability to do the other things we need to do for this country—to pull together behind a prescription drug plan, behind a jobs bill, behind a strong defense that will protect our men and women in uniform, protect our country, create jobs in Missouri and around the country. It will also inhibit our ability to accomplish what we need to do in health care for small business.

HEATH CARE INSURANCE

I will take a few minutes and talk now about what could be the most significant measure that we could pass to expand the cause of access to health insurance for people who work for small businesses in this country.

I chaired the Small Business Committee in the House for two terms, and from the time I did that, I made it my point to interact with small business people around the country and especially around Missouri. They have a number of problems they are confronting: Taxes are too high; in many cases they face regulations that do not make any sense, that inhibit them and hurt them and burden them and accomplish nothing in terms of environmental quality or worker safety or any of the social goals we want to achieve. Many small businesses have difficulty getting access to the capital they need to grow, to expand, to create jobs.

Those are all problems. We need to work on all those problems. But the No. 1 problem facing small business in this country today is the rising cost of health insurance premiums. I have seen it all over the State of Missouri. I have been in places in Cape Girardeau, in Columbia, in Joplin, where small business owners report to me premium increases of 25 percent in 1 year or premiums doubling over 3 years. The effects of this are incalculable. Small business people cannot compete effectively for employees. They have to buy poor quality health insurance, and in some cases have to drop their health insurance altogether, or else the high premiums suck up money they want to put in wage increases or to expand the business. The high premiums are tremendously unfair to them, very bad for the country and, most importantly, very bad for the people who work for small businesses. Of the 41 million people in the United States who are uninsured today, almost two-thirds of them own a small business or work for a small business or are dependents of somebody who owns a small business. The impact on them is enormous.

And think of the impact on the rest of the health care system. Just because these folks are uninsured doesn't mean they don't get sick. At a certain point, when they get sick enough they go to the emergency room or they go to the hospital. Since, those costs are currently unsponsored, they have to be shifted to the rest of the population or hospitals have to eat those costs. What a difference it would make to the people of this country and the small business sector and to the economy if we could introduce and pass a measure that would help cover folks who currently are uninsured. We can do that.

I have talked about the bad news. The good news is that we have an idea that can fix this problem very substantially. It is an idea that passed in the House of Representatives two terms in a row. It is time tested. It is supported on a bipartisan basis in the House. It has the broad support of the small business community. It would not cost the taxpayers of this country a dime. I am talking about association health plans.

Let me explain what association health plans are. The best way to think of them is that they would simply empower small businesspeople of whatever kind to get health insurance on the same terms that big companies already can. AHPs would reduce the cost of health insurance to small businesses by 10 percent to 20 percent. This is how they would work. We need to pass a law empowering or enabling the major trade associations, the Farm Bureau, the Chamber of Commerce, the NFIB, the medical associations, to sponsor ERISA health care plans, including self insured plans, the same way big companies can.

Then, if you joined the trade association, the association would have to offer you coverage under the plans. They would have to offer it to you. They would have to carry you. So if you were a small business you could join the trade association and it would be as if you were becoming a little division of a big company. It would be as if your small business had been bought by a bigger company and all of a sudden you were part of a large national pool of people without having to pay the marketing costs or the profit margins of big insurance companies, and with much reduced administrative costs. One of the big reasons small businesses have to pay more for health insurance is that the administrative cost for small businesses is so much greater.

As I said, this would not cost the taxpayers a dime. It is not a Government program. It just allows small businesses to pool together to help themselves and their employees. It is not a revolutionary change, but the impact would be revolutionary on people who work for small business who would have access to health insurance. The number of uninsured would be reduced by millions of people.

We have gone years without really good news in the health care sector, and association health plans have the potential to be that good news. As I said, the bill has a history already, at least in the House. It was introduced first in the 104th Congress 6 or 7 years ago by my good friend, then-Congressman Harris Fawell. We passed it twice 2 years running in the House. It had strong bipartisan support. I think the bill when we introduced it originally in the House had 85 Republicans and 25 Democrats, including the ranking member of the Small Business Committee in the House. It has very strong support already in this body. I am pleased to say the chair of the Small Business Committee, Ms. SNOWE, is a strong supporter. Senator BOND is a strong supporter.

There is simply no reason why we cannot pass this bill. There is nothing in this bill that implicates any of the great philosophical divisions that separate the two parties on other kinds of issues. The bill is in the mainstream of both political parties. It would make a huge difference for America, for small business, and for the people who are uninsured, and we simply ought to get it done.

That is the kind of thing I am looking forward to working on in the Senate. Let us have an up or down vote on the Estrada nomination and then move forward together.

We have to be able to create jobs. We have to do something about the health care situation in this country. We have to attend to the national defense. We should confirm the President's qualified nominees such as Mr. Estrada and then move on and pass this necessary measure for small business and for the people of the country.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The senior Senator from Missouri.

Mr. BOND. Madam President, it is a great pleasure today to be able to welcome my new colleague from Missouri to this body. I think he will find, since we are not limited to 1 minute on this side of the Capitol, that remarks are not nearly as concise as they would be in the other body. But certainly his experience there will be of great value.

I have been proud and pleased to know JIM TALENT and his wonderful family for many years in the State of Missouri. I knew him when he served as the Republican leader in the legislature. I worked with him closely when he was the chairman of the Small Business Committee in the House. There was a time when the State of Missouri had double duty in small business and it was a pleasure to work with him then.

I also know his children and his wonderful wife, Brenda. They are a great family. They make a great team. This fall I got to see a lot of them. They give him the courage and the support he needs to do an excellent job.

We also were very saddened that his father, who meant so much to him, did not live to see him achieve this victory in the end of the campaign. He lost his father and, while it was quite a blow to him, he persevered. It was a mark of the man that he came through these very difficult times.

I know this body will benefit from JIM TALENT's contributions. He has been a champion for association health plans, which I think are essential for enabling small businesses to participate in the competitive marketplace, to secure health insurance for employees and their families. JIM has championed this idea on the House side. I know it is a top priority of the President and the Secretary of Labor, and it is good to have him leading this charge in the Senate now, along with Chairman SNOWE and the other members of the Small Business Committee and people who are supportive of small business in the Senate.

Obviously, as has been said, the benefit of an AHP, or association health plan, is by allowing small businesses with similar interests across State lines, across the country, to come together in one pool; they can gain the efficiencies of purchasing in volume; They can gain the advantages of administering overhead, which can be spread across many businesses. For the same reason that you pay less for soda in cans if you buy it by the case, or multiple cases, than if you buy it one at a time, buying health care is much the same. No. 1, you get efficiencies of scale. You also have an opportunity to spread the risks. Those who have taken time to study health care know that the broader the pool, the broader the actuarial component is, the more reasonable the limits will be.

I see my colleague from Massachusetts is ready to take the floor.

Mr. TALENT. Will the Senator yield for just a moment? I certainly will not delay the Senator from Massachusetts. He has been very kind in allowing me to speak, but I wanted to thank the Senator for his kind remarks about me and many kindnesses to me, and especially coming out on the floor. I also want to say, because I see the senior Senator from Massachusetts and the Senator from Nevada and the Senator from Utah, how impressed I have been and how much I feel welcomed by the many senior Members of this body who took a moment to come over on their own and say hello to me. I am just grateful for that. It is a real mark of the congeniality of the Senate. I appreciate it.

I thank my friend and colleague from Missouri for yielding.

Mr. BOND. I thank my colleague. I appreciate the indulgence of the Members on the floor.

I yield the floor.

Mr. HATCH. Madam President, if I may ask my colleague from Massachusetts for a moment of privilege, I want to personally praise my colleague from Missouri for his maiden speech today and for the excellent job he has been doing ever since he began here. I just wish we had him on the Judiciary Committee as well because we know the great lawyer he is, and we also know about the terrific experiences he has had over in the House and also in private practice.

I just want him to know how much we appreciate having him in the Senate and how proud I am of him every day.

I thank my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join with my colleagues in drawing attention to the remarks of our new colleague from Missouri speaking on the issue of health insurance, the uninsured and the challenges which are out there for the small business community. This is, as he has very well stated, an extraordinary problem for the reasons he has outlined.

It is amazing to me that the small businesses in this country continue to try to provide coverage. As we know, in his State as well as mine, they are all paying about 30 percent more in terms of the premiums than larger companies, and in many instances they have a rapid turnover in terms of the companies that are available to them.

This really is an extremely significant part of the whole crisis in terms of the uninsured. There are a number of different proposals to which we will have a chance to give focus. But I certainly welcome the fact that he selected as his maiden speech the whole issue and question about the uninsured and the challenges that businesses, and small businesses, face. We may have some difference in just how to deal with the issue, but I certainly look forward to working with him and others to see how we can make progress.

I thank him for his statement and for the fact that he is focusing on an issue that is of such importance to our fellow citizens; that is, the question of the uninsured and how we are going to continue to provide insurance for small businesses.

Madam President, one of our most important responsibilities as Senators is the confirmation of federal judges. These are lifetime appointments. Long after we have served our Senate terms, the judges nominated by the President will continue to interpret the Constitution and federal laws. A President's nominees are an enduring legacy that will affect the life of our country and the lives of our constituents for many years to come.

The important work we do in Congress to improve health care, reform public schools, protect workers rights, and ensure enforcement of civil rights means less if we fail to fulfill our responsibility to provide the best possible advice and consent on judicial nominations. Tough environmental laws mean little to a community that can't enforce them in our federal courts. Civil rights laws are undercut if there are no remedies for disabled men and women. Fair labor laws are only words on paper if we confirm judges who ignore them.

For all of these reasons, we must carefully review the qualifications of federal judges, particularly nominees to the DC Circuit. Because the supreme Court hears relatively few cases, the appellate courts are frequently the courts of last resort for millions of Americans. And, of those appellate courts, the DC Circuit is one of the most important. It has a unique and prominent role among the Federal courts, especially in interpreting administrative law, and it has exclusive jurisdiction over many laws affecting the workplace, the environment, civil rights, and consumer protection. For the most vulnerable among us, the DC circuit is often the final stop on the road to justice.

Given its location and jurisdiction, the D.C. Circuit has often decided important cases involving separation of powers, the role of the federal government, the responsibilities of Federal officials, and the authority of Federal agencies. In the 1960s and 1970s, the DC Circuit had a significant role in broadening public access to agency and judicial proceedings, expanding civil rights guarantees, overseeing administrative agencies, protecting the public interest in communications regulation, and strengthening environmental protections.

In the 1980s, however, the DC Circuit changed dramatically because of the appointment of conservative judges. As its composition changed, it became a move conservative and activist court—striking down civil rights and constitutional protections, encouraging deregulation, closing the doors of the courts to many citizens, favoring employers over workers, and undermining federal protection of the environment.

In the 1960s and 1970s, the DC Circuit expanded public access to administrative proceedings and protected the interests of the public against big business. For example, the court enabled more plaintiffs to challenge agency decisions. It held that a religious group—as members of the listening public—could oppose the license renewal of a television station accused of racial and religious discrimination. It held that an organization of welfare recipients was entitled to intervene in proceedings before a Federal agency. No longer would these agencies be able to ignore the interests of those they were supposed to protect.

But in the 1980s, with the ascent of conservative appointees, the DC Circuit began denying access to the courts. It held that a labor union could not challenge the denial of benefits to its members—a decision later overturned by the Supreme Court. It held that environmental groups are not qualified to seek review of EPA Standards under the Clean Air Act. These decisions are characteristic of the DC Circuit's flip-flop in the 1980s. After decades of landmark decisions allowing effective implementation of important laws and principles, the DC Circuit is now creating precedents on labor rights, civil rights, and the environment that will set back these basic principles for years to come.

In the 1970s and early 1980s, the DC Circuit advanced the cause of environmental protection. In this period, the court interpreted the Clean Air Act in ways consistent with Congress' intent. In Lead Industries Associations v. EPA, the court held that the EPA cannot consider economic costs to industry in setting air quality standards, because Congress had made health the paramount concern in setting these standards.

Decisions in leaded gasoline cases also significantly advanced the effort to reduce air pollution and protect people—particularly children in cities, from the harmful effects of automobile exhaust. In addition, the court took strict action when it upheld the ban on the manufacturer and sale of the pesticides DDT, heptachlor and chlordane.

But in the mid-1980s, conservative judges on the DC Circuit began cutting off access to the courts for environmentalists and injected an anti-environmental point of view into decision after decision, regardless of even Supreme Court precedents. In American Trucking Associations v. EPA in 1999, the DC Circuit issued a harsh decision denying the EPA the authority to establish health standards for smog and soot. That decision was unanimously reversed by the Supreme Court. In another notorious decision, Sweet Home Chapter of Communities for a great Oregon v. Babbitt, it struck down habitat protections for endangered species. This decision also was reversed by the Supreme Court.

When Congress passed the National Labor Relations Act, it guaranteed workers the rights to join a union without discrimination or reprisal by employers, and to bargain with employers over the terms and conditions of employment. The National Labor Relations Board interprets and enforces the act and reviews appeals of decisions by administrative law judges. NLRB decisions are appealable to the circuit court, where the unfair labor practice is alleged to have occurred, or here the employer resides or transacts business, or in the DC Circuit. As a result, the DC Circuit is always available as a forum to challenge decisions of the board.

In 1980, the DC Circuit fully enforced the board's decision 83 percent of the time, and at least partly enforced the board's decision in all the other cases. By the year 2000, when the court had a 5-to-4 Republican majority, including a solid majority of Reagan/Bush appointees, the DC Circuit enforced in full only 57 percent of NLRB cases and enforced at least part of the board's decisions just 70 percent of the time. These enforcement statistics put the DC Circuit significantly below the national average of an 83.4 percent enforcement rate for the board in all the courts of appeals.

Given these statistics, it is not surprising that the DC Circuit has become the circuit of choice for employers trying to overturn NLRB decisions. In 1980, the DC Circuit heard only 3 percent of the NLRB appeals heard by the circuit courts. The DC Circuit ranked next to last of all the circuits. Only the Tenth Circuit heard fewer cases.

As the Reagan/Bush effect on the DC Circuit took hold, the court became increasingly attractive to industries, and the court;'s share of NLRB cases steadily rose. By the year 2000, the DC Circuit ranked first among all circuit courts in the percentage of NLRB cases herd by those courts. Almost one in five cases—18 percent—were filed in the DC Circuit, and employers brought by far the largest number of these cases.

The DC Circuit's willingness to overturn National Labor Relations Board decision is deeply troubling because of the precedents being established. In Freund Baking Co. v. NLRB, it reversed the NLRB and set aside a union election because the court felt that a wage and hour lawsuit brought on behalf of several workers shortly before the election interfered with a fair election.

In Macmillan Publishing. Co. v. NLRB, the board had overturned a union representation election, finding that a company prevented a fair election by distributing a leaflet telling employees to vote against the union or risk losing a previously announced wage increase. The DC Circuit reversed the board's action.

The DC Circuit's hostility to the NLRB, to the detriment of workers and their unions, is also illustrated in other cases dominated by Reagan Bush appointees. In International Paper Co. v. NLRB, the court overturned the board's decision and held that the company's permanent subcontracting of employees' job during a lockout was an unfair labor practice. In Detroit Typographical Union v. NLRB, the court overturned the NLRB's determination that Detroit News and Free Press had committed an unfair labor practice when it unilaterally implemented a merit pay proposal immediately prior to the beginning of a 19-month strike by newspaper employees. In Pall Corp. v. NLRB, the court overturned the board's determination that it was an unfair labor practice for an employer to unilaterally revoke a contract provision on ways for the union to obtain recognition at other facilities.

The DC Circuit also vacated a decision by the board to include handicapped workers at a Goodwill production facility in the same bargaining unit as other employees. The court held that the handicapped workers were not employees. And in C.C. Eastern v. NLRB and North American Van Lines v. NLRB, the court overturned the board's ruling that truck drivers are employees. Instead, the court held that the drivers are independent contractors unprotected by the National Labor Relations Act.

Immediately after Congress passed the Occupational Safety and Health Act of 1970, the DC Circuit issued major decisions that protected workers from job-related hazards. The DC Circuit issued a landmark ruling in United Steelworkers of America v. Marshall, which upheld OSHA's standard on lead in the workplace. This case continues to be important, because it upheld basic principles and protections that the agency went on to use in many other workplace safety standards.

The DC Circuit also held the OSHA Administrator to a high standard in implementing the law. In 1983, the court ordered OSHA to expedite rulemaking on ethylene oxide, a highly toxic substance used to sterilize medical equipment. In a subsequent case, the court sent an ethylene oxide standard back to OSHA for failure to adopt a short-term exposure limit that would have made the standard more protective.

In 1987, after unacceptable delay by OSHA, the court ordered the agency to issue a field sanitation standard requiring toilets and drinking water for farmworkers, to protect them from disease.

Today however, employees no longer see the DC Circuit as a court in which to bring worker safety and health actions. Despite the court's earlier willingness to hold OSHA to its statutory mandate to protect workers, workers are turning elsewhere for relief, and big business is counting on the DC Circuit for assistance. It is no accident that the National Association of Manufacturers and other trade associations who filed a lawsuit to overturn OSHA's ergonomics standard chose the DC Circuit to bring their petitions for review.

In decades past, the DC Circuit was in the forefront of upholding Federal protections for minorities and women. One of the most notable cases on racial discrimination was a 1969 decision upholding measures to end the overcrowding and segregation of schools in the District of Columbia. In another important decision, the court held that a written examination had a disparate impact on African Americans applying for positions in the police department. The court held that unless the test had sufficient relationship to job performance, it violated the Constitution.

The DC Circuit also contributed important precedents for women seeking justice and equality. In Laffey v. Northwest Airlines, female flight attendants were assigned to the all-female "stewardess" classification, while men who performed essentially the same job were paid more and called "pursers." The female flight attendants sued Northwest Airlines for sex discrimination. The district court held that Northeast Airlines had violated Federal law, and the DC Circuit upheld the argument that the Equal Pay Act extended to identical jobs, and held that it required equal pay for "substantially equal" jobs.

This principle was emphasized in Thompson v. Sawyer, involving a claim of sex discrimination by employees of the Government Printing Office. The court held that jobs may be "substantially equal," even it they involve work on different machines or equipment, as long as the skills, effort, responsibility and working conditions are the same.

All of these decisions are advancing the cause of equal pay for women in the workplace, enormously important decisions. Because of these decisions, we see further compliance by other companies, knowing that this is the law and it has to be respected.

In the late 1970s and mid 1980s, in the area of sexual harassment, the court held in a series of cases that sexual harassment in the workplace violates title VII even when there has been no loss of tangible job benefits. The court also held an employer can be held liable for sexual harassment by a supervisor, even if the employee is unaware of the supervisor's actions.

These cases were all important steps on civil rights, enormously important to the kinds of conditions in the workplace, particularly for women on equal pay and also in terms of the issues on sexual harassment. This was major progress in decisions made by the DC Circuit.

People say: Why are we so concerned about this particular nominee? I have been trying to review for the Senate, this afternoon, these various areas. Whether we are talking about the environment, whether we are talking about worker safety, whether we are talking about issues on women's rights—equal pay, freedom from harassment—all of these judgments and decisions that have been made by the DC Circuit have advanced the cause of greater protection and greater equality for the citizens in the workplace.

These cases were all important steps on civil rights. But when more conservative judges were appointed, the tide began to change. In 1973, the DC Circuit had required the Federal Government to take steps to end segregation in educational institutions receiving Federal funds. But a decade later, by a 6-to-4 vote, the DC Circuit held in Adams v. Richardson that the plaintiffs could not obtain judicial review of the Federal Government's settlement with higher education institutions, despite the Government's abandonment of its own desegregation criteria.

The workers and the firms affected by such decisions are well aware that the DC Court of Appeals is a powerful court. This fact is not lost on the current administration. For over two decades, Republican administrations have worked diligently to reshape this court and other courts. Current judicial nominees are clearly being chosen for their ideological beliefs.

None of us should have any doubt that the Bush administration is intensely pursing this goal today.

The President's nominees to the circuit courts are among the most conservative lawyers and judges in the country. This administration is doing all it can to reshape the Federal judiciary for a generation or more to come in its own conservative image. In doing so, the administration is undermining the enforcement of important environmental, labor, worker safety, immigration, and civil rights laws while advancing harsh new policies.

If this administration has its way, we will soon be drilling in the Arctic National Wildlife Refuge, developing and exploiting wetlands and waterways protected by the Clean Water Act, and undermining policies that protect our environment.

If this administration has its way, employees will have fewer labor and workplace protections. If this administration has its way, we will see the continued erosion of civil rights laws.

It is obvious that Mr. Estrada has been nominated to a court that is overturning important precedents and moving farther and farther to the right—a court that disregards congressional intent and the letter and spirit of the law it has a duty to respect—courts like the current administration, more interested in serving big business than in serving justice.

As I reviewed just briefly why this nominee is so important, we get asked why is this particular nominee so important? As I mentioned, it is the DC Circuit. It is making and has made these judgments time and time again in protecting individuals and the environment and protecting workers. We have seen a significant shift in recent times. What we are trying to find out is what the nominee's views are in the general areas I have mentioned in which this court has such important jurisdiction.

We could get no answers on the issue of workers rights, no answers on the issue of civil rights, no answers on the issue of the environment, no answers on the issue of the broad sweep of different questions that come in terms of administrative agencies and the importance, what kind of precedence, what kind of latitude they give to administrative agencies. No, we are not entitled to those answers at all. Absolutely none. We just are denied any kind of opportunity to hear any response as to a court of this importance. We are entitled to hear the nominee, not for his specific outcomes of a particular case but to show an understanding and a grasp and an awareness of the importance of the laws and a sense of the type of commitment he has in terms of fundamental constitutional protections.

I urge my colleagues to heed the warnings of the many Latino organizations and leaders who have raised concerns about Mr. Estrada's nomination. As 52 Latino labor leaders have written:

> America's working families look to the federal courts to protect our rights at work, to stop unfair labor practices by employers, and to ensure that employers respect laws regarding fair pay and equal treatment on the job.
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> Of all the federal courts, none—other than the U.S. Supreme Court—is more important to working people than the U.S. Court of Appeals for the District of Columbia Circuit. It is in this court that the legal rights of working people are won and lost. After a careful review of Mr. Estrada's record, on behalf of the working families of America, we have decided to oppose the nomination of Miguel Estrada.

These concerns are shared by the United Steelworkers of America, the UAW, Community Rights Counsel, Defenders of Wildlife, Earth Justice, the Endangered Species Coalition, the Environmental Defense Fund, the Environmental Working Group, Friends of the Earth, the Sierra Club, the Wilderness Society, the Mexican American Legal Defense Fund, the Puerto Rican Legal Defense Fund, the Congressional Hispanic Caucus, the Congressional Black Caucus, and many other organizations.

Earlier today we had meetings with the leaders of the Hispanic Caucus. They reviewed with us how they have interviewed various nominees over recent years, how they were able to get some kind of a sense, and the degree of support they had given to many other nominees who they had a particular interest in, who had a Hispanic background, and how they interviewed this nominee.

I will take some time tomorrow to review in some detail with the Senate their conclusions and their observations. They are the ones who speak for the Hispanic community. They are the ones who understand the hopes and dreams of so many of our Hispanic brothers and sisters. They are the ones who have, through life experience, a keen awareness and understanding about the importance of justice.

But some of the statements they made this afternoon, which I found so compelling, were the fact that when the dust settles on the Presidency, whether it is one party or the other, when the final action is taken in the appropriations and the legislative branch, the one place the Hispanics have historically been able to look to and have a sense of confidence has been the American judicial system. They consider it sacrosanct in terms of the types of challenges they are facing daily in our society. They challenge us to preserve that kind of equality.

They reviewed in careful detail, not just for us but for Americans, in the form of our meeting this afternoon with the press exactly why they are so strongly opposed to this nominee.

I stand with these groups and the millions of Americans they represent and urge the Senate to reject the nomination.

EDUCATION FUNDING

Mr. President, I see my friend and colleague from New Mexico. I would like to, if I may, proceed for about 3 or 4 more minutes on a different subject, but one I know he is very much interested in. I think it is important to bring to the attention of the Senate. That is the outcome of the omnibus 2003 budget in the area of education.

We are going to have the final budget conference report in the next several hours, but there are a number of parts of it that effectively have been closed. It is important, since it affects the families in this country who are concerned about education, that we take a moment to review the positive outcome that has taken place in the omnibus 2003 budget that marks a victory for parents and teachers and principals and schoolchildren across the Nation.

When the omnibus 2003 spending bill is reported out of conference later tonight, it will include an education budget increase that is eight times President Bush's request. For the second time in 4 weeks the Congress will reject President Bush's inadequate education budget and insist on increased resources to carry out school reform. And for the second time in 4 weeks, Republicans and Democrats in Congress will reject the administration's ongoing drive to divert scarce public school funding to private school vouchers.

I see the Senator from Maine who, with our friend and colleague from Connecticut, during the authorization spoke so eloquently about the importance of funding of title I. We made important progress in including approximately 500,000 more children who would be eligible for title I as the result of the omnibus bill.

The final year budget which effectively will provide resources that will be available to the school systems this spring will provide 3.2 billion in education over the previous year and 2.8 billion over President Bush's budget. Title I, the key school reform program, the No Child Left Behind, would be increased by $1.4 billion, helping half a million more needy children to be fully served. In my State of Massachusetts, 46,000 more children will be served. IDEA will increase by $1.4 billion, putting us a step closer toward fully funding the program as promised. My own State of Massachusetts will see a $32 million increase in special education funding.

Support for improved teaching quality and reducing class size will increase by $100 million—not nearly enough, but we are going in the right direction. We will improve the quality of 24,000 more teachers across the country. Programs that help English language learners master English will increase by $25 million and will help 37,000 more children learn English.

We have made strong steps toward meeting the promises of full funding outlined in No Child Left Behind and NIDA. But it is not enough. Teachers and students need more support. Teacher shortages are getting worse, class sizes are increasing, State deficits are skyrocketing. So we have a good deal of work to do. But as a result of the decisions that have been made recently in the Senate and in the conference report, there is some good news on the way.

I thank my friend and colleague from New Mexico for permitting me to finish.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, let me first thank my colleague from Massachusetts for his eloquent statement on the Estrada nomination and also his other statement about the level of funding for education contained in the omnibus appropriations bill. I know how hard he has worked on that issue for many years. I commend him for the progress that has been made, and I agree with him that much more progress needs to be made.

I want to say a few words about the Estrada nomination and also talk about another aspect of the President's proposed budget to us, with which I have found serious concern.

First, on the Estrada nomination for the DC Court of Appeals, Miguel Estrada has been nominated for that position, and, frankly, the concern I bring to this issue is that many of my good friends and people whom I respect in the House of Representatives, in the Hispanic Caucus, have indicated that they oppose his nomination. When I said many, I should have said all. They had quite a discussion and quite a period of investigation of this nomination, and they concluded unanimously that the Hispanic Caucus of the House of Representatives would oppose the nomination. I have been contacted by several members of that caucus and urged to resist the nomination in the Senate. As I say, I have not taken the time to look into it in detail myself, but I have great respect for these gentlemen and women who have worked hard on this issue, and their strong opposition is of concern to me.

I am also concerned that not a single Democratic member of the Senate Judiciary Committee determined to support the nominee after hearing the nominee's answers to questions before the committee. I share my colleagues' concerns as expressed by many of those members on the Judiciary Committee that we simply do not have enough information about this nominee at this time to cast an informed vote. During his confirmation hearing, he was not willing to answer many basic questions that were propounded to him. He was evasive when asked about his judicial philosophy. He refused to provide samples of his work from the time he served in the Solicitor General's Office. There have been requests for information made that, in my view, have been reasonable.

As I understand it, the chairman and ranking Democrat on the Judiciary Committee and Senator DASCHLE are continuing to request additional information before any vote is cast on that nomination.

Some have attempted to turn this debate into a debate about the nominee's ethnicity. I don't believe that is the issue. I have supported many Hispanic candidates. In my State, I had the great honor to recommend to President Clinton, our previous President, and he in fact appointed a Hispanic nominee to our Federal court in New Mexico. But that support was based on having a full record regarding the candidate's qualifications in each case. We do not have a full record as to this nominee at this point. I hope when we attain it, then we can move forward with the vote at sometime in the future.

THE PRESIDENT'S PENSION PROPOSAL

Madam President, I want to talk for a few minutes about a set of proposals the administration has made related to pension coverage that I think are of serious concern. You might say, where does that fit into the other major issues being discussed here? As I see it, the President has presented his new budget to the Congress, and part of that budget involves reductions in revenue. Now, the portion of those reductions in revenue that has been focused on most is the stimulus package, the recommended elimination of the tax on dividends from stock, the recommendations to accelerate the anticipated changes in the income tax rates; all of that has been what people have focused on.

There are other parts of what the President has proposed to us which are also deeply troubling. I think it is time we begin to focus on those. The President has made some recommendations that I think carry with them some great danger.

Let me address the first chart called "Passed and Proposed Tax Cuts." This chart makes the obvious point that, in 2001, Congress passed a major tax cut bill which, over a 10-year period, was estimated to reduce revenue to the Government by $1.35 trillion. That is a very large tax cut. At the time, there was great fanfare by those who supported it that this was the largest tax cut in our Nation's history. It reduced individual tax rates; it repealed, essentially, a temporary estate tax, increased contribution limits to retirement plans.

Two weeks ago, Congress received the President's proposed budget for this year. That budget says we should add to the $1.35 trillion and the 2002 stimulus bill a new tax cut, a new series of tax cuts that add up to $1.46 trillion. People say that is not the right figure. The figure discussed here is 670-some-odd billion dollars; that is what it is going to cost, not $1.46 trillion. But I refer you to the budget documents that were presented to the Congress. We had a hearing in the Finance Committee the other day with our new Secretary of the Treasury. I asked him about this. He said: I am not sure that is the right number. We read it back to him out of his own budget documents. That is the right number. It includes the stimulus package, but it also includes the CARE Act, MSA expansion and permanency, and the proposal related to pensions.

Let me talk about the pension-related provisions for a few minutes. In my view, these pension-related provisions that the President is now urging on the Congress could have a devastating effect on retirements and the ability of workers to save for their retirement. These proposals mark a dangerous and irresponsible shift away from existing policies that are intended to encourage retirement saving by all of our workers in employer-provided plans.

The proposal the President has made is to deemphasize employer-provided plans and essentially take away the incentives for continuation of those plans and, instead, shift to a system where everyone is left to fend for himself or herself. In my view, this would benefit only those in our society who need help the least. The President's proposal is based on the creation of two new super-IRAs: There is the RSA, Retirement Savings Account, and the LSA. Each of these would allow individuals to set aside $15,000 a year in the two together for favorable tax treatments. Those with additional resources would be able to set aside an additional $75,000 a year for other family members who could set up their own LSA; so if you had two or three children, or a spouse, you could certainly do it for them as well. While some would benefit from this type of arrangement, the vast majority of Americans would be unable to find the resources to save on their own.

The creation of these new accounts negates the tax advantages currently available only for employer-provided plans. The likely result is that without these current tax advantages, employers will simply stop offering their plans. It will no longer be economical, and it will no longer be the most efficient way to meet their own retirement needs.

About 80 years ago, Congress began to offer employers preferential tax treatment if they would help their employees to pay into pension plans. Then, as now, the Congress appreciated the need to get the employer involved in the employee's retirement savings. In doing so, we created a series of nondiscrimination rules to guarantee that employers provide benefits to all employees, not just those who are the top level employees.

We have seen many examples in recent months, beginning with the Enron scandal and then in the case of WorldCom, and many others, where top individuals in corporate structures have benefited extremely well, while the average worker has been left unassisted.

We have put in place in the tax law a requirement that there not be discrimination in pension coverage. We also created a series of tax incentives that encouraged employees to set aside their own funds in these same accounts. The combination of incentives for employers and incentives for employees have always been premised on the employer offering the employees a plan in which that employee could save.

Over the years, we have made significant changes and adaptations to the system. The primary goal has been to encourage employer-provided plans and to encourage employers to assist employees in this very important financial goal that employees need to have.

The President's current proposal, in my view, dramatically ends this policy, ends this effort to encourage employers to help employees save for their retirement. At a time when we are facing huge funding deficits in Social Security, it seems to me reckless to be considering removing the underpinnings and the stability of our current private retirement system.

Our current private retirement system has many defects, and I would be the first to point those out, and I have pointed them out many times. But to take away what we currently have in the way of a private retirement system and the incentives that underpin that system at this time I think would be very wrongheaded.

There is a rational basis for encouraging employer-provided plans. Let me show this chart which gives some statistics. This is a Department of Labor chart. It shows that for all workers for 1999, the coverage for all private sector workers was 44 percent. That is, 44 percent of private sector workers in the country had some kind of pension plan. In those firms where the employer sponsored a plan, it was substantially higher. It was 58 percent. The participation when the employer sponsored a plan was 75 percent for all workers.

The point of this is clearly that employee participation increases when employers are sponsoring a plan. We have the very same thing as Federal workers. The Federal Government says that if we wish to put away funds for retirement, the Federal Government, through the Thrift Savings Plan, will match the contribution that Federal workers make up to a certain percentage. I think it is 5 percent, in that range.

This is very similar to the kind of employee plan that many have—a matching plan. Some employers say they will match dollar for dollar; some say they will match 50 cents for each dollar the employee puts in. The main point is, workers will take advantage of employer retirement plans when those plans are offered.

This chart demonstrates one other point, and that is, when you get down to minority representation, the percentage of minority workers who are covered by pension plans is substantially less than the percentage in the population as a whole, and there is only 27 percent in the case of Hispanic workers, but it goes up dramatically where the employer is sponsoring the plan. It goes from 27 percent to 68 percent. So employer sponsoring of plans is a very substantial factor in causing people to save for their retirement.

The administration, in my view, should be focusing on ways to encourage more employers, particularly small businesses—in my State, most employers are small businesses—to offer their employees plans. We should not be giving employers reasons not to offer those plans or to discontinue plans they have historically offered.

Last year, Edward N. Wolf of the Economic Policy Institute presented a report entitled "Retirement Insecurity: The Income Shortfalls Awaiting the Soon to Retire." That report demonstrated the shift away from defined benefit plans to defined contribution plans over the last 30 years, and we have seen that shift. It demonstrated that shift has not, in fact, improved our Nation's coverage rate, as it was advertised to do. Instead, it has reduced the overall retirement wealth for the bulk of the workers in this country.

The primary reason the companies have shifted to these defined contribution plans—and defined contribution plan, of course, is nothing except a plan which specifies how much will be put in rather than specifying how much a benefit the retiree will finally receive as a result of a plan—but the primary reason companies shifted to these defined contribution plans is that under these plans, the employees make the majority of the contributions. The employee is the one who bears the risk about what happens to the funds invested in that plan. This reduces the employer's cost. It makes it far more attractive to the employer than a traditional pension plan.

The President's proposal takes it one step further, and it shifts us one step further away from employer participation in retirement savings. In many cases, the small business employer would be able to save more themselves with the new IRA, so they could put away $7,500, they could put away $7,500 for their wife, and they would be able to provide certain higher income employees with matches, for the employees' savings as well, without running afoul of any current discrimination rules.

Since IRAs are not covered by discrimination rules or by ERISA, the employer could pick and choose which employees they want to provide matches to; they could provide those matches in the form of bonuses, or whatever. That is not allowed under current rules and, in my view, should not be allowed. If an employer wanted, they could even contribute to family members, to shareholders, or to other nonworkers and avoid making contributions to the average worker working for that company.

I think, for good reason, Congress has always opposed the creation of this kind of mechanism which would open the possibility for discriminatory treatment among workers. The President's proposal, in my view, opens the floodgate to a whole range of new abuses of this kind.

At the same time, coverage rates have remained flat and as employers have shifted toward defined contribution plans, the retirement income of retirees, and those near retirement, have decreased as compared to their current incomes. This is not new information to a great many older Americans.

In 1989, roughly 30 percent of households were projected as living on less than half of their preretirement income. If we look a decade later, by 1998 this number had increased to 42 ½ percent. For African Americans and Hispanics, the numbers are significantly worse. In 1989, there was 43 ½ percent who lived on less than half of their preretirement income. By 1998, that had grown to over 50 percent—53 percent.

The Wolf report demonstrates that only those with retirement wealth in excess of a million dollars saw their retirement wealth increase in 1999. This chart shows every other class of retiree. It starts with those with incomes of less than $25,000; $25,000 to $50,000; $50,000 to $100,000; $100,000 to $250,000; $250,000 to $500,000; $500,000 to $999,999; and then over a million.

Between the period of 1983 and 1998, the changes in retirement wealth have been negative. There has been a reduction in retirement wealth for every single group in our society with the exception of those who earned over a million dollars a year. That is the unfortunate reality we face in this country.

The President's proposal would speed up this wealth gap immeasurably by forcing workers to solely fund their own retirement savings. For example, under the President's proposal, a wealthy executive would be able to save almost $50,000 a year with tax preferences for a family of four, and meanwhile workers living paycheck to paycheck would likely be unable to set aside any significant amount for retirement.

Clearly, what will be good for the top floor will not be good at the shop floor level. This is not the first time Congress has looked at IRAs. In 1986, as part of the major tax reform we did then, we created what we call the active participation rules that are still in place today. These rules limit those who can participate in an IRA based on income. The reasons for the rules are simple: Data clearly indicated the only people taking advantage of IRAs at that time were upper income people who also had employer-provided plans.

Congress realized then, as we still appreciate now, that IRAs are not utilized by lower income workers. The President is proposing to essentially replace the current retirement system with IRAs, and thereby ensuring lower paid workers are not saving for retirement.

According to the 1999 IRS statistics, that means less than 5 percent of income earners who made less than $50,000 a year were, in fact, putting funds into an IRA. That means 95 percent of those earning $50,000 or less did not put a single dollar into an IRA. The majority of working families clearly do not need or benefit from expanding IRAs as the President would have us do.

A shift toward this type of savings away from employer-provided plans will not help the majority of our workers.

This final chart indicates, using Department of Treasury data from 1999, it is clear we still have a great distance to go. Based on the data reflected on this chart, the lowest 40 percent of income earners receive roughly 2 percent of the tax benefits currently provided under our Tax Code.

That is the lowest 20 percent, and the second 20 percent, added together, get about 2 percent. The lowest 60 percent receive a little less than 12 percent of those benefits. At the same time, the top 10 percent receive 43 percent of the benefits and the top 1 percent get approximately 10 percent of those benefits.

The President's proposal, as I understand it, would significantly shift the Government-provided tax benefits to the upper income categories, as only those with disposable income would be able to participate. Unfortunately, this proposal we have been given makes it more cost effective and less administratively burdensome for employees to fund their own retirement outside of the qualified plan. So the result is most workers will find themselves without an employer-provided plan that provides salary deferrals and oftentimes significant employer contributions. Instead, most workers will have to put aside their own funds each paycheck, either without a tax benefit or the receipt of a tax benefit that does not come until the end of the tax year.

Sadly, for many American families, there are not enough resources available for them to pay all of their expenses and still do what the President has in mind.

I do not know what all of the motivations were behind this proposal. Before we move ahead, I very much hope we can look at it in great depth during hearings in the Finance Committee. As far as I can tell, it is designed to provide tax incentives for additional savings by those who need them the least, and it certainly would have the effect of undercutting the employer-sponsored retirement system we have long tried to strengthen.

As I indicated earlier, I am one of the first to admit the current employer-sponsored retirement system we have is not adequate and needs to be strengthened, but eliminating the private retirement system we have and undermining the incentives for employers to maintain that system is not the solution to the problem.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Utah.

Mr. HATCH. Mr. President, it seems to me if the Democrats are going to filibuster, they ought to give some reasons for their filibuster. They have said they are going to filibuster, for the first time in the history of this country, a Federal circuit court nominee, and the first Hispanic nominated to the Circuit Court of Appeals for the District of Columbia.

Where are they? We have had all kinds of talks on foreign policy, on running down the President's financial plans, running down his foreign policy. I heard one Senator today talk about the real problem is North Korea. Of course, it is a real problem. So is Iraq. So is Osama bin Laden.

These are the people who watched me in the middle of the 1990s be the first one to tell President Clinton he better get on Osama bin Laden because he is going to kill Americans. I actually was the first to bring that forth.

I have been on the Senate Select Committee on Intelligence twice. They did nothing, and now they are moaning and groaning because we have inherited a problem that has existed for a long time. Because nothing was done? Now they are saying, well, we should be concerned about North Korea. Yes, we should be. We should be concerned about everything.

It does not take many brains to realize a lot of the finances that come for the terrorist movement throughout the Middle East and throughout the world come from Iraq. They have supported virtually everybody. The Egyptian Islamic Jihad, that is where Al-Zawahri comes from. He is No. 2 to Osama bin Laden. That is where they have gotten a lot of their money. They support the Palestinian Islamic Jihad. They support virtually every Islamic terrorist group around. Now we are supposed to just stand back because some of the Democrats think we ought to concentrate our efforts on North Korea. Of course, we are concentrating our efforts there. The President is doing everything he should do. It is not quite the same. Those people are hemmed in by China, who they have to have just for food, and it is not in China's best interest to allow North Korea to have this kind of power and be able to irresponsibly use it. Nor is it in the interest of anybody in the Asian community, and it is certainly not in our interest. We have top people working on that and controlling it.

It is hard to control wild men, and we have to really look hard to find one worse than Saddam Hussein. Saddam

Hussein has used weapons of mass destruction against his own people. Imagine what he would do to us if he could.

My colleagues on the other side know as much as I know about it, or at least they should, and that is before the first session of inspections, Saddam Hussein came that close to having a nuclear device. You think he is not trying to do that now, and in his country, the size of California, do you think it is hard for him to secrete his weapons of mass destruction? He can hide those in a million different ways. This is a joke.

We have to fight terrorism. We have to fight these types of people on all sides. And we are. This administration is doing everything it can, and it really needs to have a little less bellyaching and a little less criticism, a little less partisanship than what we are getting sometimes around here.

I heard other Senators get on this floor and say this court—to go back to Miguel Estrada—the first Hispanic nominated to the circuit court of appeals in this country who is being filibustered by people who, throughout the years, have said we would never filibuster when they had the Presidency, we would never use that type of a tactic. Here they are, using it. It is hypocritical. It is wrong. It is unfair. It is establishing a precedent that could hurt this country immeasurably. We could only have the least common denominator on the Federal courts if some on the other side got their way. To do it against the first Hispanic nominated to the Circuit Court of Appeals for the District of Columbia is particularly reprehensible, especially since he has every qualification a person needs to fulfill this responsibility.

The White House and the general counsel's office have been working overtime day and night to answer all the questions these people have asked over and over that are ridiculous in nature. They have made Miguel Estrada available for any Democrat who wants to talk to him. The Democrats conducted the hearing. It was all day, which is extraordinary in and of itself. They controlled every aspect of that hearing. They asked the questions that they wanted to ask. He did not answer some of them the way they would have preferred. Then they could have defeated him for sure. That is not his job to try to please the Democrats or me or anybody else. His job is to tell the truth, which is what he did. And he had an obligation to tell the truth without saying how he would vote on any given issue, or otherwise he would have to recuse himself after he gets on the bench and be less effective.

Some of the arguments we have had around here are ridiculous. The very people who are griping about getting these confidential privileged memoranda down at the Solicitor General's Office ignore the fact that of the seven former current living Solicitors General, four of them are Democrats in the Solicitor's Office. Three reviewed Miguel Estrada's memoranda.

How far do we go with these ridiculous arguments, these unfair arguments, these discriminatory and prejudicial arguments, against a person who has every qualification to be on this court? There is only one reason they are fighting like this. They think Republicans are going to back down. Or that the President will back down. He will not back down.

I don't think most Democrats feel the way some of the radicals over there do. There are some people with reasonable minds over there. I think most of them. I respect everyone on the other side, but I have to tell you, some of them are listening to the most radical people on their side in bringing this filibuster and going against one of the best nominees in history.

I have been on the Judiciary Committee almost 30 years, 27 years now. There are very few who you would rate at the level with Miguel Estrada. Every Hispanic in this country ought to be proud of it. I am calling on every Hispanic in the country, whether Democrat, Independent, Republican, whether you are liberal, moderate or conservative, you better start calling the Democrats and let them know this is not fair, this is not right. It is abysmal. Some would say abominable. I think I would be one of those.

I have seen some unfair things here from time to time, and this is a tough body, there is no question. Sometimes we do some dumb things, but I have never seen anything more unfair than what is happening here. With Senators hiding behind this, I think, phony request for documents they know they should not have a right to have and then try to represent on the floor that the few cases where somebody leaked documents to them, that were not recommendations for appeals, recommendations for amicus curiae briefs, recommendations for certiorari, none of them were, but some were leaked from the Solicitor General's Office by partisan Democrats and they have some of these.

They have not seen fit to let us have copies of them, other than what they are putting in the RECORD. We have asked for them, but they did not have time to give them to us. The one case they can show where the Department really did give some documentation was in the case of Robert Bork. The Department produced some documents concerning Bork's firing of Archibald Cox. It was a specialty situation. But they were not documents of recommendations of employees in the Solicitor General's Office concerning appeals, concerning certiorari appeals, and concerning amicus curiae briefs.

This is one of the phoniest excuses I have ever heard. Keep in mind, four of their former Solicitors General, Democrat Solicitors General, are on Miguel Estrada's side. And three of them reviewed every one of those documents. That is not good enough for them? They know the administration cannot give in to these requests because if they did, every time anybody is nominated from any part of the Justice Department they would have to get confidential memoranda.

The executive branch does have some rights. I know that some on the other side do not believe that, but they do. They have some rights to have their confidential documents remain confidential so they can get the best advice they possibly can to represent this country, as the executive branch should. This is one of the worst arguments I have ever heard on the floor of the Senate. And it is all done for political purposes because they believe that this Hispanic man, a Republican—which is very tough for them to take, who they believe to be conservative—he is certainly probably moderate to conservative—I just know he is qualified. Everything about him says he is qualified. All of his experience tells me he is qualified. The fact he led the class at Harvard Law School says he is qualified. The fact he was one of the leaders of the class at Columbia University says he is qualified. The fact that he served Amalya Kearse, a Carter appointee, and she praised him says he is qualified. The fact he served for a Justice of the U.S. Supreme Court, Anthony Kennedy, says he is qualified.

But now the administration, in response to these ridiculous claims and these ridiculous statements made on the floor of the Senate, has now sent a 15-page, single-spaced letter that basically covers every one of these stupid claims that have been raised.

I guess maybe I should not say that. Anyone can raise any claim, whether it is stupid or otherwise, on the floor, and every Senator can ask even the dumbest questions of nominees if they want. That does not mean nominees have to answer them. It does not mean they have to answer them the way they want to—the dumb questioners, that is. We have all done that from time to time, and we all fit into that category, maybe, from time to time, but not consistently.

There is nothing more than prejudice going on here; nothing more than unfairness going on here; nothing more than a double standard going on here; nothing more than trying to trip up the President of the United States and make his life even more miserable than it is every day with North Korea, with Iraq, with all the other problems we have in this world, including France, Germany, and Belgium, which are acting disgracefully and deserve the condemnation of the world for their continuous disgraceful disruptions of the unity of our NATO allies and for their refusal to back Turkey, our ally who has stood up when others have not stood up. We don't need them. We will back Turkey, and we should back Turkey.

What gets me is we are in the middle of a filibuster of a Federal judge, when the Constitution says we should give advice and consent, not advice and obstruction, not advice and a filibuster, not advice and unfairness.

I have to admit there were some on our side who treated President Clinton in a shabby fashion. Not very many, but there were a few. I remember as a young Senator I criticized President Carter pretty strongly one day. Later, I was on a 3-hour television show with him, sitting right beside him. We had plenty of time to discuss and talk, and I apologized. I said I really feel badly; I felt I didn't treat you fairly. He leaned over and smiled and said, ORRIN, I never knew you did it. He said, you were so fair in so many other ways, I didn't notice any unfairness. That is typical of what a fine, gracious man he is.

Bill Clinton has plenty of faults, we all know that, like all the rest of us. Maybe not like all the rest of us, but we all have faults, we will put it that way. And sometimes he wasn't treated as fairly as he should have been, but I sure tried to do so. I certainly did with regard to his judicial nominees. I will tell you one thing, we never, ever filibustered a Clinton nominee, not once. There were some cloture votes, but it wasn't part of a filibuster; it was more to move the Senate along. And nobody can claim anybody on our side actually filibustered a Federal judge, which is a disgraceful thing to do.

I have to say I care a great deal for all of my colleagues in this body. These are 100 of the greatest people on Earth. I care for my colleagues on the Democratic side. But where are they? Why aren't they telling us why? Why don't they give us a reason that is a good reason for being against Miguel Estrada, with all of the qualifications he has? Why couldn't they treat us the way they wanted us to treat their circuit court nominees, which I made sure we treated right. Why can't they be decent to this Hispanic nominee, the first ever nominated to the Circuit Court of Appeals for the District of Columbia, one of the most important courts? Why is it that Senators from the Democrat side get on the floor and act as if, because a person is conservative, that person is not going to do what is right under the law; that person is not going to make sure the law is fulfilled; that person is not going to make sure the principle of stare decisis or prior precedent is followed? Miguel Estrada says he will, and he's an honest man. He will.

Why is it they think only liberal ideas are any good? I kind of admire people who think only their point of view is correct and everybody else is wrong. But I have to tell you, some of the greatest judges in our country's history are conservatives. Some of the greatest judges are liberals. And some of the worst are liberals—and conservatives. Miguel Estrada would make one of the best, and he is the American dream personified. He would open the doors for many Hispanic people, not just in the Federal judiciary but in so many other ways throughout this society because he will set an example that will be exemplary for all of us to observe. He should have a chance to sit on this court and should not have to go through this type of unfair treatment.

No nominee to the Federal court should have to go through a filibuster. But, if the Democrats are going to filibuster, why don't they get over here and filibuster? Why don't they tell us the reasons why? If you look at their reasons, there is not a bit of substance to any of them.

I ask unanimous consent the most recent letter of the White House, this 15-page single-space typewritten letter I think answers every Democrat concern, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 12, 2003.

DEAR SENATOR DASCHLE AND SENATOR LEAHY: On behalf of President Bush, I write in response to your letter to the President dated February 11, 2003. In the letter, you renew your previous request for confidential Department of Justice memoranda in which Mr. Estrada provided appeal, certiorari, and amicus recommendations while he was a career attorney in the Office of Solicitor General for four years in the Clinton Administration and one year in the George H.W. Bush Administration. You also request that Mr. Estrada answer certain questions beyond the extensive questions that he already answered appropriately and forthrightly during his Committee hearing and in follow-up written responses.

We respect the Senate's constitutional role in the confirmation process, and we agree that the Senate must make an informed judgment consistent with its traditional role and practices. However, your requests have no persuasive support in the history and precedent of judicial appointments. Indeed, the relevant history and precedent convincingly demonstrate that a new and shifting standard is being applied to Miguel Estrada.

First, as the Department of Justice explained in its letters of June 5, 2002, October 8, 2002, and January 23, 2003, all living former Solicitors General (four Democrats and three Republicans) have strongly opposed your request for Solicitor General memoranda and stated that it would sacrifice and compromise the ability of the Justice Department to effectively represent the United States in court. Even more telling, we are informed that the Senate has not requested memos such as these for any of the 67 appeals court nominees since 1977 who had previously worked in the Justice Department (including the seven nominees who had previously worked in the Solicitor General's office). The few isolated examples you have cited—in which targeted requests for particular documents about specific issues were accommodated for nominees to positions other than the U.S. Courts of Appeals—similarly do not support your request here.

Second, as explained more fully below with respect to your request that Mr. Estrada answer additional questions, the only specific question identified in your letter refers to his judicial role models. You claim that Mr. Estrada refused to answer a question on this topic. In fact, in his written responses to Senator Durbin's question on this precise subject that Mr. Estrada submitted three months ago, he cited Justice Anthony Kennedy, Justice Lewis Powell, and Judge Amalya Kearse as judges he admires (he clerked for Justice Kennedy and Judge Kearse, and he further pointed out, of course, that he would seek to resolve cases as he analyzed them "without any preconception about how some other judge might approach the question." Your letter to the President ignores Mr. Estrada's answer to this question. In any event, beyond this one query, your letter does not pose any additional questions to him. Additionally, neither of you has posed *any* written questions to Mr. Estrada in the more than three months since his all-day Committee hearing. Since the hearing, Mr. Estrada also has met (and continues to meet) with numerous Democrat Senators interested in learning more about his record. Finally, as I will explain below, Mr. Estrada forthrightly answered numerous questions about his judicial approach and views in a manner that matches or greatly exceeds answers demanded of previous appeals court nominees.

With respect, it appears that a double standard is being applied to Miguel Estrada. That is highly unfair inappropriate, particularly for this well-qualified and well-respected nominee.

I will turn now in more detail to the various issues raised by your letter. I will address them at some length given the importance of this issue and the nature of your requests.

I. MIGUEL ESTRADA'S QUALIFICATIONS AND BIPARTISAN SUPPORT

Miguel Estrada is an extraordinarily qualified judicial nominee. The American Bar Association, which Senators Leahy and Schumer have referred to as the "gold standard," *unanimously* rated Estrada "well qualified" for the D.C. Circuit, the ABA's highest possible rating. The ABA rating was entirely appropriate in light of Mr. Estrada's superb record as Assistant to the Solicitor General in the Clinton and George H.W. Bush Administrations, as a federal prosecutor in New York, as a law clerk to Justice Kennedy, and in performing significant *pro bono* work.

Some who are misinformed have seized on Mr. Estrada's lack of prior judicial experience, but five of the eight judges currently serving on the D.C. Circuit had no prior judicial experience, including two appointees of President Clinton and one appointee of President Carter. Miguel Estrada has tried numerous cases before federal juries, argued many cases in the federal appeals courts, and argued 15 cases before the Supreme Court of the United States. That is a record that few judicial nominees can match. And few lawyers, whatever their ideology or philosophy, have volunteered to represent a death row inmate pro bono before the Supreme Court as did Miguel Estrada.

Mr. Estrada's excellent legal qualifications are all the more extraordinary given his personal history. Simply put, Miguel Estrada is an American success story. He came to this country at age 17 from Honduras speaking little English. Through hard work and dedicated service to the United States, Miguel

Estrada has risen to the very pinnacle of the legal profession. If confirmed, he would be the first Hispanic judge to sit on the U.S. Court of Appeals for the D.C. Circuit. Given his record, his background, and his integrity, it is no surprise that Miguel Estrada is strongly supported by the vast majority of national Hispanic organizations. The League of United Latin American Citizens (LULAC), for example, wrote to Senator Leahy to urge Mr. Estrada's confirmation and explain that he "is truly one of the rising stars in the Hispanic community and a role model for our youth." A group of 19 Hispanic organizations, including LULAC and the Hispanic National Bar Association, recently wrote to the Senate urging "on behalf of an overwhelming majority of Hispanics in this country" that "both parties in the U.S. Senate . . . put partisan politics aside so that Hispanics are no longer denied representation in one of the most prestigious courts in the land."

The current effort to filibuster Mr. Estrada's nomination is particularly unjustified given that those who have worked with Miguel—including prominent Democrat lawyers whom you know well—strongly support his confirmation. For example, Ron Klain, who served as a high-ranking adviser to former Vice President Gore and former Chief Counsel to the Senate Judiciary Committee, wrote: "Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. . . . [T]he challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need."

President Clinton's Solicitor General, Seth Waxman, wrote: "During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. . . . In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected any consideration other than the long-term interests of the United States. I have great respect both for Mr. Estrada's intellect and for his integrity."

A bipartisan group of 14 former colleagues in the Office of the Solicitor General at the U.S. Department of Justice wrote: "We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints." One former colleague, Richard Seamon, wrote that he is a pro-choice, lifelong Democrat with self-described "liberal views on most issues" who said he would "consider it a disgrace" if Mr. Estrada is not confirmed.

Similarly, Leonard Joy, head of the Federal Defender Division of the Legal Aid Society of New York, wrote that "Miguel would make an excellent Circuit Court Judge. He is as fine a lawyer as I have met and, on top of all his intellectual abilities and judgment he would bring to bear, he would bring a desirable diversity to the Court. I heartily recommend him."

Beyond the extensive personal testimony from those who worked side-by-side with him for many years, the performance reviews of Miguel for the years that he worked in the Office of Solicitor General gave him the highest possible rating of "outstanding" in every possible category. The reviews stated that Miguel:

"states the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness."

"[i]s extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating position to others."

"[a]ll dealings, oral and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner."

"[a]ll briefs, motions or memoranda reviewed consistently reflect no policies at variance with Departmental or Governmental policies, or fails to discuss and analyze relevant authorities."

"[i]s constantly sought for advice and counsel. Inspires co-workers by example."

In the two years that Miguel Estrada and Paul Bender worked together, Mr. Bender signed those reviews. These employment reviews thus call into serious question some press reports containing a negative comment from Mr. Bender about Mr. Estrada's temperament (which is the only negative comment made by anyone who actually knows Mr. Estrada). Just as important, President Clinton's Solicitor General Seth Waxman expressly refuted Mr. Bender's statement.

In sum, based on his experience, his intellect, his integrity, and his bipartisan support, Miguel Estrada should be confirmed promptly.

II. THE SENATE'S ROLE

President Bush nominated Miguel Estrada nearly two years ago on May 9, 2001. As explained above, he is well-qualified and well-respected. By any traditional measure that the Senate has used to evaluate appeals court nominees, Miguel Estrada should have been confirmed long ago. Your letter and public statements indicate, however, that you are applying both a new standard and new tactics to this particular nominee.

As to the standard, the Senate has a very important role in the process, but the Senate's traditional approach to appeals court nominees, and the approach envisioned by the Constitution's Framers, is far different from the standard that you now seek to apply. Senator Biden stated the traditional approach in 1997: "Any person who is nominated for the district or circuit court who, in fact, any Senator believes will be a person of their word and follow stare decisis, it does not matter to me what their ideology is, as long as they are in a position where they are in the general mainstream of American political life, and they have not committed crimes of moral turpitude, and have not, in fact, acted in a way that would shed a negative light on the court." Congressional Record, March 19, 1997. Alexander Hamilton explained that the purpose of Senate confirmation is to prevent appointment of "unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." Federalist No. 76. It was anticipated that the Senate's approval would not often be refused unless there were "special and strong reasons for the refusal." No. 76.

As to tactics, you have indicated that some Senate Democrats intend to filibuster to prevent a vote on this nominee. As you know, there has never been a successful filibuster of a court of appeals nominee. Only a few years ago, Senator Leahy and other Democrat Senators expressly agreed with then-Governor Bush that every judicial nominee was entitled to an up-or-down floor vote within a reasonable time. On October 3, 2000, for example, Senator Leahy stated:

"Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. *Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no—not vote maybe.* When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

Senator Daschle similarly stated on October 5, 1999, that "[t]he Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down. An up or down vote, that is all we seek for Berzon and Paez. And after years of waiting, they deserve at least that much."

In his East Room speech on October 30, 2002, President Bush reiterated that every judicial nominee deserves a timely up-or-down floor vote in the Senate, no matter who is President or which party controls the Senate. Contrary to President Bush's attempts at permanent reform to bring order to the process, your current effort to employ a filibuster and block an up-or-down vote on the Estrada nomination may significantly exacerbate the cycle of bitterness and recrimination that President Bush has sought to resolve on a bipartisan basis. We fear that the damage caused by a filibuster could take many years to undo. To continue on this path would also be, in Senator Leahy's words, "a terrible disservice" to Mr. Estrada. We urge you to reconsider this extraordinary action, to end the filibuster of Mr. Estrada's nomination, and to allow the full Senate to vote up or down.

III. REQUEST FOR CONFIDENTIAL SOLICITOR GENERAL MEMOS

You have suggested that Mr. Estrada's background, experience, and support are insufficient to assess his suitability for the D.C. Circuit. You have renewed your request for Solicitor General memos authored by Mr. Estrada. But every living former Solicitor General signed joint letter to the Senate opposing your request. The letter was signed by Democrats Archibald Cox, Walter Dellinger, Drew Days, and Seth Waxman. They stated: "Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself. . . . Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process."

It bears mention that the interest asserted here is that of the United States, not the personal interest of Mr. Estrada. Indeed, Mr. Estrada himself testified that "I have not opposed the release of those records. . . . I am exceptionally proud of every piece of legal work that I have done in my life. If it were up to me as a private citizen, I would be more than proud to have you look at everything that I have done for the government or for a private client."

The history of Senate confirmations of nominees who had previously worked in the Department of Justice makes clear that an unfair double standard is being applied to Miguel Estrada's nomination. Since the beginning of the Carter Administration in 1977, the Senate has approved 67 United States Court of Appeals nominees who previously had worked in the Department of Justice. Of those 67 nominees, 38 had no prior judicial experience, like Miguel Estrada. The Department of Justice's review of those nomination records disclosed that in *none* of those cases did the Department of Justice produce internal deliberative materials created by the Department. In fact, the Department's review disclosed that the Senate did not even request such materials for a *single one* of these 67 nominees.

Of this group of 67 nominees, seven were nominees who had worked as a Deputy Solicitor General or Assistant to the Solicitor General. These seven nominees, nominated by Presidents of each party and confirmed by Senates controlled by each party, included Samuel Alito, Danny Boggs, William Bryson, Frank Easterbrook, Daniel Friedman, Richard Posner, and Raymond Randolph.

The five isolated historical examples you have cited do not support your current request. In each of those five cases, the Committee made a targeted request for specific information primarily related to allegations of misconduct or malfeasance identified by the Committee. Even in those isolated cases, the vast majority of deliberative memoranda written by those nominees were neither requested nor produced. With respect to Judge Bork's nomination, for example, the Committee received access to certain particular memoranda (many related to Judge Bork's involvement in Watergate-related issues). The vast majority of memoranda authored by Judge Bork were never received. With respect to Judge Trott, the Committee requested documents unrelated to Judge Trott's service to the Department. So, too, in the three other examples you cite, the Committee requested specific documents primarily related to allegations of misconduct or malfeasance identified by the Committee. Of course, no such allegations have been made in the case of Mr. Estrada.

In sum, the examples you have cited only highlight the lack of precedent for the current request. As the Justice Department has explained to you previously, the existence of a few isolated examples where the Executive Branch on occasion accommodated a Committee's targeted requests for very specific information primarily related to allegations of misconduct does not in any way alter the fundamental and long-standing principle that memos from the Office of Solicitor General—and deliberative Department of Justice memoranda more broadly—must remain protected in the confirmation context so as to maintain the integrity of the Executive Branch's decisionmaking process. That is a fundamental principle that has been followed irrespective of the party that controls the White House and the Senate.

Your continued requests for these memoranda have provoked a foreseeable and inevitable conflict that, in turn, has been cited as a basis for obstructing a vote on Mr. Estrada's nomination. Respectfully, the conflict is unnecessary because your desire to assess the nominee can be readily accommodated in many ways other than intruding into and severely damaging the deliberative process of the Office of Solicitor General. For example, you can review Mr. Estrada's written briefs and oral arguments both as an attorney for the United Stats and in private practice. As you know, those documents are publicly available and easily accessible; that said, we would be pleased to facilitate your access to them. (Mr. Estrada's hearing transcript suggests that no Democrat Member of the Committee had read Mr. Estrada's many dozens of Solicitor General merits briefs, certiorari petitions, and opposition briefs or the transcripts of his 14 oral arguments when he represented the United States.) You also may consider the opinions of others who served in the Office at the same time (discussed above) and examine the nominee's written performance reviews (also discussed above). There is more than ample information for you to assess Mr. Estrada's qualifications and suitability for the DC Circuit based on the traditional standards the Senate has employed.

It also is important to recognize that political appointees of President Clinton have read virtually all of the memoranda in question—namely, the Democrat Solicitors General Drew Days, Walter Dellinger, and Seth Waxman. None of those three highly respected Democrat lawyers has expressed any concern whatever about Mr. Estrada's nomination. Indeed, Mr. Waxman wrote a letter of strong support, and Mr. Days made public statements in support of Mr. Estrada.

In sum, the historical record and past precedent convincingly demonstrate that this request creates and applies an unfair double standard to Miguel Estrada.

IV. REQUEST THAT MIGUEL ESTRADA ANSWER ADDITIONAL QUESTIONS

Your letter also suggests that Miguel Estrada should answer certain questions that he allegedly did not answer in his hearing. To begin with, we do not know what your specific questions are. In addition, this request frankly comes as a surprise given that (i) Senator Schumer chaired the hearing on Mr. Estrada, (ii) the hearing lasted an entire day, (iii) Senators at the all-day hearing asked numerous far-reaching questions that Mr. Estrada answered forthrightly and appropriately, and (iv) only two of the 10 Democrat Senators then on the Committee even submitted any follow-up written questions, and they submitted only a few questions (in marked contrast to other nominees who received voluminous follow-up questions).

It also bears mention that Mr. Estrada has personally met with a large number of Democrat Senators, including Senators Landrieu, Lincoln, Bill Nelson, Ben Nelson, Leahy, Feinstein, Kohl, and Breaux; is scheduled to meet with Senator Carper; and would be pleased to meet with additional Senators.

The only specific question your letter identifies refers to Mr. Estrada's judicial role models, and you claim that he refused to answer a question on this topic. In fact, in Mr. Estrada's written responses to senator Durbin's question on this precise subject, Mr. Estrada cited Justice Anthony Kennedy, Justice Lewis Powell, and Judge Amalya Kearse as judges he admires and he further pointed out, of course, that he would seek to resolve cases as he analyzed them "without any preconception about how some other judge might approach the question."

In our judgment, moreover, Mr. Estrada answered the Committee's questions in a manner that was both entirely appropriate and entirely consistent with the approach that judicial nominees of Presidents of both parties have taken for many years. Your suggestions to the contrary do not square with the hearing record or traditional practice.

A. JUDICIAL ETHICS AND TRADITIONAL PRACTICE

In assessing your request that Miguel Estrada did not answer appropriate questions, we begin with rules of judicial ethics that govern prospective nominees. Canon 5A(3)(d) provides that prospective judges "shall not . . . make statements that commit *or appear to commit* the candidate with respect to cases, controversies or issues that are likely to come before the court" (emphasis added). Justice Thurgood Marshall made the point well in 1967 when asked about the Fifth Amendment: "I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am confirmed and sit on the Court, when a Fifth Amendment case comes up, I will have to disqualify myself." Lloyd Cutler, who served as Counsel to President Carter and President Clinton, has stated that "candidates should decline to reply when efforts are made to find out how they would decide a particular case."

In 1968, in the context of the Justice Abe Fortas' nomination to be Chief Justice, the Senate Judiciary Committee similarly stated: "Although recognizing the constitutional dilemma which appears to exist when the Senate is asked to advise and consent on a judicial nominee without examining him on legal questions, the Committee is of the view that Justice Fortas wisely and correctly declined to answer questions in this area. To require a Justice to state his views on legal questions or to discuss his past decisions before the Committee would threaten the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of Government as required by the Constitution." S. Exec. Rep. No. 8, 90th Cong. 2d Sess. 5 (1968).

Even in the context of a Supreme Court confirmation hearing, Senator Kennedy defended Sandra Day O'Connor's refusal to discuss her views on abortion: "It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential justice must pass the litmus test of any single-issue interest group." Nomination of Sandra O'Connor: Hearings Before the Senate Comm. on the Judiciary on the Nomiantion of Judge Sandra Day O'Connor of Arizona to Serve as an Associate Justice of the Supreme Court of the United States, 97th Cong. 6 (1981) (statement of Sen. Kennedy).

Justice Ruth Bader Ginsburg likewise declined to answer certain questions: "Because I am and hope to continue to be a judge, it would be wrong for me to say or to preview in this legislative chamber how I would cast mly vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously." Similarly, Justice John Paul Stevens stated in his hearing: "I really don't thinkk I should discuss this subject generally, Senator. I don't mean to be unresponsive but in all candor I must say that there have been many times in my experience in the last five years where I found that my first reaction to a problem was not the same as the reaction I had when I had the responsibility of decisions and I think that if I were to make comments that were not carefully thought through they might be given significance that they really did not merit."

Justice Ginsberg described the traditional practice in a case decided last year: "In the context of the federal system, how a prospective nominee for the bench would resolve particular contentious issues would certainly be 'on interest' to the President and the Senate. . . . *But in accord with a long-standing norm*, every Member of this Court declined to furnish such information to the Senate, and presumably to the President as well." *Republican Party of Minnesota v. White*, 122 S. Ct. 2528, 2552 n.1 (2002) (Ginsburg, J., dissenting) (emphasis added). Justice Ginsburg added that this adherence to this "long-standing norm" was "crucial to the health of the Federal Judiciary." *Id.* In his majority opinion, Justice Scalia did not take issue with that description and added: "Nor do we assert that candidates for judicial office should be *compelled* to announce their views on disputed legal issues." *Id.* at 2539 n. 11 (emphasis in original).

In some recent hearings, including Mr. Estrada's, Senator Schumer has asked that nominees identify particular Supreme Court cases of the last few decades with which they disagree. But the problems with such a question and answer were well stated by Justice Stephen Breyer. As Justice Breyer put it, "Until [an issue] comes up, I don't really think it through with the depth that it would require. . . . So often, when you decide a matter for real, in a court or elsewhere, it turns out to be very different after you've become informed and think it through for real than what you would have said at a cocktail party answering a question." 34 U.C. Davis L. Rev. 425, 462.

Senator Schumer also has asked nominees how they would have ruled in particular Supreme Court cases. Again, a double standard is being applied. The nominees of President Clinton did not answer such questions. For example, Richard Tallman, a nominee with no prior judicial service who would now serve on the Ninth Circuit, not only would not answer how he would have ruled as a judge in *Roe* v. *Wade*—but even how he would have ruled in *Plessy* v. *Ferguson*, the infamous case that upheld the discredited and shameful "separate but equal" doctrine. So, too, in the hearing on President Clinton's nomination of Judges Barry and Fisher, Senator Smith asked whether the nominees would have voted for a constitutional right to abortion before *Roe* v. *Wade*. Chairman Hatch interrupted Senator Smith to say "that is not a fair question to these two nominees because regardless of what happened pre-1973, they have to abide by what has happened post-1973 and the current precedents that the Supreme Court has."

B. ANSWERS BY MIGUEL ESTRADA

Miguel Estrada answered the Committee's questions forthrightly and appropriately. Indeed, Miguel Estrada was *more* expansive than many judicial nominees traditionally have been in Senate hearings, and he was asked a far *broader* range of questions than many previous appeals court nominees were asked. We will catalogue here a select sample of his answers.

Unenumerated rights, privacy, and abortion

When asked by Senator Edwards about the Constitution's protection for rights not enumerated in the Constitution, Mr. Estrada replied: "I recognize that the Supreme Court has said [on] numerous occasions in the area of privacy and elsewhere that there are unenumerated rights in the Constitution, and I have no view of any sort, whether legal or personal, that would hinder me from applying those rulings by the court. But I think the court has been quite clear that there are a number of unenumerated rights in the Constitution. In the main, the court has recognized them as being inherent in the right of substantive due process and the liberty clause of the Fourteenth Amendment."

When asked by Senator Feinstein whether the Constitution encompasses a right to privacy and abortion, Mr. Estrada responded, "The Supreme Court has so held, and I have no view of any nature whatsoever, whether it be legal, philosophical, moral, or any other type of view that would keep me from applying that case law faithfully." When asked whether *Roe* v. *Wade* was "settled law," Mr. Estrada replied, "I believe so."

General Approach to Judging

When asked by Senator Edwards about judicial review, Mr. Estrada explained: "Courts take the laws that have been passed by you and give you the benefit of understanding that you take the same oath that they do to uphold the Constitution, and therefore they take the laws with the presumption that they are constitutional. It is the affirmative burden of the plaintiff to show that you have gone beyond your oath. If they come into court, then it is appropriate for courts to undertake to listen to the legal arguments—why it is that the legislature went beyond [its] role as a legislat[ure] and invaded the Constitution."

Mr. Estrada stated to Senator Edwards that there are 200 years of Supreme Court precedent and that it is *not* the case that "the appropriate conduct for courts is to be guided solely by the bare text of the Constitution because that is not the legal system that we have."

When asked by Senator Edwards whether he was a strict constructionist, Mr. Estrada replied that he was "a fair constructionist"—meaning that "I don't think that it should be the goal of courts to be strict or lax. The goal of courts is to get it right. . . . It is not necessarily the case in my mind that, for example, all parts of the Constitution are suitable for the same type of interpretative analysis. . . [T]he Constitution says, for example, that you must be 35 years old to be our chief executive. . . . There are areas of the Constitution that are more open-ended. And you adverted to one, like the substantive component of the due process clause, where there are other methods of interpretation that are not quite so obvious that the court has brought to bear to try to bring forth what the appropriate answer should be."

When Senator Kohl asked him about environmental statutes, for example, Mr. Estrada explained that those statutes come to court "with a strong presumption of constitutionality."

In response to Senator Leahy, Mr. Estrada described the most important attributes of a judge: "The most important quality for a judge, in my view Senator Leahy, is to have an appropriate process for decisionmaking. That entails having on open mind. It entails listening to the parties, reading their briefs, going back beyond those briefs and doing all of the legwork needed to ascertain who is right in his or her claims as to what the law says and what the facts [are]. In a court of appeals court, where judges sit in panels of three, it is important to engage in deliberation and give ear to the view of colleagues who may have come to different conclusions. And in sum, to be committed to judging as a process that is intended to give us the right answer, not to a result. And I can give you my level best solemn assurance that I firmly think I do have those qualities or else I would not have accepted the nomination."

In response to Senator Durbin, Miguel Estrada stated that "the Constitution, like other legal texts, should be construed reasonably and fairly, to give effect to all that its text contains."

Mr. Estrada indicated to Senator Durbin that he admired the judges for whom he clerked, Justice Kennedy and Judge Kearse, as well as Justice Lewis Powell.

Mr. Estrada stated to Senator Durbin that "I can absolutely assure the Committee that I will follow binding Supreme Court precedent until and unless such precedent has been displaced by subsequent decisions of the Supreme Court itself."

In response to Senator Grassley, Mr. Estrada stated: "When facing a problem for which there is not a decisive precedent from a higher court, my cardinal rule would be to seize aid from anyplace where I could get it. Depending on the nature of the problem, that would include related case law in other areas that higher courts had dealt with that had had some insights to teach with respect to the problem at hand. I could include the history of the enactment, including in the case of a statute legislative history. It could include the custom and practice under any predecessor statute or document. It could include the views of academics to the extent that they purport to analyze what the law is instead of—instead of prescribing what it should be. And in sum, as Chief Justice Marshall once said, to attempt not to overlook anything from which aid might be derived."

In response to Senator Sessions, Estrada stated: "I am very firmly of the view that although we all have views on a number of subjects from A to Z, the first duty of a judge is to self-consciously put that aside and look at each case by starting withholding judgment with an open mind and listen to the parties. So I think that the job of a judge is to put all of that aside, and to the best of his human capacity to give a judgment based solely on the arguments and the law."

In response to Senator Sessions, Mr. Estrada stated that "I will follow binding case law in every case. . . . I may have a personal, moral, philosophical view on the subject matter. But I undertake to you that I would put all that aside and decide cases in accordance with binding case law and even in accordance with the case law that is not binding but seems constructive on the area, without any influence whatsoever from any personal view I may have about the subject matter."

Miranda/Stare Decisis

Mr. Estrada stated that *United States* v. *Dickerson*—a case raising the question whether *Miranda* should be overruled—reflected a "reasonable application of the doctrine of stare decisis. In my view, it is rarely appropriate for the Supreme Court to overturn one of its own precedents."

Affirmative Action

With respect to affirmative action, Mr. Estrada responded to Senator Kennedy that "any policy views I might have as a private citizen on the subject of affirmative action would not enter into how I would approach any case that comes before me as a judge. Under controlling Supreme Court authority, particularly *Adarand Constructors, Inc.* v. *Pena*, 515 U.S. 200 (1995), if a government program creates a racial classification, it will be subject to strict scrutiny. Whether the program survives that sort of scrutiny will often involve a highly contextual and fact-specific inquiry into the nature of the justifications asserted by the government and the fit between those justifications and the classification at issue. *Adarand* and similar cases provide the framework that I would be required to apply, and would apply, in considering these issues as a judge."

Asked by Senator Leahy about the strict scrutiny test, Mr. Estrada replied, "the Supreme Court in the *Adarand* case stated, as a general rule, that the consideration of race is subject to strict scrutiny. That means that though it may be used in some cases, it has to be justified by a compelling state interest. And with respect to the particular context, there must be a fairly fact-bound individual assessment of the fit between the interest that is being asserted and the category being used. That is just another way of saying that it is a very fact-intensive analysis in the context of a specific program and in the context of the justifications that are being offered in support of the program."

Congressional Authority

With respect to the outer limits of Congress' power to confer authority on other governmental bodies, Miguel responded to Senator Kennedy that the Supreme Court has said that "particular factual context is significant in analyzing the appropriateness of a particular delegation. . . . Of course, the fact that the Supreme Court only rarely has struck down statutes on this ground suggests that the Court has been quite deferential to congressional judgments about the types of delegations that reasonably might be needed to carry on the business of government."

When Senator Kohl asked Mr. Estrada about the 1995 *Lopez* case concerning the scope of Congress' power to regulate, Mr. Estrada pointed out that he had argued in a companion case "for a very expansive view of the power to Congress to pass statutes under the Commerce Clause and have them be upheld by the court. . . . *Lopez* has given us guidance on when it is appropriate for the court to exercise the commerce power. It is binding law and I would follow it."

Ethnicity

With respect to fact that the President had noted Miguel's ethnicity, Miguel responded to Senator Kennedy: "The President is the leader of a large and diverse country, and it is accordingly appropriate for him, in exercising his constitutional nomination and appointment powers, to select qualified individuals who reflect the breadth and diversity of our Nation."

With respect to the Democrat Congressional Hispanic Caucus's criticism of him, Miguel responded to Senator Kennedy that "I strongly disagree, however, with the Congressional Hispanic Caucus' view that I lack an understanding of the role and importance of courts in protecting the legal rights of minorities, of the values and mores of Latino culture, or the significance of role models for minority communities."

Racial Discrimination

With respect to race discrimination, Mr. Estrada stated in response to Senator Kennedy: "I take a backseat to no one in my abhorrence of race discrimination in law enforcement or anything else."

Senator Feingold asked Mr. Estrada whether he believed that racial profiling and racially motivated law enforcement misconduct are problems in this country today. Mr. Estrada replied, "I am—I will once again emphasize I'm unalterably opposed to any sort of race discrimination in law enforcement, Senator, whether it's called racial profiling or anything else. . . . I know full well that we have real problems with discrimination in our day and age."

Senator Leahy asked Mr. Estrada about whether statistical evidence of discriminatory impact is relevant in establishing discrimination. Mr. Estrada replied: "I am not a specialist in this area of the law, Senator Leahy, but I am aware that there is a line of cases, beginning with the Supreme Court's decision in *Griggs*, that suggests that in appropriate cases that [such evidence] may be appropriate. . . . I do understand that there is a major area of law that deals with how you prove and try disparate-impact cases."

Congressional Authority to Regulate Firearms

Senator Feinstein asked whether Congress may legislate in the area of dangerous firearms, and Mr. Estrada responded that the Supreme Court had ruled that "if the government were to prove that the firearm had at any time in its lifetime been in interstate commerce even if that had nothing to do with the crime at issue, that that would be an adequate basis for the exercise of Congress' power."

Right to Counsel

Senator Edwards asked about *Gideon* v. *Wainwright*, the Supreme Court case guaranteeing the right to counsel for poor defendants who could not afford counsel. Although Senator Edwards appeared to question the reasoning in that landmark case, Mr. Estrada responded that "I frankly have always taken it as a given that that's—the ruling in the case."

C. ANSWERS BY PRESIDENT CLINTON'S NOMINEES

Your criticism of Miguel Estrada's testimony creates a double standard. You did not require nominees of President Clinton to answer questions of this sort (keeping in mind that you have not identified what your additional questions to Mr. Estrada are). President Clinton's appeals court nominees routinely testified without discussing their views of specific issues or cases. A few select examples, including of several nominees who had no prior judicial experience, illustrate the point. (Please note that these are isolated examples; there are many more we can provide if necessary.)

Merrick Garland (no prior judicial experience). In the nomination of Merrick Garland to the DC Circuit, Senator Specter asked him: "Do you favor, as a personal matter, capital punishment?" Judge Garland replied only that he would follow Supreme Court precedent: "This is really a matter of settled law now. The Court has held that capital punishment is constitutional and lower courts are to follow that rule." Senator Specter also asked him about his views of the independent counsel statute's constitutionality, and Judge Garland responded: "Well, that, too, the Supreme Court in *Morrison* v. *Olson* upheld as constitutional, and, of course, I would follow that ruling." Judge Garland did not provide his personal view of either subject.

Judith Rogers. In the hearing on Judge Judith Rogers' nomination to the D.C. Circuit, Judge Rogers was asked by Senator Cohen about the debate over an evolving Constitution. Judge Rogers responded: "My obligation as an appellate judge is to apply precedent. Some of the debates which I have heard and to which I think you may be alluding are interesting, but as an appellate judge, my obligation is to apply precedent. And so the interpretations of the Constitution by the U.S. Supreme Court would be binding on me." She then was asked how she would rule in the absence of precedent and responded: "When I was taking my master's in judicial process at the University of Virginia Law School, one of the points emphasized was the growth of our common law system based on the English common law judge system. And my opinions, I think if you look at them, reflect that where I am presented with a question of first impression that I look to the language of whatever provision we are addressing, that I look to whatever debates are available, that I look to the interpretations by other Federal courts, that I look to the interpretations of other State courts, and it may be necessary, as well, to look at the interpretations suggested by commentators. And within that framework, which I consider to be a discipline, that I would reach a view in a case of first impression." Finally, Judge Rogers was asked her view of the three-strikes law and stated: "As an appellate judge, my obligation is to enforce the laws that Congress passes, or, where I am now, that the District of Columbia Council passes." Judge Rogers did not provide her personal view of these subjects.

Marsha Berzon (no prior judicial experience). Senator Smith asked her views on *Roe* v. *Wade* and whether "an unborn child is a human being." Judge Berzon stated: "[M]y role as a judge is not to further anything that I personally believe or don't believe, and I think that is the strength of our system and the strength of our appellate system. The Supreme Court has been quite definitive quite recently about the applicable standard, and I absolutely pledge to you that I will follow that standard as it exists now, and if it is changed, I will follow that standard. And my personal views in this area, as in any other, will have absolutely no effect." When Senator Smith probed about their personal views on abortion and *Roe* v. *Wade*, Chairman Hatch interrupted: "I don't know how they can say much more than that at this point in this meeting."

Richard Tallman (no prior judicial experience). In response to written questions, Judge Tallman explained that "[j]udicial nominees are limited by judicial ethical considerations from answering any question in a manner that would call for an 'advisory opinion' as the courts have defined it or that in effect ask a nominee to suggest how he or she would rule on an issue that could foreseeably require his or her attention in a future case or controversy after confirmation." He was asked how he would have ruled in *Plessy* v. *Ferguson*. He stated: "It is entirely conjectural as to what I would have done without having the opportunity to thoroughly review the record presented on appeal, the briefs and arguments of counsel, and supporting legal authorities that were applicable at that time." He gave the same response when asked how he would have ruled on *Roe* v. *Wade*. When asked his personal view on abortion, he wrote: "I hold no personal views that would prevent me from doing my judicial duty to follow the precedent set down by the Supreme Court." He gave the same answer about the death penalty.

Kim Wardlaw. In the hearing on Judge Kim Wardlaw's nomination to the Ninth Circuit, Judge Wardlaw was asked about the constitutionality of affirmative action. She stated (in an answer similar to Miguel Estrada's answer to the same question): "The Supreme Court has held that racial classifications are unconstitutional unless they are narrowly tailored to meet a compelling governmental interest."

Maryanne Trump Barry. In the hearing on Judge Maryanne Trump Barry's nomination too the Third Circuit, Senator Smith asked for her personal opinion on whether "an unborn child at any stage of the pregnancy is a human being." Judge Barry responded: "*Casey* is the law that I would look at. If I had a personal opinion—and I am not suggesting that I do—it is irrelevant because I must look to the law which binds me."

Raymond Fisher. In the hearing on Judge Raymond Fisher's nomination to the Ninth Circuit, Senator Sessions asked Judge Fisher's own personal views on whether the death penalty was constitutional. Judge Fisher responded that "My view, Senator, is that, as you indicated, the Supreme Court has ruled that the death penalty is constitutional. As a lower appellate court judge, that is the law that I am governed by. I don't want in my judicial career, should I be fortunate enough to have one, to inject my personal opinions into whether or not I follow the law. I believe that the precedent of the Supreme Court is binding and that is what my function is."

V. CONCLUSION

Miguel Estrada is a well-qualified and well-respected judicial nominee who has very strong bipartisan support. Based on our reading of history, we believe that you have ample information about this nominee and have had more than enough time to consider questions about his qualifications and suitability. We urge you to stop the unfair treatment, end the filibuster, allow an up-or-down vote, and vote to confirm Mr. Estrada.

Sincerely,

ALBERTO R. GONZALES
Counsel to the President.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I listened with great interest to my friend and colleague from Utah. I have the highest respect for him. I must confess, in listening to him, though, it brought to mind that wonderful old saw about trial lawyers. You know: If the facts aren't on your side, argue the law. If the law isn't on your side, argue the facts. If neither the facts nor the law are on your side, pound the table and hope nobody notices. From my perspective, that is exactly what we have been hearing from our friends on the other side with respect to this very important matter that is not just about a nomination but about the role and responsibility of the Senate under our Constitution.

I rise today to expand on the points I made yesterday because, after further reflection and careful thought about this body's constitutional obligations to provide advice and consent on judicial nominations, I believe there are even greater reasons for us to focus during this time on that responsibility.

There has been, clearly, a debate going on about the role of the Senate in judicial nominations, and many of my friends on the other side have made the point that their view is the Senate defers to the executive when it comes to judicial nominees. That would certainly be a surprise to the 42nd President of the United States, that that is the position of my friends on the other side.

Furthermore, there are those who argue the Senate's role is to give advice and consent, but that does not encompass an inquiry into a nominee's judicial philosophy.

I, for one, believe on both of those grounds our colleagues are mistaken. I have done some further research and inquiry into what is it we mean when we open up our Constitution and we look at article II, section 2 and we see these words, "advice and consent." Given the extraordinary brilliance and the economic use of words in the Constitution, I assume every word means something. Each word was battled over. Each word was poured over. A lot of effort went into coming up with those words that would help to guide our infant Nation. So I take advice and consent very seriously.

It is particularly important to recognize I am not alone in viewing this obligation with seriousness. From the very beginning of our country it has been a concern. It was one of those elements in the balance of power that was so carefully constructed among our three branches of Government. It is something I think we ignore at our peril.

What is it we are talking about? Again, I sometimes wonder what our friends and fellow countrymen who might be watching this debate, as they look for something perhaps more interesting or exciting on their televisions, stop and think if they see one of us talking about advice and consent, or talking about our Constitution. Article II, section 2 states that:

> The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . . .

That is what the Constitution tells us. It is our obligation, as it has been ever since this body was formed, to determine what that means and how we apply it. The Framers of our Constitution did not envision the Senate's power of advice and consent to be a mere formality. In fact, at the Constitutional Convention of 1787, the power of judicial appointment was a subject of enthusiastic debate.

The first proposal that came from delegates to the Convention was that the choice of Federal judges should be left to the Senate alone—that it would be this body, acting on its own, that would appoint judges to the bench.

Then a competing proposal was put forth arguing that, no, the President should nominate and appoint judges and that the Senate should have only the power to reject or approve those candidates.

But what was it after the debate that our Founders decided was the American way? How did they conclude what was the proper balance between these competing positions? Clearly, the adopted language was a compromise. And, equally clearly, those who agreed to that compromise did not view our role—the Senate's role—as insignificant or deferential. In fact, Alexander Hamilton in Federalist No. 76 writes that the Senate's participation in the judicial nomination process was essential in order "to promote a judicious choice of men"—of course, he would say men and women were he writing today—"for filling the offices of the Union." He further stated that the Senate's advice and consent role serves as "a considerable and salutary restraint upon the conduct" of the President.

There is plenty of evidence that exists which demonstrates what the Framers intended with respect to the advice and consent clause. This clause added formation and, in all of the decades since, contemplated a strong and decisive Senate role that would serve to advise and consent with respect to the President's nominees—or, to put it another way, would serve to balance the power of the President's nominating authority by Senate legislative power.

This strong role that the Constitution granted the Senate has only grown stronger in the years following the adoption of our Constitution. We know very well that members of both parties have historically expected judicial nominees to be fully candid and forthright with any information that Senators deem relevant. The Republicans are acting as though the questions we are asking and the opposition which we are presenting to the process that has been adopted and the responses—or, I should say nonresponses—of the nominee are unprecedented. But I have to just point to recent history. We don't have to go back to the Federalist Papers. We don't have to go back to the 19th century. We only have to go back a few years to find many instances in which my friends on the other side did not rest until they had satisfied themselves with the information provided by nominees sent up by a Democratic President.

A June 22, 1998, floor statement by Senator HATCH demonstrates that the advice and consent obligation is indeed a strong one. Here is what he said:

> While the debate about vacancy rates on our Federal courts is not unimportant, it remains more important that the Senate perform its advice and consent function thoroughly and responsibly. Federal judges serve for life and perform an important constitutional function without direct accountability to the people. Accordingly, the Senate should never move too quickly on nominations before it.

I couldn't agree more. I think Senator HATCH was right in 1998.

He also stated that he had "no problem with those who want to review . . . nominees with great specificity."

That is all we are asking for. But we can't review this nominee with great specificity because he has become kind of an emblem of nonspecificity with nonanswers and nonresponses.

It is really hard to imagine someone being considered for the important position that he would hold for life telling Senators who inquired that he really didn't have anything to say about any Supreme Court decision in the history of the Court.

Of course, my colleague from Mississippi, Senator LOTT, has also reminded us that:

> Yes, the President has a right to make nominations to the Federal bench of his choice. However, we—namely, the Senate—have a role in that process. We should, and we do, take it very seriously. We should not give a man or a woman life tenure if there is some problem with his or her background, whether academically or ethically, or if there is a problem with a series of decisions or positions they have taken.

Of course, we don't know whether there is any problem with respect to this nominee's decisions. He has never been a judge, and we have no idea what his positions are on anything.

It is hard to imagine that any Member of this body could, as some of my colleagues on the other side have been saying over the last days, say that we really do not have to worry too much about this advice and consent clause because the Senate plays only a minor role in the nomination process. I would be more than happy to provide a list of citations and references so that any Senator who has been led to believe that would know it is not the case.

In fact, one of the very best descriptions of what advise and consent means in the Constitution that I have able to find comes from a very well respected former Republican Senator from Maryland, Mr. Charles McC. Mathias. In 1987, Senator Mathias submitted an essay that was published in the University of Chicago Law Review, a very prestigious publication. The essay is entitled "Advice and Consent: The Role of the United States Senate in the Judicial Selection Process." This I would commend to all of my colleagues because the debate we are having today is not just about one nominee. And it is not just about one President or one political party. It is about how we fulfill our constitutional obligations. Senator Mathias has it just right.

Among the important points he makes are the following:

> Among all the responsibilities of a United States Senator, none is more important than the duty to participate in the process of selecting judges and justices to serve on the Federal courts.

Senator Mathias goes on:

> The Senate's duty in this sphere is extraordinary. Most other senatorial decisions are subject to revision, either by the Congress itself or by the executive branch. Statutes can be amended, budgets rewritten, appropriations deferred or rescinded, but a judicial nomination is different. When the Framers of the Constitution decided that Federal judges shall hold their offices during good behavior, and may be removed only by the rarely utilized process of impeachment, they guarantee respect for the principle of judicial independent.

Senator Mathias goes on to point out:

> Their decision also meant, however, that the vote to confirm a judicial nominee must express the Senate's confidence in the nominee's ability to decide the burning legal controversy not only of the day but of future decades as well. The Constitution gives the Senate the consent power, not as a mechanical formality but as an integral part of the structure of government . . . If the Senate does not take its role seriously, it will lose its effectiveness as, in Hamilton's words—It will no longer provide—"a considerable and salutary restraint upon the conduct" of the President.

Senator Mathias points out what should be obvious to us all. A nominee should:

> [E]merge from the nomination process knowing that the president and the Senate have confidence that he will preside with only one unalterable loyalty, to the Constitution, and with only purpose, to assure the individual standing before him a judgment based upon the law of the land.

Senator Mathias makes another very critical point in his University of Chicago Law Review article about the advice and consent clause. He says:

> The Senate must be convinced that a nominee is impeccably competent. But competence alone is not sufficient. It is not enough that a nominee be skilled in legal argument and knowledgeable about legal doctrine, and that . . . he be able to write clearly and forcefully.
>
> A candidate for the federal bench must, as Hamilton wrote in Federalist No. 78: "unite the requisite integrity with the requisite knowledge." The nominee also must exhibit a strength of character and a range of vision that will help [him] look beyond the world that exists on the day on which [he] is nominated. . . .
>
> [T]he full senate should have the opportunity to consider each nomination on a complete record. . . . [Senators] should have the opportunity to review the transcripts of hearings and to solicit other advice on the merits of the issue before voting.
>
> The goal of these procedures is not to second-guess the judgment of the president in submitting the nomination to the Senate, but to ensure that the factors underlying that judgment are sufficiently disclosed to permit the Senate to make an informed and independent evaluation of the president's choice.

That is really the nub of what we are concerned about.

Listen to the words of a former Republican Senator who served with great distinction in this body:

> The goal . . . is not to second-guess the judgment of the president . . . but to ensure that the factors underlying that judgment are sufficiently disclosed to permit the Senate to make an informed and independent evaluation of the president's choice.

Senator Mathias concludes:

> For when the Senate carries out its function of advice and consent, its first loyalty must be not to the political parties, nor to the president, but to the people and the constitution they have established.

It is not only former Senators who have understood this and would be astonished at the amnesia that seems to have descended upon us about what the debate among the Framers was, about what the settled law and understanding of the Constitution was, about what distinguished Senators who served in this body always believed it to be. But this is the weight of all of the legal and academic analysis of the clause that has been done over so many years.

One of the most effective and thorough analyses of the advise and consent obligation is found in a joint statement by Philip Kurland from the University of Chicago and Laurence Tribe from Harvard, dated June 1, 1986, entitled: "Joint Statement to the Senate Judiciary Committee on the Role of Advice and Consent in Judicial Nominations," submitted to the Judiciary Committee. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

June 1, 1986.

To the Senate Judiciary Committee:

The United States Senate has too often been confused and uncertain about its role in approving Federal judicial nominees. The Constitution entrusts the power to appoint the member of the third branch of the National Government not to the executive branch nor to the legislature, but to both political branches together: the President nominates, but the Senate must confirm. Providing "advice and consent" on judicial nominations, therefore, is no mere senatorial courtesy but a constitutional duty of fundamental importance to the maintenance of our tripartite system of government.

Those who wrote the Constitution certainly did not envision the Senate's power of "advice and consent" to be a formality. The allocation of the appointment power was the subject of keen debate at the Constitutional Convention of 1787, which initially proposed a draft that left the choice of Federal judges to the Senate alone. The adopted language was a compromise, and it is clear that those who agreed to the compromise did not view the Senate's role as merely ceremonial or ritualistic.

The reasons that the Framers contemplated a strong Senate role in the process of judicial appointments are plain. It must be remembered that Federal judges are not, like the President's cabinet, to serve the will of the Chief Executive, but officers appointed for life to a separate and independent branch of government. If those appointed to these lifetime judicial posts should ultimately prove unequal to the task or unsuited to the role, they cannot be dismissed. Impeachment by the House and trial by the Senate is the only constitutionally authorized method of removing unfit judges, and the great difficulty of such a process makes it usable only in situations of outrageous misconduct. The only practical opportunity to consider the merits of a judicial candidate, therefore, is before that appointment is made. It thus becomes not only appropriate, but obligatory, that the Senate pass on judicial nominees with greater scrutiny than it reviews the President's choices for his own subordinates.

Whatever the philosophy of government or theory of law, the demands that the Nation makes on its Federal judges are indisputably great. The Federal courts play an increasingly critical part in American government. The men and women of the Federal bench must possess open minds that are capable of grasping sophisticated legal analysis, and that can grapple intelligently with fundamental constitutional issues. To Federal judges is given the task of policing the boundaries between State and Federal government, of giving principled articulation to the content of the basic human rights protected by the Constitution, of enforcing the myriad and complex Federal statutes and regulations, and of overseeing complicated commercial and criminal litigation. Senators therefore have a duty, both to the Constitution and to the Nation's citizens, businesses, and public and private institutions to ensure that the President's nominees have the experience, the talent, the intellectual acumen, and the fairness of mind to perform their functions and, particularly in the case of appellate judges, to contribute lucidly to a body of legal precedents that can enlighten and guide trial courts, litigants, and those who must try to enlighten and guide trial courts, litigants, and those who must try to anticipate what courts will do.

Candidates for the Federal bench should meet a higher standard than that required for most government officers. A career marked by integrity, capacity, wisdom, and commitment is the minimal qualification. If it is not readily apparent that a candidate is truly distinguished, the burden should be on the President to demonstrate the merits of the nominee. A nominee's entire record—professional achievements, public service, academic credentials, appellate briefs or other legal writings, scholarly or other publications—should be reviewed carefully to screen out the merely competent, and certainly, the simply mediocre. Respect for the institution of the Federal courts—and for the onerous responsibilities of the Federal bench—requires nothing less.

The responsibility of appointment to the independent judiciary was divided between the White House and the Senate in part to avoid burdening the Federal courts with candidates selected solely to satisfy criteria unrelated to judicial excellence. The President is certainly entitled to prefer loyal supporters and like-minded thinkers in choosing among the exceptionally qualified; but no President has a right to treat Federal judgeships as mere patronage appointments simply to reward friends or to assure a judiciary packed with "true believers." And the Senate is surely not required to defer to the appointment of men and women whose most salient qualification is their location in a particular partisan line-up or their devotion to a particular cluster of political or philosophical views.

The Senate has the further obligation to assure itself that a nominee's substantive views of law are within the broad bounds of acceptability in American public life and not on its lunatic fringes—whether left or right. The Republic may demand—and its Senators ought therefore to ensure—that is life-tenured judiciary does not disdain the Bill of Rights or the Fourteenth Amendment's command for equal protection of the laws and due process.

The absence of evidence of a nominee's lack of adherence to constitutional values should not be deemed a sufficient ground for confirmation. When dealing with a lifetime appointment to the Federal bench, rather than the trial of a criminal defendant, one's doubts as to a candidate's commitment to the Bill of Rights or to constitutionally commanded equality must be resolved in favor of the Constitution rather than the candidate.

None of this is to say that the Senate, any more than the President, is justified in using litmus tests that seek out a candidate's unswerving commitment to upholding or reversing a particular * * * dealing with * * * vised than the confirmation of "single-issue" nominees who appear to have been selected solely on the basis of their aversion to or endorsement of one particular line of legal doctrine.

Finally, the Senate must realize that, in the appointment process, the power of nomination belongs to the President alone. Senators are not entitled to a "short list" of their own. Therefore, it is not a sufficient objection to an otherwise legally distinguished and constitutionally acceptable nominee that a Senator would prefer someone from a different part of the legal profession or a different part of the country, or someone of a different race, gender, or ideology. But neither is a confirmation vote in order whenever the best that can be said of a nominee is that he has spent some time in law or public life and is untainted by any major scandal. Even at levels below that of the Supreme Court, where the need for exceptional distinction should be beyond debate, the Nation has a right to expect more than minimum qualifications and probable fitness from its Federal judges. And it has a right to insist that the Senate, whatever the practice of the past decade or two, recall the Framers' vision of its solemn duty to provide advice and consent, rather than perfunctory obeisance, to the will of the President.

PHILIP B. KURLAND.
WILLIAM R. KENAN,
Distinguished Service Professor, University of Chicago.
LAURENCE H. TRIBE.
RALPH S. TYLER, Jr.,
Professor of Constitutional Law, Harvard University.

Mrs. CLINTON. Professors Kurland and Tribe, joined by Professors William R. Kenan and Ralph S. Tyler, wrote that:

> [P]roviding "advice and consent" on judicial nominations . . . is no mere senatorial courtesy but a constitutional duty of fundamental importance to the maintenance of our tripartite system of government.

Now, that is a mouthful that really says a lot. This little clause—just three words—is so important to our tripartite; namely, our three branches—executive, legislative, and judicial—of Government. Well, it is. That is why we advocate it, not at our peril—we will come and go—but at the peril of undermining this extraordinary, brilliant construction of the United States, a tripartite form of Government, kept in equilibrium by a balance of power.

That is a heavy responsibility, to think of giving up advise and consent, giving up the Senate's constitutional duty because, as this statement goes on to say:

> The reasons that the Framers contemplated a strong Senate role in the process of judicial appointments are plain. It must be remembered that Federal judges are not, like the president's cabinet, to serve the will of the Chief Executive, but officers appointed for life to a separate and independent branch of government.
>
> If those appointed to these lifetime judicial posts should ultimately prove unequal to the task or unsuited to the role, they cannot be dismissed.
>
> Impeachment by the House and trial by the Senate is the only constitutionally authorized method of removing unfit judges, and the great difficulty of such a process makes it usable only in situations of outrageous misconduct. The only practical opportunity to consider the merits of a judicial candidate, therefore, is before that appointment is made. It thus becomes not only appropriate, but obligatory, that the Senate pass on judicial nominees with greater scrutiny than it reviews the president's choices for his own subordinates.
>
> Whatever the philosophy of government or theory of law, the demands that the Nation makes on its federal judges are indisputably great. The federal courts play an increasingly critical part in American government.
>
> To federal judges is given the task of policing the boundaries between state and federal government, of giving principled articulation to the content of the basic human rights protected by the constitution, of enforcing the myriad and complex federal statutes and regulations, and of overseeing complicated commercial and criminal litigation.
>
> Senators therefore have a duty, both to the constitution and to the Nation's citizens [who sent us here] to ensure that the president's nominees have the experience, the talent, the intellectual acumen, and the fairness of mind to perform their functions, and, particularly in the case of appellate judges, to contribute lucidly to a body of legal precedents that guide [our] courts. . . .
>
> The Senate has the further obligation to assure itself that a nominee's substantive views of law are within the broad bounds of acceptability in American public life and not on its lunatic fringes—whether left or right. The Republic may demand—and its Senators ought therefore to ensure—that its life-tenured judiciary does not disdain the Bill of Rights or the Fourteenth Amendment's command for equal protection of the laws and due process.

Even in the absence of evidence of a nominee's lack of adherence to constitutional values, it is something that we have to take seriously. We have to be assured, we have to be reassured, that when we cast our votes, we are doing so in the best interests of our Constitution and our country.

It has been clear in the debate so far that the Constitution has become something of a political football. There are those who—when the shoe was on the other foot and the occupant of the White House was of another party—were certainly more than ready to ask any question and to raise any objection that they could possibly imagine.

I listened, with great interest, to my good friend from Utah say, with great conviction: We never, ever filibustered a judge.

That may be technically true, but the reason is because they wouldn't give nominees hearings. They wouldn't give nominees votes, and they would not bring them to the floor where they possibly could be filibustered. It is somewhat surprising to hear that argument being made with a straight face.

In the years between 1995 and 2000, the Judiciary Committee refused to hold hearings or to permit votes for more than 50 judicial nominees submitted by President Clinton. Some nominees waited years for a hearing. Some nominees waited years for a vote. One such nominee, a Hispanic judge, Judge Paez, waited more than 1,500 days. Others waited more than 1,500 days, never received the courtesy of a hearing, never received the courtesy of a vote.

So here we are, and we are being somehow taken to task because the other side never filibustered. But they controlled the committee. They didn't have to filibuster. They just let nominees languish, twist in the wind, and eventually disappear. I didn't approve of that. I thought that was unfair to a lot of very decent Americans of tremendous intellectual, academic, and legal experience and qualifications.

What we are doing now is trying to do the work of the Judiciary Committee. The Judiciary Committee would not stand for the prerogatives of this body and insist the nominee answer questions, provide information, require the administration to come forward forthrightly and give the documents and the other background material that was requested. The only way we can exercise our constitutional duty to advise and consent is to raise these issues here in the Chamber.

I want to put this into the context of why this would be important to anybody outside the Senate. Again, I imagine people trying to make sense of all of this, trying to figure out what it is all about. In fact, it is about the people themselves. Senators come and go. Presidents come and go. The Constitution, we hope, not only stays but prevails. The Constitution, which set up this genius form of government, unlike anything that any group of human beings have ever devised for themselves, is our underpinning. It is our bedrock.

The interpretation of it can change from time to time. That is as it should be. That is part of the genius of our Constitution—that it was an organic, growing document to take into account a nation that started out primarily agrarian and now is in the midst of the information revolution. We couldn't even imagine thinking we had to live and work and govern ourselves in the same way as our predecessors did 200 plus years ago. But the values don't change. The balance of power that is fundamental to our tripartite system of government doesn't change. Human beings may fly through the air in airplanes rather than traverse from place to place on horseback, but fundamental human nature doesn't change.

The reason we have a balance of power is because the Framers were absolutely the best psychologists who ever came together in any place in the world. They knew, as they revolted against a king and a royal system, that they were setting up the potential for self-government. They recognized in order for self-government to work, you had to be realistic about human beings. You couldn't be too optimistic. You couldn't be too pessimistic. You had to get it just right, kind of like Goldie Locks. If you were too optimistic about human nature, you would certainly be disappointed. If you were too pessimistic about human nature, you wouldn't have enough hope to get up and move forward and try to solve problems.

So the Framers had to get it right. And did they ever get it right. They understood completely that we had to restrain ourselves, that we had to have systems that protect against runaway executive power, runaway legislative power, runaway judicial power. They had it absolutely right.

The advice and consent clause is part of how they got it right. I don't care if you are Republican or Democrat, if you served in the Senate in the 19th or 20th or 21st century, they got it right.

What we are saying is we don't want to second-guess the Framers. We don't want to substitute our judgment for theirs. We want to do what we are expected to do by the Constitution.

We wouldn't even be here having this debate if the constitutional responsibility had been fulfilled in the Judiciary Committee. I have listened to my colleagues talk about all of the paper that has been submitted and all of the time that has been taken to pass this nominee through the Judiciary Committee. But they know as well as we that many of the critical questions were never answered. Many of the essential documents that would give us insight into the attitudes and the beliefs and the philosophy of this nominee were never produced and that, in effect, we are asked to basically abdicate our advise and consent responsibility, to turn our back on the Constitution and to do what we are told to do.

That is not what the decision was when the debate took place among our Framers. If you look at the Federalist papers, if you look at all of the commentary in the many years since, this was a solemn duty that was given to the Senate.

When people say: Why are you debating this, I think there are a number of reasons. First, because it seems to those of us who are debating, it is our duty. It is our responsibility. We read the Constitution. We read what people said about it at the time it was written, what people have said about it recently. We read what our colleagues have said about it, when the shoe was on the other foot, and we have to conclude we are fulfilling our constitutional responsibility.

I went back and looked at the CONGRESSIONAL RECORD at some of the comments some of my friends on the other side have made in the past about what we should do when it comes to advising and consenting. I agree with what they said. When the shoe was on the other foot and it was a Democratic President sending judicial nominees, the same speeches were said on the other side of the floor, which strikes me as definitive, conclusive proof of what this is all about.

For example, Senator SMITH, March 9, 2000:

> The Constitution gave the Senate the advise and consent role. We are supposed to advise the President and consent, if we think the judge should be put on the court. We do not get very much opportunity to advise because the President just sends these nominations up here. He does not seek our advice. And then we are asked to consent. It seems as if the Senate should be a rubber stamp, that we should just approve every judge that comes down the line and not do anything about the advise and consent role.

I agree 100 percent with what Senator SMITH then said:

> That is not the way that I read the Constitution. I believe that is wrong. We have an obligation under the Constitution to review these judges very carefully.

In that same vein, Senator SMITH on another day, the same month, March 7, 2000, went on to explicate this important responsibility. I wish all of us would listen to it. I think this is exactly right. He said:

> I think the constitutional process is very clear, that the Senate has the right and the responsibility under the Constitution to advise and consent.
>
> That is exactly what I intend to do in my role as a Senator as it pertains to the two nominees before us. The issue, though, is whether it is OK to block judicial nominees. We have heard from a couple of my colleagues in the last few moments that it isn't OK to block judicial nominees, as if there was something unconstitutional about it. There is thinking by some that we should not start down this path of blocking a judicial nominee whom we do not think is a good nominee for the Court because it may come back to haunt us at some point when and if a Republican should be elected to the Presidency.

Senator SMITH goes on:

> Let me say, with all due respect to my colleagues, I am not starting down any new path. I am going to be very specific and prove exactly my point that we are not starting down a new path of blocking a judicial nominee. That path is well worn. We are following a path; we are not starting down any new path.

I could not say it better myself. In fact, I wish I had said it as well. But it is not only Senator SMITH, it is also Senator HATCH, on January 28, 1998:

> Conducting a fair confirmation process, however, does not mean granting the President carte blanche in filling the Federal judiciary. It means assuring that those who are confirmed will uphold the Constitution and abide by the rule of law.

Senator HATCH, October 3, 2000:

> The President has broad discretion, as we know, to nominate whomever he chooses for Federal judicial vacancies. The Senate, in its role, has a constitutional duty to offer its advice and consent on judicial nominations. Each Senator, of course, has his or her own criteria for offering this advice and this consent on lifetime appointments. The Judiciary Committee, though, is where many of the initial concerns about nominees are raised and arise. All of this information is, of course, available to every member of the Judiciary Committee and must be thoroughly

> reviewed before the nominee is granted a hearing by the committee. If questions about a nominee's background or qualifications arise, further inquiry may be necessary. Obviously, this is a long process, as it must be. After all, these are lifetime appointments.

Senator HATCH, May 23, 1997:

> The primary criteria in this process is not how many vacancies need to be filled, but whether President Clinton, or whoever the President is—whether their nominees are qualified to serve on the bench and will not, upon receiving their judicial commission, spend a lifetime, a career, rendering politically motivated activist decisions.

Then Senator HATCH goes on to say something else I agree with 100 percent:

> The Senate has an obligation to the American people to thoroughly review the records of all nominees it receives to ensure that they are capable and qualified to serve as Federal judges.

Listen to that specific point that Senator HATCH made back in 1997: There has to be a thorough inquiry and the Senate has to determine whether a nominee would, upon receiving their judicial commission, spend a lifetime, a career, rendering politically motivated, activist decisions. That is really the nub of what we are looking to determine.

There is more than sufficient concern that the nominee before us would do just that. And the reason why the administration will not, and maybe perchance cannot provide the information requested, is because to do so would make abundantly clear that this is a nominee on a mission, that this is a nominee who will do exactly what Senator HATCH warned about when the shoe was on the other foot; namely, render politically motivated, activist decisions.

Now, there may be some on the other side who believe they would agree with these politically motivated activist decisions, so bring it on. But I don't think that is our responsibility. Our responsibility is to know ahead of time. The American people don't get to interview and vote on these nominees. If some nominee overturns, when he or she is on the bench, fundamental worker protections for people who work hard and play by the rules of what they are supposed to do at work, that affects the lives of millions of Americans. If someone decides they don't like the Violence Against Women Act, or they don't believe there is a right to privacy embedded in the Constitution, that affects millions of Americans.

So I think it is imperative that we listen to what our colleagues on the other side of the aisle said during the 1990s. All of this concern about advice and consent, all of this caution about rushing to judgment and voting—slow it down, do a thorough review, don't move too quickly. In fact, don't even give people hearings or a vote in committee. It is imperative that now we try to get back to that balance of power that the Constitution established.

Turning down nominations for a judgeship is something that goes back to the beginning of our Republic. It is not as though this is the first time we have ever had this debate. We have had many nominees rejected, starting with one of President Washington's nominees. John Rutledge was nominated in 1795 by President Washington. Why was he turned down? He was thought to be well qualified. He had quite an experience that could certainly be impressive when examined. He was a member of the Federalist Party, which should certainly ring a bell with my colleagues on the other side. But he was turned down because of his political views.

The idea that somehow the political views and positions of a nominee for a lifetime appointment are off limits to the Senate has no basis in fact, history, or law. The very first nominee in 1795 by probably the most popular President that we have ever had, because he was the first—and lucky for him he didn't have to be compared to other people and given all of the difficulties that our subsequent Presidents have faced—but President Washington's nominee was rejected because of the political positions he had taken.

Of course, that was not the only early nominee to be rejected. President Madison nominated Alexander Wolcott in 1811. He was rejected.

He was rejected. President Jackson nominated Roger Brook Taney in 1835. He was rejected the first time. He came back a year later and was accepted. There are many such situations.

It is revising history to claim that we cannot inquire into someone's opinions. If we are going to put someone on the bench who does not believe there is a right to privacy in the Constitution, which would perhaps lead to the overturning of many decisions that protect people's privacy in the sanctity of their home or with respect to their bodies, we should know that. That person might still be nominated and confirmed, but the American people have a right to know who these people are who are being nominated because they are going to be making decisions that affect the daily lives of Americans.

When you nominate a stealth candidate, when you send him up to the Judiciary Committee and tell him to dodge and duck and divert and do not answer a straight question with a straight answer, is it any wonder that people get a little suspicious and maybe say: Wait a minute; if this man will not even come and tell us what Supreme Court decision he agrees with, going back to Marbury v. Madison, and he says he cannot name one: How about one with which you disagree? Well, I can't name that either; that does not pass the smell test, I am sorry. That is a witness who has been well coached and told: Don't rock any boats, don't answer any questions, don't reveal your true opinions. Just try to get through the process.

That is why we need an advice and consent clause in the Constitution, and that is why the Framers put it there. It very well may be if he answered the questions forthrightly, if he said: My favorite Supreme Court decision is Marbury v. Madison, my least favorite is—pick one out of thousands—we would say: We do not agree with you, but OK. But he will not do that.

You have to ask yourself: Why won't he do that? Certainly given the kinds of questions that were asked of nominees during the 1990s that went into all kinds of areas—their associations, the meetings they attended, how they even voted—it is hard to understand why this nominee cannot be expected to answer pertinent questions about the law, about his opinions concerning Supreme Court decisions.

The fact he refuses to do so, or has been ordered not to do so, fundamentally defies the constitutional duty of this body to advise and consent.

I know there are those who have argued that there is already an adequate amount of information in the record that should be taken at face value. That is hard to do. That is hard to do because, in the absence of a willingness to answer pertinent, relevant questions, many of us do not believe the nominee has sufficiently subjected himself to the process that this body has established to permit Senators to make an informed decision.

If we go back and look at the reams of material that I reviewed to determine what was the basis for the advice and consent clause, I think that is obvious to us all it is there for a purpose. We ignore it at our peril. We have a duty to abide by it.

I again urge my friends and colleagues on the other side to read the extensive description of the advice and consent clause and the role of the Senate in the judicial selection process by former Republican Senator Charles McC. Mathias.

When my friends and colleagues raise the issue that somehow this is focused on a particular nominee, for whatever reason, I think that does a disservice to the seriousness of our concerns because it was this nominee who would not answer the questions. It was this nominee who did not provide the materials.

My very alert counsel has just reminded me that when Justice Taney was first rejected after being nominated by President Jackson in 1835 and then was renominated and confirmed in 1836, he went on to write one of the most discredited, racist, despicable opinions in the history of our court. Judge Taney was the author of the Dred Scott decision. Maybe the country would have been better off and saved a whole lot of misery if the Senate had delayed action and had never confirmed him when he was renominated. We just never know. We have to do the best we can given our own human limitations and idiosyncrasies based on the information available.

There are some, and I respect their opinion, on both sides of the aisle who say: If the President sends somebody up, I am voting for it, no questions asked. That is how I believe the Constitution is to be interpreted, as far as I am concerned.

With all due respect, I think that is an abdication of responsibility.

For most of us, we try to get behind the nomination. We try to understand, not just the academic or legal background which can be described by where you worked, who you worked for, what clients you had, what cases you tried or argued, but if that is all we did, we could put that into a computer. We would not need the Senate. We would computerize that decision. That is not what we are supposed to do. We are supposed to get behind the statistics, under the resume to satisfy ourselves that the person we give this lifetime job to is motivated by only one reason: to render justice to the best of his ability no matter who the parties are, no matter what the outcome of the matter may be, not to serve a political philosophy or ideology, not to serve a political party or even a President but to really do the hard work of justice.

It is a hard job, it is a really hard job and especially today. There are so many factors at work in our society, so many difficult decisions to be made about how we keep this wonderful, precious democracy of ours moving forward that judges have a very tough job. It is not for the casual or the indolent. It is for people who really care, will work hard, and will follow the law, the Constitution, and their conscience.

We are judging not just a legal resume. We are judging a potential judge. We are asking ourselves: Will everyone who appears before this court get the benefit of a fair rendering of justice?

Until we can satisfactorily answer that question about this nominee, we cannot move forward. We should not move forward. We should follow the words of our colleagues when the shoe was on the other foot and it was a nominee from a Democratic President that caused questions and concerns on the other side.

I personally think that was overdone, and that many good, decent people who would have made fine judges were denied the right to go forward, but it was done in the name of the Constitution. It was done under the rubric of advise and consent.

It is a little hard to understand how my friends on the other side can, with straight faces, say that is not what it means at all. How dare we question this nominee. How can we ask for more information? Because that is what we think our duty is, just as at a previous time those on the other side thought it their duty.

It is difficult to explain how the Constitution's interpretation could flip so quickly. I do not think that is good for the Constitution. I do not think that is good for this body. I do not think it is good for the judiciary. Most of all, I do not think it is good for our country. I think no matter who is in the White House, no matter who is in the Senate, we ought to do our level best to fulfill the duties the Constitution places upon us. That is what I am attempting to do to the best of my ability. I know that is what all of my colleagues attempt to do.

When we face a moment such as this, which seems fraught with so much meaning not only with respect to a nominee and not only with respect to the judiciary but to that fundamental balance of power, we have to be careful. We will live with the precedents that are set.

Lord Acton had it right when he said, power corrupts and absolute power corrupts absolutely.

We must have those checks and balances. We must keep that fabulous, unbelievable genius of our Framers alive. I hope we can see some attention being paid to the legitimate questions and concerns that are being raised about this nominee and about this process and about the Constitution we revere and serve.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Montana.

Mr. BURNS. Mr. President, I rise today and join my colleagues in supporting the confirmation of Miguel Estrada to the DC Circuit Court of Appeals. We have heard more information on this man than anyone I can remember in recent times. There is not much about this gentleman or this situation that has not been said thus far on the floor of the Senate.

The history of this man I can relate to. I kind of started out on my own about that age, but I will never attain the level of society and dedication he has. He did it the hard way, by his own bootstraps. He is a graduate of Harvard Law School, near the top of his class. We also know he is a very successful appellate lawyer who argued 15 cases before the United States Supreme Court. We know he has been rated well qualified by his own colleagues in the American Bar Association.

I find it interesting, as the case is trying to be made, that somebody is being denied their constitutional rights, the constitutional right of advice and consent. I tell the American people, no Senator is being denied access to this floor. No Senator is being denied the ability to come to this floor and make his or her case either in support or opposition to the confirmation of Miguel Estrada. Everyone is free to do so and is afforded the opportunity to discuss the merits of one side or the other. Nobody is being denied that. It is pretty simple, and I think the American people understand that. Come down and make your case. If you did not make it the first time, come back the second time, come back as many times as you like to respond.

No one has been denied anything dealing with the merits of this man Miguel Estrada. Come down and make your case. Then vote. It is very simple. There is nothing hard to understand about that.

If a good case is made, there may be 51 votes. Folks will vote for you and you have won, and we will say congratulations. Nobody is being denied that.

We see quite a lot of dust being kicked up to fuzz up and confuse the issue. The issue is Miguel Estrada. That is what it is about. He has been nominated to occupy a seat on the DC Court of Appeals.

I am not an attorney, never been hinged with that title, but I too get to vote. I too get to look at information, both positive and sometimes negative, about this man. He will be the first Hispanic to serve on the DC Court of Appeals, and I applaud President Bush for nominating a candidate of this quality and this integrity.

He is a living example of an American attaining what he terms as his American dream. Right now he is being denied a vote. That seems sort of strange to me. He deserves an up-or-down vote, and at the end of that we will count them up and we will move on.

Why should I, a Senator from Montana, be interested in a nominee to the DC Court of Appeals? Well, so many cases are argued before this court that have to do with the management of public lands and the management of our national parks. Because I am from a public lands State, it matters a great deal that the laws of the land are properly judged and adjudicated. Every piece of information that I have been able to read or listen to or watch tells me he understands one little word in the English language that is very important to each and every one of us. The word is "fair," dedicated to the study of both sides of any issue and then relating that to the law or the Constitution of the United States and making judgments.

That is pretty simple. We make things a lot more difficult than they should be. I have seen the big thick book that the chairman of the Judiciary Committee had, all the questions he was asked, the responses. What else is there to know about this man that has not been revealed? Instead, we hear "deny," when not one person in the United States as a Member has been denied access to this floor.

Cases that have to do with public lands have great ramifications for

Montana. Therefore, not only will I think he will be fair, judicial, and constitutional, but I believe it is also important to fill this vacancy. Right now, we see declarations of emergencies in so many of our appellate courts that we are seeing justice delayed, justice denied.

So what do we see happening today? It is written in the Constitution about our rights not being denied, but we sure see a little bit of obstructing and delaying in the confirmation process. We will not even be denied a vote. Every Senator will come down and cast his vote.

He was rated the highest rating of the American Bar Association. Yet we have heard it argued that he does not have the right qualifications to serve the court and therefore make a decision that we are going to talk the nomination to death. The Senate is a better body than that. Being around politicians a lot, being talked to death happens to be the worst death in the world.

So, is he qualified? You bet he is. Does he meet the limits on some folks? Maybe not. Does he meet their litmus test, maybe a personal litmus test? Maybe not. But there were people who disagreed with us when we ran for office and no one was denied the vote. If we had to go through this process just to get elected to the Senate by our constituency, we might not ever get here; we would be talked to death at home.

We are not going to talk about his background. We are going to talk about this American. No, he did not start here, but this American has applied his talents and his intellect to become an appellate judge. I am proud of this man. Nowhere else do we see an example of who we are and why we are Americans.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. BURNS. I am happy to yield.

Mr. SESSIONS. The Senator makes his point about having a right to a vote. The argument has been made previously that we need advice and consent, but we never vote. The Senator is aware that on a filibuster it takes 60 votes, and on an up-or-down vote it takes a majority, 51 votes; is that correct?

Mr. BURNS. That is the way I understand it.

Mr. SESSIONS. The Constitution is right on advice and consent, and we can debate forever about that, what that means. Basically, it means what any Senators believe it means; is that right? They can vote on any basis they want?

Mr. BURNS. That is my interpretation.

Mr. SESSIONS. The Constitution says: The President shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, with the advice and consent of the Senate, shall appoint ambassadors, judges, and other court officers.

It did not say what the vote was, so since the founding of our document, we managed that to be a majority. Where it needed a supermajority—more than 51 votes in this case—more than a simple majority, it set it out, two-thirds.

So wouldn't the Senator agree that a fair reading of the Constitution would indicate our Founders contemplated that the vote here would be a simple majority required for confirmation?

Mr. BURNS. You are asking a man who is not trained in the legal disciplines.

Mr. SESSIONS. But the Senator is most trained in common sense.

Mr. BURNS. I say that the majority, 50 plus 1, would be all it takes.

Mr. SESSIONS. And that is what we have done.

Is the Senator aware in his tenure in this Senate that we have ever had a filibuster maintained on a Federal judge?

Mr. BURNS. That is something else that sort of confused me the way you put your argument, but I am wondering why we are raising the bar for this nominee. Is that what we are doing here? Are we saying he has to stand a more difficult test than all others in the past or all others will be asked in the future?

I go back to that other old word, I say to my friend from Alabama: "Fair." I guess that is all we ask, fairness. Everything I have read and everything I have heard tells me that this man is qualified to sit at any other man's fire. And I would tell you they don't come with a higher recommendation than that. But let's not ask this man to be subjected to a higher bar than has been asked of every other American—not this American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise this evening to discuss the nomination of Miguel Estrada to the DC Circuit Court of Appeals, and to express grave concerns that we are being asked to vote on a lifetime appointment with very little information on this nominee. There are many who have raised concerns about that very point. Let me share one letter that has been written, from the American Association of University Women.

> We believe the information available regarding Mr. Estrada's record raises serious concerns about whether he should be given the enormous honor and responsibility of a lifetime appointment to this Nation's second most powerful Federal court. We strongly urge the members of the Judiciary Committee to conduct a thorough investigation of his record, including the areas of concern we have outlined, and to refrain from passing judgment on his nomination until that inquiry and the record is complete.

Let me begin by saying the DC Circuit Court of Appeals is, in fact, an extremely important court in our Nation. It is very important to the people I represent in Michigan and to the people that we all represent. It is, in fact, considered the Nation's second most important court, second only to the U.S. Supreme Court. This court has exclusive jurisdiction over a broad array of important Federal regulations that affect people in their lives every single day—environmental protection, our civil rights, human rights, consumer protections, workplace statutes—items that touch our lives. We have the right to know what someone's views are in general, and philosophy in general, as that person is being considered for this high court.

In addition, its judges are often nominated to serve on the U.S. Supreme Court, which is another reason why this is a particularly important nomination, and a particularly important decision for all of us in the Senate. Three of the current members of the Supreme Court, Justice Scalia, Justice Thomas, and Justice Ruth Bader Ginsburg, all previously served on the DC Circuit. So that is why this is particularly important and we should take the time necessary to make sure that the right decisions are made.

Despite the importance of the DC Circuit Court, the administration is trying very hard to prevent the Senate from making an informed decision—an informed decision on Mr. Estrada. Mr. Estrada has no judicial experience, nor is he a distinguished scholar or professor, which means he lacks any real public record. That is not disparaging in terms of a comment as to his intellect, but it is a question of public record which we can review as to his views and philosophies.

He has spent the bulk of his career in the Solicitor General's Office and in private practice. This makes it extraordinarily difficult for us to fairly evaluate him, and it makes his legal memos and other work product absolutely critical for this evaluation.

The Senate has a constitutional obligation to advise and consent on a Federal judicial nominee. This is a responsibility I take very seriously, as do my Senate colleagues, I know, from both sides of the aisle. I might just remind us that as we read in our U.S. history books, there was a major debate as to how to decide the nominees and the members who would sit on the U.S. Supreme Court. At one point, our Framers said the President should decide alone. At another point they said the Senate should be the one that has the absolute right to decide who should be on this all powerful, important court that affects our lives so much. In the end they compromised, as they did in much of the discussions and the final decisions as to the framing of our Government. They said we believe this is so important there needs to be a check and balance, so we need to have both the Senate and the President involved. The President will nominate but the Senate will have the responsibility of reviewing and consenting to the nomination. That is the process that we are involved in right now.

I might also say that we have confirmed over 100 judges since President Bush has come into his Presidency, and just on Monday night we had three votes. One was a Hispanic judge. We moved forward in this process. But when we find someone comes to the Judiciary Committee and when he is asked to provide copies of his memos and information, when he basically says no, or I'll just think about it, that makes it very difficult for an informed decision to be made.

Unlike other nominations that come before the Senate, such as ambassadorships or executive nominees, Federal judicial nominations, again, are lifetime appointments. I think it is so important to repeat that over and over again. I have, in fact, supported the confirmation of individuals, other nominees of the President for his Cabinet who certainly would not have been my personal first choice. But the President has the right to select his Cabinet—certainly within reason; has the right to select his Cabinet, the people who will work with him during the 4 years that he is in office.

That is not what this is about. This is about someone who will, in fact, make decisions that will affect us, not for 3 or 4 years, but for 30 or 40 years, through numerous Presidents, making it even more important that we are not a rubberstamp. The U.S. Senate has a very important role to play.

As a part of this important responsibility, my Democratic colleagues on the Judiciary Committee have tried to obtain information, legal memos Mr. Estrada wrote while serving in the Justice Department. The Justice Department has refused to provide these documents which presumably would show Mr. Estrada's constitutional analysis of cases. This is very important. The constitutional analysis of statutes—whatever his philosophies and beliefs—would give us insight into his judicial reasoning, not on a particular case but his reasoning. Unfortunately, as I indicated before, he has not been forthcoming to the committee. In fact, he has refused to answer the most basic questions before the committee.

During his nomination hearing, Mr. Estrada refused to answer questions regarding his judicial philosophy or his views on important Supreme Court cases, including Roe v. Wade. He even refused to name any Supreme Court case with which he disagreed. This refusal to provide necessary information is absolutely unprecedented. Past administrations and the current administration have disclosed legal memos and other information in connection with both judicial and executive nominees.

For example, in previous administrations the Senate has requested and the Justice Department has provided similar memos, written by Justice Department attorneys, including the writings of Supreme Court Justice William Rehnquist, the Ninth Circuit Nominee Stephen Trott, Supreme Court nominee Robert Bork, Assistant Attorney General nominee William Bradford Reynolds, and Attorney General nominee Benjamin Civiletti, among others.

This breaks with a longstanding practice of cooperation between the Justice Department and the Senate in providing access to necessary materials for nominations.

The administration also has provided such memos for another nominee. The Bush administration has provided the Senate with legal memos written by Jeffrey Holmstead, an attorney with the White House Counsel's Office, during the consideration of his nomination as Assistant Administrator at the EPA. This was for a term appointment, in contrast to a lifetime appointment, which is certainly much more significant.

I am also concerned that my colleagues on the other side of the aisle are applying a different standard for nominees who are nominated by a Republican President than by a Democratic President. During the Clinton administration, and under Chairman HATCH, nominees were required to produce volumes of information. For example, Judge Richard Paez was asked to provide documentation of every instance during his tenure as a judge where he deviated downward from a sentencing guideline—every instance.

Marsha Berzon, a Tenth Circuit nominee, was required to provide the minutes from every California ACLU meeting that occurred while she was a member of that organization, regardless of whether she even attended the meeting.

Why was the bar placed so high for these Clinton nominees but there is such a hard push by my colleagues to confirm a nominee from whom we have no information? Why is there such a strong resistance by the administration to allow the Senate the opportunity to learn more about this nominee's writings and opinions? That is what this debate is all about.

I might just say that when I am asked what is the philosophy, what is the judicial reasoning of this particular nominee, I would have to say this—these are the answers to the questions that Miguel Estrada gave to the Judiciary Committee: An absolute blank slate. Not one answer to one question. How can that give us the opportunity to determine whether or not this is a nominee we wish to support?

Finally, I am extremely disappointed by how some of my colleagues across the aisle have tried to make this an issue of race. I believe racial diversity in our judicial system is extremely important. I wish my Republican colleagues had made the same impassioned speeches during the Clinton administration when 10 of more than 30 Hispanic nominees were delayed or blocked from receiving hearings or votes by members of their caucus. I wish my colleagues had been outraged when Ronnie White's nomination languished for 2½ years and then was rejected on the Senate floor on a party-line vote. I wish my colleagues had stood up for racial diversity when the President filed their brief opposing the University of Michigan's admissions policy to help create racial diversity in our law schools and our other colleges and schools at the university.

The Senate needs to apply the same level of scrutiny and the same standards regardless of a nominee's race or the politics of the administrations that nominated them.

Until we are given these memos that are a part of Mr. Estrada's record, we are not going to hold judicial nominees to the same standards and the same basic principles of fairness. It is time to do that—to give us a true opportunity.

I might also add that 100 percent of the Hispanic Caucus of the House of Representatives have joined with us asking that we oppose or withhold judgment—that we not proceed with this vote until we have the information. These are individuals who have expressed grave concerns. They do not support moving forward. One-hundred percent of the Hispanic Caucus of the House from all around the country joined with more than 30 different organizations expressing grave concern.

I think that says to us we need to take the time that is necessary and we need to receive information so that we can make an appropriate judgment.

I will take just a moment to change topics.

I ask while moving from one important topic to another to take just a moment to speak to a bill I have introduced today regarding the growing importation of waste problem.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I know the Senator would like to talk about another subject. But what is the pending business we are on now?

The PRESIDING OFFICER. The pending business is the Estrada nomination.

Mr. SESSIONS. I will, regretfully, have to object to proceeding to another subject. That is a subject we are here to talk about, and I have some remarks I want to make. So I would object.

Ms. STABENOW. Mr. President, I have been given the floor, as I understand it, for 30 minutes. And I appreciate the fact that we have a topic in front of us. At this point, it is my understanding that it is not the Senator's prerogative to object to my being on the floor and to be able to speak for a moment, along with this important topic, to a bill I introduced about waste coming into the United States and taking a moment to do that. It is my understanding that under the normal processes of the Senate, I would have the opportunity to take a moment to do that.

Mr. SESSIONS. If the Senator wouldn't take long, if she wants to ban importation of some of that Canadian lumber, I will join with her. I yield to the Senator, if she is not going to be too long then.

Ms. STABENOW. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Ms. STABENOW. I thank the Chair.

IMPORTATION OF CANADIAN WASTE

Mr. President, I wanted to have an opportunity this evening—realizing we have an important topic on the floor—to speak on the record about an important topic that affects many of our States, and Michigan is certainly one of them.

There is a growing problem of Canadian waste shipments to Michigan and other States. In 2001, Michigan imported almost 3.6 million tons of municipal solid waste—more than double the amount that was imported in 1999. This gives Michigan, unfortunately, the undue distinction of being the third largest dumping ground of waste in the United States.

My colleagues may be surprised to know that the biggest source of this waste is not another State but, in fact, Canada. And more than half the waste that was shipped to Michigan in 2001 was from Ontario, Canada, where these imports, unfortunately, are growing rapidly. In fact, on January 1, 2003, another Ontario landfill closed its doors, and the city of Toronto is shipping two-thirds to all of its trash—1.9 million tons—to a Michigan landfill. This deal could last up to 20 years. I think it is important for a statement to be made for the record as we move forward with this legislation that it is time to do something about it.

Not only does this waste dramatically decrease our own ability to have a landfill capacity, but it also has a negative effect on the environment and on public health. Frankly, right now, I am particularly concerned about the fact that this is a homeland security issue for us. We now have our citizens at high alert. We are telling them to prepare themselves with duct tape, with plastics, and with water for their homes. There is a high degree of concern about the possibility of a terrorist attack.

Yet on Monday, I was able to go to Port Huron, MI, and look at an international bridge where we have trucks coming over bumper to bumper—over 130 different semi-trailer trucks—from Ontario, Canada, to Michigan every day that have solid waste in them from Canada, waste that is not thoroughly inspected. I think this is a serious issue as it relates to homeland security. These trucks are going through the neighborhoods and on into Michigan. And the same is happening in a number of other States.

I have joined with colleagues—first with Senator LEVIN and Congressman DINGELL—to introduce legislation to enforce an agreement that was made between Canada and the United States back in 1986 that would give notice to the EPA—30-day notice—and the ability to reject waste coming into this country. That is not being enforced now. I support their efforts to enforce this provision with the EPA. But I think we have to go a step further now and stop these shipments until we can get the agreement enforced and have the EPA step up and receive notice on these shipments coming into the States.

I believe the State of Michigan should be able to tell the EPA that they don't want this trash in Michigan and that the EPA should honor that and be able to reject those shipments coming in from Canada. We need to act now. This is a serious environmental issue and a public health and homeland security issue.

I urge my colleagues and invite my colleagues to join me in legislation that will stop the shipments and give us the opportunity to enforce this agreement that has been on the books long term so that we can send a very strong message that we are not interested in Canadian trash coming into Michigan or any other State that does not wish to have it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, it is really frustrating. I know Senator HATCH last night expressed his frustration about arguments that are made that are just not factual.

I know the Senator, as she finished her remarks eloquently, as she does, was not at the Judiciary Committee hearing which I attended on Miguel Estrada. The hearings started at 9 in the morning and went until 5 in the afternoon. There are hundreds of pages of transcript of that testimony that he gave answering every question I think with the proper nuance each and every time on question after question after question.

Remember, the questions they were asking were during the time the Democrats controlled the majority in the Senate and Senator LEAHY was the chairman. He could have kept them there as long as he wanted. There is no record that indicates Miguel Estrada said: Stop the hearing; I don't want to answer any more questions. He was never asked to come back to answer any more questions. The record was kept open, and Senators were allowed to submit written questions in addition. Two Senators did that—Senator SCHUMER and Senator KENNEDY. Those were answered by Mr. Estrada.

He has answered question after question after question. It is not true that he did not answer one question. He answered hundreds of questions. He answered them accurately and with skill and with good judgment.

It was said earlier in the debate that he would not answer the question of whether or not he was a strict constructionist. I thought that was interesting. Somebody said that was an example of a question he would not answer.

I remember the answer that he gave because I thought it was special, really indicative of his brilliance and insight into the law.

Senator EDWARDS. Are you a strict constructionist?

Mr. ESTRADA. I am a fair constructionist, I think.

Senator EDWARDS. Do you consider yourself a strict constructionist?

Mr. ESTRADA. I consider myself a fair constructionist. I mean, that is to say, I don't think that it should be the goal of courts to be strict or lax. The goal of courts is to get it right. And that may be in some cases to interpret the text as it is written because other consideration of every element of help that there is to give the text meaning tells us that that is what the lawmaker intended. But it may be inappropriate to give it a more general construction. I think we can have laws and constitutional text of both types. It is not necessarily the case in my mind that, for example, all parts of the Constitution are suitable for the same type of interpretive analysis.

A very insightful, thoughtful answer.

Senator EDWARDS. Excuse me. I am sorry. I didn't mean to interrupt you.

Mr. ESTRADA. No, no.

Senator EDWARDS. Were you finished?

Mr. ESTRADA. The example I was going to give is, you know, the Constitution says, for example, that you must be 35 years old in order to be our Chief Executive. There is not a lot of hard study that has to go into figuring out whether somebody is in compliance with the 35-year-old requirement. You can read it and say I am 40 and I can run.

There are areas of the Constitution that are more open-ended, and you averted to one, like the substantive component of the due process clauses, where there are other methods of interpretation that are not quite so obvious that the Court has brought to bear to try to bring forth what the appropriate answer should be.

I thought that was a very rich, very mature answer to that question and was a good example of the way he answered the questions.

He was asked about his position on Roe v. Wade. He made it absolutely clear that he considered it the law of the land and he would follow that law. And he cited Casey as being further explication of Roe v. Wade, and he would follow that. So I think that is important for us to think about.

People say he refused to allow himself to be questioned about a judicial philosophy. I do not understand it that way at all. He refused to allow himself to be pressured into considering questions that he might have to deal with on the bench or questions he had not fully researched. And that is what he should do.

If you are before a Senate committee, and you are asked what your opinion is on the right of privacy or some due process clause, and you express that, and then you get on the bench, are you obligated, since you were under oath when you were at that committee, to follow it? What if, once you get on the bench, and you receive highly sophisticated and high-quality legal briefs that convince you you were wrong, what does the judge do then? Judges should not opine on matters that are going to come before them in the future. So he answered the questions consistently, and over and over and over again.

They say: "We have a right to advise and consent. The constitution allows that." And it does say that. This Senate—and every Senator—can vote for or against a nominee on any basis they choose—a proper or improper basis. It is their right. Nobody can control me on how I vote on this floor.

But what ought we do? How ought we handle matters of confirmation?

Let's be truthful. The reality is that, in the past, there has been a preference given, a presumption given to the President's nominees. They were able to come before the Senate or submit documents or just have their names submitted, and generally they have been confirmed. It is part of the cooperation, unwritten courtesies, collegiality and tradition of the Senate, that the President's nominees would be confirmed, where possible. And if there is a serious objection, that should be raised.

My concern in the matter of Miguel Estrada is, for the first time—maybe this century maybe ever—a court of appeals nominee is facing a confirmation process that would require not a majority of votes in the Senate but a supermajority—60 votes—to be confirmed. That is something we have not done before. It is not something we should proceed with.

The Constitution, in article II, section 2, says:

> [The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . Judges of the supreme Court, and all other Officers. . . .

The Constitution does not say what the vote should be, but it has been fully understood it meant a majority because when a supermajority of two-thirds was required, the Constitution spelled it out explicitly.

So the reason many of us on this side, who have been involved and have studied the confirmation process, are deeply concerned by what is happening here is because we are changing the ground rules in an extraordinary way. We are saying now—without any real basis, without any statement of wrongdoing by this nominee, any proof whatsoever that he is extreme or will not follow the law—they are now asserting this young Hispanic, outstanding lawyer has to have 60 votes to be confirmed, not 51. That is not right. I urge the Members of this body, I plead with the Members of this body: Do not do this. This knife cuts both ways.

Are we setting a precedent we are going to follow as long as this Senate exists? If you do not like a nominee, and 40 people get together, they can block that nominee? That was not done when President Clinton was President. There was not a filibuster of a President Clinton nominee. There was not a blocking of any of the nominees in committee.

Last year, when the Democrats had the majority in the Judiciary Committee, they blocked two nominees in committee on a straight party-line vote, both of whom would have been confirmed, it was clear, from news reports, had they reached the floor. They killed them in committee. I thought they had, but that may not be the case today. That was a rachetting up of the process. They said: Well, you held up President Clinton's nominees.

Let me tell you what the facts are there. In the 8 years that President Clinton was President, he had confirmed 377 Federal judges. One of his nominees was voted down. That nominee was opposed by the National Sheriffs Association, law enforcement groups, and both Home State Senators. It is the only one that was voted down. Not one was killed in committee on a party-line vote. Not one was filibustered.

So I just say, that it is not true that President Clinton's nominees received unfair scrutiny. Yes, they were asked questions, but they were asked responsible questions. And they were consistently confirmed in large numbers.

They said: Well, some of them did not get through. The fact is, when President Clinton left office, he had nominated 41 judges who had not been cleared. He confirmed 377, but 41 had not cleared.

When former President Bush left office in 1992, there were 54 judges which the Democratic majority Senate had not confirmed.

So it is a total falsehood to suggest the Clinton nominees were mistreated when they came through here. They got a higher percentage of them confirmed than did former President Bush's nominees. They were not filibustered, and they were not blocked in committee. I feel very strongly about that.

It has been said that you Republicans said advise and consent is not a rubberstamp and you had a right to raise questions and vote against nominees.

I agree with that. We all have that right. We can vote against them. We have a right to debate them. We have a right to ask questions. If we are not satisfied with those answers, we have an obligation to vote no. We should vote no. But wait a minute. What if we don't allow them to have a vote? Is that what we are saying? We are going to vote to not allow a vote? I am not at all pleased with that.

One person suggested we are dealing with judges from the lunatic fringes. That was a quote made earlier. This nominee cannot possibly be considered a lunatic fringe nominee. This nominee unanimously was rated well qualified by the American Bar Association. The ABA goes out and investigates these nominees. They ask what cases they have handled. They then make a list of the lawyers on the other side of the cases, and they go out and interview the lawyers. They interview the judges who tried the cases. They don't give out well-qualified ratings that often. It is rare to get a unanimously well-qualified rating.

How can we say Miguel Estrada is somehow out of the mainstream or a lunatic fringe nominee when the gold standard, as one of my Democratic colleagues said, the ABA, rated him well qualified with their highest possible rating? It can't be done.

He went to Harvard. He was editor of the Law Review and spent 5 years in the Department of Justice Office of Solicitor General under the Clinton administration. Under the Clinton administration he was evaluated repeatedly by his supervisors, and he was given the highest possible evaluation you could give an attorney in the Department of Justice every year, the top rating.

Is this some sort of incapable stealth candidate we don't know anything about? No, sir. Not so.

One of our Senators talked about the Constitution as a changing document and that from time to time we just change it. I think that is dangerous. Our liberties are bound up in that document. If we say we have a right to change its meaning from time to time, according to the length of the chancellor's foot, according to how a judge may feel on a given day, our liberties have been eroded.

I remember Professor Van Alstyne at Duke, a constitutional scholar, said: If you love this Constitution and you really respect the Constitution, you will interpret it as it is written. You don't interpret it as you wish it were. If you do that, you don't respect the document. You undermine the document and the power that it has had for generation after generation to protect our liberties and order.

They say: You are just pounding on the table over there, Republicans. You have no argument whatsoever.

That is not true. Mr. Estrada has one of the highest recommendations, with one of the greatest backgrounds of any nominee I have ever seen come before this Senate. I was in the committee and I heard his testimony. It was absolutely superb, one of the finest testimonies I have seen. He was responsive, intelligent, quiet, thoughtful, courteous to the questioners, at times when he should not have been. I was very impressed with him.

Some think maybe the opposition to this young conservative Hispanic is because, who knows, President Bush might want to put him on the Supreme Court. I will just say this: I saw him testify. I read his record and background. He would make an outstanding Supreme Court Justice, a great Supreme Court Justice. He has integrity and legal thought processes that are superb. I am very pleased with him.

They throw out these charges. I just happen to know some of them because I have been involved in the hearings. They said one judge was asked to give all his downward departures in criminal cases. What a judge sentences in a criminal case is a public document. It is part of the public record. A downward departure means the judge has violated the sentencing guidelines. But when he does that, he has to write a special opinion to justify why he downward-departed and gave the criminal defendant less than the statutory minimum and sentencing guidelines would require him to get as a sentence. I don't think that was an extreme thing to ask.

What they are asking this nominee to do is reveal internal memoranda he wrote while he was a member of the Clinton administration to his fellow colleagues as they discussed how to handle complex legal matters. Every single living Solicitor General has said that this should not be done. There are seven of those, and four of them are Democrats. They have said: No, we do not want our attorneys' work product, our internal memoranda popped up every time somebody wants to do it. If members of our staff think they can't express an honest opinion in my law office as Solicitor General, then they are being chilled, if they are going to bring it out some day and say, you can't be a Federal judge because as a young lawyer you wrote a memorandum that didn't make sense.

Also they want the free and open discussion they get from the members of their staff. That would be reduced if these memoranda should be put forward.

I ask my colleagues: Should those documents be produced? Is that something we have to do here? Is that a good policy for America to say that from henceforth, now and forever, every member of the Department of Justice, every member of a law firm who wrote internal memoranda, they have to produce all of those before they can be confirmed? That is a dangerous precedent we ought not to follow.

They say: Well, there are some examples in which that happened. The Senator from Connecticut had some documents and had a letter from the Department of Justice asking for them back. He said: That proves they had to exist because they asked for them back.

I asked him about it. He introduced them into evidence. I read them. Well, it was the Bork confirmation. There were allegations about Watergate and those kind of things, and they were asking questions before they wanted to put him on the court about specific concerns that Bork may have acted improperly in a series of positions and events. So they asked for those documents, and at some point they turned them over.

That is not the routine thing. There has not been a single suggestion Miguel Estrada has done anything to implicate himself in a Watergate type matter. He was a lower echelon attorney in the Solicitor General's office of President Bill Clinton. They have not suggested he would do anything corrupt. They have not suggested any particular issue he took some extreme view on that somehow we have to have this document.

They want a fishing expedition. Not so. We ought not do that. I urge my colleagues, I plead with my colleagues, do not do this. We ought not to do it. It is not right we would do that.

Well, the junior Senator from New York said that power corrupts, and somehow that moving this nominee, who almost sat here for 2 years—moving forward and having a hearing and all, is somehow corrupt or some sort of corrupt thing—to ask for a vote and insist we have a vote, that is corrupt.

Well, I say this: All of us have responsibilities to use our power responsibly. We ought not abuse that power. Abuse of power is a form of corruption. But, may not the minority be corrupt if they use the rules and procedures of this Senate to work a transformation of the traditions of this Senate, to block a nominee by requiring that they now have to have 60 votes instead of a majority? Could that be a form of corruption? I suggest it may be. Why? Because hard left attack groups insist and jerk their chain and demand that they vote no, so they just fall in line with that kind of thinking. I am not happy with that.

I don't believe this nominee deserves this kind of delay. I believe he deserves a vote. I believe there is not one bit of evidence that has come into this record that indicates he has any failings that would disqualify him from the federal judiciary. I think we ought to give him a vote. They asked a nominee how he voted on some issue. I remember that. Somebody asked that question. The nominee didn't answer it, and I think it was said that he should not answer it. He never answered it, and he was confirmed. They are saying if you don't produce confidential, internal Department of Justice memoranda, we are not going to confirm you.

Well, what is this all about? I remember quite a number of years ago, there was a "Meet the Press" program and Hodding Carter, who used to be assistant to President Carter, was asked about judges and nominations when President Reagan was in office. He made this comment. He said: The truth is, we liberals have been asking the Federal courts to do for us that which we can no longer win at the ballot box.

If you cannot win the issue at the ballot box and you can get an activist judge on the bench, maybe you can just file a lawsuit and they will rule your way. Maybe they will just reinterpret the meaning of the Constitution or statute and give it some new meaning and just use the law to effect a political agenda.

That is not right. When judges are given lifetime appointments, you need judges who are faithful to the Constitution and the statutes. That is what Miguel Estrada's judicial philosophy is. That is what it is. It is a hostility to use the law for other matters. He believes in giving the law a fair construction, as he said to Senator EDWARDS. He asked a little bit about it, and Senator EDWARDS pursued the matter a little later. He said: Well, President Bush said that he believes in strict construction. You say you believe in fair construction, and Mr. Estrada replied that he had not talked to President Bush about it. He said: You asked me my opinion. My opinion is fair construction. Mr. President, that is an independent and wise answer.

So we have seen courts do things that are really bizarre in America today. We have seen the courts be utilized as a tool to further agendas. Many decisions that we have seen rendered fly in the face of logic. We had judges on the Ninth Circuit Court of Appeals rule that "under God" should be taken out of the Pledge of Allegiance. We have had one judge in Vermont—he had a good name, Sessions—whom we confirmed. He is Senator LEAHY's friend and was his campaign manager. It wasn't long after Judge Sessions got on the bench that he declared the Federal death penalty unconstitutional. We have heard Senators talk about Berzon and Paez having some difficulties. But I would say that perhaps they should have had some difficulties. Since they have been affirmed just a few years ago, after taking their positions on the Federal bench in California, they both have participated in separate opinions declaring the California "three strikes and you are out" law unconstitutional.

This law has been the basis of tens of thousands of convictions of defendants and has helped drive the crime rate down. Yet they said they thought it was cruel and unusual punishment to have a mandatory penalty—really an odd and extreme view.

I felt very strongly that both of those nominees were going to be activist judges, were not going to be bound by the law, and I voted against them; but they both were confirmed. We didn't filibuster them. They got their up-or-down vote, and they were confirmed with a majority of the vote in this Senate. So I just make that point.

As one of our witnesses said in committee, all in all, a judge who believes in strict construction of the law, or a fair construction of the law, and who is not an activist poses less threat to our liberties than one who is an activist judge. That is what Miguel Estrada believes in. That is what President Bush believes in. He wants to bring some sanity back to our legal system. He wants judges who have the classical view of the law. He wants judges who do not feel it is incumbent upon them to tell a city they cannot have Christmas decorations. He does not believe they should be striking down the Pledge of Allegiance, or striking down the Federal death penalty, or striking down the California "three strikes and you are out" law. Those are activist decisions and they threaten our judicial process and deny the people the right to control their destiny.

Federal judges, being lifetime appointed, are not subject to control by the democratic process. So when they are given the power to carry on political agendas, then they are acting in an antidemocratic way. It is an anti-, undemocratic act when a lifetime appointed judge, with no accountability to the public, starts issuing opinions that affect public policy.

Well, I will just say that it wasn't long ago when the leadership on the other side, without any hesitation, opposed the filibustering of Federal judges. Senator LEAHY, past chairman of the Judiciary Committee, and currently the ranking Democrat on the committee, said this:

> If we want to vote against somebody, vote against them. I respect that. State your reasons. I respect that. But don't hold up a qualified judicial nominee. . . . I have stated over and over again on this floor that I would . . . object and fight against any filibuster on a judge, whether it is somebody I opposed or supported, that I felt the Senate should do its duty.

That is a clear and unequivocal statement in opposition to a filibuster. He said that in 1998.

In 2000, Senator LEAHY said:

> I have said on the floor, although we are different parties, I have agreed with Governor George Bush, who has said that in the Senate a nominee ought to get a [floor] vote, up or down, within 60 days.

Senator BIDEN, the past Judiciary chairman:

> But I also respectfully suggest that everyone who is nominated ought to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor. . . . It is totally appropriate for Republicans to reject every single nominee if they want to. That is within their right. But it is not, I will respectfully request, Madam President, appropriate not to have hearings on them, not to bring them to the floor, and not to allow them to have a vote. . . .

Senator FEINSTEIN:

> A nominee is entitled to a vote. Vote them up; vote them down.

On and on that is mentioned. That has been our policy. Sure, some nominees have been held, but they usually have been forced up for votes, and they have gotten their vote.

When President Clinton left office, there were only 41 judges who did not get a vote. Only 41. There were 54 when President Bush left office, and it has been historic in this body at the end of a session when nominees come in and people are thinking there might be a new President, the process slows down. That has happened for good or ill probably for the last century. That is within the realm of responsibility. To openly filibuster a qualified nominee (early in a term) is contrary to the traditions of this body and would set a precedent that would be quite dangerous.

Once again, I urge my colleagues not to go down this road. I urge my colleagues to think seriously before they consider a routine filibuster. Maybe if this nominee had ethical problems or serious personal problems, that would justify a filibuster, but not a nominee who is rated well-qualified by the bar, who has the support of virtually everyone with whom he has worked, who demonstrated by his testimony extraordinary skill and intelligence. I respect him. I believe he should be given a vote. I hope and believe that somehow we will avoid this and we will get an up-or-down vote on him.

That is my request to my friends across the aisle, and it would be a mistake if that does not occur.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

UNIVERSITY OF MICHIGAN

Mr. LEVIN. Mr. President, George Washington was nearing the end of his Presidency. He dreamed of a national university for the United States to be located in Washington. This university was going to bring together all the different people of this great country into one educational setting to learn together, to learn from each other, to get to know each other, to overcome prejudices and intolerance.

President Washington actually planned to include his vision of such a university in his now famous and historic Farewell Address. It was not included in that Farewell Address. Apparently, one of the people who was working with him on that Farewell Address was Alexander Hamilton who urged, as he was writing the address, drafting it:

> The idea of the university is one of those which I think will be most properly reserved for your speech at the opening of the session. A general suggestion respecting education will very fitly come into the address.

In other words, what Hamilton was saying is this vision of yours, Mr. President, about a national university, where people can come to shed their prejudices from various parts of the country, to live and work with each other should be saved for a different address. Leave it out of the Farewell Address.

In fact, President Washington ended up leaving it out of his Farewell Address, but he included it in a letter. It is a letter which has come down through the generations, and that vision of a national university was outwardly reflected in this letter.

He stated his belief that this country would be stronger if the children from different parts of the country could come together in an educational setting to learn from each other and about each other.

I want to read a few parts of this letter of George Washington because I think it has an application to the University of Michigan case which is currently pending in the Supreme Court.

I come from the State of Michigan. I am proud of it, and I am proud of our university and its effort to promote diversity, and not just racial diversity, but geographic diversity, economic diversity, gender diversity—diversity in general which has been promoted by not just the University of Michigan but by most universities in this country, and it seems to me is to be encouraged.

What George Washington sensed 205 years ago was that a university had a special ability to bring together different people to help them learn about each other, drop their fears of each other and make us one Nation.

This is what he wrote:

> I have regretted that another subject (which in my estimation is of interesting concern to the well-being of this country) was not touched upon also: I mean Education generally as one of the surest means of enlightening and givg. just ways of thinkg to our Citizens, but particularly the establishment of a University; where the Youth from all parts of the United States might receive the polish of Erudition in the Arts, Sciences and Belle Letters; and where those who were disposed to run a political course, might not only be instructed in the theory and the principles, but (this Seminary—

Referring to the university—

> being at the Seat of the General Government) where the Legislature wd. be in Session half the year, and the Interests and politics of the Nation of course would be discussed, they would lay the surest foundation for the practical part also.
>
> But that which would render it of the highest importance, in my opinion, is, that the Juvenal period of life, when friendships are formed, and habits established that will stick by one; the youth . . . from different

> parts of the United States would be assembled together, and would by degrees discover there was not that cause for those jealousies and prejudices which one part of the Union had imbibed against another part; of course, sentiments of more liberality in the general policy of the Country would result from it. What, but the mixing of people from different parts of the United States during the War rubbed off these impressions? A century in the ordinary discourse, would not have accomplished what the Seven years association in Arms did; but that ceasing, prejudices are beginning to revive again, and never will be eradicated so effectually by any other means as the intimate intercourse of characters in early life, who, in all probability, will be at the head of the councils of this country in a more advanced stage of it.

He went on:

> To shew that this is no new idea of mine, I may appeal to my early communications to Congress; and to prove how seriously I have reflected on it since, and how well disposed I have been, and still am, to contribute my aid towards carrying the measure into effect, I enclose you the extract of a letter from me to the Governor of Virginia on this Subject, and a copy of the resolves of the Legislature of that State in consequence thereof.
>
> I have not the smallest doubt that this donation (when the Navigation is in complete operation, which it certainly will be in less than two years), will amount to twelve or 1500 pounds Sterlg a year, and become a rapidly increasing fund. The Proprietors of the Federal City have talked of doing something handsome towards it likewise; and if Congress would appropriate some of the Western lands to the same uses, funds sufficient, and of the most permanent and increasing sort might be so established as to envite the ablest Professors . . . to conduct. . . .

President Washington saw that the two strongest ways to unite a country are when people go to war together against the common enemy and when they go to school together with a common goal, to learn. While we would all like to avoid the need to fight together, we all know we can strengthen our ties to democracy and to our country when we learn together about the world and each other.

Learning together allows us to strip away the prejudices that would otherwise keep us apart. The hope of George Washington was later joined by the dream of Martin Luther King and by the promise and the potential of Brown v. Board of Education a half century ago, and they are now hanging in the balance because of the issues that are raised in the University of Michigan affirmative action cases before the Supreme Court.

In April, the U.S. Supreme Court is going to hear two oral arguments in two separate lawsuits challenging the University of Michigan's diversity admissions policy. The Court's decision in these cases will result in the most far-reaching affirmative action ruling since the Bakke decision in 1978. The Court will decide the critical issue of whether Bakke still remains the law of the land and whether racial or ethnic diversity has a value at a university which can be considered in admissions of higher education.

In the Bakke decision, the Court ruled against rigid quotas or set-asides based on race but found that higher education could consider race or ethnicity as a factor in a properly considered competitive admissions process to achieve the educational benefits of diversity.

If the Court overturns Bakke, it could outlaw any consideration of race or ethnicity in admissions to colleges and universities.

There is a national security factor to this issue as well. There are going to be a number of military officers and people connected with national security and defense who will be filing an amicus brief in support of the University of Michigan because universities run ROTC programs. Those programs, where there is diversity at the universities that have them, produce officers for the military, who in turn are diverse and reflect our population. The failure to have officers who reflect our population in terms of race and ethnicity and gender, the failure to have diversity in our officer corps, led to huge problems of morale in the military for decades, until just about 20 years ago when we reached out and made great efforts to have diversity in our officer corps. That is going to be a part of the issue in an amicus brief filed in the University of Michigan case.

I am not going to spend a lot of time on that aspect, but I do want to at least comment on the fact that a significant number of very significant military officers, retired officers, who have been connected at the highest levels with our Nation's military and its schools, are going to be filing a brief with the Supreme Court relative to this issue.

I want to comment on the more fundamental issue, which is the value of diversity in a university and whether it is conceivable in this country that we will say to universities that they can give additional points for geography, which many universities do, including the University of Michigan. In other words, they can reach out to students in different parts of their State who have been underrepresented and try to get better representation from those underrepresented parts. They can give additional points for that. They can give additional points for gender. If the law school has not had women students, they can give additional points for that in order to overcome the problems which were created when women were discriminated against. They can have an affirmative action program for that. They can give additional points to alumni, kids—and they all do—and athletes—and they all do—and the children of public officials—and many of them do.

Geography alone, which George Washington talked about—I went to a college out east which I know for a fact reached out geographically in this country to try to have good representation from various parts of the country. I come from the Midwest. My SAT scores were not as high as some of the kids' in the East, but the college I went to decided it was important to those kids from the East that they have kids from the Midwest, kids from the Far West, kids from the South, kids from the Southwest, kids from Alaska, kids from Hawaii, kids from Africa—it is important to the education of our students that they go to school with a diverse group of students. So they gave out geographic points. I got points. I do not think I would have gotten into my college, my beloved college, Swarthmore, but for the fact that I came from the Midwest and I was given some additional points. I do not know for sure, but that is my belief, and that is the likelihood, I have no doubt. I know they have geographical affirmative action. Is it conceivable that points can be given for everything but race to achieve diversity, that race is singled out as the one area where we cannot reach out to achieve diversity in our universities? Is it possible that is what we are going to come to in this country, that the equal protection clause will be turned right on its head? The 14th amendment, which was designed, at least in significant measure, to end the scourge of the remnants of slavery, is going to be used to prevent diversity from being achieved in one area where it is most important that we have a diverse university, and that is the area of race. It is the one area where we have had the most difficulty in overcoming the kind of prejudices and obstacles President Washington talked about and for which he said a university was the most suited, other than going to war together.

Our military has done a spectacular job in terms of diversity. It has been a huge factor in the promotion of democracy in this country. Hopefully, we do not have to go to war to promote coming together and learning to overcome prejudices and differences. Hopefully, our universities can be allowed to reach out, as they are with geography, to overcome the fact that some parts of our States are totally underrepresented in our educational institutions, to say, yes, we are going to reach out to that part of the State and we are going to try to get more students from there; they may not have done quite as well on their SATs, because of various historic factors or whatever, but they are highly qualified students, so we are going to give some additional points to those students. But not race? Race would be singled out for not being permitted to be given additional consideration to achieve diversity which is so valuable in education? That would be an unthinkable, unconscionable result, and a distortion of the very purpose of the equal protection clause.

Of all the areas where we have the most hurdles to overcome, most barriers to overcome, more attitudes to overcome, more prejudices to overcome, with all the progress we have made—and we have made a lot—we have a long way to go in the area of race. The idea that somehow or another all that other diversity, all those other additional points can be given—alumni kids, you can get 10 points; athletes, you can be given 20 points; gender, you can be given points; economic, you can be given points—but not race, that would be, it seems to me, singling out race for discriminatory treatment when it comes to promoting diversity at a university.

The law school's current policies have been upheld by the Sixth Circuit as being consistent with Bakke. The Sixth Circuit has explicitly rejected the plaintiff's contention that the system used by the University of Michigan was the functional equivalent of a quota. The Sixth Circuit found that the law school's admissions program is "virtually indistinguishable" from the Harvard man, which Justice Powell held out in the Bakke decision as the appropriate model.

In the University of Michigan's undergraduate admissions program, 110 points out of 150 are given for academic factors, including grades, test scores, and curriculum. The greatest weight, up to 80 points, goes to high school grade point average. Applicants can earn up to 12 points for SAT or ACT scores, up to 10 points for attending a competitive high school, 8 points for taking the most challenging curriculum, and 3 points for SAT quality. Other factors can be considered, including geography, athletics, relationship to alumnus, economic disadvantage. Points can be added for students from various parts of the State which have been underrepresented at the university. Students who have athletic scholarships get additional points, children of alumni get additional points, students from economically disadvantaged backgrounds get additional points. And at the University of Michigan, students from an underrepresented racial or ethnic minority or attending a high school serving a predominantly minority population can receive additional points. And the provost can award additional points to applicants at his or her discretion.

The idea it is all right for colleges and universities to give special consideration to all the other groups—children of alumni, large donors' children—how is that one? It is OK to give special consideration to the children of large donors for whatever university purpose that serves—but it is not OK to give additional points to underrepresented minorities for the obvious university purpose that serves, which is a diverse student population, which our first President, the Father of our Country, pointed out in this letter is absolutely essential if this country is going to be one, if this country is going to be unified.

Indeed, he saw that 200-plus years ago. I hope the Supreme Court will have the wisdom of reading that letter and seeing how important it is that President Washington's dream to bring people from different parts of the country, that people of different backgrounds, which is the University of Michigan program, can, in fact, be realized. That is what some of the stakes are in the University of Michigan case.

Since we are talking judicial matters this evening, I wanted to raise that issue, as well.

Mr. SESSIONS. Is the Senator going to another subject for long?

Mr. LEVIN. It will be lengthy.

Mr. SESSIONS. I would like to speak on the Estrada nomination.

Mr. LEVIN. You can talk for quite some time on that. You have talked longer, I believe, than I have on this evening.

Mr. SESSIONS. Not as long as some of the other Members over there.

Mr. LEVIN. Let me try to limit this to about 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

NATIONAL SECURITY

Mr. LEVIN. I will keep the floor and try to keep this down to 10 minutes.

Earlier today we had a hearing in the Armed Services Committee where we received testimony from the intelligence community on worldwide threats to our national security. I gave an opening statement at that hearing, parts of which I want to share with the Senate tonight because of the importance of the subject of Iraq. We have a lot of work ahead of us. We have threats of all kinds, threats which are more immediate, more personal, more imminent, than Iraq, particularly the al-Qaida terrorist network, even though that network has been weakened, it has been deprived of its safe haven in Afghanistan.

It has, just over the last few months, attacked innocent civilians in Bali and Tunisia and has attacked United States service members and civilians in Kuwait and Jordan.

Last month, the United States and coalition forces fought the biggest battle in Afghanistan since Operation Anaconda last spring. Even though our intelligence and our law enforcement agencies are working with allied countries to thwart further attacks in the United States and abroad, the fact is we remain highly vulnerable to al-Qaida, to other terrorist groups. As a matter of fact, the United States is at alert orange now—that is the second highest level of alert in our military forces—and also at heightened force protection levels worldwide. We remain vulnerable. We remain vulnerable not just to conventional explosives but now, we believe, more and more vulnerable to weapons of mass destruction.

Earlier this week, Federal officials even suggested the public should make preparations for a terrorist attack involving chemical, biological, or radiological weapons. While we are placing such a huge focus on Iraq, North Korea, a country that possesses weapons of mass destruction and has ejected the international nuclear inspectors, has declared it is resuming operation of its plutonium-related nuclear facility.

North Korea is not just a country which proclaims it is engaged in a nuclear program as it now has with the enriched uranium program. North Korea is probably the world's worst proliferator of ballistic missile and missile technology. It is on the brink of becoming an undisputed nuclear power. The administration has refused to open a direct dialog with North Korea. That has serious ramifications. Our ally which lives next to North Korea, which surely has got at least as much at stake as we do in the whole matter—and, I think, obviously a lot more since they are the ones nearest the threat—our ally, South Korea, wants us to open a direct dialog with North Korea. They have openly expressed the wish that this country have a direct dialog of the highest levels with North Korea.

The administration has decided not to do that, and all of a sudden, what is obviously a crisis to most of us and most of the world, is not even described as a crisis by the administration. Even though the failure to have contact, the linking it to the axis of evil and the announcement we will have a preemptive policy using military force, could lead to additional provocative and irreversible action on their part because it is stoking the paranoia which exists in North Korea.

On top of that, Iran has admitted now it is mining uranium. That surely must underscore our concern that its nuclear energy program is intended for nuclear weapons, not just for the promotion of nuclear energy. Iraq is the focus and Iraq continues to flout the international community. It is not assisting U.S. weapons inspectors to find or account for chemical or biological weapons programs. Disagreement on how to address the Iraqi threat has divided the U.N. Security Council.

Surely there can be little doubt Osama bin Laden would like to see the United States and Britain attack Iraq without the authority of the world community acting through the United Nations. Keeping the world community together through the U.N. Security Council is exactly what Osama bin Laden does not want to see. He does not want to see a United Nations. He wants to be able to say it is the United States, it is Britain, and it is a few of their personal, close allies. It is not the world that is going after Iraq, it is the

United States and Britain that are doing it. He does not want, it is obvious, the world community to be united against the Iraqi threat. He wants to be able, as does Iraq, to characterize the effort as an American/British-led unilateral, not having U.N. authority type of effort.

All of us want Saddam Hussein to be disarmed. The best way to accomplish the goal of disarming Saddam Hussein without war is if the United Nations speaks with one voice relative to Iraq. I want to repeat that, as I think there is so much concern about the possibility of war with Iraq that that particular point is frequently lost.

The best way to accomplish the goal of disarming Saddam Hussein without war is if the United Nations speaks with one voice relative to Iraq.

But if military force is going to be used, the best way of reducing the short-term risks, including risks to the U.S. coalition forces, and the long-term risks, including the risk of terrorist attacks on our interests throughout the world, is if the United Nations specifically authorizes the use of military force. That is the bottom line. The best way of increasing any chance for disarming Hussein without war, and of minimizing casualties in future attacks on the United States if war does ensue is if the United Nations acts relative to Iraq.

The next point, though, is essential as well. Supporting U.N. inspections is an absolutely essential step if we are going to keep the Security Council together. We are not going to have a chance of keeping the United Nations Security Council speaking with one voice unless we support United Nations inspections, which are and have been such an important part of the Security Council's position.

How do we support those U.N. inspections? First, by sharing the balance of the information that we have about suspect sites; No. 2, by quickly getting U-2 aircraft in the air over Iraq, with or without Saddam Hussein's approval, and by giving the inspectors the time they need to do their work as long as the inspections are unimpeded.

I disagree with those, including high officials in our government, who say that U.N. inspections are useless. We heard before the inspections began from the highest level of this government that inspections were useless. We heard it from Dr. Rice at the White House last week. She said specifically that inspections are doomed to failure.

I am also astounded that some of our highest officials have gone so far as to refer in a derogatory way to the "so-called" U.N. inspectors. If these inspectors and inspections are useless without Iraqi assistance in pointing out where they have hidden or destroyed weapons of mass destruction, why are we sharing any intelligence at all with the inspectors; and why are we apparently finally implementing U-2 flights to support the inspectors?

It is one thing to be realistic about the limitations of the U.N. inspections and not have too high hopes about what they can produce. It is another thing to denigrate their value or prejudge their value or to be dismissive and disdainful about the beliefs of others on the U.N. Security Council about their value, or to be cavalier about the facts relative to those inspections.

Referring to being cavalier about facts brings me to another point which has to do with the sharing of intelligence information in our possession with the U.N. inspectors. I have followed this issue very closely. I have asked the CIA for months to give us the precise information as to how many suspect sites there are, how many of those suspect sites are of great significance, for how many of the significant sites have we shared information that we have with the United Nations inspectors. They have given me the information in writing but, as it turns out, it is erroneous.

We just began sharing specific information in early January, according to Secretary Powell, who is quoted in the Washington Post on January 9. I can't go into those classified details in the open. I can't give the precise numbers, how many suspect sites we have information on, how many of those suspect sites that we have information on are of significance, and how many of those have we shared with the United Nations. The numbers themselves are classified.

I can say in an unclassified setting, in public, that as of a couple of weeks ago we had shared information on only a small percentage, a fraction of the suspect sites in Iraq, and we had not shared information on the majority of the suspect sites. That was confirmed by CIA staff.

Yet when I asked the Director of the CIA yesterday about this subject, he told us that we have now shared with the U.N. inspectors information about every site where we have credible evidence—all of a sudden, going from a fraction of the sites to we have now shared all the sites.

Then last night, in Director Tenet's presence and in the presence of Senator WARNER, his staff acknowledged that as a matter of fact we still have useful information that we have not shared with the inspectors—which is the opposite of what Director Tenet told the Intelligence Committee yesterday in open session. If we have not yet shared all the useful information that we have with the U.N. inspectors, that would run counter to the administration's position that the time for inspections is over.

The same type of issue exists relative to the U-2s. The inspectors have asked for U-2 surveillance planes. These are planes which have a capability of tracking those suspicious vehicles on the ground that have been referred to by Secretary Powell in his speech, tracking the vehicles that are at a suspicious site and going to another site. They have the advantage of being able to loiter. Unlike a satellite, a U-2 can loiter and actually keep track of a vehicle as it moves from one suspicious place to another and can connect that information to inspectors in real time. They are intensely valuable to the inspectors. They have asked over and over again for the U-2 flights. Why haven't they been provided to the inspectors?

Well, because Saddam Hussein says he can't guarantee the safety of the pilots. So instead of going to the U.N. and saying: Resolution whatever the number is, the United Nations authorizes these U-2 flights and if Saddam Hussein interferes with these flights that will be considered an act of war against the United Nations—instead of doing that, to give the inspectors this additional capability, at least until yesterday or perhaps today, Saddam Hussein has been given a veto by the U.N.—including us; we are part of the U.N.—over the use of surveillance planes, which would contribute to the likelihood that inspectors would catch him with the goods.

I hope that is over now. I don't know for sure that it is. I hope now there is an arrangement made to use the U-2 flights. But if we believe it is important, short term and long term, to both avoiding war, and if war comes, to reducing its risks, that we have a United Nations that is united, speaking with one voice against Iraq, we then must deal with the United Nations' key request that we have an inspection process which is complete and robust. And we must lead at the United Nations to help make it robust. And that includes the use of the U-2 planes.

We have made the suggestion, Senator CLINTON and myself, in a letter which we sent to Secretary Powell, that that kind of resolution be introduced at the United Nations which would provide that the U-2 planes be authorized by the United Nations, have the United Nations flag, and, if interfered with by Saddam Hussein, that would be considered an act of war against the United Nations and every member would then be authorized to use military force in response.

When President Bush addressed the United Nations General Assembly on September 12 of last year, he said that:

> We want the United Nations to be effective, and respectful, and successful.

We have some responsibility to help the United Nations achieve that. Saying to other countries, including allies, that if you don't see it our way you must have some ulterior motive, doesn't help us in leading the United Nations to a united front against Saddam Hussein. While a number of heads of State and Governments have called for the United Nations Security Council to take appropriate action, necessary action in response to the threat, and others have pledged to contribute military forces to that effect, others believe we should give strengthened inspections the time that they need to finish their job. But all of the groups agree on the necessity of disarming Iraq.

Rather than following a course that divides the United Nations and separates us from some of our closest allies, we should fairly consider courses of action that unite the world community against Iraq.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania be allowed 6 minutes without my losing the right to the floor and that I immediately be recognized thereafter.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the current procedures with respect to the selection of judges, and what is happening in the Senate today is a constitutional revolution.

The Constitution provides that the Senate will give advice and consent to the President. And the tradition of this country for 215 years has been that the President makes selections as he chooses, and advice can come from the Senate. Consent has been given without challenging the President to a partnership arrangement where the Senate has to consent to the nominee before the President can submit the nominee to the Senate with any chance for confirmation.

What the Democrats are doing here today is really seeking a constitutional revolution. What they want as the minority party in the Senate is a full partnership with the President on selecting Federal judges.

What we are doing with Miguel Estrada, and other nominees who are coming up for an executive session tomorrow, is really a prelude to the nomination of the next Justice for the Supreme Court. The effort is being made by the Democrats to have their acceptable ideology without the traditional deference which has been paid to the President.

The Senate has been maneuvered into a position here, an institution with lines being drawn in the sand, and Republicans on one side and Democrats on the other being backed into a corner—sort of a macho-macho game where no one wants to play the chicken game. What we are really seeing is gridlocking this institution on a permanent basis, if no one yields.

The Judiciary Committee has three nominees on the Executive Calendar tomorrow, and the Democrats have served notice that they are going filibuster. If at least one Democrat does not vote to end the filibuster, nothing will happen there.

So we have a long litany of judges—some of whom have been held up for 2 years—and nothing is going to happen.

What we may be seeing here is the foundation laid for a grand political argument in the Presidential election of 2004. We are laying it right on the line. If the American people want judges confirmed, there are going to have to be 60 votes in the President's party.

Both sides have been at fault in the past, in my opinion. When President Clinton was in the White House and the Republicans controlled the Senate, we wouldn't confirm people. There were some breakthroughs but relatively few. When President Bush submitted nominees for 2 years, or a year and 7 months, the Democrats stopped the nomination process.

It is high time we had a protocol which both sides respected wherein so many days after a nomination, there is a hearing, so many days later, a vote in committee, and so many days later, a vote on the full floor.

But we are really heading for extraordinary deadly deadlock in this body. I think we ought to recognize it for what it is. There is a constitutional revolution underway here to change the fundamental way judges are selected.

If the Democrats insist on a full partnership with the President, if any party insists on a full partnership with the President of the opposite party, then it is going to take 60 votes. And we may be setting the stage for 60 votes in the 2004 election.

But it is my hope that cooler heads can prevail and we can sit down and work this out so that when the shoe is on the other foot, we don't have this kind of gridlock and this effort to really upset longstanding constitutional principles.

I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, here we are in the middle of an unprecedented filibuster against the first Hispanic nominee to the Circuit Court of Appeals for the District of Columbia—against a man who has a unanimously well-qualified rating by the ABA, which was the gold standard of the Democrats and something that a lot of confirmed judges did not have; a man who has all the credentials in the world—magna cum laude from Columbia, magna cum laude from the Harvard School of Law, editor in chief of the Law Review, clerked for two Federal judges, one on the Second Circuit Court of Appeals put on the bench by President Carter, a Democrat, and, the other, Supreme Court Justice Anthony Kennedy—lots of experience, worked in the Solicitor General's Office.

We have heard a lot of arguments, and many respected arguments. We have heard that Mr. Estrada has not answered the questions of Senators on that side. Well, he has. He spent a full day when they conducted the hearings. They set the agenda. They asked any questions they wanted to ask. They were in control. They have even said on the floor during this debate that the hearings were conducted fairly by them.

Then, when the election was lost, all of a sudden they now want to ask more questions. And, by the way, they had an opportunity to ask any written questions after the full hearing. Only two Senators asked written questions—Senator DURBIN from Illinois and Senator KENNEDY from Massachusetts. He answered those questions.

The problem here is that he didn't answer the questions the way they wanted him to. He answered them the way he should have. We put those questions and those answers into the RECORD today.

It is unfair, after what this man has gone through—after all the hearings, all the questions, all the time that has elapsed—almost 2 years—that this highly qualified individual is now being filibustered on the floor of the Senate.

If the Democrat Members of the Senate do not like his answers, then they have a remedy; that is, vote against Miguel Estrada. I can live with that. That is their right. If that is what they want to do, that is a proper exercise of their constitutional duty.

But really understand that to constitutionally modify the advice and consent process of the Constitution and now require 60 votes in order to have a Presidential nominee confirmed by the Senate is unprecedented, except in one case, and that was Judge Fortas. President Nixon himself fought against that and argued against that. But it was a bipartisan filibuster, if you have to characterize it.

To simply deny the Senate a vote is unfair. It is unfair to the Senate, it is unfair to the President, it is unfair to the process, and it certainly is unfair to this Hispanic American, who, by the way, has risen to be one of the best appellate lawyers in the country even though he has the speech impediment disability. Think of it. He has a speech impediment, and yet he has argued 15 cases before the U.S. Supreme Court, winning 10 of them. I can't name many candidates for judicial office in my 27 years in the Senate who had even come close to that record.

I think this is an abuse of the process. It is an abuse of what has really been precedent through all of these years. It is an abuse by the minority. It is nothing more than what some would call the tyranny of the minority against the first Hispanic nominee in the history of this country to the Circuit Court of Appeals for the District of Columbia.

Mr. SANTORUM. Mr. President, will the Senator yield for a question?

Mr. HATCH. I am happy to yield for a question without losing my right to the floor.

Mr. SANTORUM. Mr. President, one of the issues I have heard raised by the other side is that the nominee has not had judicial experience. In fact, the chairman of the House Democratic Hispanic Caucus wrote a letter to the Judiciary Committee, I understand.

I want to quote from Congressman BOB MENENDEZ, who says:

> If the Senator—

Referring to Senator HATCH—

> chooses to ignore one of the many reasons we oppose the Estrada nomination, simply put, he has no judicial expedience.

Now, I find this to be a particularly amazing argument coming from someone who is Hispanic, given the paucity of Hispanics on the bench right now, that we are setting this bar before a group that only has about 3-percent representation on the bench right now but comprises 14 percent of the population of this country, that someone who heads the Democratic Hispanic Caucus will put this bar to Hispanic nominees, that they do not have judicial experience.

Has such a bar ever been placed before that you are aware of for nominees?

Mr. HATCH. First, let's understand the Democratic Hispanic Caucus. They did not allow the Republican Hispanics, the three of them in the House of Representatives, to become part of that. So it is clearly a very partisan group. We have a couple of our colleagues in the Chamber from the House of Representatives watching this very carefully, people who have spoken out for the Hispanic community.

Secondly, by saying that he does not have any judicial experience, therefore, he doesn't qualify to be on the Federal bench, what does that say to every member of the Hispanic Bar Association, none of whom, really, except current judges, have any judicial experience in the sense of having been judges. It means he is saying they cannot be judges either.

What kind of a representative of the Hispanic community would make that kind of a statement, if he really wants to help the Hispanic community? Or is that representative just making partisan remarks, which is what I believe he was doing?

The fact is, we have confirmed 26 Clinton judges who have not had judicial experience—26. That is the phoniest argument I have heard yet, and it is a disgrace to argue it in the sense that Hispanics cannot serve on the judiciary if they have not had judicial experience.

Now, let's think of one other thing. Miguel Estrada was a law clerk to Amalya Kearse, a Carter appointee, on the Second Circuit Court of Appeals. That is judicial experience. He helped write some of the opinions that she made. He was a law clerk to Anthony Kennedy on the Supreme Court of the United States of America. That is a lot more than a lot of others, than any of the 26 Clinton appointees had.

So to say that he has not had judicial expedience—but even if you do not count that as judicial experience, this is a man with every qualification, and they have not laid a glove on him. It is really very unfair, and I think we ought to all stop and think about that.

But I would also like to point out—I do not mean to take too long on this question, but I also would like to point out 108 men and women have served on the Supreme Court, and of the 108, 43 had no judicial experience at all. In the Court's history, 8 of the 16 Chief Justices—most recently, Chief Justice Earl Warren—had no prior judicial experience when appointed to the Supreme Court. Of those Justices appointed in the last 50 years, Justices William Rehnquist, Lewis Powell, Jr., Abe Fortas, Arthur Goldberg, and Bryon White had no prior judicial experience when they were appointed to the U.S. Supreme Court.

I know that is the phoniest argument I have heard yet.

Mr. NICKLES. Will the Senator yield?

Mr. HATCH. If I could first yield to the Senator from Kansas.

Mr. BROWNBACK. If you would yield for a question, I had the pleasure of serving on the Judiciary Committee last session of Congress, although we didn't get a lot of judges on through and cleared, and we are trying to clear those now.

But Miguel Estrada was up last session of Congress. One of the charges against him, by a number of people, was that he is an ideologue, he is a right-wing ideologue.

I would ask the question: It is my understanding Mr. Estrada worked with the Clinton administration for the Janet Reno Justice Department. And it would seem highly unlikely to me that a right-wing ideologue would be hired to work for the Clinton Justice Department. But that is the charge that is being brought against him; is that correct?

Mr. HATCH. The nominee, Miguel Estrada, worked for the Clinton administration. He worked in the Solicitor General's Office of the Justice Department in the Clinton administration. And it is highly unlikely that he would have received the support of Seth Waxman and other prominent Democrats if he were a right-wing ideologue. In fact, Seth Waxman says he is not.

Now, Seth Waxman was a Democrat Solicitor General under Clinton. By the way, the seven living former Solicitors General are backing Miguel Estrada, four of whom are Democrats: Seth Waxman, Drew Days, Walter Dellinger, and Archibald Cox.

Mr. BROWNBACK. I thank my colleague for responding to the question. I find it so odd that would be a charge brought against him. He worked for the Clinton administration, the Janet Reno Justice Department.

Mr. REID. Mr. President, I object. I object to the statement. I object. I object.

Mr. HATCH. I ask for the regular order.

The PRESIDENT pro tempore. Regular order. Regular order. The Senator from Utah has the floor. Members asking questions will address the Chair.

Mr. NICKLES. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. I will, without losing my right to the floor.

Mr. NICKLES. When the Senator was talking about judicial experience or legal experience, correct me if I am wrong, but didn't Miguel Estrada argue 15 cases before the Supreme Court? And doesn't that mean he has a lot of experience, legal experience, and that he must be held in highest esteem to be able to argue 15 cases before the Supreme Court?

Mr. HATCH. It is a good question. Miguel Estrada is a full partner in one of the great law firms of the country, Gibson, Dunn & Crutcher, at his young age. He has argued 15 cases before the Supreme Court, winning 10 of them. That is a pretty good record. By the way, I mentioned he did that suffering a disability.

This man has arisen above language barriers, immigration barriers, educational barriers, legal barriers, to attain to the position he has. He has lived a Hispanic dream life. And here he is being held up on the floor of the Senate—without one good reason.

Mr. GREGG. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. I will, without losing my right to the floor.

Mr. GREGG. Mr. President, I ask the Senator from Utah, didn't Mr. Estrada come to the United States without speaking any English when he was a teenager?

Mr. HATCH. He came to the United States at age 17, if I recall it correctly. He had a very limited knowledge of English, taught himself English, went on to Columbia University, graduating magna cum laude, and from there went on to Harvard University, where he also graduated magna cum laude and also was editor in chief of the Harvard Law Review.

Yes, he overcame a lot of problems. As I say, that is in addition to his disability that has not stopped him from reaching the heights of the legal profession.

Mr. GREGG. Will the Senator yield for a further question?

Mr. HATCH. I yield further to the distinguished Senator from New Hampshire.

Mr. GREGG. That is one incredible record. Is not Columbia University a university in New York City? I believe the Senator from New York was on the floor. In fact, it is one of the finest universities in the United States. And an extremely competitive person came over when he was 17. He must have been admitted when he was 19 or 20. He matriculated there, and graduated magna cum laude; is that correct? He must be an extremely bright individual. And then he went on and graduated from Harvard. And he was editor of the Harvard Law Review, one of the finest law reviews in the country.

He must be an incredibly bright individual; is he not?

Mr. HATCH. The Senator is absolutely correct. Miguel Estrada is a brilliant individual.

Mr. GREGG. If the Senator will yield for a further question, are either of those universities considered conservative schools?

Mr. HATCH. I would never want to characterize either as being liberal or conservative. But I think people who know can very easily characterize them.

Mr. CHAMBLISS. Mr. President, will the Senator yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. CHAMBLISS. As a new member of your committee, I do not have the pleasure of knowing Mr. Estrada as you do, but expanding on what the Senator from New Hampshire just said, I believe that Mr. Estrada has established himself in the legal profession in a very unqualified manner, that he is just extremely qualified, is an excellent lawyer. And I wish you would give us the benefit of some of his legal work and his legal background.

Mr. HATCH. Well, keep in mind, Miguel Estrada is a partner in the very prestigious law firm of Gibson, Dunn & Crutcher. But he got there by clerking—to get a clerk's position in a Federal court is a very high honor. To be editor of the Law Review at Harvard is one of the highest honors any law school can offer. But then he becomes a clerk to Amalya Kearse on the Second Circuit Court of Appeals, which is one of the great circuits in this country. She is a great judge. And then he later became a clerk to Justice Anthony Kennedy on the Supreme Court, and is still one of his best friends and advisers, and vice versa. And, of course, he has become a partner in one of the great law firms in this society.

He has tried all kinds of cases, 15 before the Supreme Court, winning 10.

When the ABA, which my friends on the other side have called the gold standard, did their thorough investigation of Miguel Estrada, they came to the conclusion he is unanimously well qualified, the highest rating the American Bar Association can give. That is in spite of all of the impediments this young man has had coming up through the ranks from Honduras to this country to college to law school to these various positions. By the way, I didn't mention he worked in the Solicitor General's Office giving very effective opinions for both the first Bush administration and the Clinton administration.

Mr. CHAMBLISS. If the Senator will continue to yield, is it not true he did serve as a Solicitor General in the Clinton administration for several years, advising that administration the same as Republican administrations?

Mr. HATCH. He did. He served as an assistant to the Solicitor General and came away with virtual raves for his work. Only one person has criticized him, and we have more than made it clear that that criticism is blown away by that person's, Professor Paul Bender from Arizona State University, raving reviews of his work when he was actually there. I think we would rely on those raving reviews rather than the political statement that was made later.

Mr. CHAMBLISS. I thank the Senator.

Mr. ALLARD. Mr. President, will the Senator yield?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. ALLARD. I have heard some on the floor try and imply that somehow Mr. Estrada has a hot temper, a short fuse. First, I would have to say that seems inconsistent with the many letters from those who know him. That includes such people as his former colleagues in the Solicitor General's Office, Ron Klain and Seth Waxman, who all praised his personal demeanor. But beyond that, is the Senator as troubled as I am by the use of these code words that perpetuate stereotypes about Hispanics and makes you wonder if we are debating Ricky Ricardo or Miguel Estrada? I see high praise in a New York Post article that describes him as a great American success story.

I wonder if the Senator from Utah would respond to that question.

Mr. HATCH. If there is a greater success story, I would like to meet the person. If you were to meet Miguel Estrada, you would say this is truly a wonderful man and a great lawyer. Fourteen of his colleagues, I believe, at the Solicitor General's Office and throughout the Government, including Seth Waxman, who was Solicitor General in the Clinton administration, and I might add Ron Klain, who worked on the Judiciary Committee, was Al Gore's most faithful legal advisor, went everywhere with Al Gore, totally devoted to him, have said he would make a wonderful judge. He has the temperament and ability to do so.

Only one person has issued a negative opinion, and that was Professor Paul Bender. If you read the record—I don't want to go through it again—I think that opinion should be totally discarded when you look at the facts.

Mr. SMITH. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. I am happy to, without losing my right to the floor.

Mr. SMITH. I wonder if the Senator from Utah could tell us about the internal memoranda our colleagues on the other side are seeking. It is my understanding Mr. Estrada wrote these memoranda when he served as Assistant Attorney General. It is also my understanding he has said he has no problem with their release. But it is my further understanding that every living Solicitor General, Republican and Democrat, has advised against their release; is that correct?

Mr. HATCH. That is true. All seven living Solicitor Generals—four Democrats, three Republicans—oppose this request. The Democrats are Archibald Cox, Seth Waxman, Drew Days, and Walter Dellinger. The Republicans are Charles Fried, Robert Bork, and Ken Starr. I might add that both the Washington Post and the Wall Street Journal oppose the demand for these memos.

There is good reason for that. When the Democrats requested the memos, they requested his recommendations on appeals, his recommendations on certiorari petitions, his recommendations on amicus curiae briefs. Never in the history of the Justice Department have those type of materials that are privileged, confidential work product materials been given to this branch of Government or any other branch.

The Democrats have said there are four or five cases where the Department of Justice materials have been given. They have scoured the Justice Department; the administration and the current Justice Department have scoured those records, and they have found in all but Bob Bork there was no evidence anybody had given up those records to anybody here. If they have records, they must have been leaked by friends of the Democrats in the administration. They were not provided by the Justice Department.

In the case of Bob Bork, they did give some special request memoranda, because it was up to the Supreme Court, affecting the area involving his decisions with regard to Archibald Cox. Certainly not the recommendations in writing, the confidential recommendations in writing of appeals, amicus curiae and certiorari petitions.

Mr. SMITH. A further question, Mr. President, isn't it true, though, he has said he has no problem with their release?

Mr. HATCH. He has said that. But the Justice Department has tremendous problems. They not only consider it a matter of principle, they consider it a matter of absolute principle.

Mr. SMITH. And they are not his to release?

Mr. HATCH. That is right. They are not his to release even if he wanted to.

Mr. SMITH. I believe the Washington Post and others have described this.

Mr. REID. Mr. President, I object. This is not a time for making statements.

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. HATCH. Let him ask the question.

The PRESIDENT pro tempore. Senators will address the Chair and try to ask a question of the Senator from Utah. The Senator from Oregon had his question answered. He did not ask for a chance to have another question. The Senator from Utah may respond.

Mr. SMITH. If I could rephrase my question, hasn't the Washington Post opined this is out of bounds, not fair game, a fishing expedition?

Mr. HATCH. No question about it. It is a fishing expedition. And why is it? We received the last letter to produce these materials after they had been refused, in eloquent, very deliberate and straightforward letters from the White House; we received the last request, I think, the day before the hearing on Miguel Estrada. Frankly, it is clearly a fishing expedition, trying to find something because they don't have anything on this man. They just don't like the fact he is a conservative Republican Hispanic.

Mr. SMITH. I thank the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the distinguished Senator from Utah if he will yield for a question.

Mr. HATCH. Without yielding my right to the floor.

Mr. WARNER. Mr. President, colleagues, this nomination for this Senator is a personal matter, for the reason that I was privileged to——

Mr. REID. Mr. President, I have the utmost respect for my friend from Virginia. He is making a statement, not asking questions.

Mr. HATCH. Mr. President, I think we ought to give the——

The PRESIDENT pro tempore. The Senator from Utah has the floor. The Chair was trying to obtain a ruling from the Parliamentarian and did not hear the question. Will the Senator from Virginia restate his question? The Senator from Utah, let the Senator from Virginia restate his question.

Mr. HATCH. I think he should be allowed to ask his question.

Mr. WARNER. I will phrase it as a question. I just wanted to lay a predicate, a foundation for the purpose of the question. I said this was a personal matter. I assert that because I had the privilege of introducing this distinguished nominee——

Mr. REID. Mr. President, I object to the form of the statement by my friend from Virginia. He has the right to ask a question. He has no right to make a statement.

The PRESIDENT pro tempore. The Senator has a right to have a preamble to a question before he asks it. He has not asked a question. The Senator from Virginia will continue.

Mr. WARNER. I was about to say, I had the privilege of introducing him and I did so for several reasons. One, I carefully examined the distinguished dossier of this lawyer. But am I not correct this is a nomination to the Federal Circuit Court of Appeals for the District of Columbia?

Mr. HATCH. You are correct.

Mr. WARNER. Mr. President, I was privileged to be a law clerk.

The PRESIDENT pro tempore. The Senator will ask another question, please.

Mr. WARNER. Yes, Mr. President. I shall pose it in the form of a question. I had the privilege of being a law clerk on the same circuit court of appeals many years ago. I ask my distinguished colleague, when a United States Senator goes before the Judiciary Committee for the purpose of introducing a nominee, does not that Senator place his or her credibility before that committee in making those statements?

Mr. HATCH. As you know, Senator, you did that. We respect your credibility. I think both sides respect your credibility, as we should. You did make a very formal and important statement on behalf of Miguel Estrada.

The PRESIDENT pro tempore. The Senators cannot have a dialog on the floor under the guise of asking questions.

Mr. WARNER. I thank the Chair.

Mr. BOND. Will the Senator yield?

Mr. HATCH. Mr. President, I am happy to yield for a question without losing my right to the floor.

Mr. BOND. Mr. President, I ask the Senator from Utah, who has experience with the entire judicial process. As one who has served as a law clerk, I ask is it not commonplace for law clerks, for assistants, to write memoranda that do not necessarily reflect their views, but are designed to explain the rulings made by the judge or other lawyer or solicitor who may serve?

Mr. HATCH. Without question, that is so.

Mr. BOND. Is it the experience and knowledge of the distinguished chairman of the committee that the legal scholarship may be shown by these rulings, by these drafts, but they do not in any way reflect, necessarily, the views of the clerk or the assistant?

Mr. HATCH. The Senator is correct once again.

Mr. BOND. Is it not true, then, that perhaps the best judge of the legal capabilities of a law clerk, Assistant Solicitor General, or assistant attorney would be those for whom that clerk or assistant worked?

Mr. HATCH. That is correct. And three Democrat Solicitors General reviewed these materials and had access to them, and they have nothing but praise for the work of Mr. Estrada.

Mr. BOND. Mr. President, there is something very troubling that I wish to pursue and that is whether a nominee——

Mr. REID. Mr. President, I object.

The PRESIDENT pro tempore. The Senator may not address a question to the Chair.

Mr. BOND. Mr. President, I will ask the question of the Senator from Utah, who happens to be in the line of sight of the Chair, both of whom I respect. I will focus the question to the Senator from Utah. Do you share the concern that should a clerk, assistant counsel to a U.S. Senator, or perhaps a Member of the other body, be nominated for a judicial position, under this principle enunciated by our friends on the other side of the aisle the nominee would have to turn over all of the papers prepared for that Senator, or that House Member, or the committee for which that nominee may have worked?

Mr. HATCH. Well, I have to say that the Solicitor General's Office is one of the most important offices in the country. This is the advocate for our country. These opinions are extremely important. They want the best opinion they can get from the people who serve there and write the opinions, as Miguel Estrada did. By necessity, they have to be confidential and privileged because, otherwise, the Solicitor General's Office would not function as well on behalf of the American citizens.

So in all honesty, if our friends on the other side were to prevail in forcing any administration, or if we would do so later because they do so now, then that means no privileges will be respected in the executive branch of the Government. Now, if we start doing that, I have to ask you, where does it end? Does it end where the opinions our staffs give us at our request have to be given up if they are nominated?

Mr. BOND. That is the question I am asking, the same principle. Would the same principle apply, that someone who had served you or me as a counsel, if nominated, would have to provide all of the memoranda, drafts, and opinions prepared, or memoranda prepared for you or me, were they to be nominated?

Mr. HATCH. Well, let's just be honest about it. Considering a nomination for a judgeship like it is being done here would become just a methodology for anybody. If you didn't get the papers you wanted from some source or other in the Federal Government—and it might even include the Senate—then you can hold up judges just as they are doing here. Look, that would——

Mr. BOND. Mr. Chairman, would you ever——

The PRESIDENT pro tempore. Does the Senator from Missouri seek to have the question answered?

Mr. BOND. I simply ask the question, as a Senator, would you ever consent to have confidential memoranda prepared for you by a lawyer who happened to be in your employ, who is subsequently nominated for a judicial position—would you ever consent to a wholesale turnover of all that work product prepared for you as a U.S. Senator?

Mr. HATCH. Put it this way. If one of my excellent staff people was nominated to a Federal judgeship and somebody tried to pull that one over on me, I would raise such cane that it would blow the lid off this building, and I think anybody else would, too. You can imagine how the Solicitor General's Office must feel for this type of an inappropriate request for a confidential, privileged matter that they have to keep that way if they want to not chill honest discourse within the Solicitor General's Office. This is absurd. That is what they are pinning their hat on here.

Let me tell you, if that is what it comes down to, it is going to be hard to get any judge through that one or the other side has a difference with in the slightest degree. There is no reason to disagree with Mr. Estrada. I have not heard one legitimate, good reason—not one yet.

Mr. ENSIGN. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. ENSIGN. Mr. President, I have a preamble to my question. I heard my colleague refer to the opposition to Miguel Estrada as imposing an intellectual glass ceiling for Hispanics who are not liberals. We hear a lot about diversity on the courts. Yet some people seem intent on blocking this nominee for having a diversity of opinion as compared to what those on the left want. Don't you agree that an important kind of diversity is the diversity of ideas, and isn't that exactly what the opponents of Mr. Estrada and his confirmation are trying to prevent—diverse ideas from a Hispanic nominee?

Mr. HATCH. It certainly looks that way to me. One argument is that he is not Hispanic enough. That is ridiculous. Others have said he hasn't had any judicial experience. I think we have more than blown that away. I don't think any reasonable person would make that argument. Yet I have heard argument after argument that he doesn't have any judicial experience.

I agree that some special interest groups, and others that have been criticizing Mr. Estrada, think all minorities have to think alike. If you are a minority, if you don't toe the liberal line, they don't want anything to do with you. That is the problem here.

I don't think my colleagues are against Mr. Estrada because he is Hispanic. No, it is because he is a Hispanic Republican, and they think conservative, who may not agree with some of their more liberal ideas.

It seems to me that this is fundamentally un-American. I don't think there is anyplace in our system for this type of thinking. Miguel Estrada reached his views by examining all the facts and coming to his conclusions, and to suggest that he or anyone else has to arrive at a certain political bent—and one only—is simply not fair. He is not being treated fairly here. I don't think anybody who watches this or looks at it, or understands it would think he is being treated fairly. He is just not.

The PRESIDENT pro tempore. Does the Senator from Utah yield the floor?

Mr. HATCH. Yes.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, we opened the Senate a little over 12 hours ago. At the outset, I mentioned that I hoped we would have the opportunity to have a good, robust discussion over the day, and that after that discussion we would have an opportunity to vote up or down on this outstanding, well-qualified nominee.

I am delighted, as I look around the Chamber, to see at practically every Republican desk someone behind it ready to vote. The discussion has been good today. It has been complete today. And as my colleagues on the other side of the aisle mentioned this morning, everything, in essence, has been said about this well-qualified nominee. If that is the case and we, indeed, have given sufficient time: It has been 5 days, since last Wednesday; we have spent 5 days on this nominee talking about his qualifications, which has been fascinating over the course of today. Each time I listened to one of our Senators, I learned something. Every time, I got more and more excited about this particular nominee.

We have attempted to have the up-or-down vote, in fact, on three previous occasions. We have had a unanimous consent request, and at this juncture I will again try to reach an agreement with my Democratic colleagues.

I therefore ask unanimous consent that there be an additional—an additional—6 hours for debate on the Estrada nomination; provided, further, that the time be equally divided between the chairman and the ranking member, or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, for the reasons outlined since last Wednesday by the minority, an objection is raised.

The PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. FRIST. Mr. President, I therefore modify my request to ask that the vote occur no later than Friday of this week.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Objection.

The PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. FRIST. Mr. President, as you can see, the Chamber, at least on this side of the aisle, is full and ready to vote. Therefore, I modify the request to ask that the vote occur no later than 1 week from this Friday, 7 days from now.

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, as has been outlined in detail on many occasions here, if the nominee is willing to submit his——

Mr. GREGG. Regular order, Mr. President.

Mr. REID. Objection.

The PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. FRIST. Mr. President, because I think we have had adequate debate, and discussion—Miguel Estrada is a well-qualified nominee, and there is a shortage of judges in the United States of America, a critical shortage—I modify my request to ask that the vote occur no later than 2 weeks from this Friday.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, we have approved 103 judges——

Mr. BROWNBACK. Regular order.

Mr. REID. Up to this point. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. FRIST. I yield the floor.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, as you can see, there is no fairness in this process. This is the first filibuster for a circuit court of appeals nominee in the history of this country. The majority leader has been very fair in granting extra time. The other side said they have debated it long enough. We have always voted up or down at this juncture, and the minority is unfairly filibustering this nominee for the first time in history, this Hispanic-American nominee who has climbed every step of the way into the American dream. They are taking an attitude and a position that takes away from that American dream.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALLEN. Mr. President, will the Senator——

The PRESIDENT pro tempore. The Senator from Utah has the floor. Who seeks recognition?

The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask if the Senator from Utah will yield for a question.

Mr. HATCH. Without losing my right to the floor.

Mr. ALLEN. I ask the Senator from Utah if it is true that right now there is nothing to prevent us from taking a stand and voting up or down on Miguel Estrada other than the obstructionist delays being perpetuated by the other side.

Mr. HATCH. Mr. President, I say to the Senator, that is absolutely true.

Mr. ALLEN. I ask, Mr. President, a further question. Is it not true that on the DC Court of Appeals there are 12 judges allocated to that court?

Mr. HATCH. That is correct.

Mr. ALLEN. Is it not true that there are four vacancies on that court, which, calculating, means a third are unfilled?

Mr. HATCH. This is correct.

Mr. ALLEN. Does the Senator believe justice is being delayed and, thus, denied on the DC Court of Appeals due to a third of this court being vacant?

Mr. HATCH. I agree, justice delayed is justice denied, and this is a very important court. The problem is our friends on the other side just do not want a conservative Hispanic appointed by a Republican President on that court.

Mr. ALLEN. I ask, Mr. President, a further question, if the Senator will yield.

Mr. HATCH. For a question.

Mr. ALLEN. Does the Senator from Utah recognize the people of America believe there are many important issues facing this country—terrorism, war possibly in Iraq, moving forward with creating more jobs and improving health care, education—and by the Democratic Party's obstruction here of actually voting one way or the other on Miguel Estrada, they are delaying this body from acting on these very important matters for security and job opportunities for Americans?

Mr. HATCH. I agree 100 percent with the distinguished Senator from Virginia.

Mr. ALLEN. I thank the Senator.

Several Senators addressed the Chair.

Mr. DURBIN. Will the Senator yield for a question?

The PRESIDENT pro tempore. Who seeks recognition?

Mrs. HUTCHISON. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. I will be happy to, without losing my right to the floor.

The PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Will the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor, I will be happy to yield.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Utah, how many votes does it say in the Constitution are required to confirm a judge in the Senate?

Mr. HATCH. A simple majority. It says we have the power of advising and consenting. It does not say we have the power to advise and filibuster or obstruct, which is what is going on here.

Mrs. HUTCHISON. That is my question. If the Constitution says 51 votes, or a simple majority, I am asking if it would be an effort to go around the Constitution to filibuster a Federal judge. Is it even really seemly to filibuster a Federal judge nominee when the Constitution is very clear on this issue? Is it setting a new standard with Miguel Estrada that we are going to all of a sudden have the Constitution averted to start requiring 60 votes out of 100 to confirm a Federal judge, a nominee, which is the President's absolute right to make, his right and responsibility, and he has nominated these qualified judges?

Mr. HATCH. There is no question. I agree with the distinguished Senator from Texas. That is what is going on here, and they are depriving this qualified Hispanic of his right to sit on this bench without any real justification. That is what bothers me. It is a double standard. It is clearly a double standard, and it is a double standard that is unseemly. I think the Senator put it exactly right.

Two of our Hispanic Republican colleagues in the House have come over here to show their support for Mr. Estrada, Mr. MARIO DIAZ-BALART and Mr. DEVIN NUNES.

Mrs. HUTCHISON. I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

Mr. LEAHY. Will the Senator yield for a question?

The PRESIDENT pro tempore. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Will the Senator from Utah yield for a question?

Mr. HATCH. I will be happy to yield, without losing my right to the floor.

Mr. DURBIN. I would like to ask the Senator the following question: Is it not true that Richard Paez, a Hispanic American, nominated to be a U.S. Circuit Judge for the Ninth Circuit, at a time when the Senator from Utah was chairman of the Senate Judiciary Committee, waited over 1,500 days before that committee was forced to finally face a Senate record vote, a cloture vote on March 8, 2000, before his nomination was approved by the Senate?

Mr. HATCH. It was a disgrace.

Mr. DURBIN. I am sorry. I gave the wrong date on that. March 8, 2002.

Mr. HATCH. It was a disgrace that Judge Paez had to wait that long, but Judge Paez had an up-or-down vote on this floor allowed by my colleagues at my request. There was no formal filibuster at the time. Nobody said there was going to be a filibuster. We know we have had some cloture votes in the past, but they have been for votes of convenience or the majority leader has called them for some reason or another but not because there was a filibuster.

The important thing is—and, look, I think it is time for your side to understand it. The important thing is here was a judge that, yes, I do not think was treated fairly, but in the end he had a vote. In the end he sits on the Ninth Circuit Court of Appeals even though our side, almost to a person, in fact to a person, disagreed with that nomination. But we gave him a vote.

Let me tell you something—

The PRESIDENT pro tempore. The Senator will address the Chair, not the Senator.

Mr. HATCH. Let me address the Chair then in answering this question. Miguel Estrada, without one thing against him—and by the way, Judge Paez had plenty of things against him that indicated he was not only an activist judge but ruled without regard to the law. There were some legitimate concerns on our side, even though I believed he should have a vote and he ultimately did, unlike Miguel Estrada.

Let me tell you something, I have not seen one legitimate, substantive reason to not give Miguel Estrada the same privilege that, yes, it took time to do and I had to fight it through and there were all kinds of problems; some were very justified problems——

Mr. DURBIN. Will the Senator yield for another question?

Mr. HATCH. It is time to give Miguel Estrada the same privilege that we gave to Judge Paez.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. HATCH. I will be happy to yield without losing my right to the floor.

Mr. DURBIN. Would the Senator be kind enough to explain that when he was chairman of the Senate Judiciary Committee and this Hispanic nominee Richard Paez was held up for over 1,500 days before his nomination was brought to the floor, it was necessary to file a cloture motion to close debate to bring his name for a vote before the Senate?

Mr. HATCH. It was not necessary. It was not necessary because I was fighting to have that happen and it did in fact happen, unlike what is happening today.

Let me make a suggestion to my colleagues on the other side. I am willing to have one cloture vote, but then let's vote up or down on Estrada. And if you win, I will live with that. If you can destroy this man's career so that he cannot be a Federal circuit court of appeals judge, I will live with that. You have a right to vote against him. But you do not have a right to filibuster this man, nor should you. It is shameful. And it is shameful to put him through this without one substantive reason to do it other than a phony request for privileged documents that everybody knows is phony.

The PRESIDENT pro tempore. The Senator from Utah has the floor. The Senator from Utah will please restrain from referring to another Senator by "you." The Senator must be referred to as "the Senator."

Mr. HATCH. I will be happy to abide by that, and I am happy to be corrected by the Chair. I do get a little excited in this matter, and I apologize to my colleagues on the other side, but I think what has gone on does not deserve much consideration.

Mr. KYL addressed the Chair.

The PRESIDENT pro tempore. The current occupant of the Chair is no model of decorum, but I am trying to establish it.

Mr. HATCH. I figured that the Chair would understand.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. KYL. To the Senator from Utah, I have three questions regarding the Paez nomination which he just referred to. The first is if the Senator from Utah could tell us which party was in control of this body and by whom the cloture petition was filed.

Mr. HATCH. Well, I will be happy to. As I understand it, the Democrats were in control, and they filed the cloture motion—we were in control? OK. We were in control and we filed the cloture motion. I am sorry. I am so tired I cannot think straight.

Mr. KYL. The Senator, of course, makes the point. The cloture motion in the case of Judge Paez was filed by the party in control of this body, by the distinguished majority leader of the Republican Party at that time, TRENT LOTT.

I would also ask this question: Is it not true that the debate for Richard Paez lasted 1 day; that there was no filibuster of his nomination?

Mr. HATCH. Well, that is correct, and I suspect that my colleague and friend from Illinois would not vote for cloture for Mr. Estrada as I did for Judge Paez—as we did for Judge Paez.

Mr. KYL. Mr. President, will the Senator from Utah yield for one final question?

Mr. HATCH. I will be happy to yield, without losing my right to the floor.

Mr. KYL. With respect to the Paez nomination, is it not also true that a majority of the Republicans supported the cloture motion vote so that Judge Paez could get a vote but that many of those very same Senators then voted against him? Having given everyone in this body an opportunity to vote, they exercised their right to vote against him but did not deny the right of all the other Senators to vote for him, and that he was confirmed?

Mr. HATCH. That is correct. I am glad the Senator reminded me of that matter.

Mr. REID. Will my friend from Utah yield for a question?

Mr. HATCH. I would be delighted to yield without losing my right to the floor.

Mr. REID. Is the Senator from Utah aware that earlier this evening we voluntarily gave up the floor, as we knew that you and the majority leader wanted to come and make a statement?

Mr. HATCH. Which we would have done for you.

Mr. REID. I guess the question I am asking is: Who is filibustering this?

Mr. HATCH. I guarantee you it is not us. I guarantee you it is you, and if you deny it I would be happy to go to a vote right now.

Mr. REID. I was just wondering. This is taking quite a while.

Mr. HATCH. Let's go to a vote. If you are not filibustering, let's vote.

Mr. REID. Another question, if I could, Mr. President?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

Mr. REID. On what?

Mr. HATCH. On this nomination.

The PRESIDENT pro tempore. Is there a sufficient second?

Mr. REID. It is debatable after that. So what difference does it make?

The PRESIDENT pro tempore. No, it is not debatable.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. There is a sufficient second.

This is ordering the yeas and nays on this nomination.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. It is improper to ask for the yeas and nays. There is a sufficient second.

The Senator from Utah.

Mr. HATCH. I will be happy to yield, without losing my right to the floor.

Mr. HARKIN. He loses the right to the floor on the motion.

Mr. HATCH. I will be happy to yield to the distinguished Senator from Nevada for a question, without losing my right to the floor.

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. HARKIN. He lost the right to the floor.

Mr. REID. Is the Senator aware that both Democrats and Republicans have sought cloture in response to debate or objections to judicial nominees since the cloture rule was extended in 1949? Is the Senator aware of that?

Mr. HATCH. I did not hear the question.

Mr. REID. The question is, Are you aware that cloture votes on judicial nominees are well precedented in recent history?

Mr. HATCH. Not for true filibusters. I agree we have had cloture votes but not for true filibusters. It has been because a majority leader wanted to have a cloture vote, not because we were not willing to vote on nominees on either side. Your side was willing to vote and we were willing to vote and even when they had to go to cloture on Paez, the majority of Republicans voted for cloture, and then a number of Republicans voted against. But they did give him an up-or-down vote, even though there was widespread disagreement with Judge Paez.

Mr. REID. Is the Senator——

Mr. HATCH. I voted for him, by the way.

Mr. REID. Is the Senator aware that based on cloture votes, there have been——

The PRESIDENT pro tempore. Is the Senator asking the Senator from Utah to yield?

Mr. REID. Yes, I ask the Senator if he would yield for a further question?

Mr. HATCH. I yield for a question, without losing my right to the floor.

Mr. REID. Based on cloture votes, are you aware that there have been 17 filibusters on judicial nominees? Are you aware of that?

Mr. HATCH. No way. Nobody has ever called those a filibuster and there has never been a true filibuster against a circuit court of appeals nominee until this one, and your side has announced that this is a filibuster. No one has ever agreed that those others were filibusters. There were cloture votes, no question about it. But no circuit nominee has ever been defeated by denying cloture, none; zero; nada.

Mr. REID. Will the Senator yield for a question?

Mr. HATCH. I would be glad to yield, without losing my right to the floor.

Mr. REID. The Senator is aware and has acknowledged that there have been a number of occasions where cloture had to be invoked on numerous judges, not the least of which were Richard Paez and Marsha Berzon in recent years?

Mr. HATCH. Let me answer that question. There has never been a true filibuster, until this one, against a circuit court of appeals nominee. In recent years, both sides have used cloture on various occasions other than for filibuster purposes, but there has never ever been a true filibuster against a circuit court of appeals nominee until this time. And whenever there has been a cloture vote, the nominee received his or her vote up or down.

Mr. REID. Will the Senator yield?

Mr. HATCH. Which is not being given here and which is being denied here by the minority.

Mr. REID. Will the Senator yield for one final question?

Mr. HATCH. Without losing my right to the floor.

Mr. REID. I wish the Senator would explain to me what a filibuster is. What is a true filibuster?

Mr. HATCH. When there is an attempt to try and stop debate, when there is an attempt to try to defeat a candidate. And in every case we have had a vote up and down and the judge has been approved.

Mr. REID. But the Senator would acknowledge it took cloture to have that occur?

Mr. HATCH. No. No, I would not.

Technically, yes, but not because there was a filibuster. And the Senator knows that.

In recent years we have used cloture motions for almost everything. But the Senator is talking to the Senator from Utah who knows what a real filibuster is, and there has never been a true filibuster until today, until this filibuster.

Mr. HARKIN. Will the Senator yield?

Mr. HATCH. I am happy to yield to my colleague without losing my right to the floor.

Mr. HARKIN. Mr. President, I ask my friend from Utah, please explain why the difference in substance rather than form of what happened 2 years ago, now almost 2½ years ago, in the year 2000. The Judiciary Committee held a hearing in May 2000 on the nomination of one Bonnie Campbell, former attorney general of the State of Iowa to be a justice for the Eighth Circuit—and then, nothing.

Then the Republican leadership would not bring her name on the floor for a vote. Seven times that fall I came to the floor, I say to the Senator, to ask that her name be brought up to vote, up or down or that at least she get a vote in committee. The Republican leadership would not bring her name up for a vote. I ask the Senator from Utah, other than form, what is the difference in substance between that and today?

Mr. HATCH. She was never brought to the floor. I acknowledge that. She was not. She was 1 of 41 who were left hanging at the end of that administration in contrast to the 54 left hanging when the Democrats lost the Presidency and a Republican was President. In other words, 13 less. And 9 of the 41 were put up so late there was no way anyone could get through, so we are down to 32. And with 32 we had other problems. We can have all the statistics, but we "bettered" the Democrats in every case.

She was not brought up so there was, naturally, no filibuster.

The PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, would the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Ms. COLLINS. Would the Senator from Utah be so kind as to explain the ABA rating system under which it is my understanding that Mr. Estrada received the highest possible rating? Would the Senator further explain whether there was a split rating, or whether it was unanimous, and what the general concession of those on the other side of the aisle has been toward ABA ratings in the past?

Mr. HATCH. I thank the Senator for her very erudite question. Let me start with the last part of that.

When the Democrats were in control of the Judiciary Committee and they had a Democrat President, they said the ABA was the gold standard. I cannot remember when a nominee who had a "unanimously well-qualified" rating, the highest rating the American Bar Association gives, had any difficulty like this. They went through. It was that simple. There is a double standard here against this Hispanic gentleman.

I have to admit I was not very pleased with the ABA during many of the years when they made ratings that were split all the time because of partisanship. They have cleaned that up. The ABA is doing a decent job and has done a pretty decent job in the last 4 or 5 years.

What happens is when a President decides to nominate somebody, the ABA then conducts its own investigation. They send top examiners—lawyers, if you will—into the area from where this individual nominee is nominated. They do a complete review with the top, most ethical, highest rated lawyers in that area, and others, and then they come and meet in what is called a standing committee and then they determine what kind of a rating to give. And the ratings, generally, are "not qualified," "qualified," or "well-qualified." Sometimes those ratings have a split rating where some will be well qualified in part and qualified in part. We have even seen some ratings, well-qualified and not qualified.

In this particular case with this Hispanic nominee, Miguel Estrada, he received the highest possible unanimously qualified rating of the American Bar Association.

Just last year, two of the Senators—the Senator from New York, Mr. SCHUMER, and the Senator from Vermont, Mr. LEAHY—called the ABA rating the gold standard for reviewing judges. They were not the only ones. Now, all of a sudden, that standard does not seem to be good enough.

Ms. COLLINS. Mr. President, would the Senator from Utah yield for just one more followup question on the ABA?

Mr. HATCH. Without losing my right to the floor.

Ms. COLLINS. Is the Senator from Utah aware of any other case in which a judicial nominee received a highly qualified rating from the ABA and was subject to a filibuster on the Senate floor?

Mr. HATCH. I can't think of one case. In fact, there has never been a true filibuster conducted. In the cases where they have raised the question of cloture votes, cloture votes are called for one reason or another by majority leaders, but in each of those cases, as I recall, the nominees had an up-and-down vote. I would be happy to go to a cloture vote with our friends on the other side if afterwards they allow an up-and-down vote regardless of what happens on the cloture vote—happy to do it.

They do not seem to be inclined to do that. They want to filibuster the first Hispanic nominee to the Circuit Court of Appeals for the District of Columbia, who has a "unanimously well-qualified" rating by the American Bar Association, their gold standard, and who has all of these other qualifications that lawyers only dream about. And he has fulfilled the American dream. He is being denied his opportunity to serve by a double standard here that is being applied by my colleagues on the other side.

It is some Members. I know all of them cannot feel that way.

Ms. COLLINS. I thank the Senator from Utah for clarifying this issue for the Senator from Maine.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Will the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. DURBIN. Pursuing the same question, can the Senator ever recall a Hispanic nominee suggested by President Clinton, when he was chairman of the Senate Judiciary Committee, Hispanic nominee for the Federal judiciary who received a well-qualified rating in which the Senator, then-chairman of the Senate Judiciary Committee, refused to even give that nominee a hearing?

Mr. HATCH. Do you have anyone specifically you are referring to.

Mr. DURBIN. Enrique Moreno.

Mr. HATCH. In the case of Enrique Moreno, there was no consultation, a refusal to consult with home State Senators. That is basically something we do not allow in the Judiciary Committee. It is one of the reasons that we will use both sides—if there is not adequate consultation, it is one of the reasons we will use to not bring a nominee up. And I think the distinguished Senator from Illinois should know that. If you do not, be advised, that was the reason Enrique Moreno did not come up.

I even wrote a letter to the then-Chief Counsel of the White House. I think it was Chuck Ruff at the time, bless his memory. I wrote a letter to him saying: You will not consult—they basically admitted that—and they were going to bring this up regardless. It was not adequate or good enough and no chairman, I think, would allow that nominee to come forward without consultation—it is just that simple—Democrat or Republican.

Mr. DURBIN. Will the Senator further yield for a question? If the Senator will further yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. DURBIN. I do not want to bore the membership with another debate about the blue slip policy which the Senator indicated is going to change, but I want to make sure it is clear for the record in this case, we had a Hispanic American nominated for the bench by President Clinton, Enrique Moreno, who received a well-qualified rating from the American Bar Association, and was refused a hearing before the Senate Judiciary Committee when you were chairman because the two Republican Senators from Texas refused to approve the nomination. How is that different from a filibuster, for the fate of Enrique Moreno?

The PRESIDING OFFICER (Mr. ENSIGN). Will the Senator from Illinois address in the third person, not directly.

Mr. DURBIN. The Chair is correct. I ask the Chair to address the Senator from Utah as to how it is any different to have Enrique Moreno, with a well-qualified rating from the American Bar Association, nominated to the Federal judiciary, refused a hearing before then-Chairman Orrin Hatch, because two Republican Senators from Texas refused to approve him, thus, frankly, giving him less consideration than Miguel Estrada who is before us today.

Mr. HATCH. I don't think that is accurate at all. The fact is there was no consultation. I informed the counsel at the White House there was no consultation, and we were not going to bring this nominee up without consultation with both home State Senators. And both home State Senators agreed with that. Frankly, I think any chairman would have handled it exactly the same way. And it is not the same at all.

Miguel Estrada not only had a hearing, but he came through the process. It was a difficult process for him, but he came through it and the Judiciary Committee approved the nomination of Miguel Estrada. Miguel Estrada is now on the floor, so it is completely different from that situation. There was consultation in the case of Miguel Estrada. And, frankly, we are sitting here right now in a filibuster for the first time in history of a circuit court of appeals nominee, without question.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to address a question to the Senator from Utah if he would yield.

Mr. HATCH. Without losing my right to the floor.

Mr. KYL. Mr. President, I ask the Senator from Utah, first of all, if the Senator is aware there are many nominees who, for one reason or another, never got out of the Judiciary Committee? In other words, isn't it correct there are many nominees who, for a variety of reasons, do not make it to the floor of the Senate? Is that correct?

Mr. HATCH. The Senator is correct, in both Democratic control of the committee and Republican control of the committee. There are many reasons. The reason may be because of failure to consult. It may be because of further investigations that have to be conducted. It may be further FBI investigations have to be conducted. It may be because of lack of time. It may be because of holds on the Senate floor, which have been used by both sides through time.

But I can tell you this. There were less holdovers at the end of my tenure as chairman of the committee than there were in 1992, at the end of the Democrats' tenure when there was a Republican President.

Let me add one last thing to that, and that is none of us complained, to my knowledge, about Senator BIDEN as chairman when there were 54 holdovers and 97 vacancies. We had 41 holdovers, and nine of those were put up so late there was no way I could have gotten to them in the remaining few weeks we had. So there were really only 32 holdovers and there were a number of those for which there were justifiable reasons for not bringing them up.

Mr. KYL. Further on this line of inquiry, if I could ask the Senator from Utah to yield, other than the case of Justice Abe Fortas, does the Senator from Utah know of any situation in which a nominee for the Supreme Court or the circuit court of appeals, for example, got to the floor of the Senate and then was stopped by a filibuster?

Mr. HATCH. There has only been one true filibuster in the history of this country, and that was the Fortas nomination. I have to say even President Nixon was against that filibuster. But it was a bipartisan filibuster of both Democrats and Republicans, unlike what we are faced with today where a minority of Democrats are filibustering against a Hispanic nominee for the Circuit Court of Appeals for the District of Columbia, a double standard.

Mr. KYL. Mr. President, I ask the Senator from Utah to yield for two other questions.

Mr. HATCH. Without losing my right to the floor.

Mr. KYL. This goes back, I would advise the Senator from Utah, to the question of whether or not there has been a full opportunity to discover what this nominee believes, what his background is, whether he is well qualified, whether there has been an opportunity, in other words, to question him and whether he has provided full and complete information. Would the Senator from Utah advise all of us how many hours, if it was hours, this nominee was before the Judiciary Committee and whether he answered all of the questions that were put to him at that hearing?

Mr. HATCH. In an unusual hearing, which was much longer than most circuit court of appeals hearings, from 10 o'clock to 5:30 that day, he was asked question after question. He was asked question after question by Democrats as well as Republicans, but mainly Democrats, to the extent that we have this transcript that is larger than most transcripts we have, other than Supreme Court nominees, where he answered the questions. The problem with the Democrats, as I understand it, is he just didn't answer the questions the way they wanted. But he answered them and he answered them in accordance with the directions of no less than Lloyd Cutler, one of the leading Democrat lawyers in the country.

Mr. KYL. Mr. President, my final question to the Senator from Utah, if he would yield please.

Mr. HATCH. I would be happy to without losing my right to the floor.

Mr. KYL. I think I counted 30 questions that were orally asked during the course of a hearing that, as I understand it, went from 10:06 a.m. to 5:25 p.m. In addition to that, the committee routinely sends a questionnaire to these candidates. That questionnaire was provided to Miguel Estrada, and it was returned. It is some 25 pages in length and is a complete answer, and he does not refuse to answer any of the questions that were posed by the committee. These are the same questions that are asked of every nominee who comes before the committee.

May I also ask the Senator from Utah if the answers to this questionnaire have been printed in the RECORD, and if they have not, if the Senator from Utah would place them in the RECORD?

Mr. HATCH. They have not been placed in the RECORD. Therefore, I ask unanimous consent the questionnaire and the answers be printed in the RECORD. Anybody who looks at that will realize it is a very intrusive questionnaire.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name: Miguel Angel Estrada Castañeda

2. Address: Residence—Alexandria, Virginia; Office—Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036.

3. Date and place of birth: September 25, 1961, Tegucigalpa, Honduras (became naturalized U.S. Citizen on 2/4/86).

4. *Marital Status* (including maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Married to Laury Lea Estrada (nee

Gordon), Senior Trial Attorney, U.S. Department of Justice, Narcotic and Dangerous Drugs Section, 1400 New York Avenue, N.W., Washington, D.C. 20005.

5. *Education:* List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted. State University of New York at Old Westbury, May 1979 to June 1980 (no degree) Columbia College, Sept. 1980 to June 1983; A.B. degree granted June 1983 Harvard Law School, Sept. 1983 to June 1986; Juris Doctor Degree granted on June 1986.

6. *Employment Record:* List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

Employment: Gibson, Dunn & Crutcher LLP. Positions: Of Counsel attorney, July 1977–December 1999, and Partner, January 2000–present.

Office of the Solicitor General, United States Department of Justice. Position: Assistant to the Solicitor General, Sept. 1992 to July 1997.

Wachtell, Lipton, Rosen & Katz. Position: Associate, Sept. 1987–February 1988, February 1989–March 1990, and May 1992–September 1992.

United States Attorney's Office, Southern District of New York. Position: Assistant United States Attorney, March 1990 to May 1992.

United States Supreme Court. Position: Clerk to Hon. Anthony M. Kennedy, February 1988 to February 1989.

United States Court of Appeals for the Second Circuit. Position: Clerk to Hon. Amalya L. Kearse, August 1986 to July 1987.

Debevoise & Plimpton. Position: Summer Associate, Summer 1986.

Sullivan & Cromwell. Position: Summer Associate, Summer 1985.

Rogers & Wells. Position: Summer Associate, Summer 1984.

Harvard Law School. Position: Research Assistant to Professor Hal S. Scott, 1985–1986.

Boards:

1. Since June 2000, I have been a trustee of the Supreme Court Historical Society, an organization dedicated to expanding public awareness of the history of the Supreme Court of the United States.

2. Since 1998, I have been a member of the National Board of Directors of the Center for the Community Interest, an organization dedicated to improving the quality of life in public spaces.

7. *Military Service:* Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received. I have never served in the military.

8. *Honors and Awards:* List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee. My college and law degrees were both awarded with high honors. I was elected to Phi Beta Kappa in college.

9. *Bar Associations:* List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups. (a) Members, American Bar Association (1987–1993, 2001-present), (b) Barrister, Edward Bennett Williams White Collar Crime Inn of Court, Washington, D.C. (since 1998), (c) Barrister, Edward Coke Appellate Inn of Court, Washington, D.C. (since 2001), (d) Member, The Barristers, Washington, D.C. (since 1998), (e) Member, The Federalist Society (since 1993).

10. *Other Memberships:* List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong. To my knowledge, no organization of which I am a member is active in lobbying public bodies. In addition to the bar associations listed in response to question 9, I belong to the following organizations: (a) Member, Old Town Civic Association, Alexandria, Virginia, (b) Member, Old Town Walled Garden Club, Alexandria, Virginia, (c) Member, The Alexandria Association, Alexandria, Virginia, (d) Member, Smithsonian Associates, Washington, D.C.

11. *Court Admission.* List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

I have been admitted to practice in the courts of the State of New York (since July 1987) and the District of Columbia (since December 1998). There have been no lapses in my admission to those courts. In addition, I am a member in good standing of the bars of the following federal courts:

U.S. Court of Appeals, Second Circuit, 3/25/91; U.S. District Court, Southern District of New York, 5/26/92; U.S. District Court, Eastern District of New York, 5/26/92; U.S. Supreme Court, 7/17/92; U.S. Court of Appeals, Fifth Circuit, 2/17/93; U.S. Court of Appeals, Ninth Circuit, 11/10/97; U.S. District Court, Western District of New York, 1/13/98; U.S. Court of Appeals, Third Circuit, 3/13/98; U.S. Court of Appeals, Fourth Circuit, 3/30/98; U.S. Court of Appeals, Eleventh Circuit, 5/01/98; U.S. Court of Appeals, District of Columbia Circuit, 5/07/98.

12. *Published Writings:* List the title, publisher, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

I have not written books, articles or reports, save for a law review note I authored while I was a student at the Harvard Law School. That Note, The Policies Behind Lending Limits, may be found at 99 Harv. L. Rev. 430 (1985). I was a member of the editorial board of the Harvard Law Review—a student journal—from the Fall of 1984 to the Spring of 1986.

I have occasionally been asked to offer, and have given, comments on drafts of scholarly articles. Although I do not regard my role in the writing or publication of those articles as "editorial," the following published articles reflect author acknowledgments of my comments:

Donald J. Boudreaux & A.C. Pritchard, Civil Forfeiture and the War on Drugs: Lessons from Economics and History, 33 San Diego L. Rev. 79 (1996).

Debra Livingston, Police, Community Caretaking and the Fourth Amendment, 1998 U. Chi. Legal. F. 261.

Robert A. Ragazzo, Reconsidering the Artful Pleading Doctrine, 44 Hastings L.J. 273 (1993).

Robert A. Ragazzo, Transfer and Choice of Federal Law: The Appellate Model, 93 Mich. L. Rev. 703 (1995).

Robert A. Ragazzo, Unifying the Law of Hostile Takeovers: Bridging the Unocal/Revlon Gap, 35 Ariz. L. Rev. 989 (1993).

Benjamin E. Rosenberg, Criminal Acts and Sentencing Facts: Two Constitutional Limits on Criminal Sentencing, 23 Seton Hall L. Rev. 459 (1993).

From time to time, I have been asked to speak on issues of federal appellate practice, which sometimes raise broader issues of legal policy, at continuing legal education seminars sponsored by bar organizations. For example, for the past several years I have been a participant in the appellate litigation seminar that the District of Columbia Bar organizes every October. For the past several years, I also participated as a panelist in appellate practice seminars organized by the National Association of Attorneys General. I also participated in a similar program sponsored by the New York Bar in New York City in 1999. In May 1999, I was a panelist at a conference organized by the United States Sentencing Commission and the Federal Bar Association; my panel's discussion addressed, among other things, constitutional issues raised by sentences imposed under the federal Sentencing Guidelines. I have not retained any notes reflecting my remarks as one of the panelists in such bar seminars, nor am I aware of the existence of any transcript of my remarks.

In the Spring of 1999, I participated in a debate organized by National Public Radio's Justice Talking on the public policy issues raised by a City of Chicago loitering ordinance, which was then under review by the Supreme Court of the United States. See City of Chicago v. Morales, 527 U.S. 41 (1997). I was asked to participate in that debate because I had authored an amicus brief in support of Chicago's position on behalf of the U.S. Conference of Mayors, the National League of Cities, and the National Governors' Association. My opponent in that debate was Harvey Grossman, the Legal Director of the American Civil Liberties Union of Illinois, who was counsel for the parties who sought to challenge the Chicago ordinance. The debate was broadcast in the Fall of 1999. A transcript is attached.

13. *Health:* What is the present state of your health? List the date of your last physical examination.

My last physical examination occurred on March 15, 2001. I am advised that I am in good health.

14. *Judicial Office:* State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never held judicial office.

15. *Citations:* If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

I have never held judicial office.

16. *Public Office:* State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

I have never been a candidate for, or held, elective public office. I have served in the following appointive public offices:

Law Clerk to Hon. Amalya L. Kearse (Aug. 1986–July 1987), United States Court of Appeals for the Second Circuit, Foley Square, 40 Centre Street, New York, New York 10007.

Law Clerk to the Honorable Anthony M. Kennedy (Feb. 1988–Feb. 1989), United States Supreme Court, One First Street, N.E., Washington, D.C. 20543.

Assistant United States Attorney (Mar. 1990–May 1992), United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007.

Assistant to the Solicitor General (Sept. 1992–July 1997), Office of the Solicitor General, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

17. *Legal Career:*

a. Describe chronologically your law practice and experience after graduation from law school including

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

From August 1986 until July 1987, I served as a law clerk to the Honorable Amalya L. Kearse, United States Court of Appeals for the Second Circuit. From February 1988 until February 1989, I served as a law clerk to the Honorable Anthony M. Kennedy, Associate Justice, United States Supreme Court.

2. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

In addition to the clerkships identified above, I have been associated or employed by the following firms and agencies:

Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036, Of Counsel attorney, July 1997-December 1999, and Partner, January 2000–present.

Office of the Solicitor General, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, Assistant to the Solicitor General, Sept. 1992–July 1997.

Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, New York 10019, Associate, Sept. 1987–February 1988, February 1989–March 1990, and May 1992–September 1992.

United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007, Assistant United States Attorney, March 1990 to May 1992.

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

I was a corporate lawyer, engaged primarily in transactional work, during the approximately two years I worked at Wachtell, Lipton, Rosen & Katz.

After leaving Wachtell, Lipton in March 1990, I became an Assistant United States Attorney, a job I held for over two years. As an Assistant United States Attorney, I represented the government in federal criminal trials (both jury and non-jury), bail and change-of-plea hearings, and in appeals before the United States Court of Appeals for the Second Circuit.

I left the U.S. Attorney's Office in May 1992 to join the Office of the Solicitor General, where my practice principally involved representing the U.S. government in cases before the United States Supreme Court. I also handled some cases in the regional courts of appeals, and gave advice to government agencies concerning whether adverse trial court rulings should be appealed to a regional court of appeals. Although most cases I personally argued before the Supreme Court involved criminal-law issues, a significant portion of my practice—*e.g.*,, advising other agencies on the advisability of appealing adverse decisions and opposing petitions for a writ of certiorari—raised a broad range of issues typical of civil litigation. I remained in the Office of the Solicitor General for approximately five years.

I left the Solicitor General's office to join the Washington, D.C. office of Gibson, Dunn & Crutcher in July 1997. My practice at Gibson, Dunn has primarily involved handling appellate matters, usually in civil cases, although I have also occasionally handled trial-court litigation.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

During my nearly eight years in public service, my client was the United States of America. In private practice, my former clients have included, among others, major investment banks acting as advisors in mergers and acquisitions, health care providers defending against malpractice, ERISA and RICO allegations, corporations seeking to set aside excessive damage awards, individuals seeking to set aside criminal convictions, and a *qui tam* relator seeking to sue a State of the Union for fraud.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

Both as a governmental lawyer and as a lawyer in private practice, I have appeared in court frequently.

2. What percentage of these appearances was in: (a) federal courts; (b) state courts of record; (c) other courts?

The great majority of my court appearances (approximately 99%) occurred in federal court. I have rarely appeared in state courts.

3. What percentage of your litigation was: (a) civil; (b) criminal?

Approximately 70% of the litigation I personally handled was criminal. The remainder was civil.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately ten cases to judgment while I was a federal prosecutor. I was chief counsel in four of those, and was sole counsel in the remainder.

5. What percentage of these trials was: (a) jury; (b) non-jury?

All but one of the cases (approximately 90%) were tried to a jury.

18. *Litigation:* Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case: (a) the date of representation; (b) the name of the court and the name of the judge or judges before whom the case was litigated; and (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. In re Managed Care Litigation, MDL No. 1334 (S.D. Fla., Moreno, J.). I am counsel for Aetna, Inc. and its healthcare subsidiaries ("Aetna") in a series of putative nationwide class actions that have been filed throughout the United States against Aetna and most members of the managed care industry. The Judicial Panel on Multidistrict Litigation has consolidated those cases for coordinated pretrial proceedings in the United States District Court for the Southern District of Florida. The suits generally allege that cost-containment mechanisms used by Aetna and other managed care companies amount to violations of RICO, ERISA and various state laws—because they allegedly provide incentives for physicians to provide deficient medical care, and thus fraudulently reduce the value of the insurance coverage purchased by subscribers—and they seek billions of dollars in damages. I share with one of my partners the day-to-day supervision of this litigation on behalf of Aetna, which is the largest defendant. In that connection, I have been responsible for developing our client's legal strategy, preparing all briefs in the case, and arguing dispositive motions.

Opposing Counsel: Jerome Marcus, Berger & Montague, 1622 Locust Street, Philadelphia, PA 19103; Tel.: (215) 875–3013.

Co-counsel: (1) Richard Doren, Gibson, Dunn & Crutcher, 333 South Grand Avenue, Los Angeles, California 90071; Tel.: (213) 229–7038 (co-counsel for Aetna); (2) John D. Aldock, Shea & Gardner, 1800 Massachusetts Avenue, N.W., Suite 800, Washington, D.C. 20036; Tel.: (202) 828–2140 (counsel for Prudential); (3) Brian D. Boyle, O'Melveny & Myers, LLP, 555 13th Street, N.W., Washington, D.C. 20004; Tel.: (202) 383–5263 (counsel for Humana); (4) Edward M. Crane, Skadden Arps Slate Meagher & Flom, LLP, 333 West Wacker, Suite 2100, Chicago, Illinois 60606: Tel.: (312) 407–0522 (counsel for Foundation Health Systems); (5) Robert Denham, Powell, Goldstein, Frazer & Murphy LLP, 191 Peachtree Street, N.E., 16th Floor, Atlanta, Georgia 30303; Tel.: (404) 572–6940 (counsel for Coventry); (6) William E. Grauer, Cooley Godward LLP, 4365 Executive Drive, Suite 1100, San Diego, California; Tel.: (858) 550–6050 (counsel for PacificCare); (7) John G. Harkins, Jr., Harkins Cunningham, 2800 One Commerce Square, 2005 Market Street, Philadelphia, Pennsylvania 19103; Tel.: (215) 851–6701 (counsel for CIGNA); and (8) Jeffrey S. Klein, Weil, Gotshal & Manges, 767 Fifth Avenue, New York, New York 10153; Tel.: (212) 310–8790 (counsel for United Healthcare)

I have also briefed numerous cases in the federal courts of appeals and in the Supreme Court of the United States, and I have personally argued 15 case before the Supreme Court. Among the cases I have argued before that court are:

2. Stricter v. Greene, 527 U.S. 263 (1999). I represented the petitioner, a death row inmate, in a federal habeas challenge to his conviction and death sentence. The principal issue in the case was whether the prosecution violated the rule of Brady v. Maryland, 373 U.S. 83 (1963), by failing to disclose to defense counsel that a purported eyewitness to the crime had been repeatedly interviewed by the police and had made statements casting doubt on her in-court identification. I was the principal draftsman of the petitioner's merits briefs in the United States Supreme Court, and also argued the case before the Supreme Court. The Supreme Court ruled that the evidence was exculpatory

under Brady, but that it was not sufficiently material to create a reasonable probability of acquittal.

Co-Counsel: Barbara Hartung, 1001 East Main Street, Richmond Virginia 23219; Tel.: (804) 649-1088.

Opposing counsel: Pamela A. Rumpz, Assistant Attorney General, Commonwealth of Virginia, 900 East Main Street, Richmond, Virginia 23219; Tel.: (804) 786-2071.

3. United States v. Gonzales, 520 U.S. 1 (1997). I represented the United States. The issue in the case was whether 18 U.S.C. §924(c), which provides mandatory sentences for defendants who use firearms in connection with narcotics crimes or violent offense, permits federal courts to impose a concurrent sentence when the defendant already is serving a state sentence. I was the draftsman of the certiorari petition and the petitioner's briefs on the merits, and also argued the case before the United States Supreme Court. The Supreme Court ruled that Section 924(c) requires that sentences under that provision must be consecutive to any other sentence that the defendant might be serving.

Opposing counsel: (1) Angela Arellanes, 320 Gold Avenue, S.W., Suite 1111, Albuquerque, New Mexico 87102; Tel.: (505) 247-2417, (2) Edward Bustamante, 610 Gold Street, S.W., Albuquerque, New Mexico 87102; Tel.: (505) 842-9093, and (3) Roberto Albertorio, One Civic Plaza, Room 4030, Albuquerque, New Mexico 87102; Tel.: (505) 924-3917.

4. Old Chief v. United States, 519 U.S. 172 (1997). I argued the case before the United States. The issue for the Court was whether a criminal defendant may ever prevent the government from introducing evidence of a fact relevant to the prosecution's case by stipulating to the existence of that fact. The Supreme Court ruled that a criminal defendant may, in some circumstances, keep the government from introducing evidence of the defendant's prior conviction if the defendant offers to stipulate before the jury that he is indeed a felon.

Opposing counsel: Daniel Donovan, Federal Defenders of Montana, 9 Third Street North, Great Falls, Montana 59403; Tel.: (406) 727-5328.

5. Montana v. Eglehoff, 518 U.S. 37 (1996). I represented the United States as amicus curiae in support of the position of the State of Montana. The issue in the case was whether the Due Process Clause of the Fourteenth Amendment, invalidates state legislation that renders any evidence of involuntary intoxication irrelevant and inadmissible in a prosecution for intentional homicide. I was the draftsman of the United States' brief, and also presented argument before the United States Supreme Court in support of Montana position. By a vote of 5 to 4, the Court upheld the constitutionality of the statute.

Co-counsel: Pamela P. Collins, Assistant Attorney General, Justice Building, 215 North Sanders, Helena, Montana 59620; Tel.: (406) 444-2026.

Opposing counsel: Ann C. German, P.O. Box 1530 Libby, Montana 59923; Tel.: (406) 293-4191.

6. Degen v. United States, 517 U.S. 820 (1996). I represented the United States. The petitioner had been indicted on federal narcotics violations and had fled to Switzerland to avoid prosecution. The issues for the Supreme Court were (i) whether federal courts possess inherent authority to forfeit property civilly, without a hearing, when the party claiming such property is a fugitive from United States justice, and (ii) whether such a forfeiture would violate the claimant's due process rights. I was the principal draftsman of the government's brief and also argued the case before the Supreme Court. The Court ruled that federal courts slack inherent authority to forfeit a fugitive's property.

Opposing counsel: Lawrence S. Robbins, Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W. Washington, D.C. 2006; Tel.: (202) 463-2000.

7. Citizens Bank of Maryland v. Strumpf, 516 U.S. 16 (1996). I argued the case on behalf of United States as amicus curiae in support of reversal. The issue in this case was whether the "automatic stay" provisions of the Bankruptcy Code, see 11 U.S.C. §362, are violated when a creditor temporarily withholds payment of a debt that the creditor owes to the bankrupt debtor in order to protect the creditor's set-off rights. The Supreme Court ruled that a creditor in such circumstances does not violate the Code's "automatic stay" provisions.

Co-counsel: Irving E. Walker, Miles & Stockbridge, P.C., 10 Light Street, Baltimore, Maryland 21202; Tel.: (410) 727-6464.

Opposing counsel: Roger Schlossberg, 134 West Washington Street, Hagerstown, Maryland 21740; Tel.: (301) 739-8610.

8. United States v. Robertson, 514 U.S. 669 (1995). I wrote all briefs and argued the case on behalf of the United States. The principal issues in this case were (i) whether the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961 et seq. reaches the full extent of conduct that Congress could conceivably regulate under the Commerce Clause of the U.S. Constitution, and (ii) whether the evidence in the case satisfied the statute's "interstate commerce" requirement. The Court ruled that the evidence submitted by the government—including evidence that the defendant shipped materials from California to Alaska—satisfied the statutory and constitutional requirements.

Opposing counsel (last known address and telephone number): Glenn Stewart Warren, 2442 Fourth Avenue, San Diego, California 92101; Tel.: (619) 232-6052.

9. United States v. Mezzanatto, 513 U.S. 196 (1995). I wrote the briefs and argued the case on behalf of the United States. In order to induce the prosecutor to engage in plea negotiations, the defendant in this case had agreed to waive the protections of Fed. R. Evid. 410, which ordinarily render all evidence of plea negotiations inadmissible in court. The defendant later changed his mind, and testified at trial to a story that was inconsistent with what he had told the prosecutor. In reliance on the defendant's agreement, the trial court permitted the prosecutor to impeach the defendant with his prior inconsistent statements. The U.S. Court of Appeals for the Ninth Circuit reversed, ruling that the rules of evidence—including Rule 410—may never be waived by agreement of the parties. The Supreme Court granted certiorari to review that conclusion, and, after briefing and argument, reversed the Ninth Circuit's ruling. The Supreme Court held that rules of evidence, like most rights conferred by statute, may be waived by agreement of the parties.

Opposing counsel: Mark R. Lippman, 8070 La Jolla Shores Drive, La Jolla, California 92037; Tel.: (858) 456-5840.

10. National Organization for Women, Inc. v. Scheidler, 510 U.S. 249 (1994). I wrote the briefs and argued the case on behalf of the United States as amicus curiae in support of petitioner. The issue in the case was whether the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. incorporates a "pecuniary purpose" requirement for liability, so that only criminal enterprises that violate RICO for mercenary reasons would be liable civilly or criminally. (That interpretation of RICO had originated with the U.S. Court of Appeals for the Second Circuit, which had reversed the criminal convictions of several Croatian terrorists who engaged in multiple bombings and arsons for "ideological" reasons related to their desire to achieve independence for their homeland). The Supreme Court unanimously held that RICO does not embody a "pecuniary purpose" requirement.

Co-counsel: Fay Clayton, Robinson, Curley & Clayton, P.C., 300 South Wacker Drive, Suite 1700, Chicago, Illinois 60606; Tel.: (312) 663-3100.

Opposing counsel: G. Robert Blakey, Notre Dame Law School, Notre Dame, IN 46556; Tel.: (219) 231-6371.

19. *Legal Activities*: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived).

In addition to the litigation described above, my practice has included preparing for civil litigation that did not proceed to trial or that was settled during trial; handling an international contract dispute that arose out of the privatization of oil fields and refineries in a central Asian republic (I and one of my partners represented our client in the arbitration of that contract dispute, which was conducted under UNCITRAL rules); advising clients conducting internal corporate investigations into possible violations of federal criminal law; and briefing and/or arguing appeals in civil and criminal cases.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to be derived from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not expect to have any deferred income or other benefits from any previous business relationships or employment. If I am confirmed, my law firm has agreed to pay out my capital, together with my annualized share of the firm's income for the current year, in cash at the time I resign my partnership to begin judicial service.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

I will follow the dictates of the Code of Judicial Conduct and the provisions of applicable recusal laws, such as 28 U.S.C. §455.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

4. List sources and amounts of all income received during the calendar year preceding

your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

Please refer to my Ethics in Government Act report.

5. Please complete the attached financial net worth statement in detail. (Add schedules as called for.)

Please refer to attached statement.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never played any role in any political campaign.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

The bulk of my legal career has been in the public sector, but I have consistently devoted time to pro bono obligations while working in private practice. During my first stint in private practice (at Wachtell, Lipton), I accepted an appointment to represent an incarcerated defendant who was seeking habeas relief from his state conviction. I wrote all appellate briefs and argued the case before the United States Court of Appeals for the Second Circuit. See Campaneria v. Reid, 891 F.2d 1014 (2d Cir. 1989). The amount of time devoted to this matter was approximately 300 hours.

Since returning to private practice (at Gibson Dunn), my pro bono activities have included:

a. Writing an amicus curiae brief on behalf of the U.S. Conference of Mayors, the National League of Cities and the National Governors' Association in City of Chicago v. Morales, 527 U.S. 41 (1997). Morales was a constitutional challenge to a Chicago ordinance that made it unlawful for members of street gangs to loiter in public spaces. The amicus brief, to which I devoted approximately 120 hours, supported the arguments made by the City of Chicago.

b. Representing a death row inmate in a challenge to his conviction and sentence. See Strickler v. Greene, 527 U.S. 263 (1999). I was the principal draftsman of petitioner's Supreme Court briefs on the merits and argued the case on his behalf in the Supreme Court. I devoted approximately 450 hours to this representation.

c. Representing the City of Annapolis, Maryland in defending the City's loitering ordinance—which prohibits loitering with the intent to engage in drug dealing—from constitutional attack. See N.A.A.C.P., Anne Arundel County Branch v. City of Annapolis, Civ. No CCB–00–771 (D. Md). I have devoted approximately 120 hours to that representation. In April 2001, after the district court issued a ruling invalidating the ordinance, the City of Annapolis determined not to further defend the constitutionality of the ordinance.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates—through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

I do not currently belong, nor have I ever belonged, to any organization that discriminates in any way on the basis of race, sex, or religion.

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

There is no selection commission that recommends candidates for nomination to the United States Court of Appeals for the District of Columbia Circuit. Attorneys from the White House Counsel's Office asked me to interview for the position. I was interviewed once by two White House attorneys. I was later informed that I was likely to be nominated for the position. I was nominated on May 9, 2001.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.

No.

5. Please discuss your view on the following criticism involving "judicial activism": The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become a target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government. Some of the characteristics of this "judicial activism" have been said to include: (a) a tendency by the judiciary toward problem-solution rather than grievance-resolution; (b) a tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals; (c) a tendency by the judiciary to impose broad, affirmative duties upon governments and society; (d) a tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and (e) a tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

In my view, federal judges may decide only concrete cases or controversies that properly come to them; they may not "make law" or reach beyond the facts and circumstances of the particular case they must decide. That limited judicial role flows from the text of the Constitution, the separation of powers inherent in our constitutional scheme, the federal-state balance, and the presumption of validity that generally attaches to legislative actions.

FINANCIAL STATEMENT NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS

Cash on hand and in banks	$73K
U.S. Government securities—add schedule (savings bonds)	12K
Listed securities—add schedule	0
Unlisted securities—add schedule	0
Accounts and notes receivable:	0
Due from relatives and friends	0
Due from others	0
Doubtful	0
Real estate owned—add schedule 1105 Prince St., Alex., VA	575K
Real estate mortgages receivable	0
Autos and other personal property	120
Cash value—life insurance	0
Other assets—itemize:	
IRAs, 401(k), and KEOGH Plans	164K
Total Assets	824K

CONTINGENT LIABILITIES

As endorser, comaker or guarantor	0
On leases or contracts	0
Legal Claims	0
Provision for Federal Income Tax	0
Other special debt	0

LIABILITIES

Notes payable to banks—secured	0
Notes payable to banks—unsecured	0
Notes payable to relatives	0
Notes payable to others	0
Accounts and bills due	0
Unpaid income tax	0
Other unpaid tax and interest	0
Real estate mortgages payable—schedule (schedule attached	386K
Chattel mortgages and other liens payable	0
Other debts—itemize	
DOJ TSP Loan	19K
Mastercard	10K
American Express	10K
Student Loan	21K
Total liabilities	446K
Net Worth	378K
Total liabilities and net worth	

GENERAL INFORMATION

Are any assets pledged? (Add schedule.)	0
Are you defendant in any suits or legal actions?	0
Have you ever taken bankruptcy?	No

MIGUEL A. ESTRADA MORTGAGES

1. Temple-Island Mortgage Corporation (first mortgage on residence) $256,000.

2. Bank of America (line of credit secured by second mortgage on residence) $130,000. Total $386,000.

FINANCIAL DISCLOSURE REPORT FOR NOMINEES

I. POSITIONS. Partner, Gibson, Dunn & Crutcher LLP; Trustee, Supreme Court Historical Society; Director, Center for Community Interest.

II. AGREEMENTS. 2001 Termination of Partnership Agreement.

III. NON-INVESTMENT INCOME 1999 Gibson, Dunn & Crutcher LLP, $301,000; 2000 Gibson, Dunn & Crutcher LLP $510,000; 1999 Department of Justice (attorney); 2000 Department of Justice (attorney).

VI. LIABILITIES—American Express, Citibank MasterCard, Alabama Comm'n on Higher Education.

VII. Page 1 INVESTMENTS and TRUSTS—income, value, transactions: Solomon Smith Barney Money Market Fund; Citibank Accounts America's First Federal; Credit Union Savings Accts; Vanguard 500 Index Fund; Dreyfus S&P 500 Index Fund; SouthTrust Bank Account.

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

Part II (Agreements): In the event I am confirmed, my law firm, Gibson, Dunn & Crutcher LLP, has agreed to pay my share of the firm's capital and insurance reserve in cash promptly after the resignation from the partnership. The firm has also agreed to pay me, at the same time and also in cash, my annualized share of the firm's income for the current year, computed on the basis of the per-share income earned by the firm during the year 2000.

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. §501 et. seq., 5 U.S.C. §7353 and Judicial Conference regulations.

Mr. REID. Will the Senator from Utah yield for a question?

Mr. SESSIONS. Will the Senator yield?

Mr. HATCH. Let me yield first to the distinguished Senator from Alabama and then I will be happy to yield to my friend from Nevada without losing my right to the floor.

Mr. SESSIONS. I will ask the distinguished chairman of the Judiciary Committee, who has been involved in these matters for so many years, aren't we confusing here home State Senators' objections with a filibuster? And isn't it true that, to this very day, really earlier in this year, the Democratic Senators on the Judiciary Committee virtually demanded home State Senators be given even more power to block nominees than in the past?

Mr. HATCH. I believe there have been some demands that have been far in excess of what has been allowed by their own chairmen in the past, especially Chairman KENNEDY and Chairman BIDEN. I think the Senator states it correctly.

Mr. SESSIONS. My second question, Mr. President, would be: The point is there has been no movement from the other side to change the basic traditional view of the power of home State Senators to object. In fact, they affirm that and insist they should be given that, and even expand it.

Mr. HATCH. I think the Senator is correct.

I said I would yield to the distinguished Senator from Nevada.

Mr. REID. Without the Senator losing his right to the floor, I attempted 20 minutes or so ago to add a little levity to this debate, indicating the distinguished Senator from Utah is aware I attempted to add a little levity by suggesting you had joined in the filibuster. That didn't go over. It wasn't very funny, as I learned very quickly.

Mr. HATCH. It wasn't very funny, but I appreciate the Senator trying to interject levity. We could use maybe a little bit around here, but this is a tough issue and we are all upset.

Mr. REID. It should be a little more humorous, obviously, than I was able to provide.

Mr. HATCH. I respect the Senator, anyway.

Mr. REID. I ask the distinguished Senator from Utah, we are here. It is now 10:30 at night.

We have an agenda with people who are going to be covering the floor for us. But I ask the Senator, because we have other people on the floor: How much longer does he think he is going to want to take tonight on this matter, just so my colleagues over here know. Obviously the Senator knows. He knows a little more than I know because it seems to be thinning out a little bit here. Can the Senator inform the Senate—especially this Senator—as to how much longer we are going to go tonight?

Mr. HATCH. I am not quite sure. I have a statement to make, and I want to get that in the RECORD. I would like to take any questions my colleagues have on either side of the aisle. This is an important issue. So it is 10:30 at night. It is nothing to me. I am fighting for Miguel Estrada.

Mr. REID. Will the Senator yield for one final question?

Mr. HATCH. Sure, without losing my right to the floor.

Mr. REID. I understand the importance of this nomination. I know the Senator believes I understand its importance. I am not in any way denigrating or trying to stop anyone from speaking tonight. I only would ask if the Senator would give us some general idea as to whether we are going to be here all night or another hour or two hours. Can the Senator give us any indication?

Mr. HATCH. I am prepared to be here all night, if that is what it takes. I do not want to foreclose any questions from my colleagues. I don't know how many questions there will be. But I am here to answer them, and I would like to make a statement for the RECORD before we finish. I will try to expedite that, if I can.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been listening to these brilliant legal minds asking questions.

Mr. REID. Mr. President, does the Senator from Oklahoma have the floor?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I yield for a question.

Mr. INHOFE. I thank the Senator from Utah.

I was trying to get across with just a prelude, if you will accept that. There are several of us here who are not attorneys and who are certainly not great legal minds. As we look at this, I recall, though, another hearing, the origin of filibuster dealing back with the days of civil rights. And what comes to my mind is, as I have been listening to these questions being asked and the objections to Miguel Estrada by the minority—correct me if I am wrong—that the filibuster was created and maintained for some civil rights legislation in the first place. Is that correct?

Mr. HATCH. That is generally the viewpoint around here.

Mr. INHOFE. Will the Senator share with those of us who are not attorneys the origin for filibuster?

Mr. HATCH. The filibuster comes from the word filibustero, which is Spanish. It is a word for pirating, by taking improper control, in this case of the Senate. I hope I am saying that right. I think I am pretty close.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, will the Senator yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. TALENT. I wonder if my colleague read the statement by former Congressman Herman Badillo from New York who called the opposition to block Mr. Estrada "grandstanding" and "this treatment of Mr. Estrada is demeaning and unfair not only to the nominee but the confirmation process and the integrity of the Senate."

I wonder if my colleague believes that is a pretty remarkable statement coming from a former Democratic Member of Congress about the opposition being mounted to a fellow Hispanic.

Mr. HATCH. I did read the quote in the Wall Street Journal, and I thought it was a tremendous article. It was written by the former Democratic Congressman from the State of New York. I was privileged to hear Congressman Badillo the other day at our press conference when the Hispanic community came together to decry what is going on against Miguel Estrada. He made one of the most profound and strong statements at that press conference. I have nothing but respect for him. I respected him when he was in Congress, and he certainly has been speaking up, and he is a Democrat.

But he is not the only Democrat. Seth Waxman is one of the all time great Solicitors General—wonderful Democrat attorney who I happen to have a lot of respect for. He has spoken up for Miguel Estrada as have so many other colleagues at the Solicitor General's Office. But Mr. Badillo very firmly feels this is an injustice, that it is a double standard, that this is prejudice against this nominee. I can't speak for him, but this is what I got out of his remarks and out of his article; and that there is no justification whatsoever in fighting against Miguel Estrada, and absolutely no justification in conducting the first filibuster in the history of the country against a circuit court of appeals nominee.

I have to say I was very impressed with his article, and I appreciate the Senator reading from it.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, will the Senator yield for a question?

Mr. HATCH. I am delighted to, without losing my right to the floor.

Mr. GRAHAM of South Carolina. It is my understanding one of the attacks is Mr. Estrada is in fact a rightwing ideolog who may use his political philosophy to shape the law in an unfair way. Is that correct?

Mr. HATCH. I suspect that is what is worrying people on the other side.

Mr. GRAHAM of South Carolina. Is my understanding correct that it is not only the Senator's suspicion, but they have actually said that? People on the other side have said one of the concerns they have about this gentleman is they are suspicious of his ideology and that he may be inflexible in applying the law in a fair way. Is that correct?

Mr. HATCH. My colleagues on the other side who don't know Miguel Estrada—there is only one person who has given their criticism, and that was Professor Bender from Arizona State University who I think has more than been rebutted here on the floor.

Mr. GRAHAM of South Carolina. Along those lines, if the Senator will continue to yield.

Mr. HATCH. Could I take a moment to read a few paragraphs from the White House letter responding to the Senate Democrats' continuing action here on the notion that Mr. Estrada did not answer questions of the Members?

When asked by Senator EDWARDS about judicial review, Mr. Estrada answered:

> Courts take the laws that have been passed by you and give you the benefit of understanding that you take the same oath that they do to uphold the Constitution. And, therefore, they take the laws with the presumption that they are constitutional. It is the affirmative burden of the plaintiff to show that you have gone beyond your oath. If they come into court, then it is appropriate for courts to undertake to listen to the legal arguments, which is that the legislature went beyond its role as a legislature and invaded the Constitution.

That is a deliberative and very important answer to questions they claim he never answered.

Mr. GRAHAM of South Carolina. Will the Senator continue to yield for one more question?

Mr. HATCH. I would be delighted to, without losing my right to the floor.

Mr. GRAHAM of South Carolina. Would the Senator agree with me that if one of the really serious questions about whether or not this man is a rightwing ideolog who couldn't shape the law in a proper fashion—that any rightwing ideolog would have a very difficult time working for the Clinton administration? Would you agree with me about that concept?

Mr. HATCH. That was my experience with the Clinton administration. I don't know of any rightwing ideolog——

Mr. GRAHAM of South Carolina. Did this gentleman in fact work for the Clinton administration?

Mr. HATCH. He did, indeed, and he received rave reviews for his work at the Solicitor General's Office in the Clinton administration by a Democrat Solicitor General.

Mr. GRAHAM of South Carolina. Will the Senator agree that for any conservative to be able to work for the Clinton administration and do well shows a tremendous amount of tolerance?

Mr. HATCH. I certainly agree with that. Mr. Waxman, who is a highly regarded and respected lawyer, was the Solicitor General—one of them. Mr. Estrada worked under three Democrat Solicitors General who saw his work product. Mr. Waxman is highly respected. I doubt he would put his reputation on the line, as he did, by vouching for Mr. Estrada if he were not absolutely convinced he would be a fair and unbiased Federal judge. That is none other than Seth Waxman, the Solicitor General in the Clinton administration.

I don't understand all this argument by the other side and why a filibuster of this highly qualified person who has the highest rating of the American Bar Association, their gold standard. I have to say I have to admit it is a good standard at this point, too. They are doing a fair job. It isn't just because of Mr. Estrada I say that. I have been saying it for a couple of years. But one time I wasn't very pleased with it.

Mr. ENZI. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. ENZI. In the Senator's 27 years serving in this body, has the Senator seen anything that has progressed on a judicial nomination the way this nomination has, and does he have any concern this may be setting a precedent?

Mr. HATCH. There is no question that this is setting a precedent. In response to my colleague's very important question, this is a very terrible precedent because if the Democrats succeed in filibustering the first Hispanic judge nominee to the Circuit Court of Appeals of the District of Columbia—the first filibuster in the history of the country, a true filibuster, then Katy bar the door. I remember there were some on our side who wanted to filibuster, and cooler minds took over and said, We are not going to do that. First of all, we think it is wrong.

Second, we think it is unconstitutional to do it.

Third, it isn't fair to the President, to the Senate, to the nominee, nor to the process. It isn't fair. And that is the position we took.

And now we have what I consider to be a very unfair process, for no good reason, because I have not heard one substantive argument against Miguel Estrada, not one in all of this debate, other than: We didn't like his answers. Well, that is tough. Vote against him if you don't like his answers. That is your right. Some of our people voted against some of their judges because they did not like their answers. That is OK. It is honorable.

But do not filibuster a circuit court of appeals nominee or a Federal judge of any stature.

Mr. SANTORUM. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. SANTORUM. Mr. President, has any Member of the Senate questioned the nominee's intelligence?

Mr. HATCH. Not one. Nobody could. We know how bright he is.

Mr. SANTORUM. And has any person questioned his temperament?

Mr. HATCH. Yes, Paul Bender has. But he——

Mr. SANTORUM. Has any Member of the Senate questioned his temperament?

Mr. HATCH. There have been some who have been concerned about that because of Mr. Bender's comments. But Mr. Bender, when he was his supervisor at the Department of Justice, gave him rave reviews in all categories.

Now, I think the contemporaneous rave reviews, which Mr. Bender tries to get out of now, should take precedence over his partisan comments made long after the fact.

Mr. SANTORUM. Will the Senator yield for a further question?

Mr. HATCH. Without losing my right to the floor.

Mr. SANTORUM. I ask the Senator from Utah, what is generally the standard by which the Senate is to analyze nominees and pass judgment on them? What are the qualities and characteristics of a nominee that are the traditional areas by which individuals who have been nominated are judged?

Mr. HATCH. Well, for a Federal circuit court nominee, it would be honesty, integrity, temperament, physical capacity—or ability to work—but, in addition, an FBI report that is favorable, and an ABA rating, that isn't necessarily followed but, nonetheless, is helpful if it is favorable. And in this case it is not only favorable, but it is the highest rating they could possibly give. And there are other legitimate considerations, but all of them he has passed.

Mr. SANTORUM. Further, I guess the question I have is, other than Mr. Bender's comment, which came well after the fact and does not comport with his contemporaneous reports—other than that one particular statement—of all the qualifications that are traditionally used by Members of the Senate to evaluate nominees for judicial positions, circuit court positions, has any Member of the Senate questioned any of those qualities?

Mr. HATCH. Not really. Not really. Not really, other than some who relied on Mr. Bender's comments. And I might add that Mr. Bender worked for Seth Waxman, who rebutted what Mr. Bender said, and put his reputation on the line as a Democrat former Solicitor General, and speaks very favorably on all of those issues with regard to Mr. Estrada.

I would certainly give much more credibility to Mr. Waxman than I would to Mr. Bender, who I think has acted reprehensibly under the circumstances.

Mr. SANTORUM. So, Mr. President, if the Senator will yield for just a clarifying question.

Mr. HATCH. Without losing my right to the floor.

Mr. SANTORUM. What I understand the Senator from Utah is saying is that on every quality by which judicial nominees are judged traditionally here in the Senate, on every single one of those qualities, he has either had no argument from the other side that he does not meet those standards or, in many cases, he has exceeded those standards, except in one case with respect to judicial temperament. In that case, we have the person who makes those claims having written contemporaneous reports that rebut his own later testimony, and the supervisor rebutting that testimony. So other than that one case, on all of the other qualities by which we are to judge a candidate here, there is no argument about his qualifications?

Mr. HATCH. That is right. By the way, when the ABA does its review, it is looking for every one of those qualities. It is looking for people who would rebut those qualities. It is looking for people who both support him and are opposed to him. It is looking for people who say he does not have the right temperament, or he does not have the right intelligence, or he does not have the right integrity, or he does not have the right health. The ABA goes into all of that. So does the administration. And so do we as Senators if we want to.

In this particular case, virtually everybody who worked with him gives him high raves.

Mr. SANTORUM. Mr. President, if the Senator will yield for an additional question.

Mr. HATCH. Without losing my right to the floor.

Mr. SANTORUM. Given that he is qualified on all of those grounds, one is left with the possibility that he may be objected to because of his ideological position. Has any comment been made or any evidence been produced by any Senator that his ideology is out of the mainstream of traditional jurisprudence in any of the activities in which he has been involved?

Mr. HATCH. I am not aware of anyone. I have heard remarks on the floor by colleagues on the other side that they are concerned he may not uphold all of their believed decisions. But he has said he would uphold precedent, that he would abide by the law as enunciated by the Supreme Court, and that he would examine everything as thoroughly as he could, do the very best job he could to be fair. He has said exactly the right things you would want a circuit court nominee to say.

Mr. SANTORUM. Mr. President, if the Senator would yield for an additional question, I would just ask that to be clarified. Has the other side produced any evidence that, in the history of this nominee as a lawyer, he has produced any information or any information has been produced that shows that his principles or ideology are outside of the mainstream? Has any evidence been produced to that effect?

Mr. HATCH. Absolutely none. And that is one reason it is a fishing expedition—because they want to see if they can find something for which they can criticize him. But not only did they wait 615 days to hold a hearing—which they controlled, they chaired, they questioned—but they also allowed for written questions afterwards. And only two of them—the Senator from Illinois and the Senator from Massachusetts—prepared written questions for him, which he answered, which we put into the RECORD today.

Frankly, I do not know of anyone who could point out any defect in this man's character and his ability to be a great circuit court of appeals judge.

Mr. SCHUMER. Will my colleague yield?

Mr. INHOFE. Will my colleague yield?

Mr. HATCH. To further answer that question, I would like to read from the letter the White House just sent up here today:

> In some recent hearings, including Mr. Estrada's, Senator Schumer has asked that nominees identify particular Supreme Court cases of the last few decades——

I think the correct reference was to the last 40 years, although I have heard Senator after Senator on the other side talk about the whole jurisprudence of the country, even though the question is referring to the last 40 years. But:

> In some recent hearings, including Mr. Estrada's, Senator Schumer has asked that nominees identify particular Supreme Court cases of the last few decades with which they disagree. But the problems with such a question and answer were well stated by Justice Stephen Breyer.

Of course, Justice Breyer is a Democrat, and he is now sitting on the Supreme Court.

The White House letter goes on:

> As Justice Breyer put it, "Until [an issue] comes up, I don't really think it through with the depth that it would require . . . so often, when you decide a matter for real, in a court or elsewhere, it turns out to be very different after you've become informed and think it through for real than what you would have said at a cocktail party answering a question."
>
> Senator Schumer also has asked nominees how they would have ruled in particular Supreme Court cases. Again, a double standard is being applied. The nominees of President Clinton did not answer such questions. For example, Richard Tallman, a nominee with no prior judicial service who now serves on the Ninth Circuit, not only would not answer how he would have ruled as a judge in Roe v. Wade—but even how he would have ruled in Plessy v. Ferguson, the infamous case that upheld the discredited and shameful "separate but equal" doctrine. So, too, in the hearing on President Clinton's nomination of Judges Barry and Fisher, Senator Smith asked whether the nominees would have voted for a constitutional right to abortion before Roe v. Wade. Chairman Hatch interrupted Senator Smith to say "that is not a fair question to these two nominees because regardless of what happened pre-1973, they have to abide by what has happened post-1973 and the current precedents that the Supreme Court has."

In other words, I corrected a member of my party on the committee for asking that question of a Clinton nominee.

I hate to say it, but Miguel Estrada has answered their questions. He just hasn't answered them the way they wanted because they haven't been able to find any real defects in the answers he has given.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. ALEXANDER. Is the Senator from Utah aware that the following Supreme Court Justices had no prior judicial experience: Harlan Fiske Stone, Louis Brandeis, Hugo Black, and William O. Douglas?

Mr. HATCH. All giants of the law and none of whom had prior judicial experience.

Mr. ALEXANDER. Will the Senator yield for a further question?

Mr. HATCH. Yes.

Mr. ALEXANDER. Is the Senator aware that Felix Frankfurter and Earl Warren and Byron White and Lewis Powell and William Rehnquist and Stephen Breyer and Thurgood Marshall and Harry Blackmun and Warren Burger and Ruth Bader Ginsburg all had no prior judicial experience before they were appointed and confirmed to the U.S. Supreme Court?

Mr. HATCH. The Senator is exactly right. It just goes to prove how ridiculous the accusations are that some have made against Miguel Estrada. And it also goes to show that there is a double standard with regard to this Hispanic nominee.

Mr. ALEXANDER. Would the Senator yield for one final question?

Mr. HATCH. Without losing my right to the floor.

Mr. ALEXANDER. If the Senator would agree that all of those distinguished men and women with no prior judicial experience went on to become distinguished members of the U.S. Supreme Court, then can the Senator help us understand why the Members of the other side suddenly think it is not just important but disqualifying for someone who is nominated for a lower court to have no judicial experience? Why is this suddenly a new criterion when many of the most distinguished jurists in our country's history have had a diverse background of experience? Why is this suddenly a new standard for Miguel Estrada?

Mr. HATCH. The Senator really raises the issue—that is why there is a double standard—when all of these great Supreme Court Justices and others never had a day of judicial experience. I will submit Miguel Estrada has had more time in the judiciary than any of them had before they came to the court because not only has he argued before the Supreme Court, he was a clerk at the Supreme Court. He knows how the Court works. He knows how it moves, thinks, and breathes. Yet he is being mistreated here. Why the double standard? I can only think of one, and that is, they don't like what they think his philosophy is. They don't like the fact that a Republican President has supported him and has nominated him. They don't like the fact that he is a Hispanic conservative Republican. They are afraid that because he is a Hispanic conservative Republican, he might upset the balance on this court. And on this court, over 90 percent of the cases are unanimously decided.

I can tell you, all of their fears are unjustified. They are incredible the way they are being made. And they are, most importantly, unfair criticisms—most importantly, unfair. That is what bothers me. Why can't we be fair to this Hispanic nominee who has fought so hard to be part of the American dream and has earned a right? Why can't we be fair to him? What is wrong over here? What is wrong?

Not only is he a Hispanic nominee, a Republican, appointed by this President, whom I can see some of my colleagues don't like. I can accept that. But Miguel Estrada is a person who suffers from a handicap as well. He has a speech impediment. And if you watched the hearings, you could see that. Yet this young man has gone to the height of the profession in spite of those things. In spite of all the blocks, all the barriers, all the glass ceilings, all of the criticisms, he has lived the American dream. He is an example to every young lawyer, not just Hispanic young lawyers—especially to them—but every young lawyer of how you can fulfill the American dream.

I haven't seen a glove laid on him by the other side. Yet they are still filibustering him. Why the double standard? I think the Senator makes a tremendous set of points there. I am personally grateful for his participation.

Mr. ALEXANDER. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, will my colleague from Utah yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. SCHUMER. My colleague from Utah has talked about how it is unfair to block a conservative nominee who is Hispanic. I would like to ask my colleague a question about Judge Rosemary Barkett, a Hispanic woman, born in Mexico, who spent her early years there before her parents immigrated to the United States. At an early age, she devoted herself to religious service and took vows to become a nun, then a schoolteacher, educating children in Florida, then became a very distinguished lawyer. After years in private practice, she underwent a rigorous screening process, and she was appointed to the State trial bench.

Mr. SANTORUM. Regular order.

Mr. SCHUMER. My question is, did my good friend from Utah not say about Judge Barkett:

> I led the fight to oppose [Judge Rosemary Barkett's] confirmation . . . because [her] judicial records indicated she would be an activist who would legislate from the bench?

Why is that any different than people on this side opposing Miguel Estrada because he might be a judicial activist who would legislate from the bench?

Why is my colleague accusing some on this side of being anti-Hispanic when he opposed a Hispanic judge similarly rising through the ranks because he disagreed with her philosophy?

I yield to my colleague for an answer to that question.

Mr. HATCH. I am happy to have the question from my dear colleague from New York. No. 1, I didn't know she was Hispanic. That is irrelevant to me anyway. I didn't know that. And if she is, I didn't know it until today. No. 2, I did read her judicial records. She was an activist. I did vote against her. But there is a difference here: I voted. I allowed you to have a vote. We had a vote, and she is now sitting on the court.

Mr. SCHUMER. Will my colleague yield for a further question?

Mr. HATCH. Sure.

Mr. SCHUMER. That is not the question I asked.

Mr. HATCH. You asked me why this is different from—wait, let me just finish.

Mr. SCHUMER. Will my colleague yield for an additional question?

Mr. HATCH. I will yield in just a second. Let me finish.

The PRESIDING OFFICER. Senators will address through the Chair, not to each other.

Mr. HATCH. Let me just finish here. You asked me why should this be any different from Miguel Estrada. There is nobody who can say that Miguel Estrada would legislate from the bench. There is nobody who has one ounce of information that would indicate he would be an activist judge. He isn't a judge. In fact, your side has argued that because he doesn't have judicial experience, he should not go on this position—some have argued. I hope it hasn't been the distinguished Senator from New York with his great knowledge of the law.

But there was a complete difference. The bottom line is this: Yes, I still think I was right on that particular vote. I may have been wrong, but I believed I was right. I did it sincerely. But she did have a vote. And she did pass, as I recall. She is now sitting as a judge. And I didn't hold her up, nor did I filibuster her, nor did I stand on this floor and say she should not have a chance for a vote, which is what your side—I should say, the Democrat side in this Chamber—is doing. I think there is a lot of difference, a world of difference, between my vote which was cast sincerely. I have hardly voted against any judges since I have been here. I have been one of the strongest supporters of the Federal judiciary, if not the strongest supporter in this Chamber, ever since I have been here.

I can say this: I still believe my vote was right. If it was wrong, I apologize, but I didn't hold her up. I didn't filibuster her. I made sure she had a vote. And she got one, and she sits on the court today.

I can't ask a question, I guess, of the Senator, but I will just ask him to think it through. There is really a difference between Rosemary Barkett's handling and Mr. Estrada's. He is not even getting a chance for a vote. She did get her chance for a vote. I was one who helped her to get it.

Mr. SCHUMER. Will my colleague yield for an additional question?

Mr. HATCH. Without losing my right to the floor.

Mr. SCHUMER. Now that the Senator from Utah knows that Judge Barkett is Hispanic, would he in any way characterize his own action as anti-Hispanic?

Mr. HATCH. No. Nor am I characterizing yours that way. I have characterized it as anti-conservative Hispanic Republican, which is different.

The PRESIDING OFFICER. The Senators are advised not to address each other in the first person.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. INHOFE. It is a sincere last question. It is very important because I just got a phone call that I am going to be asked a question. First of all, I want to inform the Senator from Utah that in Oklahoma, our fastest growing population has been Hispanic for 25 years. I used to be a commercial pilot in Mexico. I know Hispanics.

When I was the mayor of Tulsa, we appointed the first Hispanic commission anywhere in the Southwest. It is still there today.

Now, the question is this, and I am going to be asked this question this weekend: Why was this Hispanic man, when nobody could question his qualifications, rejected? I have to answer this to the Hispanic commission of Oklahoma Saturday. What shall I say?

Mr. HATCH. There is no legitimate reason. It is a double standard. It is unfair. It is unfair to him and to our President, and he should be given at least a vote up or down. If my colleagues want to vote against him, that is their privilege. I would find no fault with that, even though I would disagree. It is unfair to the process and to the Senate.

What is going on here is that for the first time in history, a true filibuster is being waged against a nominee. It happens to be the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia.

Mr. INHOFE. One last question. You have answered it already, and this is not whether or not we want to vote for or against Miguel Estrada, but does he deserve a vote, a public vote, on the floor of the Senate?

Mr. HATCH. Based upon the past history of this body, he deserves a vote. He is not getting it right now because of a filibuster for the first time in history. I have to say I decry that. That is not fair. It is a double standard. It is not right.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. COLEMAN. Mr. President, I was an urban mayor of a vibrant, diverse community, including Chicanos, Salvadorans, and Puerto Ricans. Is it true that Miguel Estrada was attacked by Democratic Hispanic Members of the House as being Hispanic in name only?

Mr. HATCH. Well, in essence, because he was basically accused of not being Hispanic enough. I believe he was accused of being Hispanic in name only. They even said he didn't give back enough to the community, even though this man worked his guts out to get to where he is as a Hispanic lawyer in this country and deserves credit for it, and he is an idol and will be an idol to a lot of young people who want to do the same.

Mr. COLEMAN. Will the Senator yield for one more question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. COLEMAN. Is it true that Miguel Estrada—we have heard this before—came here as a teenager, learned to speak English, overcame a disability, graduated with honors in college, graduated with honors magna cum laude in law school, was editor of the law review, and he came back to public service? Is it true, then, that he is supported by many Hispanic organizations, really as a role model of the American dream?

Mr. HATCH. You should have heard the LULAC press conference this week. It was truly remarkable. He was accused by his opponents of being very unfair. LULAC happens to be the oldest Hispanic organization in the country. I believe, if I am right, the head of LULAC is a Democrat. I may be wrong. He is outraged, by the way. With this double standard that is going forth against Miguel Estrada, he is right to be outraged.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. SANTORUM. Isn't the difference the Senator from New York suggested about your comment about Judge Barkett and the situation with Miguel Estrada that Judge Barkett had an extensive record to analyze and you concluded by that record there was judicial activism? Is there any record that would lead any Member on the other side to suggest that Miguel Estrada would be a judicial activist?

Mr. HATCH. Of course, he is not a judge. Rosemary Barkett was a judge and had written a number of legal opinions. Some of them I thought were whacko and, frankly, were.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. I am still answering the question of the Senator from Pennsylvania.

Mr. DURBIN. I will bet you are.

Mr. SANTORUM. Will the Senator yield for an additional question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. SANTORUM. Is there anything in Mr. Estrada's background that would give you the opinion he would be a judicial activist on the court?

Mr. HATCH. Not any. In fact, even the Democrats who have known him have been praising him and have supported him. I might add that I don't think you would get better support than Ron Klain. There should not be a Democrat on that side who doesn't believe he is an honest lawyer. There should not be a Democrat on that side who doesn't accept Seth Waxman as a great lawyer, or one who doesn't believe Walter Dellinger is an exceedingly fine law professor, lawyer, and practicing attorney. There should not be a Democrat who should disagree with the former African-American Solicitor General of the United States.

I want to say this. I don't see any comparison with Rosemary Barkett at all. This man is not a judge. In accordance with the double standard, it has been said he should not be a judge because he has no judicial experience. We just have proven there are all kinds of Clinton judges who had no prior judicial experience. Yet we put them through and they are serving well, as have literally hundreds of judges who never had a day of judicial experience. It is just unfair, plain unfair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. DURBIN. I ask the Senator from Utah, when the Senator was chairman of the Senate Judiciary Committee and refused a hearing and vote for Enrique Moreno, who was rated well-qualified for an appointment to the Fifth Circuit Court of Appeals, was the chairman of the committee, the Senator from Utah, aware of the fact that Mr. Moreno was born in Juarez, Mexico, in the company clinic of a smelting plant where his father was employed; when he was 2 years old, his family emigrated to El Paso, TX, where Mr. Moreno attended school and his father worked as a carpenter, his mother as a seamstress; he left El Paso to attend undergraduate and then law school at Harvard, and he practiced for 19 years? Was the Senator from Utah aware of that background when he would not give him an opportunity for even a hearing before the Senate Judiciary Committee, or a vote before that committee, or on the floor of the Senate?

Mr. HATCH. Mr. President, I believe the Senator is being very offensive. He normally is quite partisan but quite reasonable. He is being offensive because he keeps referring to me as denying him a vote in committee when, in fact, I have explained before that there was no consultation. The Senators from Texas told me there was no consultation, which they demand on their side all the time, and which we demand on our side all the time, which I demanded of the Clinton administration, and I demand of the Bush administration.

I think the Senator is being very unfair by trying to imply that I deliberately kept Enrique Moreno, who may be all of these wonderful things, and I assume that he is—I cannot recall all those details. I have respect for him; I have tremendous respect for him. I would like to have seen him have a chance, had there been consultation.

But I do respect the home State Senators, and I think I respect the Democrat home State Senators, too.

I have not even talked about the withholding of blue slips because that was not the issue. The issue was consultation and, in this case, there was zero, "nada" consultation.

Mr. DURBIN. Will the Senator yield for another question?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Wait a minute, I feel I have been unfairly attacked by the Senator, by someone who knows the process and I think ought to be fair and I think normally is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. No. Look, as chairman, I can only do certain things. I will tell you this, I put through, as ranking member or chairman, 377 Clinton judges, the second most judges confirmed for a President in history. The highest confirmed happened to be through President Reagan, and there were 382, 5 more. I believe that I would have put through even more than President Reagan or President Clinton had it not been for Democrat holds on the floor against other Democrat nominees.

Let me go further because—let's be fair about it—President Reagan had 6 years of his own party in control of the Senate, in the Senate Judiciary Committee to help him get those 382 judges. President Clinton had 6 years of the opposition party, and yet we gave him virtually the same number as the all-time champion, President Reagan.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. I think my record shows I have not only been fair, I have bent over backwards. I will acknowledge that I have had problems on my side, just like your chairman when he was chairman, Senator LEAHY, had problems on his side with some who have always wanted to manipulate the system a little bit differently. But I was fair, and I do resent anybody implying that I was not fair.

In the case of Enrique Moreno, he would have had hearings had there been consultation, which I am sure the distinguished Senator from Illinois would be the first to raise if he was not consulted with regard to judges coming from his State.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. DURBIN. I would like to ask the Senator from Utah this question: He has raised the issue of fairness when it comes to Hispanic nominees.

Mr. HATCH. That is right, and I wanted fairness when you asked questions.

Mr. DURBIN. Let me finish the question.

Mr. HATCH. Well, finish it then.

Mr. DURBIN. The Senator suggested it was fair for two Republican Senators from Texas to block a man like Enrique Moreno from even having a hearing because that was their right.

Mr. HATCH. Is there a question there?

Mr. DURBIN. The question is coming. Is it not the right of Senators to raise questions on the floor about Miguel Estrada? Why is that unfair while the treatment of Enrique Moreno was fair? He did not even have a hearing. Miguel Estrada had a hearing, an opportunity to answer questions, and he refused to answer the questions. How is this fair to Enrique Moreno and unfair to Miguel Estrada?

Mr. HATCH. I will tell you again. How many times do I have to repeat it for somebody who has been on the Judiciary Committee and ought to know? If there was not consultation, you would be the first to say: I am not going to let that person go. Or you would be the first to criticize the administration.

The PRESIDING OFFICER. The Senator is reminded not to say "you" in the first person.

Mr. HATCH. Let me say this to the Chair. I have answered it about three times now. Let's be fair about it. As chairman, I cannot do everything. All I can do is abide by the rules of the committee, which are that there has to be consultation, not phony requests for consultation. You have to at least consult. They did not even consult.

I wrote a letter to the then-counsel, bless his departed soul, Chuck Ruff, for whom I happened to care a great deal, and there are very great reasons I do. He was a great lawyer, and I got along well with him. I said: You did not consult and they did not. He basically admitted it. Those two Senators were well within their rights to say: We are not going to have him if we are not going to get consultation. And they were within their rights.

As chairman, I had no choice other than to do that. I think the Senator knows that. That is why I believe the questions are very unfair to me.

Now, I will admit, Miguel Estrada was given a hearing by the Democrats. Senator SCHUMER presided over it, and there was more than one Democratic Senator present. It was a fair hearing. I believe it was. It went from about 10 in the morning to 5:30 at night, longer than most hearings. They asked every question they wanted to ask.

I assumed the Democrats believed they were going to win the election and therefore they would never have to have Miguel Estrada come up for a vote any time. When we won the election, suddenly I got a request for confidential documents of the Solicitor General. I should say the White House got that request the day before the hearing. He has had a hearing. He has had a vote in committee. He has come out of the committee.

He is now on the floor, and now we find this situation where for the first time in history, a circuit court of appeals nominee is being denied a right to an up-or-down vote. That is abysmal. And he just happens to be the first Hispanic nominee to the Circuit Court of Appeals for the District of Columbia. I think it is wrong. I think it is unfair. I think it is unfair to the President. It is unfair to him. It is unfair to the Senate. It is unfair to the Senate Judiciary Committee. It is unfair, I think, to the whole process.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Without losing my right to the floor.

Mr. DURBIN. I ask this question in relation to Richard Paez, and I will not go to the question of the cloture vote necessary to bring him to the floor, but I ask the then-chairman of the Senate Judiciary Committee if it was fair to Richard Paez, nominated by the President, to the Ninth Circuit, well-qualified by the ABA, to have waited 3 years and then to have faced a motion to proceed on the floor which the Senator from Utah and a majority of the Republicans voted against after this man had waited for 3 years for a vote? Was that fair to Richard Paez?

Mr. HATCH. There were plenty of reasons Richard Paez was held up by people on our side. He had ruled in a number of cases in ways that appeared to be, and I think was, in fact, activist judging. Without my support, Richard Paez would not be sitting on the Ninth Circuit Court of Appeals. So, again, I feel impugned by the question because without me going to bat for him, which I did, without me fighting for him on the floor, which I did, without me giving him a vote, which I did—which you are not; I should say the Democratic side is not—he would not be sitting on the Ninth Circuit Court of Appeals, and he knows it and you know it—every Democrat on the other side knows it.

Unfortunately, I want to talk personally to my colleagues. I will do it through the mechanism of the Chair. But the fact is, had I not supported him, he did not have a chance to be on the court because there were many people who believed he was an activist judge and, I have to confess, it was a close question.

I finally asked him to come visit with me. I sat down with him. He is a nice man. He is a good man. I have to admit, I felt he was an activist judge. But I also felt he was a good man.

Mr. DURBIN. Will the Senator from Utah yield for a question?

Mr. HATCH. Let me just finish. I told him I would support him, and I did. Unlike this particular situation, he got his vote and he passed with my support, which would never have happened without it.

Mr. DURBIN. Will the Senator yield for one final question? I promise I will not ask any further questions.

Mr. HATCH. Without losing my right to the floor.

Mr. DURBIN. In the case of Richard Paez, a Hispanic nominee who waited over 4 years for a vote, was there ever a time when Richard Paez refused to answer questions you posed to him?

Mr. HATCH. Not that I know of.

Mr. DURBIN. Was he evasive to you or did he try to in any way conceal his true background and true record? Was there ever an instance of that?

Mr. HATCH. I have to say we did not try to destroy the man. We did not try to ask questions that were improper. We did not try to ask him his opinions on how he was going to vote, all of which was done with Miguel Estrada, and he refused to answer those kind of questions, as he should have, as anybody who reads Lloyd Cutler would agree he should have.

I refer you to the President's letter which I am going to get to in a minute, if my colleagues will allow me to, because I want to make a statement before we finish this evening. In all honesty, Miguel has not been treated very fairly and he is certainly not being treated fairly by a filibuster—or should I say the "filibustero"?—on the floor of the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, with respect to the Paez and Berzon matters, I ask the chairman if he remembers I was one who questioned those nominees and he made a decision in both of those cases to support them after serious thought was given to it?

Mr. HATCH. That is correct.

Mr. SESSIONS. Is it not a fact the Republican majority leader, TRENT LOTT, was the one who moved for cloture on Paez and Berzon?

Mr. HATCH. No question about it.

Mr. SESSIONS. The vote was 86 to 14, and 85 to 13 to invoke cloture, and I supported cloture even though I opposed the nominees?

Mr. HATCH. That is correct. I have to say our side was fair to Mr. Paez in the end. Admittedly, I wish it did not have to be delayed that long, but in all honesty he was treated fairly in the end. I wish it had been earlier, but I have to say I had my own qualms and my own questions and there were plenty of reasons for that. There were people all over California who did not want him on the Ninth Circuit Court of Appeals, which is considered one of the most activist courts in the country, because of the "activist" decisions he was making in contradistinction to what California law really was. Prior to each and every cloture vote in the past which has been mentioned, the Senators in the leadership on our side agreed to provide enough votes to invoke cloture before the cloture petitions were even filed on these Democrat nominees.

I wish my colleagues on the other side would agree to that precedent in relation to the cloture votes they keep referring to. Would they assure us, as we did them, that their side will provide enough votes to invoke cloture before we even file a cloture petition for Estrada? That is what we did for Judge Paez and now Judge Berzon.

So there was no real filibuster. You cannot call that a filibuster. We provided the necessary votes for them to get votes on the floor, and they did get their votes up or down. That is something Miguel Estrada is being denied right now.

Where is the fairness? I do not see any fairness in that. Why should he be denied the same privileges we gave to two people most every Republican disagreed with, but nevertheless gave them a vote and they are now both sitting on the Ninth Circuit Court of Appeals?

I have to tell you I had much angst and many upset stomachs that occurred because of these two nominees, but I voted for both. Without me, neither of them would have made the Ninth Circuit Court of Appeals. It is just that simple.

Mr. SESSIONS. Mr. President, to follow up on that question, I felt strongly about those nominees. I did not dislike them personally, but I felt Paez and Berzon were activists. In fact, their writings clearly indicated that.

Is it not a fact both Paez and Berzon, in separate opinions, have declared the longstanding "three strikes you're out" law in California unconstitutional? And I think one of them has been reversed already by the Supreme Court more than once?

Mr. HATCH. That is my recollection. And I have to say there are those who believe at least one, if not both, are activists on the Ninth Circuit Court of Appeals, which is virtually reversed every time by the Supreme Court. It is the most reversed court of appeals in the country.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. SCHUMER. I would like to ask my friend from Utah a question.

Mr. HATCH. Sure, without losing my right to floor.

Mr. SCHUMER. My friend from Utah just characterized the kinds of questions, such as what are your opinions of court cases, in an attempt to destroy the career of Mr. Estrada. I would like to ask the Senator, you were just talking about Judge Paez with Senator SESSIONS. I ask the Senator, my friend from Utah, if you recall some of the questions Senator SESSIONS asked Richard Paez: In your opinion, what is the greatest Supreme Court decision in American history? What is the worst Supreme Court case?

I would ask my colleague two questions. Was Senator SESSIONS attempting to destroy the career of Richard Paez? Second, does he recall that instead of saying, I cannot answer that, Senator Paez gave answers to both of those questions?

Mr. HATCH. Do you mean Judge Paez?

Mr. SCHUMER. Now Judge Paez.

Mr. HATCH. I believe it is within the power of each Senator on the Judiciary Committee to ask any question they want to, no matter how stupid they may be, and we have had plenty of stupid questions from both sides, to be honest with you.

I do not think those are stupid questions. Nor did I think the Senator's questions when he basically asked Miguel Estrada this question, can you think of any cases in the last 40 years with which you disagree with the Supreme Court, nor do I find fault with Mr. Estrada saying, no, I do not. You and I might. I could think of some cases where we have passed laws. I was the cosponsor of the Violence Against Women Act. I did not like to see it overturned. On the other hand, I do understand why it was and I do think it was a legitimate decision even though I may have disagreed with it at the time.

Mr. SCHUMER. Will the Senator yield for another question?

Mr. HATCH. Without losing my right to the floor.

Mr. SCHUMER. I am glad to see we are not destroying careers by asking those kinds of questions.

Mr. HATCH. The only way we are destroying careers, in all fairness, is by having filibusters, not by having up-or-down votes. If we distort the record of people, I think that—I think both sides have done that from time to time, I am not saying deliberately, but nevertheless there have been some times where I think the Senate has not acted in the best form.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. HATCH. Yes, without losing my right to the floor.

Mr. SCHUMER. I was pursuing this line of questioning before, and then somehow we turned to other people to ask questions. But when I asked my colleague before how he could say this about Judge Barkett, which is a reasonable thing for him to say—I do not begrudge him one bit. I do not think he has an ounce of discrimination in his body—how that was not anti-Hispanic, but opposing Judge Estrada was anti-Hispanic, he prefaced his remarks by saying, well, you are opposing not Hispanics but conservative Hispanics; you are anti-conservative Hispanics—was my friend from Utah being anti-liberal Hispanic when he opposed Judge Barkett or was he simply ignoring the fact that she was Hispanic—he said he did not even know—and instead opposing her on her views and her record, something at least to this Senator is not only legitimate but an obligation to know about the views and the record? So I would like to—

The PRESIDING OFFICER. The Senator is reminded to address the Senator through the Chair and in the third person.

Mr. SCHUMER. I thank the Chair.

So, Mr. President, I ask my colleague, the Senator from Utah, how one is any different from the other. And isn't, as it seems to most of us, one the mirror image of the other, either exactly blasphemous or equally pure?

Mr. HATCH. I believe the Senators can ask any questions they want. Like I say, no matter how dumb or stupid or intelligent or alert they are—I have seen both. In the case of Rosemary Barkett, I confess I never knew she was Hispanic. And even if I did, it would be irrelevant to me. Nor have I accused any Democrat of being prejudiced against Miguel Estrada because he is Hispanic. I do not believe that. I do not believe there is a prejudiced bone over there. I do not believe there is over here either. But I have said I believe our colleagues on the other side are filibustering because Miguel Estrada is a Hispanic Republican conservative nominated by President Bush, a Republican President.

I have also said I believe one of the reasons why there is such a vicious fight to stop him from going on the Court of Appeals for the District of Columbia is because my colleagues on the other side believe he is conservative, and believe he might tip the balance of the court. That is what we get when we get a President. That is what we get when we vote.

If my colleagues on the other side disagree with Miguel Estrada, you have every right to vote against him. I think you shouldn't. There is no reason at all. I don't see one substantive reason so far, advanced by the minority, why he shouldn't sit on the court. Certainly, the fact he has no judicial experience in the eyes of the Democrats, that is not a valid reason.

Since we are talking about things I may have said about Clinton nominees, I have been in on hundreds, if not thousands, of judges since I have been in the Senate. Let me remind the Senator from New York what I said prior to the cloture vote on one Clinton nominee. I said: I personally do not want to filibuster Federal judges. The President won the election. He ought to have the right to appoint the judges he wants. I believe that with every fiber of my being. I think that is what you get when you get a President.

I didn't think most of President Clinton's judges—I would not have appointed most of them if I were President, but I was not President. And I submit I don't believe the distinguished Senator from New York would probably nominate the same judges as President Bush, but President Bush deserves the courtesy of having his judges voted up and down, and that is a courtesy not being granted for the first time in history.

When the minority mentions some cloture votes, we have no majority to make sure it is invoked. There was no filibuster to make sure the nominees get a vote up and down. I would be happy if my friends on the other side would do the same for this fine nominee, even if you disagree, and then vote no as some colleagues did. I voted yes on some of the most controversial judges because I start with the premise that the President deserves support, whoever the President is, as long as the nominee is qualified.

As much as I disagreed with Marsha Berzon, she was very qualified. She was one of the top labor lawyers in the country. I admit, some of my colleagues did not feel the same way as I did. I led the fight to put her on the bench. She personally came to me and thanked me, as did Judge Paez.

I would like to see the same fair treatment to Miguel Estrada. I don't see it here. I think I made a pretty good case it is not here and there is nothing fair about this process.

Mr. SCHUMER. If my colleague from Utah will yield for a final question.

Mr. HATCH. Without losing my right to the floor.

Mr. SCHUMER. One judge nominated to the same DC Circuit Court of Appeals, Mr. SNYDER—a fine judge, well respected, the highest ABA rating, same thing as Miguel Estrada in a lot of ways—never got a hearing, he never got a vote. He is from DC. There were no home State Senators to object to him, unlike Mr. Moreno.

I ask my colleague, why wasn't it very unfair not to let Mr. SNYDER have a vote on the very same circuit to which we are debating Miguel Estrada's entrance?

Mr. HATCH. I cannot answer that other than to say I wish we could have. He was not named for the 11th seat on the Circuit Court of Appeals for the District of Columbia, in contrast to Mr. Estrada who was nominated for the ninth seat. There is a real difference because there was a question whether the 11th and 12th seats at that time should have been filled. But the ninth seat certainly should be filled, and everyone I know agrees with that, including people on the Democrat side.

I wish I could have gotten them all through, to be honest. To also be honest, I don't know of an end of session where any Judiciary Committee has been able to get them all through. Frankly, I think you can go back in time and find more nominees left hanging when the Democrats controlled the committee at the end of the first Bush administration than we left at the end of the Clinton administration. You could go through all the statistics and criticize all you want and some criticisms are justified.

I wish we could have done a better job back then when I was on the Judiciary Committee. I give an illustration. Tomorrow we have a markup on three circuit court of appeals nominees. Some have indicated the Democrats will filibuster the markup. One person on that markup is Mr. Roberts, who has been sitting there for 11 years. Mr. Paez sat there for 4 years, but he got a vote and he is now sitting on the Ninth Circuit Court of Appeals. Mr. Roberts has been sitting there for 11 years and has had three nominations by two different Presidents and is considered one of the two greatest appellate lawyers in the country by Supreme Court Justices and many others. There is not anything you can find against him other than he is appointed by President Bush, a Republican President, and he may be conservative. I don't know whether he is or is not, but he has been held up for 11 years through three nominations.

I have been informed that there may be a filibuster in committee tomorrow. That would be the first filibuster that I have seen in my 27 years on the Judiciary Committee. If that is true—I cannot believe it is true. I believe my colleagues would allow votes and allow them to come to the floor in an orderly fashion. I have to say that I hope that is not true. If that is true, then I think any reasonable person can conclude that my colleagues on the other side are not willing to do their constitutional duty to fill the courts with the President's nominees.

I will stay here all night and debate my record with the Senator from New York or anyone else, but this has nothing to do with the——

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I am answering a question.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I will stay all night to debate my record in comparison to any Democratic record. That has nothing to do with whether or not Miguel Estrada should be confirmed. The only thing that has to do with is whether we vote. And I think it would be very unfair not to vote up or down on Miguel Estrada.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New York.

Mr. SCHUMER. I ask my final question. I have so many but I know the hour is late.

Mr. HATCH. I add one last thing on that. I cannot see any reason for this action against Miguel Estrada unless, of course, the opposition to Mr. Estrada, based upon what I have been hearing tonight, is really retribution for perceived past wrongs perpetrated against Clinton nominees when I was, in fact, one of the best assets you had in getting nominees through. I took a lot of criticism from the conservative right who I told to get lost. I have to say, in contrast to what I think is the liberal left who seem to have lockjaw control over my colleagues on the other side.

I yield for a question as long as I don't lose my right to the floor.

Mr. SCHUMER. The final question in relation to the hearing tomorrow, would the chairman of the committee, the Senator from Utah, just give us 1 day of questions for Mr. Roberts? As the Senator well knows, we had an unprecedented three court of appeals nominees before us in 1 day—all three controversial, all three very erudite. We never had that before. We took all day.

To his credit, our chairman waited until 9:30 but that is when the questions finished with Mr. Sutton and one of the reasons many Members find difficulty voting on Judge Roberts, who is a brilliant man. I would just like to ask some questions. We have not had a chance to ask questions.

I ask my colleague, if you give us 1 day of hearings on Judge Roberts, we would agree to vote the very next day. Would that be acceptable to the Senator?

Mr. HATCH. Of course not. Because we had a full day of hearings. Mr. Roberts was there, Mr. Sutton was there, Justice Cook was there. We went from 9:30 that morning to 9:30 at night, and I was prepared to stay all night if I had to. Any Senator could have come and asked any questions they wanted. Many Senators asked all the questions they wanted to at that time. Afterwards we kept the record open for Senators to read and review the record and submit any written questions that they wanted. We have had 2 weeks to do that.

There comes a time when you have to say let's treat these people fairly.

I know there is no reason in the world to hold up Mr. Roberts or the other two either. The fact that my colleagues spend all their time—not all their time but enough of their time interrogating Mr. Sutton, they still interrogated Mr. Roberts and Justice Cook. I think we should proceed and I think it is fair to proceed. I think the Senator said it right when he said he is a distinguished appellate lawyer, one of the best in the history of the country. I don't see any reason for the delays in these matters.

I was open, as I have always been, to any questions that the Senators from the other side wanted to ask. We stayed there for a very lengthy hearing.

Look, fair is fair. Let's treat these people fairly.

I hope my colleagues will not filibuster tomorrow because that will be the first time I recall a filibuster in the committee. If that is so, then it is clear that we have the politics of mass obstruction—which politics were suggested by two very ultraliberal law professors at a Democrat retreat in 2001. If that is true, then this is all part of the game, to slow down everything in the judiciary no matter how many emergencies we have, and we have plenty, and to stop President Bush from having his judges confirmed.

I don't think it is fair. I don't think anybody else who watches it thinks it is fair. I call upon my good friends to be fair.

I have to say, I like everybody in this body. I care for everybody in this body. I care for my friend from New York and he knows it. I know he cares for me. But it is time to wrap it up and say, look, you have had your shot. And knowing you, you always take your shot. I should not be talking to you personally, I acknowledge to the Chair. My friend from New York is not known for shyness, but he is known as a fair person and he is known as a good lawyer, at least by me. I am asking him to help be a leader on that committee. I am asking the distinguished Senator from New York and others to be leaders on this committee, to help us do our job, to help fill these courts.

Yes, you may not like him. My colleagues on the other side might not like the nominees of President Bush any more than we liked the nominees of President Clinton. But I put them through. Like I say, President Clinton, he would have been the all-time champion in confirmation had it not been for Democratic holds on your side. So I think we were fair. I would like you to be fair to our people.

If there are no further questions, I would like to make a statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask the Senator to yield for one question.

Mr. HATCH. Without losing my right to the floor.

Mr. SESSIONS. I say to the Senator, I know in the heat of this debate some on the other side have seemingly questioned the fairness of your leadership. I know they have not had the opportunity to be in Republican conference when you have been absolutely consistent with the views you expressed here on the floor to the Republicans who may have had different views. Would you share with us what you have advised Republicans in meetings about the impropriety of filibusters and how you have been consistent in that and other issues that arise on matters here today?

Mr. HATCH. I thank my colleague for asking that question because everybody knows, including my friends on the other side, that I argued vociferously against the few who wanted to filibuster on our side.

I expect my colleagues in good faith to argue on their side against that. It is a dangerous thing to do. It is a wretched thing to do, filibuster a judge. It is the first time in history. If they want to filibuster some judges, why would they pick on the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia, a man who suffers from a disability yet rose to the top of his profession. He came up the hard way. He fulfilled the American dream, a man who is an example to every young Hispanic person in this country, and to me. He is an example to me, and I think everybody in this body.

Why wouldn't we let this fellow have an up-or-down vote like we always did? We always made sure that, regardless of the reason for a cloture vote, we made sure that cloture was invoked and a vote up or down occurred.

I have to say, I think there is an element of unfairness here that I have not seen in my 27 years in the Senate. It is a shame that it is happening against the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia, who has not had a glove laid on him. And because they can't find anything wrong, they want to go on fishing expeditions long after they held their hearing, and then try to justify this holdup and this filibuster for those reasons. It is unbelievable to me.

Look, I made this point before and I am going to make it one more time and I hope everybody in America watches this. The Senate Democrats held a retreat. They can't deny this. It has been reported thoroughly. They were given suggestions by at least two very liberal law professors. Once President Bush became elected, these law professors, wanting to promote only their ideology, suggested that, No. 1, bottle up the nominees in committee. If we have a filibuster tomorrow, they are fulfilling that part of their suggestions of mass obstruction.

We have a filibuster now here on the floor, but I will get to that. Then they said: If you can't bottle them up in committee, then inject ideology into the confirmation process, and that is exactly what has happened. Some of the Senators on the other side have demanded to know the ideology of the nominees, as if that is relevant. And every nominee, and especially Miguel Estrada, if you read his answers to questions, has said we will abide by prior precedent. We will observe the principle of stare decisis. We will rule in accordance with the law and with the rule of law. So there is no reason to inject ideology because they said they would put their own personal beliefs aside. Miguel Estrada said that on numerous occasions in response to questions by the Democrats.

If they can't win on injecting ideology, and we are seeing that at every step of the way here now, then seek all unpublished opinions. I will never forget Dennis Shedd. He was chief of staff to Senator Thurmond on this committee, one of the nicest people we have ever had work on this committee. I would compare him to Ron Klain, two really nice guys, two really smart guys, two really decent people, two wonderful attorneys. Ron Klain was Al Gore's top aide, and at the time I believe he worked on the Judiciary Committee. I can't remember which Senator he worked for at the time, but he went throughout the whole campaign with Al Gore. He was one of his top advisers. He is one of the top lawyers in this city and he is a personal friend. I admire him.

But when they couldn't get Judge Shedd in any other way, they requested all his unpublished opinions. He has been serving for over 10 years. Where are those unpublished opinions? Published opinions are where the judge writes an opinion and it becomes published and printed in some law book. Unpublished opinions are stored in repositories. To get 10 years of unpublished opinions took thousands and thousands of hours, an estimated $75,000. They had to go to Atlanta, as I recall, to do this, all for the purposes of a fishing expedition, hoping to find just something to hang on Dennis Shedd, who is a well-respected Federal district court judge. That is the kind of crap they had to go through.

I understand one of these professors at that infamous retreat will be here tomorrow to speak to the Democrats and possibly continue to misguide them.

Then they said if bottling him up in committee doesn't fully work—of course it will work for a while, which we may see tomorrow if they filibuster these judges, inserting ideology into the confirmation process. If that doesn't work then, if they are judges, seek all unpublished opinions and see if you can find something to pin on them to defeat them. If that doesn't work, then do this: Seek privileged internal memoranda, which they are trying to do in this case without one ounce of justification, to try and get into the actual memoranda written by Miguel Estrada in his job, in his duty as an Assistant Solicitor in the United States Solicitor General's Office, in three areas: his recommendations on appeal, his recommendations on certiaria, and his recommendations on amicus curae matters. Never in the history of the Justice Department has the Solicitor General's Office ever been willing to give up those privileged documents; and they shouldn't. It is the phoniest, most unjustified request that I have seen in a long time, and I have seen a lot of phony, unjustified requests.

If all of that doesn't work—if bottling up doesn't work, injecting ideology, seeking all unpublished opinions, and if you can't get privileged, unpublished memoranda, then these law professors said to filibuster—for the first time in the history of the country, filibuster.

That is what we are going through right now. Isn't it a crime—well, maybe that is too harsh. Isn't it a shame and even despicable that they are filibustering the first Hispanic nominee for the Circuit Court of Appeals for the District of Columbia who has lived the American dream, who has the highest rating possible unanimously—and it is their gold standard—of the American Bar Association.

It is absolutely amazing that we are going through this. We have now been doing it for over a week. You would think this is a Supreme Court nominee. Of course, that is part of this. The whole purpose of giving Miguel Estrada a rough time is to say, Mr. Estrada, we don't want your kind on the Supreme Court.

That is really what the bottom line is here. That is why these professors are doing that—because this President has nominated some of the greatest lawyers in the history of the country on the circuit court of appeals. And every one of them has to be considered ultimately for the Supreme Court.

But this is a shot across the bow right now—that you had better darned well conform to a particular ideology or you are just not going to make it.

I hope our colleagues, those with clear minds and fair attitudes, will prevail on that side, as we had to prevail on this side against filibustering. If they don't, "Katie bar the door," because I am not sure I will be around next time to stop the filibusters—not to say that I am all that important. But the fact is, I did stop them the last time. There were only a few who wanted to do that. The vast majority of the Republicans said that would be awful, and I think the vast majority of Democrats ought to say the same. I think they ought to wake up and realize what they are doing. It is wrong. It is not fair to this President. I admit many of them do not like this President, but he is the President. It is unfair to the Judiciary Committee who voted this man out of committee. It is unfair to the process, which has always had an up-or-down vote once the person has been brought up on the floor. It is unfair to Miguel Estrada.

I think I have said all that I care to say this evening.

I yield the floor.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Miguel Estrada, who has been nominated by our President to serve on the United States Court of Appeals for the District of Columbia Circuit.

Article II, Section 2 of the Constitution provides the President with the authority to nominate, with the "Advice and Consent of the Senate," individuals to serve as judges on the Federal courts. Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the power to nominate, and the Senate has the power to render "Advice and Consent" on the nomination.

Article II, Section 2 of the Constitution places the composition of our Judiciary entirely in the hands of the President and the Senate. Therefore, in order for our Judiciary to effectively administer justice, it is incumbent upon the ability of the Executive and the Legislative branches of Government to work together.

Throughout the quarter century I have had the honor of representing the Commonwealth of Virginia in the United States Senate, I have conscientiously made the effort to work on judicial nominations with the Presidents with whom I have served. Whether our President was President Carter, President Reagan, President Bush, President Clinton, or President George W. Bush, I have accorded equal weight to the nominations of all Presidents, irrespective of party.

Based on the last several years, I am concerned that we as a body are no longer according equal weight to the nominations of our Presidents irrespective of party. The process has become highly politicized and, as a result, we are ultimately discouraging highly qualified nominees from serving in our Judiciary.

If we as a Senate continue to let partisanship remain the hallmark of the Senate's judicial confirmation process, and we hold up judicial nominees based on their party affiliation, then our judiciary will suffer.

Throughout my 25 years in the United States Senate, I have always carefully scrutinized judicial nominees and considered a number of factors before casting my vote to confirm or reject.

The nominee's character, professional career, experience, integrity, and temperament are all important factors. In addition, I consider whether the nominee is likely to interpret law according to precedent or impose his or her own views. The opinions of the officials from the State in which the nominee would serve and the views of my fellow Virginians are also important. In addition, I believe our Judiciary should reflect the broad diversity of the citizens in serves.

These principles have served well as I have scrutinized the records of over a thousand judicial nominees. One most recent instance that is important for us to remember is my support for the nomination of Judge Gregory to serve on the United States Court of Appeals for the Fourth Circuit.

Judge Gregory was first nominated by President Clinton and subsequently nominated by President Bush. Regardless of which President nominated Judge Gregory, the fact is that he was highly qualified for the federal bench.

Therefore, I supported his nomination when President Clinton nominated him late in the 106th Congress, and when President Bush nominated him early in the 107th Congress. Judge Gregory is now the first African American Judge to ever serve on the United States Court of Appeals for the Fourth Circuit, and he is serving with distinction.

Judge Gregory's qualifications were clear-cut. Regardless of which President nominated him, he deserved the support of the United States Senate.

The same is true with the nomination of Miguel Estrada.

Mr. Estrada has received a unanimous ranking of "Well Qualified" by the American Bar Association. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Estrada's resume is an impressive one. Born in Honduras, Miguel Estrada came to the United States at the age of 17. At the time, he was able to speak only a little English. But just 5 years after he came to the United States, he graduated from Columbia College with Phi Beta Kappa honors.

Three years after he graduated from Columbia, Mr. Estrada graduated from Harvard Law School where he was an editor of the Harvard Law Review.

Mr. Estrada then went on to serve as a law clerk to a Judge on the United States Court of Appeals for the 2nd Circuit and as a law clerk to Judge Kennedy on the United States Supreme Court.

After his clerkships, Mr. Estrada worked as an Assistant United States Attorney, as an assistant to the Solicitor General in the Department of Justice, and in private practice for two prestigious law firms.

Throughout his career, Mr. Estrada has prosecuted numerous cases before Federal district courts and Federal appeals courts, and he has argued 15 cases before the United States Supreme Court.

Without a doubt, Mr. Estrada's legal credentials make him well qualified for the position to which he was nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

Mr. President, Miguel Estrada's nomination is a clear-cut case. I urge the Senate to confirm his nomination.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know the audience has dwindled since this phase of this debate started at 9 o'clock. I apologize to the Presiding Officer and to the staff that has been here for 2 workdays already today. But it would certainly be unfair to the people who we represent on this side of the aisle for me not to say a few words to counteract and rebut the statements they have made for 3 hours.

First, I like President Bush. I certainly disagree with what my friend from Utah has said—that people over here dislike the President. I don't know if that is the case. President Bush is one of the most likable people I have ever met. I don't agree with a significant number of policies that he has enunciated, but that has nothing to do with disliking President Bush. This debate has everything to do with our constitutional prerogative under article II, section 2, of the Constitution that requires Senators to review the judicial nominations sent to us by the President of the United States. We have a right, we have an obligation to do that.

I will talk about a number of issues, but the first thing I want to talk about is the fact that cloture or filibusters on judicial nominations are well-established precedents; they have been long-established in this body and are appropriate in the context of Senate's Constitutional responsibility to advise and consent. There is no question that the use of filibusters has increased in recent years.

The Congressional Research Service reports that filibuster and cloture are used much more regularly today than at any time in the Senate's past. Approximately two-thirds of all identifiable Senate filibusters have occurred since 1970. Cloture was sought most frequently on nominations in the 103rd Congress; that is, in 1993–1994 when the House and the Senate were controlled by the Democrats, and the Republicans used the filibuster and cloture as the tool of the minority. In that Congress, cloture was sought on 12 nominations—judicial and otherwise, and invoked in only 4.

Cloture votes on judicial nominees are well precedented in recent history. Both Democrats and Republicans have sought cloture in response to debate on judicial nominations since the cloture rule extended to nominations in 1949. Cloture was not sought on the nominations until 1968 because prior to that concerns over nominations were resolved, or the nominee was defeated behind closed doors.

Since that time, all Senators who have served in this body have recognized that things have changed a great deal since 1968. There were very few votes, period, in the Senate in those early days. Now we have hundreds of votes in every session. From 1968 to 2000, there were 17 cloture attempts on judicial nominees. Of the 17 cloture attempts on judicial nominations, in 6 of them the Democrats were in the majority and in 7 of them the Republicans were in the majority. Of the 17 cloture attempts, 2 involved nominees to the U.S. district courts, 8 involved nominees to the U.S. court of appeals, and 3 involved nominations to U.S. Supreme Court.

Opposition to judicial nominations have been based on objections to judicial philosophy of the nominee, concerns that the nominee would treat all parties fairly on procedural grounds, and, in this instance, I might add, for lack of having information on the nomination given us by the President.

There is ample precedent for filibustering judicial nominations. Based on cloture votes, there have been, as I have stated, 17 filibusters on judicial nominations. Often there is extended debate on the nomination.

For example, the nomination of Clement Haynesworth to the U.S. Supreme Court was defeated after lengthy debate—7 days of debate. The nomination of G. Harrold Carswell to the U.S. Supreme Court was defeated after 12 days of debate in 1970. The nomination of Robert Bork to the U.S. Supreme Court in 1987 was defeated after 8 days of debate.

So when the majority says that filibuster on judicial nominations is without precedent, ask them about the filibuster led by Senator Thurmond—recently retired—in 1968 on the nomination of Justice Abe Fortas to be Chief Justice of the United States. Ask the majority about the filibuster in 1994 on the nominations, as we have heard tonight, on Barkett and Sarokin. Ask them about the nomination of Berzon, and Paez to the Ninth Circuit, and the scores of other judicial nominations that were held up by using extreme delaying tactics when the Republicans were in charge.

I stated earlier that of the 79 Clinton judicial nominations not confirmed in the first Congress, there were 31 circuit and 48 district court nominees. Fifty-nine of these were never allowed a vote by the Republican-controlled Senate—59 out of the 31 circuit and 48 district court judges. Out of the 79 judges, 59 of them weren't even allowed a vote. The Republicans didn't have to worry about a filibuster. They simply didn't bring up President Clinton's nominees.

As I have indicated, being more specific, 31 circuit court nominees and 22 were blocked from getting the vote and being confirmed. And I read into the RECORD all the names of the district court judges who simply were blocked from getting a vote and were not confirmed. I also read into the RECORD circuit court nominees who were not given an opportunity to be voted on, and certainly were not confirmed.

Now, it was the Framers' intent that we do exactly what we are doing now. And there have been a number of writings on that. It is very important we understand that what is being done here does not happen very often, but it does happen, Mr. President.

I personally—other than this right here—have been involved in only one other filibuster involved in nuclear waste. I am told that I hold the record as a first-year Senator for the longest filibuster in the history of the country. So I know what a filibuster is. Most Senators have never been involved in a filibuster. We have one here.

Why? Because we are in an area where we really do believe that the person who is being asked—Miguel Estrada—to be confirmed as a member of the DC Circuit is a person from whom we are entitled to get some information.

As I said to the majority leader, personally, and I have said publicly, there are only a few things that can be done in the procedural posture of which the Senate is now engaged. These are not in order of priority: No. 1, pull the nomination. No. 2, the leader or anyone can get a petition signed for cloture and try to invoke cloture. Or it would seem to me the other thing that we could do is have this man, who said he does not care, prevail upon the President to say: Give them those memos I wrote while I worked at the Solicitor General's Office. It has been done before, he should say. It has been done with Chief Justice Rehnquist. Senator LEAHY has the stack of those memos provided in Rehnquist's case. He wanted to become Chief Justice, Judge Rehnquist did. We said: We want to see those records, those solicitor general memoranda. We got them. We reviewed those. It has been done in other cases. So there is certainly precedent for that. Similarly we should be privy to Mr. Estrada's memoranda; Mr. Estrada should answer our questions.

I know my friend, the distinguished Senator from Utah, has stated: I have a book here with all the answers to these questions.

Well, earlier today, I compared Miguel Estrada's answers to the questions to a series of answers my grandson gave to questions my son asked him. He just turned 3 years old. And I will repeat it.

We have a home in Nevada. It is new. It is in Searchlight, NV. We have some new furniture in our new home. And we had my grandchildren and some of my boys there. And my little grandson, Wyatt, wrote on one of the couches with a pen. So his dad was upset, and he began to interrogate his son, my grandson.

He said: Did you do this? And little Wyatt said: No. So my son, becoming more concentrated in his interrogation of this 3-year-old boy, said: Well, who did it, then? And my 3-year-old grandson said: I don't remember his name.

Well, that is like the answers we have gotten from Miguel Estrada. They are answers that I compare to my grandson's answers. Sure, he said something. My grandson gave an answer. And if you printed that out in a book, it would fill up a sentence or so. And Miguel Estrada has filled up a book answering questions by not answering.

When we were in the majority, we could have stopped a lot of judges. We have heard people over here asking their questions to the distinguished chairman of the committee: Is this retribution? Is this vengeance? Well, we said, when we took over control of the Senate, that, in fact, if we wanted to really be mean spirited and treat the Republicans like they treated us, we could have stonewalled the appointment of judges. We said we would not do that. And our record stands: 100 judges in a period of 17 months. And just this past Monday we voted unanimously for three additional judges.

And we will vote for a lot more.

We believe this man, Mr. Estrada, has some serious problems. We believe we have a few questions we want Miguel Estrada to answer. As I have stated, Miguel Estrada's answers to the Judiciary Committee's questions are just like on this chart: a big blank. We do not know any more, other than the tone of his voice in what he said, what he knows. With the answers he gave, we do not know anything more than when we started the Judiciary Committee hearing.

And if we want to talk a little bit about his legal philosophy, I think it is important because my friend, the distinguished chairman of the committee, said he wanted to know about—I cannot remember all the names. Marsha Berzon, Richard Paez, all the names he mentioned—he wanted to know if they were judicial activists, wanted to know their judicial philosophy. And he said, with a couple of them, they were judicial activists. He said he knew that, but he felt—for example, for Paez, Senator HATCH is absolutely right, he interceded with Richard Paez and was able to help get that nomination through. No question. Senator HATCH made a very valid, honest statement. But even then, he knew in his mind what the judicial philosophy of Richard Paez was.

We do not know what Miguel Estrada's legal philosophy is. We do not know. For example, a question by Senator DURBIN, a Senator from Illinois, asked: Give us an idea of some Supreme Court opinions with which you disagree. He had no opinion.

And as we talked about earlier today, I wonder if some people who have not been to law school, maybe have taken a course in constitutional law in undergraduate school—and if you are a lawyer like he is—couldn't you dig up maybe the Dred Scott decision that said slavery was legal and constitutional? I don't think he agrees with that. Couldn't he have let us know?

Here is Miguel Estrada's legal philosophy: a big blank. To say he has represented clients as a private lawyer is no answer, provides little insight into his philosophy.

As I said earlier today, I have been to trial lots of times. I have tried cases before courts over 100 times, presented the client's case to a jury. And a jury had to arrive at a decision based on how I conducted that case. But after having reviewed every case that I tried, there would be no way of determining what my judicial philosophy is because every time I went to court, I was representing somebody charged with murder, or someone who was charged with robbery, or I was representing someone who was trying to get money as a result of a wrongful eviction from an apartment house, on and on with all the different cases that I tried. From that, no one would know what my judicial philosophy would be because I was representing individuals in cases.

So to say, Estrada has argued cases, why don't you look at the cases he argued? That has nothing to do with his judicial philosophy. We want answers to questions, as we got answers to questions from the 100 judges Democrats moved through this body when we were in the majority, and the three who were just approved, confirmed with us in the minority.

So we are entitled to know what Miguel Estrada's legal opinions are. You see, the reason we are making such a big deal about trying to get these memoranda from his work at the Solicitor General's Office is that it may give us some idea how he stands on legal issues.

He won't tell us, so maybe we can find out from reviewing some of the papers he has written while he was employed. That is why we are concerned. We are concerned because we honestly believe we have a constitutional obligation to review this man's records.

Let me just say there has been a lot of talk tonight. There are TV ads running as we speak. By the way, these TV ads are being paid for by an organization, the "Committee for Justice", that was founded by the man who gave Miguel Estrada the rating from the American Bar Association, Fred Fielding. Mr. Fielding is the one who started this group, and he is running ads against us. That is an interesting proposition. At the ABA, the person who reviewed and interviewed Miguel Estrada, gave his recommendation to the ABA—and they accepted what he told them—is a person who formed this committee that is running ads against us. They are running all over the country.

It seems to me the ABA has a slight problem. According to their manual:

> No member of the Committee shall participate in the work of the Committee if such participation will rise to the appearance of impropriety or would otherwise be incompatible with the purposes served and functions performed by the Committee.

The ABA better review this procedure they have, make sure their reviewers comply with it.

What these ads Mr. Fielding is running are saying, among other things, is that we are anti-Hispanic. That's the rhetoric of my friends on the other side of the aisle.

We have been accused by one Senator of sending the message "if you are a minority and a conservative, we hate you." The distinguished chairman of the committee said: "Hispanics face a new obstacle from Democrats who would smear anyone who would be a positive role model for Hispanics."

I am disturbed by the hyperbole, the rhetoric being used to propel the nomination of Miguel Estrada to one of the most powerful courts in the United States, the DC Circuit. I am at a loss to understand it as anything other than an attempt to silence Senators who today seek to exercise their constitutional duty to decide whether this judicial nominee merits support.

Let no one within the sound of this Senator's voice be mistaken: We are not going to be intimidated from fulfilling this constitutional role.

We know these statements about Democrats are false. The Hispanic community, the American people, and my colleagues know the truth: The Democratic party has put the vast majority of Hispanic appellate court judges on the bench. This is the first Hispanic circuit court nomination we have ever received from the President. This is the first one, Miguel Estrada.

As important as our record on Hispanic judges, the Democratic party is the champion of issues of importance to the Hispanic community, from fair labor practices to immigration to protection of civil rights.

To recount our record: Of the 10 Latino appellate court judges who are now serving, 80 percent were appointed by Democrats. Several of these nominees were denied Senate consideration for years, while the Republicans controlled the Senate. Judge Paez, we have heard about that. Thirty-nine Republicans voted against his nomination. Judge Sonia Sotomayor, nominated to the Second Circuit, was similarly stalled. Her confirmation took 433 days. Twenty-nine Republicans voted against her confirmation.

And then there were the Hispanic nominees who were denied hearings or even votes by Senate Republicans during the Clinton administration: Jorge Rangel, Enrique Moreno, Christine Arguello, Ricardo Morado, Annabelle Rodriguez. These facts and these names bear witness to the false claims made by my colleagues on the other side of the aisle.

Despite these facts, Democrats don't believe that turnabout is fair play. Where President Bush has sent the Senate open and direct nominees, those nominees have won swift confirmation in the Democratic-controlled Senate. President Bush has nominated eight Hispanic Americans to the Federal district courts, four have been swiftly confirmed: Judge Christina Armijo, Judge Philip Martinez, Randy Crane, Jose Martinez.

This anti-Hispanic rhetoric is a red herring.

Mr. Estrada's background has nothing to do with my concerns. The red herring nature of this debate is belied by the fact that leading Latino groups don't support Estrada. They include the Congressional Hispanic Caucus; the Puerto Rican Defense and Education Fund; the Mexican American Legal Defense and Education Fund; the National Association of Latino Elected & Appointed Officials; the National Council of La Raza; National Puerto Rican Coalition; Puerto Rican Defense and Education Fund, California La Raza Lawyers.

These groups are joined by scores of others in opposition to Estrada, including the Leadership Conference on Civil Rights, the Alliance for Justice, the National Organization for Women, the National Association for the Advancement of Colored People, People for the American Way.

These groups are all dedicated to assuring equal opportunity in America, protection of minority rights, and advancement of the public interest. They, like many of my colleagues, are deeply concerned by Mr. Estrada's limited record and his unwillingness to engage with the Senate in an open and searching discussion of judicial philosophy and his record.

While we are talking about this, let me say there has been some talk that the Congressional Hispanic Caucus is split. There is some dissension among the ranks, some claim. The 20 members of the Hispanic Caucus are unanimously opposed to the nomination of Miguel Estrada.

A release was issued yesterday where Ciro D. Rodriguez, a Member of Congress from Texas, chairman of that caucus, said:

> It is disheartening to see that Members of the Republican Senate continue to make misleading and unfounded statements regarding the Congressional Hispanic Caucus's opposition to the Bush nominee Miguel Estrada. The [Congressional Hispanic Caucus] will continue to stand by its unanimous opposition to this unqualified nominee and will not waiver.
>
> Senate Republicans continue to hit below the belt, insulting Hispanic Members of this Congress who have been elected to serve as a voice for the people in their community. Today Senate Judiciary Chairman Orrin Hatch continues to make misleading, partisan swipes. He incorrectly claims that the [Congressional Hispanic Caucus] is split in its opposition, and he mischaracterizes our arguments. Yesterday, the [Congressional Hispanic Caucus] released a letter to Senator Hatch demanding an apology for comments he made during Senatorial debate, likening Members of the [Congressional Hispanic Caucus] "to the lioness eating her cubs."

They go on to say:

> We have yet to receive an apology or even an acknowledgement from the Senator that his comments were out of line and insulting.
>
> The [caucus] has supported numerous highly qualified Hispanic appointees by the Bush administration. We oppose Mr. Estrada based on our review of his inadequate qualifications for what is viewed as the second most powerful court in the Nation.

There has been a lot of talk about LULAC being so widely in favor of Miguel Estrada. Mario G. Obledo, who is a recipient of the Presidential Medal of Freedom Award, past national President of LULAC, cofounder of the Southwest Voter Registration and Education Project, first general counsel and past president of MALDEF, cofounder of the Hispanic National Bar Association, founder of the National Coalition of Hispanic Organizations, opposes the confirmation of Miguel Estrada.

He says, among other things:

> I write to join other Latino civil rights organizations in opposing the confirmation of Miguel Estrada to the D.C. Circuit Court of Appeals. My history in the Latino civil rights community is lengthy. I am a past National President of LULAC, a co-founder of the Southwest Voter Registration and Education Project, the first General Counsel and later President of MALDEF, as well as a cofounder of the Hispanic National Bar Association. I am a recipient of the President Medal of Freedom Award, this nation's highest civilian honor in recognition of my involvement with civil rights. I have been an attorney for 43 years, and a former member of the faculty of Harvard Law School. I was formerly the Secretary of Health and Welfare for the State of California. I am the founder and President of the National Coalition of Hispanic Organizations. I mention some of my past and current work in the Latino community so that there is an understanding of how intertwined my life has been and still is with the betterment of my community.
>
> My opposition to Miguel Estrada's confirmation is based upon the following. First, I believe that Mr. Estrada showed himself unwilling to allow the Senate to fully evaluate his record. He was less than candid in his responses. Yet, Mr. Estrada, as every other nominee who is a candidate for a lifelong appointment, must be prepared to fully answer basic questions, particularly where, as here, there is no prior judicial record and no legal scholarly work since law school to scrutinize. He declined to give full answer to many of the questions posed to him by the Senate Judiciary Committee. When he did give answers, those answers raised troubling doubts concerning his ability to be fair.
>
> There are serious questions raised by his sparse record on basic civil rights and constitutional matters. It is unclear that Mr. Estrada would recognize that the First Amendment protects the rights of Latino youth to congregate and associate on public streets. It is also likely that Mr. Estrada would not place proper limits on law enforcement as required by the Fourth Amendment. Given his views of enumerated rights, there are serious questions whether he would recognize a suspect's right not to make incriminating statements. His record leads me to conclude that he would not take seriously and fairly Latino allegations of racial profiling by law enforcement. Based on his actions in pro bono litigation, there is a question whether he believes that organizations which have long represented the interests of communities would have the right to represent those interests in court. In addition, his views concerning the continued viability of affirmative action programs are also suspect.
>
> Given these concerns, I oppose the confirmation of Mr. Miguel Estrada.
>
> Finally, I am dismayed and disturbed with the tone that has been adopted by some of Mr. Estrada's most vocal supporters. Instead

of focusing on the merits, they have resorted to name-calling and insults. If they cannot obtain sufficient support for Mr. Estrada on the merits alone and can only gain it by falsely accusing Senators of being anti-Hispanic or accusing Latino organizations who oppose him of "selling out" their people, then it does make one wonder whether Mr. Estrada deserves the life-term appointment after all. There are some brilliant lawyers who cannot serve as fair and impartial jurists. I now conclude that Mr. Estrada may be a very talented lawyer but he cannot serve as a fair and impartial jurist. His nomination should be defeated.

Mr. President, we also have a letter dated today, from the League of the United Latin American Citizens, LULAC, addressed to Senators DASCHLE and HATCH. Among other things, this letter goes on to say that the LULAC organization supports Miguel Estrada. But the second paragraph says:

> We are extremely disappointed that his nomination became mired in controversy. That said, we are alarmed by suggestions by some of the backers of Mr. Estrada that the Senate Democrats and members of the Congressional Hispanic Caucus are opposed to the nomination because of race, ethnicity, and Hispanic bias. We do not subscribe to this view at all, and we do not wish to be associated with such accusations.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, February 12, 2003.

Hon. ORRIN G. HATCH,
Washington, DC.
Hon. THOMAS DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH AND SENATOR DASCHLE: As you are aware, the League of United Latin American Citizens, has taken a position in support of Miguel Estrada for the D.C. Circuit Court of Appeals based upon our review of his qualifications and legal record. We believe that he is an extremely well qualified nominee with an outstanding legal record that demonstrates his knowledge of the law, his solid judicial temperament, and his ability to set aside any personal beliefs he may have and make sound legal arguments based on the constitution and precedent.

We are extremely disappointed that his nomination has become mired in controversy. That said, we are alarmed by suggestions from some of the backers of Mr. Estrada that the Senate Democrats and the members of the Congressional Hispanic Caucus are opposing his nomination because of his race, ethnicity or an anti-Hispanic bias. We do not subscribe to this view at all and we do not wish to be associated with such accusations.

LULAC has had a long and productive working relationship with many Senate Democrats and all of the members of the Congressional Hispanic Caucus and our experience is that they would never oppose any nominee because of his or her race or ethnicity. On the contrary, it is most often the Democratic members of the Senate who support LULAC's priority issues and score highest on the National Hispanic Leadership Agenda's congressional scorecard which LULAC helps to compile. Nine times out of ten it is the Congressional Hispanic Caucus that is the champion or our legislative priorities as outlined in the enclosed LULAC legislative platform.

Nevertheless, the under representation of Hispanics in the Federal judiciary is of great concern to our organization and we have consistently encouraged both Democratic and Republican Presidents to appoint more Hispanics to the Federal courts. Hispanics, however, remain severely underrepresented in the judiciary comprising only 3.8% of federal judges while making up 14% of the US population.

Consequently, we do not support the attempts of either party to prevent qualified, fair-minded, Hispanic nominations from moving forward for a timely confirmation vote. While we clearly believe that the filibuster of Miguel Estrada is unfair, we also believe that the delay of many of President Clinton's Hispanic nominees including Richard Paez, Enrique Moreno and Sonia Sotomayor were unfair. It would be in the best interest of both Democratic and Republican Senators to encourage more Hispanic nominations to the federal courts and to avoid embroiling these nominees in the partisan disputes that prevent the consideration of these candidates based on their merits.

Sincerely,

HECTOR M. FLORES,
LULAC National President.

Mr. REID. This letter goes on to say they have had a longstanding relationship with us, the Democrats; and basically it goes on to say that they support Latino nominees for courts. They want more.

Mr. President, we have heard statements here that we don't need these memoranda Mr. Estrada wrote when he was in the Solicitor General's office; other people have not had to give them, so why should he? Other people have turned these memos over is the short answer. Another answer is that Mr. Estrada—going to why it's so important here—is that he has virtually no other record for us to examine. The other side of the aisle, my colleagues, have called the request for these memos unprecedented. Senator LEAHY produced a number of actual Solicitor General memos turned over in the past.

We have heard a lot about Mr. Paez and about Marsha Berzon. Let me take them as an example. This woman was asked to produce the minutes of meetings she attended when she was a member of the ACLU, American Civil Liberties Union. My colleagues went further and even required Ms. Berzon to supply the minutes of the meetings of the ACLU while she was a member even if she didn't attend the meetings.

We don't want to go nearly that far. We want to find out what is in the memoranda. It is not unprecedented. My friends have said these documents are privileged. Everybody in this body knows that the attorney-client privilege doesn't apply to the Senate. In the 15-page letter that the President's lawyer, Mr. Gonzalez, wrote back to the Senate today—actually to Senators LEAHY and DASCHLE in response to our request to produce these memoranda—even Mr. Gonzalez recognizes that these are not privileged. Both the House and the Senate have explicitly rejected calls to incorporate that privilege into our rules. A judgment has already been made that to do so would impede our ability to do our work, and would impede it certainly with this nomination.

My friends on the other side of the aisle have implied that our requests are dangerous. I don't believe that. They have implied it would cripple the Solicitor General's office if these memoranda were released. The office functioned just fine after we got the information from Bork and Rehnquist. The Solicitor General's office survived just fine. We knew when we asked for that information before that it was on a very limited basis and it would only apply to them and not to everybody.

The administration claims that these documents—it reminds me of some other documents that this administration has tried to hide. I remember the Vice President and his National Energy Policy Development Group. We wanted to know if the Vice President met frequently with the oil companies in formulating the nation's energy policy. They went to court to stop that.

I would simply say here that what we are asking for is certainly fair and we should get it. It would be the right thing to do.

If the President and those on the other side of the aisle think so much of this man, it seems that is a very light step to take: to answer the questions and give reasonable, detailed answers, and not refuse to provide the memos that he wrote in the Solicitor General's office.

They say this is the first true filibuster. That certainly is not the case. There have been a number of filibusters—at least 17 on judges. Republicans have filibustered Democratic nominees. Republicans can call it what they want. Their attempts to invoke cloture walked, talked, and looked like filibusters—they were filibusters. They didn't have the votes to sustain any number of those instances.

There has been talk in the evening that the reason the judge from Texas, Judge Moreno, didn't get a vote is because there was no consultation; it had nothing to do with blue slips, simply with the fact that there was no consultation.

I ask unanimous consent that this letter be printed in the RECORD, dated April 28, 1997, from Charles Ruff, the attorney for President Clinton—like Gonzales is the attorney for President Bush now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, April 28, 1997.

Hon. ORRIN G. HATCH,
U.S. Senator, Russell Office Building, Washington, DC.

DEAR SENATOR HATCH: Thank you for taking the time to meet with the Attorney General and me.

As I told you, we are making every effort to send forward in the next weeks nominations for the senior positions at the Department of Justice, including Associate Attorney General, and Assistant Attorney General for the Civil Rights and Criminal Divisions, and the Office of Legal Counsel. We share your commitment to fill these critical positions at the earliest possible date and appreciate your willingness to work with us in achieving that goal.

With respect to judicial nominees, we recognize that, although the selection of judges is among the President's most important constitutional duties, senators from both parties have historically played an important role not only through their formal votes on such nominations but by providing their advice before a nomination comes to a vote. We are committed to achieving the fullest possible measure of bipartisan consultation before the President makes his selection of a nominee. As we discussed, the nature of that consultation should be shaped to meet the circumstances in particular states—the interests of the senators involved, the number and type of openings to be filled, and other factors. For example, we met recently with Senators Gramm and Hutchison to discuss their interest in having commissions review the qualifications of candidates, and my staff will be working with theirs to determine how best to implement such a process. Similarly, I understand that Attorney General Edmisten is working with Senators Nickles and Inhofe to develop a bipartisan process for identifying potential District Court candidates. And in Pennsylvania, Senators Specter and Santorum have worked with Congressman Murtha to establish commissions to review the qualifications of interested candidates. In addition to these formal vehicles for consultation, we have met and will continue to meet with Republican senators and their staffs to explore how best to obtain their input and to ensure that they are advised when the President is preparing to announce a nomination in their state.

I know that you fully appreciate the nature of the President's special prerogatives in this important area, just as we are sensitive to the special role played by the members of the Senate. We are grateful for your leadership and your assistance, and we will be happy to discuss further any specific issues that may arise relating to the nomination process.

Sincerely,

CHARLES F.C. RUFF,
Counsel to the President.

Mr. REID. Mr. President, he says, among other things:

> We are committed to achieving the fullest possible measure of bipartisan consultation before the President makes his selection of a nominee. . . .We met recently with Senators Gramm and Hutchison to discuss their interest in having commissions review the qualifications of candidates, and my staff will be working with theirs to determine how best to implement such a process.

So there was consultation.

This President does not abide by the advice and consent clause of the Constitution. Article II, section 2: We have a constitutional obligation to do just what we are doing. Republicans held up scores of Clinton nominations. These nominees were subjected to secret holds, given no hearings or even votes. On two separate occasions today, I have read into the RECORD the names of these people who simply were dumped without even a hearing.

My friends on the other side of the aisle did not make their objections known to the American people. We have in the light of day. They did not raise their objections in the light of day. They never engaged in debate like this because they hid behind secret holds.

Their assertion that holding up Miguel Estrada is anti-American, anti-Hispanic. I hope we have answered that assertion. This charge is simply without foundation. Democratic administrations have placed nearly all the judges who now serve at the appellate court level. The Democrat-controlled Senate expeditiously approved all of President Bush's Hispanic nominees to the Federal district courts.

We have done the very best we could to move forward on judicial nominations, and we have determined it was time to draw the line because we are entitled to more than a blank page.

Miguel Estrada's ABA rating means we should approve him. That is what we are being told. Of course, all should be reminded that the Republicans, when they were in the majority, got rid of the ABA rating. They did not want them to be part of the process. But now because Miguel Estrada got this ABA rating given by Fred Fielding, my colleagues have deemed the ABA the gold seal of approval.

Mr. Estrada did receive a well-qualified rating from the ABA, and he may deserve it, but it just does not look right. I am not here to in any way impugn the legal qualifications of a Harvard law graduate. I didn't graduate from Harvard. It is a fine law school. But let's not brag about this ABA rating, in the manner it was obtained.

While serving on the ABA review committee, Mr. Fielding founded the partisan "Committee for Justice" with C. Boyden Gray, another partisan Republican. There is nothing wrong being Republican partisan. It is part of our system. Some of my best friends are Republican partisans. But they should not be involved in giving people ratings at the ABA and then setting up committees and paying for ads—running partisan ads if somebody does not approve their nominee.

The committee is running untrue partisan ads against Democratic Senators in an attempt to keep us from performing our constitutional duty. When Fielding recommended Estrada's well-qualified rating, he was serving on President Bush's transition team and serving as a lawyer for the Republican National Committee. This does not seem quite right to me.

You have to ask yourself, when Americans hear that the ABA rates a nominee well qualified, do they think the President's foot soldiers in the effort to pack the bench play a major role in making that rating? I doubt it.

You have to ask yourself, doesn't Mr. Fielding's dual role—purportedly "independent" evaluator and partisan foot soldier—violate the ABA's rules?

"Governing Principles of the Standing Committee on Federal Judiciary, Appendix," adopted by the ABA Board of Governors February 1988. I ask unanimous consent that this appendix be printed in the RECORD. It states, among other things:

> No member of the Committee shall participate in the work of the Committee if such participation would give rise to the appearance of impropriety or would otherwise be incompatible with the purposes served and functions performed by the Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX: GOVERNING PRINCIPLES OF THE STANDING COMMITTEE ON FEDERAL JUDICIARY

The Standing Committee on Federal Judiciary shall continue to direct its activities to evaluating the professional qualifications of persons being considered for appointment to the federal bench on the basis of predetermined and objective evaluation criteria which shall be provided prior to evaluation to persons whose qualifications are to be evaluated. The Committee will continue, if asked, to provide to the Attorney General and, following nomination, the Senate Judiciary Committee, its appraisal of the professional competence, integrity and judicial temperament of such persons.

In view of the special nature of the function performed by this Committee and the confidence reposed in the Committee's evaluations, the integrity and credibility of its processes and the perception of these processes are of vital importance.

No member of the Committee while serving as a member or within one year following such service, shall seek or accept a nomination to the federal bench.

No member of the Committee shall participate in the work of the Committee if such participation would give rise to the appearance of impropriety or would otherwise be incompatible with the purposes served and functions performed by the Committee.

Because confidentiality and discretion are of critical importance to the evaluation processes of the Committee, only the President of the Association, his designee, or the Chair of the Committee shall respond to any media or general public inquiries or make any statements to the media or general public relating to the work of the Committee.

The President of the Association shall take any action necessary to ensure adherence to these principles.

Mr. REID. Mr. President, Mr. Fielding's work in this so-called well-qualified rating does not meet the smell test. It certainly does not meet the test the ABA adopted.

We have also heard tonight, last night I should say at this point, that there is a vacancy crisis on the Federal bench. Yet when my colleague, Senator HATCH, served as chairman of the Judiciary Committee during the Clinton years, he declared that a vacancy rate of 67 judgeships on the Federal bench was "full employment" basically.

My colleagues have also asserted there is a crisis in the DC Circuit, noting there are four vacancies in the DC Circuit. I say to my colleagues, if they were concerned about such a crisis in the DC Circuit, why didn't they fill the vacancies? Do you know why? They said the court had too many judges; they did not need more judges. Even though we had well-qualified people, such as Elena Kagan and Allen Snyder, they said the court had enough judges to do the work they do.

They held them up so they could fill the court—hoping they would take the majority and the White House. They wanted their judges on this important court that rules on civil rights, workers' rights, environmental protections, women's rights, and a number of other issues.

Now suddenly the court that was jammed to the gills, which really did not need more judges, now needs them all.

We are going to help them fill vacancies because we believe the circuit needed the help when we were in the majority, when we had President Clinton as President. But one of those people we are not going to allow to go to the DC Circuit is Miguel Estrada unless we get the information we have requested.

Let me briefly state again that there has been some statement that the Solicitor General's memoranda are privileged. They are not. Senate rules do not incorporate the attorney-client privilege. Both the House and Senate have declined to adopt that privilege as part of their rules because we found it would impede our ability to do our work.

The wisdom of that is revealed in the debate of this nominee. He has written very little besides these memoranda, if anything. I understand he wrote one law review note in law school. My colleagues have opined providing these memoranda would decimate the Solicitor General's Office. As I established, it did not with the nomination of Bork when we got the information, it did not with Rehnquist when we got the information, it did not with Easterbrook when we got the information, and Civiletti and others.

Mr. President, this is, as Senator HATCH would call it, a true filibuster. They do not happen very often. There have to be strong principles involved, and there are. As I said last night, my friend from Utah can state as many times and in as many different ways he wants that there is not a problem with this nominee, and all I can say is, there is a problem with this nominee.

We, on this side of the aisle, try to be very fair, as does the other side of the aisle. We have a wide-ranging political philosophy on our side of the aisle, and it is not really often—because Democrats are noted for their independence—that we unite in this manner.

We do so here because important principles are at stake, because our constitutional duty is at issue. We do so because a nominee to a life-time seat on the second highest court in the land should engage with us in a forthright manner as he asks for the honor to one day pass judgment on important freedoms enjoyed by the American people.

It is not very often we join together in a cause, but we have joined together in this cause because it is wrong for Miguel Estrada to go rushing on to the DC Court of Appeals with a blank slate, our not knowing what his judicial philosophy is, not knowing what his record is. We want to know what he wrote when he had the opportunity to write memos when he was Assistant Solicitor General, and we want him to answer questions. We are entitled to know that. These are not outlandish requests.

The legal memoranda are a blank sheet of paper. His legal philosophy is a blank sheet of paper. His answers to the Judiciary Committee's questions are a blank piece of paper. We deserve more than that. The Constitution demands more than that.

Let me again apologize to the Chair for taking a few minutes this morning, but I believed it would be a bit of laziness on my part to walk out tonight, after having heard 3 hours of debate by my friend from Utah giving one side of the story, because this has two sides. This debate has two sides. Of course, we believe strongly that on a matter of principle we are right. The Republicans believe they are right. That is what the Senate is all about.

We are doing nothing that is unusual or untoward. That is what the Senate is all about. That is why the Founding Fathers gave the Presiding Officer and me the opportunity to serve, to represent a State. There are two Senators from each State. The small State of New Hampshire, with two Senators, has as much opportunity, right, and power in this body as the two Senators from California with 35 million people in it. That is what the Senate is all about.

In the long term, this debate is going to be extremely important and helpful to the Senate because what it means is Presidents in the future, when they send nominees to go on courts, are going to have to answer a few questions. They cannot send blank slates to become judges.

I apologize to the Chair and to the very tired staff. They have worked long and hard. The Presiding Officer and I will be home asleep, and these folks will still be working to prepare the RECORD and take care of things.

So I apologize to everyone for keeping them late. I know how hard they work and how important each of them really is to the Senate and the institution. I hope we can wrap things up pretty quickly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I think the Senator from Nevada spoke with his usual eloquence and none of us could tell he was up that early in the morning.

LEGISLATIVE SESSION

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 24, 2001, in Cincinnati, OH. Theodore Jenkins, 43, was savagely beaten and stabbed. Jenkins told police that he was attacked by five men who beat him with a nightstick and stabbed him four times in the back. The attackers used racial slurs during the beating, and police investigated the incident as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JACKIE ROBINSON

Mrs. BOXER. Mr. President, I am proud to join Senators KERRY and MCCAIN in co-sponsoring their bill to award Jackie Robinson the Congressional Gold Medal in recognition of his profound and lasting contributions to the cause of equality and civil rights in America.

Jackie Robinson has always been a hero of mine—initially because he was the greatest of all Brooklyn Dodgers when I was a young Dodger fan growing up six blocks from Ebbets Field, and later because I realized how he had changed America forever and for better.

Jackie Robinson was a peerless athlete who excelled in many sports and changed the way that baseball was played. He helped Brooklyn win five pennants and one unforgettable World Championship, when we no longer had to "wait till next year."

Even more important, he was a courageous pioneer who overcame tremendous pressure and prejudice to break the color line in major league baseball. It is hard for us today to imagine the obstacles he faced back in 1947, when our nation's schools, military, and public facilities were all strictly segregated. Overcoming taunts, assaults, and death threats, Jackie Robinson played baseball—and played magnificently. His grace, dignity, determination, and tremendous ability made him a hero to millions of Americans of all races and backgrounds.

Jackie Robinson once said, "A life is not important except in the impact it has on other lives." By this high standard, Jackie Robinson's life had monumental importance. As Senator KERRY pointed out when introducing this bill, Dr. Martin Luther King once said that he could not do what he was doing if Jackie Robinson had not done what he did. As our nation keeps struggling to realize Dr. King's great dream, we can salute Jackie Robinson as one of the fathers of that dream.

I urge all of my colleagues to honor this great American by co-sponsoring and passing this bill to award Jackie Robinson the Congressional Gold Medal.

AMERICAN HEART MONTH

Mr. TALENT. Mr. President, I rise today in recognition of February as American Heart Month. As a strong supporter of the American Heart Association, I want to make clear that prevention of heart disease should be a priority of health care funding. I have always believed that focusing resources on prevention will save lives as well as taxpayers dollars.

Heart disease is the leading cause of death in Missouri and in the United States. Almost 18,000 people in Missouri died of heart disease in 1999. Many women believe that heart disease is a man's disease, so they fail to perceive it as a serious health threat. Every year since 1984, cardiovascular diseases have claimed the lives of more women than men. And, the gap between male and female deaths continues to grow wider. The national statistics are even more startling. Heart disease is the number one killer of women in the United States, claiming more than 250,000 women per year.

Sadly, an American dies from cardiovascular disease approximately every 33 seconds. More than 61 million Americans—one in five males and females—suffer from heart disease, stroke or another cardiovascular disease. Stroke is the third leading cause of death in Missouri and in the United States. Almost 4,000 people in Missouri died of stroke in 1999. Heart disease, stroke and other cardiovascular diseases claim more lives each year than the next five leading causes of death combined.

We know the causes of cardiovascular disease—one of them is high blood cholesterol. High cholesterol is a leading risk factor for heart disease and stroke. Approximately 42 million Americans have total blood cholesterol levels of 240 milligrams per deciliter and higher. These individuals are considered at high risk for developing coronary heart disease, which leads to heart attack.

I know that something can be done to combat heart disease and save American lives, and that is why I joined Senator DORGAN in cosponsoring of The Medicare Cholesterol Screening Coverage Act of 2003. This legislation adds blood cholesterol screening as a covered benefit for Medicare beneficiaries, at a frequency and in a manner determined by the Secretary of Health and Human Services, (HHS). This is consistent with guidelines issued by the National Heart, Lung, and Blood Institute, which recommend that all Americans over the age of 20 be screened for high cholesterol at least once every five years. Currently, Medicare only covers cholesterol and other lipid testing for patients who already suffer from known disease such as heart disease, stroke, or other disorders associated with elevated cholesterol levels.

This bill also provides flexibility to allow the Secretary of HHS to cover future cardiovascular screening tests that might become the standard of care in the future, so that Medicare can keep pace with changes in medicine. Congress has already acted to cover other screening tests such as bone mass measurement, glaucoma screenings, and screenings for colorectal, prostate, and breast cancer. Now is the time to also extend Medicare coverage for cholesterol screening.

In recognizing February as American Heart Month, I urge my colleagues to act on The Medicare Cholesterol Screening Coverage Act of 2003, and I thank Senator DORGAN for his leadership on this issue. I also urge my colleagues to join me to prioritize legislation to help prevent heart disease.

JOANNE HULS

Ms. STABENOW. Mr. President, I rise today in both sadness and celebration because my longtime staff person friend JoAnne Huls has decided to leave the Senate.

I am sad because I am losing my trusted and valued deputy chief of staff who has been with me for a decade.

I celebrate because I am happy to see a dear friend move on to new challenges and I wish her the best of luck.

JoAnne—a native Michiganian—joined me as a college intern in 1993 when I was in the Michigan Senate.

She has been with me in a number of capacities, including during my tenure in the House of Representatives.

Then JoAnne came with me to the Senate, serving as my scheduler and my deputy chief of staff. She has also been with me through four campaigns, with the usual long hours, tense days and junk food.

All of us appreciate the work our staff does for us. They become like family. We often ask them to work long into the night and into the weekend for salaries far less than they could command in the private sector.

Why do they do it? I think that people like JoAnne Huls come to this institution and work hard every day out of a sense of dedication to their State and country.

And JoAnne also came here out of a sense of loyalty and dedication to me and to the issues we care deeply about.

I will forever be grateful to her for her hard work, commitment and friendship.

So thank you, JoAnne, good luck. I know you will make a difference wherever you are and I know you will continue to care deeply about our democratic process.

We are fortunate that people such as JoAnne Huls are willing to be in public service.

ADDITIONAL STATEMENTS

TRIBUTE TO MAYOR RICHARD C. LEE

• Mr. DODD. Mr. President, I rise today to pay tribute to an outstanding public servant, and a wonderful friend, former New Haven Mayor Richard Lee, who passed away last week at the age of 86.

My most heartfelt condolences go out to his wife, Ellen Griffin Lee, their three children, Sarah, Tara, and David, and the entire Lee family.

I share the grief of so many from my state of Connecticut, and from around the country, who knew Dick Lee as the heart and soul of New Haven, and as a visionary leader who transformed urban politics nationwide.

Mayor Lee will be best remembered as the man whose innovative urban renewal initiatives in the 1950's and 1960's engendered the rebirth of the city of New Haven. His pioneering efforts not only improved the lives of the people of

Connecticut, they served as a model for city revitalization projects across America. Generations of Americans have benefitted from the keen mind and passionate public service of Dick Lee.

Born and raised in the working-class Newhallville section of New Haven, Dick Lee never went to college. Nonetheless, he moved swiftly through the ranks of New Haven city government. In 1954, at the age of 37, he became the youngest mayor in New Haven's 365-year history. Despite his youth and lack of formal education, Dick Lee quickly became nationally known as one of the most savvy and sophisticated politicians of his time. He is now remembered as one of the most effective mayors in American history.

Under Mayor Lee's stewardship, New Haven became the recipient of more Federal aid per capita than any other city in the country. He used this influx of Federal resources to create a national blueprint for America's war on poverty, and to showcase innovative urban renewal initiatives, which were desperately needed in hundreds of cities nationwide.

In the early 1960s, Dick Lee launched Head Start, and dozens of equal opportunity and anti-poverty programs in New Haven, long before other cities across America began thinking of ways to combat urban blight and improve the lives of inner-city residents.

John Lindsay, Mayor of New York City, who called Dick Lee the "dean of mayors in this country," once said, "Sometimes my biggest problem is to develop something in New York that Dick Lee hasn't thought of first.

None of us will ever lose sight of that side of Dick Lee—the tireless visionary, extraordinarily effective leader, and dedicated public servant. But many of us also had the great good fortune to call Dick Lee a personal friend. And he was truly a wonderful friend. My father Thomas Dodd, myself, and the entire Dodd family have known the Lee family for generations. We will always treasure our many memories.

Mr. President, Dick Lee could have done many things with his life—he could have run for governor of Connecticut; he could have run for Congress; he could have taken a Cabinet position.

He chose to stay home—he chose to stay in New Haven. That's because Dick Lee embraced his city of new Haven as a beloved family member whom he could never leave. I speak for many when I say it is nearly impossible to imagine the Elm City without Dick Lee.

Dick Lee ultimately served 16 years as mayor of New Haven, 1954 through 1970, making him the longest serving mayor in the city's history. Through those years, he never lost sight of his working-class roots; even after emerging as a towering figure in urban politics, he continued to live for many years in his home neighborhood of Newhallville. And he never lost sight of what he believed to be his calling in politics: improving the lives of others. His greatest passion was always reserved for helping the most underprivileged among us.

Dick Lee was often credited with turning new Haven into a "model city." He would never accept that term. He once said, "I resent the term 'model city' . . . We're not a 'model city' if there is a single man who is unemployed, if there is a single slum home."

It has been said that the purpose of politics is to generate hope. Dick Lee followed that credo every day, and millions have so benefitted.

There weren't many leaders like Dick Lee back in the 1950's and 1960's, and there aren't many today. He helped improve the lives of so many people and will be greatly missed by so many more.

I would like to submit for the RECORD an extraordinary tribute to Mayor Lee, written by Mark Zaretszky in the New Haven Register, dated February 3, 2003.

The tribute follows.

FORMER MAYOR RICHARD C. LEE REMEMBERED FONDLY

NEW HAVEN.—Former Mayor Richard C. Lee, the longest-serving chief executive in the city's 365-year-history, will be remembered by the city he loved as the man who remade New Haven and, until his own health faltered, never missed a wake.

Lee—friend and adviser to presidents, pioneer of the urban renewal era, outspoken early critic of the Vietnam War and proud Irish American—died Sunday morning after a long bout with heart disease and diabetes. He was 86.

Lee, New Haven's 44th mayor, served a record eight terms from 1954 to 1969. He is survived by his wife, Ellen Griffin Lee, his children Sarah "Sally" A. Lee, David Lee and Tara Lee Croke and their families, including grandchildren Stacy, Lindsey and Elliott Lee.

"My youth has fled, but it was a really good life," Lee said a week before his death as he lay in bed Jan. 26 at the Whitney Center in Hamden surrounded by family and close friends. "The memories never disappear . . . No one can take them away from me."

Mayor Lee had a particularly good day the previous Saturday, according to Ellen Lee, spinning stories and laughing with family and other friends for hours and staying up until 10 p.m.

For part of the day last Sunday he wore a Boston Red Sox cap given to him by the late "Smokey Joe" Wood, the New Haven-born star pitcher who was his favorite Red Sox player and Lee's neighbor for many years.

A PASSIONATE MAN

"Dick was a passionate man," said Mayor John DeStefano Jr., who visited him several times during his last days. "He governed passionately, his likes and his dislikes were passionate and I think what animated his personality was his ability to feel emotion."

DeStefano, the city's 49th mayor, said Lee, who had been an adviser and confidante in DeStefano's nine years as mayor, frequently called him at night to talk about the city's goings-on, give advice when needed and pump him for gossip.

"It's a series of late-night phone calls I'll miss," DeStefano said.

What came through even in DeStefano's last visit to Lee "was this positive attitude," he said. "He was like some Runyonesque character who was a real bookmark of a time and a place in the city."

"Every day I go to work and I sit at his desk—the very desk that Dick Lee sat at—and I feel blessed . . . ," DeStefano said.

"He wasn't perfect. He failed at some things like all of us do. But you don't fail unless you're trying—and Dick was always trying. New Haven is just a blessed place for his service," DeStefano said.

YOUNGEST MAYOR

Mayor Lee, who took office on New Year's Day 1954 as the youngest mayor in the city's history, recast New Haven in broad strokes in the 1950s and 1960s—for better and, in the minds of some New Haveners, for worse.

Lee, a World War II Army veteran, defeated Republican incumbent Mayor William Celentano in 1953 to begin a half-century unbroken chain of Democratic rule in New Haven that continues to this day.

He brought in the best planners and social service professionals of the time, listened to what they came up with, dreamed big and made New Haven a "model city" watched across the nation.

And while some of the huge changes he brought to the city have not stood the test of time, he was respected—and, more often than not, genuinely liked—even by his critics.

Some have called him the most significant New Haven mayor since its first, Roger Sherman.

"Dick Lee was a tireless visionary, a wonderful friend, and one of the greatest mayors in American history," said Sen. Joseph I. Lieberman, D–Conn. "He loved New Haven and made it a much better city than it would have been without him."

Lee "was a mentor and inspiration to me in the early years of my career, and I learned from him that politics means having a vision, building coalitions to get things done, and remembering to enjoy yourself in the process."

Lieberman, whose house in New Haven for years was just two or three blocks from Lee's, was the 2000 Democratic vice presidential nominee. He is now a candidate for president in 2004.

"I'll never forget our first meeting, when in my capacity as Yale Daily News editor, I interviewed him at the Jewish Center health club, and quickly ended up riding around town with him to see the fruits of his successful urban renewal campaign," Lieberman said.

"That was the beginning of a lifelong friendship, and I will miss him tremendously," he said.

"Dick Lee is a legend in urban America," said U.S. Sen. Edward M. Kennedy, D–Mass. on the occasion of Mayor Lee's last big testimonial dinner in 1998. The senator has known Lee since John F. Kennedy was president and Robert F. Kennedy as attorney general.

During the 1960 presidential campaign, Lee was one of the first U.S. mayors to declare his support for JFK, and was a friend of the Kennedy family for years.

"He's one of the all-time great American mayors, and his eloquent leadership in tackling the challenge of our cities became an inspiration to Congress and the country," Kennedy said.

NEWHALLVILLE ROOTS

Lee grew up on Shelton Avenue in the city's working class Newhallville section at a time when it was lit by gaslights, and he continued to live there for several years after he became mayor.

He later moved to McKinley Avenue in the Westville section and stayed there until 2000, when his health forced him to sell his Tudor house and move with his wife to an assisted living apartment complex at Whitney Center.

Lee was a beloved figure to many New Haven, even to some of those who berated him for knocking down their neighborhoods.

By the time Lee became mayor, he had been an alderman and had worked as a reporter for the Journal-Courier, the morning paper owned by the Jackson family that also ran the New Haven Register; for the Chamber of Commerce and as director of the Yale News Bureau.

While Lee never went to college, he was always proud of the fact that Yale University in 1961 gave him an honorary master's degree. He was the first American mayor since New York's Fiorello LaGuardia to receive one and the first New Haven mayor since 1842 to be so honored.

In later years he was one of the Proprietors of the Green and a trustee at Albertus Magnus College. He also worked for the United Way, served as vice president and assistant to the chairman of Union Trust bank and had affiliations with the University of Connecticut and Quinnipiac University.

Julia M. McNamara, the president of Albertus, said Lee's affiliation with the college begun October 1925 when he was one of two altar boys at the opening ceremony of the Dominican facility. He was a trustee at Albertus for 17 years and was trustee emeritus at the time of his death.

"He brought with him all his wonderful experience and background and a tremendous spirit of faith. He was a man of great integrity who really, for us, was an inspiration," said McNamara, who became a close personal friend of Lee.

Longtime friend and New Haven Register Editor Emeritus Robert J. Leeney said Lee was totally dedicated to New Haven.

"After a long life of achievement, the significant fact about Dick Lee has been his lasting focus on the New Haven community into which he was born," said Leeney, who directed the newspaper's coverage for much of the time Lee was in office. "His affection and concern for hometown people and places never waned despite his political sophistication and his administrative skills."

Throughout his career, "he never worked more than a block or two from the central Green . . ." Leeney said. "The rhythm of this city was the rhythm of his life . . . His constant public service and warm personality have made Dick Lee's civic legacy a model of past energy and of future inspiration for the city he loved."

Lee's wake will take place Tuesday from 3 p.m. to 8 p.m. at Sisk Brothers Funeral Home, 3105 Whitney Ave. in Hamden. A Mass of Christian burial will be celebrated at 10:30 a.m. Wednesday in St. Mary's Church on Hillhouse Avenue.

A NEW BLUEPRINT

Under Mayor Lee, New Haven became a blueprint upon which much of the national war on poverty was modeled.

Lee's New Haven was the recipient of more federal money per capita than any other city in the country during the presidencies of JFK and Lyndon B. Johnson, when a total of $180 million was sent to Elm City.

It was in Dick Lee's New Haven that Head Start, legal assistance and various equal opportunity and anti-poverty were born, beginning was back in 1962, before the rest of the nation knew what those things were.

New Haven was one of six cities to initiate "human renewal" programs using Ford Foundation grants that fostered programs that were precursors to the national "Model Cities" legislation.

Lee and his administration, led early on by Development Administrator Edward Logue, also were responsible for huge chunks of the city's modern landscape: the Chapel Square Mall, the Coliseum and the Knights of Columbus building, Dixwell Plaza and the Dixwell Community "Q" House, schools, fire houses, a revived Wooster Square and the Long Wharf commercial strip.

But "I think to focus on the urban renewal projects would be to miss the point of Dick Lee's time as mayor," said DeStefano. "His terms in office spanned a period of time in which the character of America changed."

"With the suburbanization of America in the 50s and the dramatic social change of the 60s . . . the war, civil rights and the disturbances . . . in the city . . . I think the measure of his mayoralty (was) that Dick Lee kept the city together," he said. "Together in terms of sharing a direction, sharing a vision, creating hope, and from that hope, helping people lead complete lives."

As a new mayor, Lee assembled New Haven's first "professional" government. He listened to the talented people he hired and made New Haven one of the "model cities" of the time.

Then, as Lee's time in the mayor's office approached its end amid the tumultuous events of the 1960s, he saw the city's image tarnished when racial unrest erupted in 1967, something that took him by surprise.

As viewed today, Lee's eight terms in office, spanning 16 years from 1954 to 1969, were punctuated by such ironies. They also long ago were inscribed in 20th century political science and urban planning textbooks.

Douglas Rae, a professor of political science at Yale, who has just finished a book critical of some of Lee's legacy, offered no such criticism of Lee the man.

"He is New Haven's finest political creation of the 20th century—a man whose vision and humanity tower above other mayors and other public figures in that long period," Rae said. "The guy was absolutely remarkable."

HUMAN RENEWAL

"He was a great mayor," said former state Treasurer Henry E. "Hank" Parker, who came to New Haven from Poughkeepsie, N.Y. in 1957 to be program director for Winchester Community School as part one of Lee's "human renewal" programs.

"He opened the door to a city that needed the urban renewal that he indeed pioneered," said Parker, who became the first president of the New Haven Black Coalition in 1968 and ran for mayor himself in 1969, the year Lee bowed out. "Without that, we would have been even further behind."

Parker made history of his own when he became Connecticut's first black state treasurer in 1974.

What made Lee great?

Parker said Lee managed the tumultuous changes New Haven and all cities were going through in that era "better than anyone else of this time." He used his Community Progress Inc. and other programs to blend together urban and human renewal "like nobody else," Parker said.

Lee "was meticulous about government," Parker said. "He was willing to bring people into the administration who were smarter than he was" and listened to what they said.

"It wasn't the buildings" that made Lee significant, said DeStefano. "It was the people."

When Lee started as mayor, "the African American population was increasing but there was bad housing and old schools. There was discrimination," said former Mayor John C. Daniels, who met Lee as a high school student and was later introduced to politics when Lee appointed him to fill a vacancy on the Board of Aldermen.

"He was in the forefront of changing that," said Daniels who served as mayor for two terms from 1990 to 1994 and was the first, and still the only, African American to hold the office.

BRING IN THE BEST

Lee made it acceptable for mayors to reach outside of the city to bring in talented people, said former two-term mayor Frank Logue, younger brother of the late Edward Logue, who was Lee's right-hand man before moving on to help remake Boston and New York City.

"He put together energetic and creative people to be the key people in city government," Logue said. "As far as I know, he was the first guy to do that in a serious way . . . ."

One of the significant things about Lee is the extent to which even his critics respected him.

"He's really one of New Haven's heroic figures," said Vincent J. Scully Jr., Sterling professor emeritus in art history at Yale University.

Scully was one of the people who successfully opposed Lee-era redevelopment plans that would have knocked down the post office and federal court building that now bears Lee's name, the New Haven Free Public Library and Union Station.

But Lee "was a dedicated man," Scully said. "He really has to be regarded as New Haven's greatest mayor."

Lee sought advice from the experts of that time and "got the best advice he could," said Scully, a New Haven native. "I though a lot of it was very much a mistake . . . but that wasn't Lee's fault . . . He did what the experts told him to do . . .

Scully said the reaction to urban renewal spawned a new era for urban planners, led here by former New Haven Preservation Trust director Margaret "Peggy" Flynn.

"New Haven became the heart and soul of the New Preservation movement," he said.

To many people, Lee was the guy who saved New Haven. To others however, including many of those who lived along Oak Street and Legion avenue, neighborhoods he bulldozed for the never-completed Route 34 connector, he was a pariah.

But, according to one of his former top staffers, former Redevelopment Agency head Harold Grabino, "the 'wrecked New Haven' stuff is a lot of crap."

"It's unfortunate that it didn't hold," Grabino, now a New York City developer, said of Lee's bold effort to rebuild New Haven. "But without the attempt that was made, New Haven would have been in far worse shape than it was, a lot earlier."

Grabino remembers Lee as "very much a person-to-person politician" who worked masterfully to try to satisfy New Haven's diverse population and varying ethnic groups.

He also remembers him as a man who, after one particularly grueling day trip to Washington, D.C. to testify before Congress, insisted upon stopping at three wakes on the way home from LaGuardia Airport.

Joel Cogen, legal counsel for the Redevelopment Agency under Lee, said Lee really did believe in working with people in the neighborhoods. "It was an incipient thing at that time." He said the mayor was further hamstrung by the kind of federal money available, which favored demolition over renewal.

OUTLIVED LEGACIES

One of the ironies of Lee's life is how—despite infirmities that had doctors and his family worrying about his health decades before he died—he managed to outlive many of his legacies.

Those included his grandest, most symbolic and most celebrated project, which cleared three downtown blocks—angering dozens of business owners whose properties he acquired—to make room for Macy's, Malley's, the Chapel Square mall and what is now the Omni Hotel.

Since then, the Malley's building was leveled, Macy's closed and most of the merchants in the mall have been sent packing, although a new developer is on the scene with promises of upscale stores.

The three-block project was the largest physical component of Lee's urban renewal programs and many critics have viewed its decline as evidence of failure. Others, including DeStefano and some of Lee's former staffers, say the development served its purpose and now must be redone.

Lee came to terms years ago with the fact that even some of his grandest plans had faded.

"Well, we still have the hotel," he laughed, throwing up his arms in a shrug when asked about the state of downtown in 1998.

Lee even managed to outlive some of the huge public works projects intended to be his memorials: the Richard C. Lee High School closed in 1986; the Oak Street/Route 34 connector, which later was named for him, was never finished.

He joked privately at the 1994 dedication of the four block connector as the "Richard C. Lee Highway" that it was one of his greatest disappointments. "Let's just say it's an awfully short highway," he said.

Finally, in 1998 the federal government renamed the federal courthouse on Church Street after him—a memorial that is likely to remain standing for some time.

Appropriately, it was a building he once sought to knock down.

Lee recognized the contradictions of his legacy long ago and commented on it in a speech he delivered in 1980 when the U.S. Conference of Mayors gave him a public service award.

"For every failure we recorded, we had more than our share of successes," Lee said, referring to his entire generation of mayors, "and, by God, I'm proud of that era.

"We would dream, and we did; we would try, and we did," he said. "When we failed, we failed magnificently, and, when we succeeded, we succeeded sometime beyond our fondest expectations, and, after all, what's wrong with a record like that?"

He also recognized that even monumental plans have a limited shelf life.

"You know, we were swimming against the tide," Lee said, referring to the social and economic forces, led by the federal highway system, that literally took people and commerce out to the suburbs in the second half of the last century.

A LOCAL GUY

While Lee loved New Haven and chose not to move on to higher office, his fame was not just a local phenomenon.

"There were times when Dick Lee could have run for governor. He could have run for senator. He probably could even have taken a Cabinet position," said Daniels.

But "Dick loved being mayor of New Haven," said DeStefano. "It meant the world to him. Except for Ellen and his family, nothing meant more."

Recognition of Lee's dedication, innovation and leadership—and his role as an urban groundbreaker—cut cleanly across ideological lines and emanated far beyond New Haven.

In 1967, John Lindsay, the Republican mayor of America's largest city, called Lee "the dean of mayors in this country" and said, "Sometimes, my biggest problem is to develop something in New York that Dick Lee hasn't thought of first."

Conservative icon William F. Buckley Jr. once kidded that Lee, a liberal Democrat, "is excellently equipped to act as a mayor, particularly of impoverished cities which desire to mulct (extract) from the federal government funds to reify (make concrete) Mr. Lee's municipal visions."

A few days after Lee finally let go of City Hall in 1969, the New York Times in an editorial called him "one of the pioneers of urban renewal" and declared, "a significant chapter in American urban history was concluded."

While New Haven won widespread fame as one of the "model cities" of that era, Lee himself rejected that notion.

"I resent the term 'model city,'" he told the New York Post in August 1967, one week after five days of race riots erupted. "I have avoided it. I've hated it. We're not a model city if there is a single man who is unemployed, if there is a single slum home."

He told Time magazine soon afterward: "If New Haven is a model city, then God help urban America."●

MITCHELL AWARD

● Ms. CANTWELL. Mr. President, I come to the floor today to recognize and congratulate one of the eleven winners of the George J. Mitchell Scholarship, Miss Jasmin Weaver. Jasmin is a student at the University of Washington in Seattle and has been awarded this prestigious scholarship based on her academic excellence, leadership, and community service. Jasmin represents the third award winner from the University of Washington in the last three years.

The George J. Mitchell Scholarship, which is administered by the nonprofit U.S.-Ireland Alliance, was created to build bonds between American and Irish leaders and was named in honor of the respected former leader of this body who played an integral part in the peace process of Ireland. This scholarship allows university students the opportunity to do postgraduate study for a year at a university in Ireland. There were a record number of applicants this year, with nearly 300 students applying here in the United States.

This award has been particularly important for my home State, with three recipients of this award from the University of Washington in the last three years. Last year's award recipient was Matt Alexander and the previous year Dawn Hewett. I would like to personally congratulate all three winners of this award from our State and I know Washington students will continue their legacy of excellence through this award in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL DRUG CONTROL STRATEGY FOR 2003—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit the 2003 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (12 U.S.C. 1705).

A critical component of our Strategy is to teach young people how to avoid illegal drugs because of the damage drugs can do to their health and future. Our children must learn early that they have a lifelong responsibility to reject illegal drug use and to stay sober. Our young people who avoid drugs will grow up best able to participate in the promise of America.

Yet far too many Americans already use illegal drugs, and most of those whose drug use has progressed—more than five million Americans—do not even realize they need help. While those who suffer from addiction must help themselves, family, friends, and people with drug experiences must do their part to help to heal and to make whole men and women who have been broken by addiction.

We know the drug trade is a business. Drug traffickers are in that business to make money, and this Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can.

Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

MESSAGE FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 337. An act to extend certain hydroelectric licenses in the State of Alaska.

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.J. Res. 19. A joint resolution recognizing the 92nd birthday of Ronald Reagan.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 22. Concurrent Resolution honoring Czech Republic President Vaclav Havel.

H. Con. Res. 27. Concurrent Resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 22. Concurrent resolution honoring Czech Republic President Vaclav Havel; to the Committee on Foreign Relations.

H. Con. Res. 27. Concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1129. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Use of Transglutaminase Enzyme and Pork Collagen as Binders in Certain Meat and Poultry Products (01–016DF)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1130. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mandatory Inspection of Ratites and Squabs (0583–AC84)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1131. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Year (FY) 2002 (0583–AC89)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1132. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imazamx; Exemption from the Requirement of a Tolerance (FRL 7291–3)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1133. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interstate Movement of Gardenia from Hawaii (Doc.No. 01–042–2)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1134. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to Quarantined Areas (Doc. No. 02–114–1)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1135. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fruit and Vegetable from Hawaii (Doc. No. 00–052–2)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1136. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Used Farm Equipment from Regions Affected with Foot and Mouth Disease (Doc. No. 01–037–2)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1137. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area (Doc. No. 01–118–2)" received on February 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1138. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Air Pollution from Combustion of Refuse (FRL7442–1)" received on February 10, 2003; to the Committee on Environment and Public Works.

EC–1139. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination That State has Corrected Rule Deficiencies and Stay and/or Deferral of Sanctions, San Joaquin Valley Unified Air Pollution Control District (FRL 7451–1)" received on February 10, 2003; to the Committee on Environment and Public Works.

EC–1140. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a Violation of the Antideficiency Act at the Naval Facilities Engineering Command, Pacific Division, Pearl Harbor, Hawaii, in the amount of $671,700; to the Committee on Appropriations.

EC–1141. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a Violation of the Antideficiency Act at the Naval Facilities Engineering Command, Pacific Division, Pearl Harbor, Hawaii, in the amount of $34,713,000; to the Committee on Appropriations.

EC–1142. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a Violation of the Antideficiency Act at Phillips Laboratory, Space and Missile Center, Edwards Air Force Base, California, in the amount of $214,263.35; to the Committee on Appropriations.

EC–1143. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a Violation of the Antideficiency Act at Phillips Laboratory, Space and Missile Center, Edwards Air Force Base, California, in the amount of $666,000; to the Committee on Appropriations.

EC–1144. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant to law, the TRICARE Program Fiscal Year 2002 Report to Congress; to the Committee on Armed Services.

EC–1145. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1146. A communication from the Chief Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Identification Number (TIN) Matching Program (Rev. Proc. 2003–9)" receive on February 10, 2003; to the Committee on Finance .

EC–1147. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act with Canada, United Arab Emirates, and Australia; to the Committee on Foreign Relations.

EC–1148. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of the Definition of the Term "No Residue" in the New Animal Drug Regulations (RIN0910–AC45)" received on February 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1149. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Monetary Policy Report, received on February 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1150. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 68 FR 1550 (44 CFR Part 67)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1151. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 68 FR 1543 (44 CFR Part 65)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1152. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations 68 FR 1540 (Doc. No. FEMA–D–7533)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1153. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination 68 FR 1547 (44 CFR Part 67)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1154. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination 68 FR 1549 (44 CFR Part 67)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1155. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 67 FR 79879 (Doc. No. FEMA–7799)" received on February 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1156. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–614 "Urban Forest Preservation Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1157. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–613 "Electronic Recording Procedures Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1158. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–625 "Rehabilitation Services Program Establishment Temporary Act of 2003" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1159. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–626 "Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2003" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1160. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–617 "Mental Health Civil Commitment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1161. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–616 "Tax Clarity and Recorder of Deeds Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1162. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–615 "Procurement Practices Vendor Payment Authorization Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1163. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–624 "Bowling Alley and Billiard Parlor Temporary Act of 2003" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1164. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–623 "Tax Increment Financing Reauthorization Temporary Act of 2003" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1165. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–622 "Criminal Code and Miscellaneous Technical Amendments Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1166. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–621 "Removal from the Permanent System of Highways, a portion of 22nd Street, S.E. and the Dedication of Land for Street Purposes (S.O. 00–89) Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1167. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–620 "Council Review of the Exclusive Right Agreement for the Redevelopment of the Existing Convention Center Site Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1168. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–619 "District Anti-Deficiency Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1169. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–618 "Energy and Operational Efficiency Performance Based Contracting Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1170. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–627 "Local, Small and Disadvantaged Business Enterprise Program Temporary Amendment Act of 2003" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1171. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–579 "Vacant and Abandoned Properties Community Development and Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1172. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–580 "Establishment of the Capitol Hill Business Improvement District Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1173. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–581 "Closing of a 18.08 Foot Wide Public Alley in Square 4543 S.O. 01–3587 Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1174. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–582 "Closing of a Drainage alley and Portions of Burns Place, S.E. and C Street, S.E. and the Dedication of Burns Courty, S.E., Bay Lane, S.E. and Cape Drive, S.E. (S.O. 01–2143) Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1175. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–583 "Closing of Portions of Virginia Avenue, S.E., K Street , S.E., L Street S.E. and 7th Street, S.E. and Transfer of Jurisdiction of Reservations 19 and 124, S.O 02–2677, Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1176. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–585 "Closing of a Public Alley in Square 484, S.O. 02–601, Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1177. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–586 "Closing of a Portion of a Public Alley in Square 209, S.O. 02–1019, Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs .

EC–1178. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–588 "Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1179. A communication from the Chair, Federal Election Commission, transmitting, pursuant to law, the report relative to the Federal Election Commission's internal management control and financial management control systems; to the Committee on Governmental Affairs.

EC–1180. A communication from the Under Secretary and Director, United States Patent and Trademark Office, transmitting, pursuant to law, the Fiscal Year 2002 Management and Inventory Report for the Patent and Trademark Office; to the Committee on Governmental Affairs.

EC–1181. A communication from the Secretary of Veterans Affair, transmitting, pursuant to law, the Annual Performance and Accountability Report Fiscal Year 2002 for the Department of Veterans Affairs; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NICKLES, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE:

S. 364. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second Amendment; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. Craig, Mrs. Lincoln, and Mr. Cochran):

S. 365. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Schumer, Mr. Biden, Mrs. Boxer, Mrs. Clinton, Mr. Corzine, Mr. Dodd, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Reed, Mr. Sarbanes, and Mr. Wyden):

S. 366. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 367. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. Graham of South Carolina):

S. 368. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

By Mr. THOMAS:

S. 369. A bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. Wyden):

S. 370. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Environment and Public Works.

By Mr. DeWINE (for himself, Mrs. Clinton, and Mr. Reed):

S. 371. A bill to amend the Public Health Service Act to ensure an adequate supply vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS (for himself and Mr. Craig):

S. 372. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. Kerry, Mr. Akaka, Mrs. Clinton, Mr. Corzine, Mr. Dodd, Mr. Inouye, Mr. Feingold, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Mr. Reed, and Mr. Sarbanes):

S. 373. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Bunning, Mr. Enzi, Mr. Ensign, Mr. Crapo, Mr. Burns, Mr. Johnson, Mr. Bayh, Mr. Cochran, Mr. Inhofe, Mr. Allen, Mr. Nickles, Mr. Warner, and Mr. Miller):

S. 374. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mrs. Lincoln, Mr. Rockefeller, and Mr. Thomas):

S. 375. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program of 1; to the Committee on Finance.

By Mr. DURBIN:

S. 376. A bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. Breaux, Mr. Cochran, Mr. Johnson, Mr. Nelson of Florida, Mr. Voinovich, Mr. Reid, Mr. Santorum, Mr. Durbin, Mr. Chafee, Mr. Feingold, Mr. Lieberman, Ms. Stabenow, and Mr. Miller):

S. 377. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. Bingaman, Mr. Conrad, Mr. Baucus, Mr. Johnson, and Mr. Kohl):

S. 378. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Mr. Thomas):

S. 379. A bill to amend title XVIII of the Social Security Act to improve the Medicare incentive payment program; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. Carper, and Mr. Brownback):

S. 380. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. DeWine, Ms. Stabenow, Mr. Breaux, and Ms. Collins):

S. 381. A bill to provide the Secretary of Housing and Urban Development the authority to establish programs that serve intergenerational families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN (for himself, Mr. Campbell, Mr. Bingaman, Mr. Inouye, Ms. Landrieu, Mr. Johnson, Ms. Cantwell, Mr. Warner, Mrs. Lincoln, and Mr. Talent):

S. 382. A bill to amend title XVIII of the Social Security Act to provide for coverage of cardiovascular screening tests under the medicare program; to the Committee on Finance.

By Ms. STABENOW:

S. 383. A bill to amend the Solid Waste Disposal Act to prohibit the importation of Canadian municipal solid waste without State consent; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. Levin, Mr. Durbin, and Mr. Kennedy):

S. 384. A bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. Kerry):

S. Res. 55. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; to the Committee on Small Business and Entrepreneurship.

By Mr. NICKLES:

S. Res. 56. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. Inouye, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 138

At the request of Mr. Rockefeller, the names of the Senator from Illinois (Mr. Fitzgerald), the Senator from New Jersey (Mr. Corzine) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 215

At the request of Mrs. Feinstein, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 241

At the request of Ms. Snowe, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 241, a bill to amend the Coastal Zone Management Act.

S. 251

At the request of Mr. Lott, the name of the Senator from Virginia (Mr.

ALLEN) was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 265

At the request of Mrs. BOXER, the names of the Senator from Nevada (Mr. REID), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 265, a bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 304

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 304, a bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes.

S. 312

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 312, a bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Florida (Mr. NELSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. CON. RES. 4

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Council Resolution 1441.

S. RES. 46

At the request of Mr. BINGAMAN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Mrs. MURRAY) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as "National Civilian Conservation Corps Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 364. A bill to prohibit the use of taxpayers funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second Amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of United States v. Miller.

This legislation responds to the Bush Administration's filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of United States v. Miller. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in United States v. Miller explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in United States v. Miller has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

The meaning of the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing a partisan political agenda that flies in the face of established Supreme Court precedents. This is wrong. And, in my view, it is a misuse of taxpayer dollars.

Congress should not have to pass a law to ensure that the Executive Branch follows the Constitution, as clearly interpreted by the Supreme Court. Unfortunately, in light of the Bush's Administration's latest actions, Congress must step in. After all, Congress's ultimate power is the power of the purse. And we have a responsibility to use that power, when necessary, to ensure that the Executive Branch complies with constitutional law.

This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misused. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine legislation needed to reduce gun violence and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to radically revise the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also would note that there is precedent for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to misrepresent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we should ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD, along with some related materials about this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON THE USE OF FUNDS.

No funds appropriated to the Department of Justice or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the meaning of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in United States v. Miller (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

A FAULTY RETHINKING OF THE 2ND AMENDMENT

(By Jack Rakove)

STANFORD, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms protected by the Second Amendment is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years. As evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The unsavory facts may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeals.

The court last examined this issue in 1939 in United States v. Miller. There it held that the Second Amendment was designed to ensure the effectiveness of the militia, not to guarantee a private right to possess firearms. The Miller case, though it did not fully explore the entire constitutional history, has guided the government's position on firearm issues for the past six decades.

If the court were to take up the two cases on appeal, it is far from clear that the Justice Department's new position would prevail. The plain text of the Second Amendment—"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"—does not support the unequivocal view that Mr. Ashcroft and Mr. Olson have put forth. The amendment refers to the right of the people, rather than the individual person of the Fifth Amendment. And the phrase "keep and bear arms" is, as most commentators note, a military reference.

Nor do the debates surrounding the adoption of the amendment support the idea that the framers were thinking of an individual right to own arms. The relevant proposals offered by the state ratification conventions of 1787-88 all dealt with the need to preserve the militia as an alternative to a standing army. The only recorded discussion of the amendment in the House of Representatives concerned whether religious dissenters should be compelled to serve in the militia. And in 1789, the Senate deleted one clause explicitly defining the militia as "composed of the body of the people." In excising this phrase, the Senate gave "militia" a narrower meaning than it otherwise had, thereby making the Ashcroft interpretation harder to sustain.

Advocates of the individual right respond to these objections in three ways.

They argue, first that when Americans used the word militia, they ordinarily meant the entire adult male population capable of bearing arms. But Article I of the Constitution defines the militia as an institution under the joint regulation of the national and state governments, and the debates of 1787–89 do not demonstrate that the framers believed that the militia should forever by synonymous with the entire population.

A second argument revolves around the definition of "the people." Those on the N.R.A. side believe "the people" means "all persons." But in Article I we also read that the people will elect the House of Representatives—and the determination of who can vote will be left to state law, in just the way that militia service would remain subject to Congressional and state regulation.

The third argument addresses the critical phrase deleted in the Senate. Rather than concede that the Senate knew what it was doing, these commentators contend that the deletion was more a matter of careless editing.

This argument is faulty because legal interpretation generally assumes that lawmakers act with clear purpose. More important, the Senate that made this critical deletion was dominated by Federalists who were skeptical of the milita's performance during the Revolutionary War and opposed to the idea that the future of American defense lay with the militia rather than a regular army. They had sound reasons not to commit the national government to supporting a mass militia, and thus to prefer a phrasing implying that the militia need not embrace the entire adult male population if Congress had good reason to require otherwise. The evidence of text and history makes it very hard to argue for an expansive individual right to keep arms.

There is one striking curiosity to the Bush administration's advancing its position at this time. Advocates of the individual-right interpretation typically argue that an armed populace is the best defense against the tyranny of our own government. And yet the Bush administration seems quite willing to compromise essential civil liberties in the name of security. It is sobering to think that the constitutional right the administration values so highly is the right to bear arms, that peculiar product of an obsolete debate over the danger of standing armies—and this at a time when our standing army is the most powerful the world has known.

[From the Washington Post, May 10, 2002]

GUNS AND JUSTICE

The U.S. Solicitor General has a duty to defend acts of Congress before the Supreme Court. This week, Solicitor General Ted Olson—and by extension his bosses, Attorney General John Ashcroft and President Bush—took a position regarding guns that will undermine that mission.

Historically, the Justice Department has adopted a narrow reading of the Constitution's Second Amendment, which states that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Along with nearly all courts in the past century, it has read that as protecting only the public's collective right to bear arms in the context of militia service. Now the administration has reversed this view. In a pair of appeals, Mr. Olson contends that "the Second Amendment more broadly protects the rights of individuals, including persons who are not members of any militia . . . to possess and bear their own firearms." Mr. Ashcroft insists the department remains prepared to defend all federal gun laws. Having given away its strongest argument, however, it will be doing so with its hands tied behind its back.

Laws will now be defended not as presumptively valid but as narrow exceptions to a broad constitutional right—one subject, as Mr. Olson put it, only to "reasonable restrictions designed to prevent possession by unfit persons or to restrict the possession of types of firearms that are particularly suited to criminal misuse." This may sound like a common-sense balancing act. But where exactly does the Second Amendment, if it guarantees individual rights, permit "reasonable restrictions"? And where does its protection exempt firearms that might be well suited for crime?

Mr. Ashcroft has compared the gun ownership right with the First Amendment's protection of speech—which can be limited only in a fashion narrowly tailored to accomplish compelling state interests. If that's the model, most federal gun laws would sooner or later fall. After all, it would not be constitutional to subject someone to a background check before permitting him to worship or to make a political speech. If gun ownership is truly a parallel right, why would the Brady background check be constitutional?

The Justice Department traditionally errs on the other side—arguing for constitutional interpretations that increase congressional flexibility and law enforcement policy options. The great weight of judicial precedent holds that there is no fundamental individual right to own a gun. Staking out a contrary position may help ingratiate the Bush administration to the gun lobby. But it greatly disserves the interests of the United States.

[From the New York Times, May 14, 2002]

AN OMINOUS REVERSAL ON GUN RIGHTS

Using a footnote in a set of Supreme Court briefs, Attorney General John Ashcroft announced a radical shift last week in six decades of government policy toward the rights of Americans to own guns. Burying the change in fine print cannot disguise the ominous implications for law enforcement or Mr. Ashcroft's betrayal of his public duty.

The footnote declares that, contrary to longstanding and bipartisan interpretation of the Second Amendment, the Constitution "broadly protects the rights of individuals" to own firearms. This view and the accompanying legal standard Mr. Ashcroft has suggested—equating gun ownership with core free speech rights—could make it extremely difficult for the government to regulate firearms, as it has done for decades. That position comports with Mr. Ashcroft's long-held personal opinion, which he expressed a year ago in a letter to his close allies at the National Rifle Association. But it is a position at odds with both history and the Constitution's text. As the Supreme Court correctly concluded in a 1939 decision that remains the key legal precedent on the subject, the Second Amendment protects only those rights that have "some reasonable relationship to the preservation of efficiency of a well-regulated militia." By not viewing the amendment as a basic, individual right, this decision left room for broad gun ownership regulation. The footnote is also at odds with Mr. Ashcroft's pledge at his confirmation hearing that his personal ideology would not drive Justice Department legal policies.

It is hard to take seriously Mr. Ashcroft's assertion that the Bush administration remains committed to the vigorous defense and enforcement of all federal gun laws. Mr. Ashcroft, after all, is an official whose devotion to the gun lobby extends to granting its request to immediately destroy records of gun purchases amassed in the process of conducting Brady law background checks even though they might be useful for tracking weapons purchases by suspected terrorists.

The immediate effect of the Bush Justice Department's expansive reading of the Second Amendment is to undermine law enforcement by calling into question valuable state and federal gun restrictions on the books, and by handing dangerous criminals a potent new weapon for challenging their convictions. What it all adds up to is a gift to pro-gun extremists, and a shabby deal for everyone else.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mrs. LINCOLN, and Mr. COCHRAN):

S. 365. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague, the distinguished senior Senator from Idaho, Senator CRAIG, to introduce the Rural Four-Lane Highway Safety and Development Act of 2003. We are pleased to be joined by Senators LINCOLN and COCHRAN in sponsoring the bill.

The purpose of this bipartisan legislation is to ensure that States have the resources they need to upgrade major two-lane roads across the Nation to high-quality four-lane divided highways. The goals of this bill are to improve the safety of our most dangerous highways and to stimulate economic development in rural areas.

I think most Senators would agree that the Dwight D. Eisenhower National System of Interstate and Defense Highways is one of the transportation marvels of the 20th century. The system's 46,000 miles of divided highways interconnect virtually every major urban area in the Nation. The system represents one of the most efficient and safest highway systems in the world.

Unfortunately, when the Interstate System was planned, it left many rural communities and smaller urban areas without direct links to the high-quality transportation network that the interstate highways provide. Many of these smaller and rural communities continue to suffer economically because of the lack of high-quality four-lane highways.

To address this issue, in 1995 Congress developed the concept of a National Highway System as a way of extending the benefits of an efficient highway network to all areas of the country. Congress designated the National Highway System to help focus Federal resources on the Nation's most important roads.

Today there are about 160,000 miles on the National Highway System, including all of the interstate highways and all other routes that are important to the Nation's economy, defense, and general mobility. The NHS comprises only 4 percent of the Nation's roads, but carries more than 40 percent of all highway traffic, 75 percent of heavy truck traffic and 90 percent of tourist traffic.

The NHS reaches nearly every part of the Nation. According to the Federal Highway Administration, about 90 percent of America's population lives within 5 miles of an NHS route. All urban areas with a population of more than 50,000, and 93 percent with a population of between 5,000 and 50,000, are within 5 miles of the NHS. Counties with NHS highways have 99 percent of all jobs, including 99 percent of all manufacturing jobs, 97 percent of mining jobs, and 93 percent of agricultural jobs.

The NHS is the critical transportation link for most of our Nation's rural areas. The Federal Highway Administration estimates that, of the 160,000 miles now on the National Highway System, fully 75 percent, or 119,000 miles, are in rural areas. Of the 1.2 trillion total vehicle miles traveled in 2000 on NHS roads, about 60 percent were in rural areas.

I hope all Senators will agree that improving highway safety should be our top priority. When it comes to highway safety, the fact is that travel on four-lane roads is safer than two-lane roads. This is especially true in rural areas. According to the Bureau of Transportation Statistics, in 1998 the rate of traffic fatalities on all rural roads was 2.39 per 100-million vehicle miles; however, the rate on rural interstate highways was half as high—only 1.23 per 100 million vehicle-miles.

The reason for the lower fatality rate on rural interstate highways should be obvious. When a road has only one lane in each direction, trucks and other slow-moving vehicles increase the hazard of passing. Vehicles turning on or off a two-lane road can also increase risk. A divided four-lane highway greatly reduces these perils.

Of the 119,000 miles of rural NHS roads, about 33,000 miles are interstates and another 28,000 miles have been upgraded to four or more lanes. The remaining 58,000 miles—more than half of this rural highway network—are still only two-lane roads with no central divider. These are the most dangerous roads on the National Highway System.

In my State of New Mexico, we have made some progress toward upgrading our rural two-lane highways to four lanes. In recent years, US550 from Bernalillo to Bloomfield, US285 from Interstate 40 to Carlsbad, and a key segment of US54 from El Paso to Alamogordo have been widened to four lanes. In addition, upgrading of US70 from Las Cruces to Clovis is nearly completed. But much more remains to be done.

New Mexico has 2,647 miles of rural roads in the NHS. Eight hundred and ninety-two of these NHS miles are interstates. Of the balance of New Mexico's NHS highways, 1,755 miles are in the rural parts of my State, especially Chaves, Colfax, Eddy, Lincoln, Guadalupe, Otero, Quay, San Juan, and Union Counties. And almost 70 percent—1,217 miles—of New Mexico's rural NHS highways remain only two-lane roads. These two-lane roads are major transportation routes with heavy truck and commercial traffic. In 2000, a total of 10.3 billion vehicle miles were traveled on New Mexico's NHS highways, and about one quarter, or 2.7

billion miles, were traveled on these rural NHS roads.

Unfortunately, there are only very limited funds available to upgrade the most important two-lane rural NHS roads to four-lane highways. According to a recent GAO study, over two-thirds of all Federal highway funding between 1992 and 2000 has gone either to roads in urban areas or to interstate highways. Consequently, there is a continuing shortfall in Federal highway funding needed to upgrade the most important rural two-lane roads. Our bill will help address the shortfall so that more rural segments of the NHS can be improved to four-lane divided highways.

As in many States, New Mexico's rural counties strongly believe their economic future depends on access to safe and efficient four-lane highways. Basic transportation infrastructure is one of the critical elements for companies choosing where to locate. Truck drivers and the traveling public prefer the safety and efficiency of a four-lane divided highway.

Thus one of the top priorities for rural cities and counties in my State is to complete the four-lane upgrade of such key routes as US54 from Tularosa to Nara Visa, US62/180 from Carlsbad to the Texas state line, US64/87 from Clayton to Raton, and US666 from north of Gallup to Shiprock. These two-lane rural routes in New Mexico not only bear some of the State's heaviest truck and automobile traffic, but also are some of the State's most dangerous roads. In fact, US666 is considered one of the most dangerous two-lane highways in the Nation.

New Mexico is not alone among western states in needing to upgrade two-lane roads on the National Highway System. For example, Texas has almost 3,500 miles of rural two-lane NHS roads. Montana has 2,469 miles, Kansas has 2,293, Nebraska 1,964, Wyoming 1,924, Minnesota 1,897, and Missouri 1,853 miles.

In the East, where States are smaller, many NHS routes remain only two lanes. In Vermont, 78 percent of rural NHS roads are only two lanes, in New Hampshire it's 84 percent and 99 percent in Maine.

I do believe it is time Congress took action to improve the safety of travelers on the highest priority rural two-lane roads. Last year, I secured nearly $1 million in Federal funding to begin the upgrade of US64/87 between Clayton and Raton, which is part of the Ports-to-Plains High Priority Corridor on the National Highway System.

In addition, last week Senator ROBERTS and I introduced S. 290, which designates U.S. Highway 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas, as the SPIRIT High Priority Corridor. Our bipartisan bill has four cosponsors. A high-priority corridor designation provides no additional Federal funding, but helps focus attention on the need to upgrade the nation's major two-lane routes.

The purpose of the bill we are introducing today, the Rural Four-Lane Highway Safety and Development Act of 2003, is to provide direct Federal funding to States to upgrade existing two-lane roads in rural areas to safe and efficient four-lane divided highways. The States would determine which two-lane roads they wanted to upgrade. To be eligible for funding, the highway must be on the National Highway System or a congressionally designated High Priority Corridor. Our bill gives funding priority to upgrading the most dangerous two-lane highways, routes most affected by increased traffic as a result of NAFTA, highways that have high levels of commercial traffic, and projects that will help stimulate regional economic growth. Total funding for six years is $1.8 billion from the highway trust fund.

My State bears a substantial burden in the maintenance and upgrading of its portion of critical national highways. New Mexico has 3.3 percent of the Nation's land area, but only 6 tenths of one percent of the population. We have 2.2 percent of all of the interstate highway miles and 1.7 percent of all other NHS miles. At the same time, as a border State, New Mexico is common route for trucks crossing the border with Mexico and heading to or coming from the east and west coasts. It is likely that the upgrading to four lanes of the most important NHS highways in New Mexico might not occur without the supplemental funding provided in my bill.

I continue to believe strongly in the important role of highway infrastructure to economic development. Even in this age of the so-called "new" economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of our country.

I recognize that the funding level in this bill is inadequate to upgrade all of the remaining two-lane routes on the NHS in the next six years. Upgrading an existing two-lane road to a full four-lane divided highway can cost upward of one million dollars per mile.

Moreover, some of the existing two-lane roads probably don't have sufficient traffic to justify upgrading at this time. In addition, some two-lane NHS routes pass through scenic areas where it may not be appropriate to upgrade to four lanes. However, I do believe the funding in this bill will take us a long way toward ensuring the most critical projects are completed in the next six years.

This year Congress will take up the reauthorization of the comprehensive six-year transportation bill, TEA-21. We are introducing this bipartisan bill today to help ensure that the issue of the safety of rural two-lane NHS routes receives the attention it deserves as the debate on reauthorization begins. I look forward to working with the chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, as well as Senators BOND and REID of the Transportation, Infrastructure and Nuclear Safety Subcommittee, to find a way to ensure additional federal resources are in place to hasten the work of upgrading rural two-lane NHS roads to safe, efficient four-lane divided highways.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Four-Lane Highway Safety and Development Act of 2003".

SEC. 2. RURAL 4-LANE HIGHWAY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§139. Rural 4-lane highway development program

"(a) DEFINITIONS.—In this section:

"(1) 2-LANE HIGHWAY.—The term '2-lane highway' means a highway that has not more than 1 lane of traffic in each direction.

"(2) 4-LANE HIGHWAY.—The term '4-lane highway' means a highway that has 2 lanes of traffic in each direction.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to make allocations to States for projects, consisting of planning, design, environmental review, and construction, to expand eligible 2-lane highways in rural areas to 4-lane highways.

"(c) APPLICATIONS.—To be eligible to receive an allocation under this section, a State shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

"(d) ELIGIBLE HIGHWAYS.—The Secretary may make allocations under this section only for projects to expand 2-lane highways that are on—

"(1) the National Highway System; or

"(2) a high priority corridor identified under section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032).

"(e) PRIORITY IN SELECTION.—In making allocations under this section, the Secretary shall give priority to—

"(1) projects to improve highway safety on the most dangerous rural 2-lane highways on the National Highway System;

"(2) projects carried out on rural highways with respect to which the annual volume of commercial vehicle traffic—

"(A) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (107 Stat. 2057); or

"(B) is expected to increase after the date of enactment of this section;

"(3) projects carried out on rural highways with high levels of commercial truck traffic; and

"(4) projects on highway corridors that will help stimulate regional economic growth and development in rural areas.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $300,000,000 for each of fiscal years 2004 through 2009.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

"139. Rural 4-lane highway development program.".

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. SCHUMER, Mr. BIDEN, Mrs. BOXER, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. SARBANES, and Mr. WYDEN):

S. 366. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I am pleased to introduce the Clean Power Act of 2003 along with 19 of my colleagues, Republicans and Democrats. That is a fifth of the Senate on record supporting a measure which dramatically reduces emissions of four pollutants coming from power plants—sulfur dioxide, nitrogen oxides, carbon dioxide and mercury.

These pollutants create or contribute to smog, soot, acid rain, mercury contamination and global warming. They cause death, disease, ecological degradation, birth defects, and increase the risk of abrupt and unwelcome climate changes.

The nation has made some impressive strides in reducing air pollution since 1990. But there is a lot of unfinished business, a fact confirmed every day by more and ever better science.

Power plants are still the nation's single largest source of air pollution, including greenhouse gases. They are responsible for 60 percent or more of national sulfur dioxide emissions, 25 percent of nitrogen oxides, 40 percent of carbon dioxide, and about 45 tons of mercury annually.

Fine particulate matter coming from power plants, mainly through SO_X and NO_X emissions, is causing or contributing to the premature deaths of approximately 30,000 people.

More than 130 million people are living in areas with unhealthy air. Ground-level ozone triggers over 6.2 million asthma attacks each summer in the eastern United States alone, and some studies show that it may actually cause asthma. Another 160,000 people are sent to emergency rooms due to smog-induced respiratory illness. Power plants are significant contributors to this air quality degradation, as well as causing major reductions in visibility in our national parks and wild places. The National Park Service posts air quality warning signs for hikers in the Great Smoky Mountains every other day on average during the high ozone season.

Acid rain continues to fall on the Northeast, and the Southeast, damaging sensitive ecosystems and acidifying lakes and streams. In my state of Vermont, the red spruce, the sugar maple, and other species are becoming more and more immune-compromised.

The Hubbard Brook Research Foundation says we must reduce sulfur dioxide emissions by 80 percent from current Clean Air Act requirements to begin biological recovery mid-century in the Northeastern U.S. That means bringing emissions way down now, not prolonging the wait for healthy trees and lakes.

Coal-fired power plants emit the bulk of the uncontrolled mercury emissions in the U.S. Mercury is a potent neurotoxic pollutant. It contaminates fish causing fish consumption warnings in 41 States. And mercury puts over 60,000 children at risk of negative developmental effects due to fetal exposure.

Despite our international commitment to reduce greenhouse gas emissions to 1990 levels through voluntary means, we have failed. In particular, power sector emissions of carbon dioxide, a major greenhouse gas, have increased by more than 25 percent since 1990. This failure increases the risks from global warming.

It is plainly obvious that we must make swift and major reductions in these pollutants for the sake of public health, the environment, and the world's climate. Without quick action, the nation's fleet of fossil power plants will continue to inefficiently belch out millions of tons of harmful pollutants.

The Clean Power Act of 2003 will mainly use the largely successful cap-and-trade system in the 1990 Clean Air Act Amendments to make quick and cost-effective reductions in these pollutants. At the same time, this bill does not abolish or eliminate any of the vital local and regional air quality protection programs in the Clean Air Act. Our bill reduces emissions of sulfur dioxide by 81 percent from 2000. Nitrogen oxides will be reduced by 71 percent from 2000. And carbon dioxide will be capped at 21 percent below 2000 levels. Mercury will be controlled to 90 percent below 1999 levels.

This bill has a hybrid allocation system for distributing the allowances for the three capped and tradable pollutants (NO_X, SO_X, CO_2). Most allocations, about ⅔, go to households and consumers. The rest go to renewable energy, energy efficiency, and other categories. This system rewards cleaner power producers and ensures that the public gets compensated for the polluters' use of the atmosphere.

Our bill is intended to save the lives that are now being lost prematurely to lung disease and other illnesses. We want to continue on the path set in 1990 of reducing acid rain.

We want certainty that mercury will no longer threaten unborn children and the future environment will be safer and cleaner for them when they are grown.

Certainty is a valuable commodity. Industry witnesses have testified that certainty is critical to their investment strategies. Our bill provides a clear signal on exactly what is expected of pollution sources and when.

I want certainty that the promise of the Clean Air Act will be delivered to all Americans.

At the Environment and Public Works Committee, we have heard many times that technologies are readily available to meet the challenges in our bill. And that these challenges can be met in a cost-effective manner that allows our economy to prosper and improve public health.

We can't afford to slow down progress on achieving better air quality and we must start to make real progress in reducing greenhouse gas emissions. The voluntary approach has failed for 12 years now and we must do better.

As Senators may know, when I was Chairman of the Senate Environment and Public Works Committee, we approved a bill nearly identical to the bill that we are introducing today. The only significant difference is that the deadline for compliance with all the pollution caps except mercury have been moved later by one year. Mercury still follows the schedule in the consent decree which requires compliance by 2008.

I look forward to entering into serious discussions with the Administration on signing into law good, comprehensive four-pollutant legislation. However, their actions so far on air quality matters have not fostered an atmosphere of trust and cooperation.

I ask unanimous consent that a brief summary of the legislation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Power Act of 2003".

SEC. 2. ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS.

(a) IN GENERAL.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

“TITLE VII—ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS

‘‘Sec. 701. Findings.
‘‘Sec. 702. Purposes.
‘‘Sec. 703. Definitions.
‘‘Sec. 704. Emission limitations.
‘‘Sec. 705. Emission allowances.
‘‘Sec. 706. Permitting and trading of emission allowances.
‘‘Sec. 707. Emission allowance allocation.
‘‘Sec. 708. Mercury emission limitations.
‘‘Sec. 709. Other hazardous air pollutants.
‘‘Sec. 710. Effect of failure to promulgate regulations.
‘‘Sec. 711. Prohibitions.
‘‘Sec. 712. Modernization of electricity generating facilities.
‘‘Sec. 713. Relationship to other law.

“SEC. 701. FINDINGS.

‘‘Congress finds that—

‘‘(1) public health and the environment continue to suffer as a result of pollution emitted by powerplants across the United States, despite the success of Public Law 101–549 (commonly known as the ‘Clean Air Act Amendments of 1990’) (42 U.S.C. 7401 et seq.) in reducing emissions;

‘‘(2) according to the most reliable scientific knowledge, acid rain precursors must be significantly reduced for the ecosystems of the Northeast and Southeast to recover from the ecological harm caused by acid deposition;

‘‘(3) because lakes and sediments across the United States are being contaminated by mercury emitted by powerplants, there is an increasing risk of mercury poisoning of aquatic habitats and fish-consuming human populations;

‘‘(4)(A) electricity generation accounts for approximately 40 percent of the total emissions in the United States of carbon dioxide, a major greenhouse gas causing global warming; and

‘‘(B) the quantity of carbon dioxide in the atmosphere is growing without constraint and well beyond the international commitments of the United States;

‘‘(5) the cumulative impact of powerplant emissions on public and environmental health must be addressed swiftly by reducing those harmful emissions to levels that are less threatening; and

‘‘(6)(A) the atmosphere is a public resource; and

‘‘(B) emission allowances, representing permission to use that resource for disposal of air pollution from electricity generation, should be allocated to promote public purposes, including—

‘‘(i) protecting electricity consumers from adverse economic impacts;

‘‘(ii) providing transition assistance to adversely affected employees, communities, and industries; and

‘‘(iii) promoting clean energy resources and energy efficiency.

“SEC. 702. PURPOSES.

‘‘The purposes of this title are—

‘‘(1) to alleviate the environmental and public health damage caused by emissions of sulfur dioxide, nitrogen oxides, carbon dioxide, and mercury resulting from the combustion of fossil fuels in the generation of electric and thermal energy;

‘‘(2) to reduce by 2009 the annual national emissions from electricity generating facilities to not more than—

‘‘(A) 2,250,000 tons of sulfur dioxide;

‘‘(B) 1,510,000 tons of nitrogen oxides; and

‘‘(C) 2,050,000,000 tons of carbon dioxide;

‘‘(3) to reduce by 2008 the annual national emissions of mercury from electricity generating facilities to not more than 5 tons;

‘‘(4) to effectuate the reductions described in paragraphs (2) and (3) by—

‘‘(A) requiring electricity generating facilities to comply with specified emission limitations by specified deadlines; and

‘‘(B) allowing electricity generating facilities to meet the emission limitations (other than the emission limitation for mercury) through an alternative method of compliance consisting of an emission allowance and transfer system; and

‘‘(5) to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as long-range strategies, consistent with this title, for reducing air pollution and other adverse impacts of energy generation and use.

“SEC. 703. DEFINITIONS.

‘‘In this title:

‘‘(1) COVERED POLLUTANT.—The term ‘covered pollutant’ means—

‘‘(A) sulfur dioxide;

‘‘(B) any nitrogen oxide;

‘‘(C) carbon dioxide; and

‘‘(D) mercury.

‘‘(2) ELECTRICITY GENERATING FACILITY.—The term ‘electricity generating facility’ means an electric or thermal electricity generating unit, a combination of such units, or a combination of 1 or more such units and 1 or more combustion devices, that—

‘‘(A) has a nameplate capacity of 15 megawatts or more (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

‘‘(B) generates electric energy, for sale, through combustion of fossil fuel; and

‘‘(C) emits a covered pollutant into the atmosphere.

‘‘(3) ELECTRICITY INTENSIVE PRODUCT.—The term ‘electricity intensive product’ means a product with respect to which the cost of electricity consumed in the production of the product represents more than 5 percent of the value of the product.

‘‘(4) EMISSION ALLOWANCE.—The term ‘emission allowance’ means a limited authorization to emit in accordance with this title—

‘‘(A) 1 ton of sulfur dioxide;

‘‘(B) 1 ton of nitrogen oxides; or

‘‘(C) 1 ton of carbon dioxide.

‘‘(5) ENERGY EFFICIENCY PROJECT.—The term ‘energy efficiency project’ means any specific action (other than ownership or operation of an energy efficient building) commenced after the date of enactment of this title—

‘‘(A) at a facility (other than an electricity generating facility), that verifiably reduces the annual electricity or natural gas consumption per unit output of the facility, as compared with the annual electricity or natural gas consumption per unit output that would be expected in the absence of an allocation of emission allowances (as determined by the Administrator); or

‘‘(B) by an entity that is primarily engaged in the transmission and distribution of electricity, that significantly improves the efficiency of that type of entity, as compared with standards for efficiency developed by the Administrator, in consultation with the Secretary of Energy, after the date of enactment of this title.

‘‘(6) ENERGY EFFICIENT BUILDING.—The term ‘energy efficient building’ means a residential building or commercial building completed after the date of enactment of this title for which the projected lifetime consumption of electricity or natural gas for heating, cooling, and ventilation is at least 30 percent less than the lifetime consumption of a typical new residential building or commercial building, as determined by the Administrator (in consultation with the Secretary of Energy)—

‘‘(A) on a State or regional basis; and

‘‘(B) taking into consideration—

‘‘(i) applicable building codes; and

‘‘(ii) consumption levels achieved in practice by new residential buildings or commercial buildings in the absence of an allocation of emission allowances.

‘‘(7) ENERGY EFFICIENT PRODUCT.—The term ‘energy efficient product’ means a product manufactured after the date of enactment of this title that has an expected lifetime electricity or natural gas consumption that—

‘‘(A) is less than the average lifetime electricity or natural gas consumption for that type of product; and

‘‘(B) does not exceed the lesser of—

‘‘(i) the maximum energy consumption that qualifies for the applicable Energy Star label for that type of product; or

‘‘(ii) the average energy consumption of the most efficient 25 percent of that type of product manufactured in the same year.

‘‘(8) LIFETIME.—The term ‘lifetime’ means—

‘‘(A) in the case of a residential building that is an energy efficient building, 30 years;

‘‘(B) in the case of a commercial building that is an energy efficient building, 15 years; and

‘‘(C) in the case of an energy efficient product, a period determined by the Administrator to be the average life of that type of energy efficient product.

‘‘(9) MERCURY.—The term ‘mercury’ includes any mercury compound.

‘‘(10) NEW CLEAN FOSSIL FUEL-FIRED ELECTRICITY GENERATING UNIT.—The term ‘new clean fossil fuel-fired electricity generating unit’ means a unit that—

‘‘(A) has been in operation for 10 years or less; and

‘‘(B) is—

‘‘(i) a natural gas fired generator that—

‘‘(I) has an energy conversion efficiency of at least 55 percent; and

‘‘(II) uses best available control technology (as defined in section 169);

‘‘(ii) a generator that—

‘‘(I) uses integrated gasification combined cycle technology;

‘‘(II) uses best available control technology (as defined in section 169); and

‘‘(III) has an energy conversion efficiency of at least 45 percent; or

‘‘(iii) a fuel cell operating on fuel derived from a nonrenewable source of energy.

‘‘(11) NONWESTERN REGION.—The term ‘nonwestern region’ means the area of the States that is not included in the western region.

‘‘(12) RENEWABLE ELECTRICITY GENERATING UNIT.—The term ‘renewable electricity generating unit’ means a unit that—

‘‘(A) has been in operation for 10 years or less; and

‘‘(B) generates electric energy by means of—

‘‘(i) wind;

‘‘(ii) biomass;

‘‘(iii) landfill gas;

‘‘(iv) a geothermal, solar thermal, or photovoltaic source; or

‘‘(v) a fuel cell operating on fuel derived from a renewable source of energy.

‘‘(13) SMALL ELECTRICITY GENERATING FACILITY.—The term ‘small electricity generating facility’ means an electric or thermal electricity generating unit, or combination of units, that—

"(A) has a nameplate capacity of less than 15 megawatts (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

"(B) generates electric energy, for sale, through combustion of fossil fuel; and

"(C) emits a covered pollutant into the atmosphere.

"(14) WESTERN REGION.—The term 'western region' means the area comprising the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

"SEC. 704. EMISSION LIMITATIONS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Administrator shall promulgate regulations to ensure that, during 2009 and each year thereafter, the total annual emissions of covered pollutants from all electricity generating facilities located in all States does not exceed—

"(1) in the case of sulfur dioxide—

"(A) 275,000 tons in the western region; or

"(B) 1,975,000 tons in the nonwestern region;

"(2) in the case of nitrogen oxides, 1,510,000 tons;

"(3) in the case of carbon dioxide, 2,050,000,000 tons; or

"(4) in the case of mercury, 5 tons.

"(b) EXCESS EMISSIONS BASED ON UNUSED ALLOWANCES.—The regulations promulgated under subsection (a) shall authorize emissions of covered pollutants in excess of the national emission limitations established under that subsection for a year to the extent that the number of tons of the excess emissions is less than or equal to the number of emission allowances that are—

"(1) used in the year; but

"(2) allocated for any previous year under section 707.

"(c) REDUCTIONS.—For 2009 and each year thereafter, the quantity of emissions specified for each covered pollutant in subsection (a) shall be reduced by the sum of—

"(1) the number of tons of the covered pollutant that were emitted by small electricity generating facilities in the second preceding year; and

"(2) any number of tons of reductions in emissions of the covered pollutant required under section 705(h).

"SEC. 705. EMISSION ALLOWANCES.

"(a) CREATION AND ALLOCATION.—

"(1) IN GENERAL.—For 2009 and each year thereafter, subject to paragraph (2), there are created, and the Administrator shall allocate in accordance with section 707, emission allowances as follows:

"(A) In the case of sulfur dioxide—

"(i) 275,000 emission allowances for each year for use in the western region; and

"(ii) 1,975,000 emission allowances for each year for use in the nonwestern region.

"(B) In the case of nitrogen oxides, 1,510,000 emission allowances for each year.

"(C) In the case of carbon dioxide, 2,050,000,000 emission allowances for each year.

"(2) REDUCTIONS.—For 2009 and each year thereafter, the number of emission allowances specified for each covered pollutant in paragraph (1) shall be reduced by a number equal to the sum of—

"(A) the number of tons of the covered pollutant that were emitted by small electricity generating facilities in the second preceding year; and

"(B) any number of tons of reductions in emissions of the covered pollutant required under subsection (h).

"(b) NATURE OF EMISSION ALLOWANCES.—

"(1) NOT A PROPERTY RIGHT.—An emission allowance allocated by the Administrator under subsection (a) is not a property right.

"(2) NO LIMIT ON AUTHORITY TO TERMINATE OR LIMIT.—Nothing in this title or any other provision of law limits the authority of the United States to terminate or limit an emission allowance.

"(3) TRACKING AND TRANSFER OF EMISSION ALLOWANCES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish an emission allowance tracking and transfer system for emission allowances of sulfur dioxide, nitrogen oxides, and carbon dioxide.

"(B) REQUIREMENTS.—The emission allowance tracking and transfer system established under subparagraph (A) shall—

"(i) incorporate the requirements of subsections (b) and (d) of section 412 (except that written certification by the transferee shall not be necessary to effect a transfer); and

"(ii) permit any entity—

"(I) to buy, sell, or hold an emission allowance; and

"(II) to permanently retire an unused emission allowance.

"(C) PROCEEDS OF TRANSFERS.—Proceeds from the transfer of emission allowances by any person to which the emission allowances have been allocated—

"(i) shall not constitute funds of the United States; and

"(ii) shall not be available to meet any obligations of the United States.

"(c) IDENTIFICATION AND USE.—

"(1) IN GENERAL.—Each emission allowance allocated by the Administrator shall bear a unique serial number, including—

"(A) an identifier of the covered pollutant to which the emission allowance pertains; and

"(B) the first year for which the allowance may be used.

"(2) SULFUR DIOXIDE EMISSION ALLOWANCES.—In the case of sulfur dioxide emission allowances, the Administrator shall ensure that the emission allowances allocated to electricity generating facilities in the western region are distinguishable from emission allowances allocated to electricity generating facilities in the nonwestern region.

"(3) YEAR OF USE.—Each emission allowance may be used in the year for which the emission allowance is allocated or in any subsequent year.

"(d) ANNUAL SUBMISSION OF EMISSION ALLOWANCES.—

"(1) IN GENERAL.—On or before April 1, 2010, and April 1 of each year thereafter, the owner or operator of each electricity generating facility shall submit to the Administrator 1 emission allowance for the applicable covered pollutant (other than mercury) for each ton of sulfur dioxide, nitrogen oxides, or carbon dioxide emitted by the electricity generating facility during the previous calendar year.

"(2) SPECIAL RULE FOR OZONE EXCEEDANCES.—

"(A) IDENTIFICATION OF FACILITIES CONTRIBUTING TO NONATTAINMENT.—Not later than December 31, 2008, and the end of each 3-year period thereafter, each State, consistent with the obligations of the State under section 110(a)(2)(D), shall identify the electricity generating facilities in the State and in other States that are significantly contributing (as determined based on guidance issued by the Administrator) to nonattainment of the national ambient air quality standard for ozone in the State.

"(B) SUBMISSION OF ADDITIONAL ALLOWANCES.—In 2009 and each year thereafter, on petition from a State or a person demonstrating that the control measures in effect at an electricity generating facility that is identified under subparagraph (A) as significantly contributing to nonattainment of the national ambient air quality standard for ozone in a State during the previous year are inadequate to prevent the significant contribution described in subparagraph (A), the Administrator, if the Administrator determines that the electricity generating facility is inadequately controlled for nitrogen oxides, may require that the electricity generating facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by the electricity generating facility during any period of an exceedance of the national ambient air quality standard for ozone in the State during the previous year.

"(3) REGIONAL LIMITATIONS FOR SULFUR DIOXIDE.—The Administrator shall not allow—

"(A) the use of sulfur dioxide emission allowances allocated for the western region to meet the obligations under this subsection of electricity generating facilities in the nonwestern region; or

"(B) the use of sulfur dioxide emission allowances allocated for the nonwestern region to meet the obligations under this subsection of electricity generating facilities in the western region.

"(e) EMISSION VERIFICATION, MONITORING, AND RECORDKEEPING.—

"(1) IN GENERAL.—The Administrator shall ensure that Federal regulations, in combination with any applicable State regulations, are adequate to verify, monitor, and document emissions of covered pollutants from electricity generating facilities.

"(2) INVENTORY OF EMISSIONS FROM SMALL ELECTRICITY GENERATING FACILITIES.—On or before January 1, 2005, the Administrator, in cooperation with State agencies, shall complete, and on an annual basis update, a comprehensive inventory of emissions of sulfur dioxide, nitrogen oxides, carbon dioxide, and particulate matter from small electricity generating facilities.

"(3) MONITORING INFORMATION.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall promulgate regulations to require each electricity generating facility to submit to the Administrator—

"(i) not later than April 1 of each year, verifiable information on covered pollutants emitted by the electricity generating facility in the previous year, expressed in—

"(I) tons of covered pollutants; and

"(II) tons of covered pollutants per megawatt hour of energy (or the equivalent thermal energy) generated; and

"(ii) as part of the first submission under clause (i), verifiable information on covered pollutants emitted by the electricity generating facility in 2000, 2001, and 2002, if the electricity generating facility was required to report that information in those years.

"(B) SOURCE OF INFORMATION.—Information submitted under subparagraph (A) shall be obtained using a continuous emission monitoring system (as defined in section 402).

"(C) AVAILABILITY TO THE PUBLIC.—The information described in subparagraph (A) shall be made available to the public—

"(i) in the case of the first year in which the information is required to be submitted under that subparagraph, not later than 18 months after the date of enactment of this title; and ``(ii) in the case of each year thereafter, not later than April 1 of the year.

``(4) Ambient air quality monitoring for sulfur dioxide and hazardous air pollutants.—

``(A) In general.—Beginning January 1, 2005, each coal-fired electricity generating facility with an aggregate generating capacity of 50 megawatts or more shall, in accordance with guidelines issued by the Administrator, commence ambient air quality monitoring within a 30-mile radius of the coal-fired electricity generating facility for the purpose of measuring maximum concentrations of sulfur dioxide and hazardous air pollutants emitted by the coal-fired electricity generating facility.

``(B) Location of monitoring points.—Monitoring under subparagraph (A) shall include monitoring at not fewer than 2 points—

``(i) that are at ground level and within 3 miles of the coal-fired electricity generating facility;

``(ii) at which the concentration of pollutants being monitored is expected to be the greatest; and

``(iii) at which the monitoring shall be the most frequent.

``(C) Frequency of monitoring of sulfur dioxide.—Monitoring of sulfur dioxide under subparagraph (A) shall be carried out on a continuous basis and averaged over 5-minute periods.

``(D) Availability to the public.—The results of the monitoring under subparagraph (A) shall be made available to the public.

``(f) Excess Emission Penalty.—

``(1) In general.—Subject to paragraph (2), section 411 shall be applicable to an owner or operator of an electricity generating facility.

``(2) Calculation of penalty.—

``(A) In general.—Except as provided in subparagraph (B), the penalty for failure to submit emission allowances for covered pollutants as required under subsection (d) shall be equal to 3 times the product obtained by multiplying—

``(i) as applicable—

``(I) the number of tons emitted in excess of the emission limitation requirement applicable to the electricity generating facility; or

``(II) the number of emission allowances that the owner or operator failed to submit; and

``(ii) the average annual market price of emission allowances (as determined by the Administrator).

``(B) Mercury.—In the case of mercury, the penalty shall be equal to 3 times the product obtained by multiplying—

``(i) the number of grams emitted in excess of the emission limitation requirement for mercury applicable to the electricity generating facility; and

``(ii) the average cost of mercury controls at electricity generating units that have a nameplate capacity of 15 megawatts or more in all States (as determined by the Administrator).

``(g) Significant Adverse Local Impacts.—

``(1) In general.—If the Administrator determines that emissions of an electricity generating facility may reasonably be anticipated to cause or contribute to a significant adverse impact on an area (including endangerment of public health, contribution to acid deposition in a sensitive receptor area, and other degradation of the environment), the Administrator shall limit the emissions of the electricity generating facility as necessary to avoid that impact.

``(2) Violation.—Notwithstanding the availability of emission allowances, it shall be a violation of this Act for any electricity generating facility to exceed any limitation on emissions established under paragraph (1).

``(h) Additional Reductions.—

``(1) Protection of public health or welfare or the environment.—If the Administrator determines that the emission levels necessary to achieve the national emission limitations established under section 704 are not reasonably anticipated to protect public health or welfare or the environment (including protection of children, pregnant women, minority or low-income communities, and other sensitive populations), the Administrator may require reductions in emissions from electricity generating facilities in addition to the reductions required under the other provisions of this title.

``(2) Emission allowance trading.—

``(A) Studies.—

``(i) In general.—In 2011 and at the end of each 3-year period thereafter, the Administrator shall complete a study of the impacts of the emission allowance trading authorized under this title.

``(ii) Required assessment.—The study shall include an assessment of ambient air quality in areas surrounding electricity generating facilities that participate in emission allowance trading, including a comparison between—

``(I) the ambient air quality in those areas; and

``(II) the national average ambient air quality.

``(B) Limitation on emissions.—If the Administrator determines, based on the results of a study under subparagraph (A), that adverse local impacts result from emission allowance trading, the Administrator may require reductions in emissions from electricity generating facilities in addition to the reductions required under the other provisions of this title.

``(i) Use of Certain Other Emission Allowances.—

``(1) In general.—Subject to paragraph (2), emission allowances or other emission trading instruments created under title I or IV for sulfur dioxide or nitrogen oxides shall not be valid for submission under subsection (d).

``(2) Emission allowances placed in reserve.—

``(A) In general.—Except as provided in subparagraph (B), an emission allowance described in paragraph (1) that was placed in reserve under section 404(a)(2) or 405 or through regulations implementing controls on nitrogen oxides, because an affected unit emitted fewer tons of sulfur dioxide or nitrogen oxides than were permitted under an emission limitation imposed under title I or IV before the date of enactment of this title, shall be considered to be equivalent to ¼ of an emission allowance created by subsection (a) for sulfur dioxide or nitrogen oxides, respectively.

``(B) Emission allowances resulting from achievement of new source performance standards.—If an emission allowance described in subparagraph (A) was created and placed in reserve during the period of 2001 through 2008 by the owner or operator of an electricity generating facility through the application of pollution control technology that resulted in the achievement and maintenance by the electricity generating facility of the applicable standards of performance required of new sources under section 111, the emission allowance shall be valid for submission under subsection (d).

"SEC. 706. PERMITTING AND TRADING OF EMISSION ALLOWANCES.

``(a) In General.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish a permitting and emission allowance trading compliance program to implement the limitations on emissions of covered pollutants from electricity generating facilities established under section 704.

``(b) Emission Allowance Trading With Facilities Other Than Electricity Generating Facilities.—

``(1) In general.—Subject to paragraph (2) and section 705(i), the regulations promulgated to establish the program under subsection (a) shall prohibit use of emission allowances generated from other emission control programs for the purpose of demonstrating compliance with the limitations on emissions of covered pollutants from electricity generating facilities established under section 704.

``(2) Exception for certain carbon dioxide emission control programs.—The prohibition described in paragraph (1) shall not apply in the case of carbon dioxide emission allowances generated from an emission control program that limits total carbon dioxide emissions from the entirety of any industrial sector.

``(c) Methodology.—The program established under subsection (a) shall clearly identify the methodology for the allocation of emission allowances, including standards for measuring annual electricity generation and energy efficiency as the standards relate to emissions.

"SEC. 707. EMISSION ALLOWANCE ALLOCATION.

``(a) Allocation to Electricity Consumers.—

``(1) In general.—For 2009 and each year thereafter, after making allocations of emission allowances under subsections (b) through (f), the Administrator shall allocate the remaining emission allowances created by section 705(a) for the year for each covered pollutant other than mercury to households served by electricity.

``(2) Allocation among households.—The allocation to each household shall reflect—

``(A) the number of persons residing in the household; and

``(B) the ratio that—

``(i) the quantity of the residential electricity consumption of the State in which the household is located; bears to

``(ii) the quantity of the residential electricity consumption of all States.

``(3) Regulations.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations making appropriate arrangements for the allocation of emission allowances to households under this subsection, including as necessary the appointment of 1 or more trustees—

``(A) to receive the emission allowances for the benefit of the households;

``(B) to obtain fair market value for the emission allowances; and

``(C) to distribute the proceeds to the beneficiaries.

``(b) Allocation for Transition Assistance.—

``(1) In general.—For 2009 and each year thereafter through 2018, the Administrator shall allocate the percentage specified in paragraph (2) of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury in the following manner:

``(A) 80 percent shall be allocated to provide transition assistance to—

"(i) dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) whose employment has been terminated or who have been laid off as a result of the emission reductions required by this title; and

"(ii) communities that have experienced disproportionate adverse economic impacts as a result of the emission reductions required by this title.

"(B) 20 percent shall be allocated to producers of electricity intensive products in a number equal to the product obtained by multiplying—

"(i) the ratio that—

"(I) the quantity of each electricity intensive product produced by each producer in the previous year; bears to

"(II) the quantity of the electricity intensive product produced by all producers in the previous year;

"(ii) the average quantity of electricity used in producing the electricity intensive product by producers that use the most energy efficient process for producing the electricity intensive product; and

"(iii) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States.

"(2) SPECIFIED PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) in the case of 2009, 6 percent;

"(B) in the case of 2010, 5.5 percent;

"(C) in the case of 2011, 5 percent;

"(D) in the case of 2012, 4.5 percent;

"(E) in the case of 2013, 4 percent;

"(F) in the case of 2014, 3.5 percent;

"(G) in the case of 2015, 3 percent;

"(H) in the case of 2016, 2.5 percent;

"(I) in the case of 2017, 2 percent; and

"(J) in the case of 2018, 1.5 percent.

"(3) REGULATIONS FOR ALLOCATION FOR TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations making appropriate arrangements for the distribution of emission allowances under paragraph (1)(A), including as necessary the appointment of 1 or more trustees—

"(i) to receive the emission allowances allocated under paragraph (1)(A) for the benefit of the dislocated workers and communities;

"(ii) to obtain fair market value for the emission allowances; and

"(iii) to apply the proceeds to providing transition assistance to the dislocated workers and communities.

"(B) FORM OF TRANSITION ASSISTANCE.—Transition assistance under paragraph (1)(A) may take the form of—

"(i) grants to employers, employer associations, and representatives of employees—

"(I) to provide training, adjustment assistance, and employment services to dislocated workers; and

"(II) to make income-maintenance and needs-related payments to dislocated workers; and

"(ii) grants to States and local governments to assist communities in attracting new employers or providing essential local government services.

"(c) ALLOCATION TO RENEWABLE ELECTRICITY GENERATING UNITS, EFFICIENCY PROJECTS, AND CLEANER ENERGY SOURCES.—For 2009 and each year thereafter, the Administrator shall allocate not more than 20 percent of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury—

"(1) to owners and operators of renewable electricity generating units, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity generated in the previous year by each renewable electricity generating unit; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States;

"(2) to owners and operators of energy efficient buildings, producers of energy efficient products, and entities that carry out energy efficient projects, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity or cubic feet of natural gas saved in the previous year as a result of each energy efficient building, energy efficient product, or energy efficiency project; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per, as appropriate—

"(i) megawatt hour of electricity generated by electricity generating facilities in all States; or

"(ii) cubic foot of natural gas burned for a purpose other than generation of electricity in all States;

"(3) to owners and operators of new clean fossil fuel-fired electricity generating units, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity generated in the previous year by each new clean fossil fuel-fired electricity generating unit; and

"(B) with respect to the previous year, ½ of the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States; and

"(4) to owners and operators of combined heat and power electricity generating facilities, in a number equal to the product obtained by multiplying—

"(A) the number of British thermal units of thermal energy produced and put to productive use in the previous year by each combined heat and power electricity generating facility; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per British thermal unit of thermal energy generated by electricity generating facilities in all States.

"(d) TRANSITION ASSISTANCE TO ELECTRICITY GENERATING FACILITIES.—

"(1) IN GENERAL.—For 2009 and each year thereafter through 2018, the Administrator shall allocate the percentage specified in paragraph (2) of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury to the owners or operators of electricity generating facilities in the ratio that—

"(A) the quantity of electricity generated by each electricity generating facility in 2001; bears to

"(B) the quantity of electricity generated by all electricity generating facilities in 2001.

"(2) SPECIFIED PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) in the case of 2009, 10 percent;

"(B) in the case of 2010, 9 percent;

"(C) in the case of 2011, 8 percent;

"(D) in the case of 2012, 7 percent;

"(E) in the case of 2013, 6 percent;

"(F) in the case of 2014, 5 percent;

"(G) in the case of 2015, 4 percent;

"(H) in the case of 2016, 3 percent;

"(I) in the case of 2017, 2 percent; and

"(J) in the case of 2018, 1 percent.

"(e) ALLOCATION TO ENCOURAGE BIOLOGICAL CARBON SEQUESTRATION.—

"(1) IN GENERAL.—For 2009 and each year thereafter, the Administrator shall allocate, on a competitive basis and in accordance with paragraphs (2) and (3), not more than 0.075 percent of the carbon dioxide emission allowances created by section 705(a) for the year for the purposes of—

"(A) carrying out projects to reduce net carbon dioxide emissions through biological carbon dioxide sequestration in the United States that—

"(i) result in benefits to watersheds and fish and wildlife habitats; and

"(ii) are conducted in accordance with project reporting, monitoring, and verification guidelines based on—

"(I) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of such a project;

"(II) comprehensive carbon accounting that—

"(aa) reflects net increases in carbon reservoirs; and

"(bb) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of the project;

"(III) adjustments to account for—

"(aa) emissions of carbon that may result at other locations as a result of the impact of the project on timber supplies; or

"(bb) potential displacement of carbon emissions to other land owned by the entity that carries out the project; and

"(IV) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of the carbon stored in a carbon reservoir; and

"(B) conducting accurate inventories of carbon sinks.

"(2) CARBON INVENTORY.—The Administrator, in consultation with the Secretary of Agriculture, shall allocate not more than ⅓ of the emission allowances described in paragraph (1) to not more than 5 State or multistate land or forest management agencies or nonprofit entities that—

"(A) have a primary goal of land conservation; and

"(B) submit to the Administrator proposals for projects—

"(i) to demonstrate and assess the potential for the development and use of carbon inventorying and accounting systems;

"(ii) to improve the standards relating to, and the identification of, incremental carbon sequestration in forests, agricultural soil, grassland, or rangeland; or

"(iii) to assist in development of a national biological carbon storage baseline or inventory.

"(3) REVOLVING LOAN PROGRAM.—The Administrator shall allocate not more than ⅔ of the emission allowances described in paragraph (1) to States, based on proposals submitted by States to conduct programs under which each State shall—

"(A) use the value of the emission allowances to establish a State revolving loan fund to provide loans to owners of nonindustrial private forest land in the State to carry out forest and forest soil carbon sequestration activities that will achieve the purposes specified in paragraph (2)(B); and

“(B) for 2010 and each year thereafter, contribute to the program of the State an amount equal to 25 percent of the value of the emission allowances received under this paragraph for the year in cash, in-kind services, or technical assistance.

“(4) Use of emission allowances.—An entity that receives an allocation of emission allowances under this subsection may use the proceeds from the sale or other transfer of the emission allowances only for the purpose of carrying out activities described in this subsection.

“(5) Recommendations concerning carbon dioxide emission allowances.—

“(A) In general.—Not later than 4 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Agriculture, shall submit to Congress recommendations for establishing a system under which entities that receive grants or loans under this section may be allocated carbon dioxide emission allowances created by section 705(a) for incremental carbon sequestration in forests, agricultural soils, rangeland, or grassland.

“(B) Guidelines.—The recommendations shall include recommendations for development, reporting, monitoring, and verification guidelines for quantifying net carbon sequestration from land use projects that address the elements specified in paragraph (1)(A).

“(f) Allocation To Encourage Geological Carbon Sequestration.—

“(1) In general.—For 2009 and each year thereafter, the Administrator shall allocate not more than 1.5 percent of the carbon dioxide emission allowances created by section 705(a) to entities that carry out geological sequestration of carbon dioxide produced by an electric generating facility in accordance with requirements established by the Administrator—

“(A) to ensure the permanence of the sequestration; and

“(B) to ensure that the sequestration will not cause or contribute to significant adverse effects on the environment.

“(2) Number of emission allowances.—For 2009 and each year thereafter, the Administrator shall allocate to each entity described in paragraph (1) a number of emission allowances that is equal to the number of tons of carbon dioxide produced by the electric generating facility during the previous year that is geologically sequestered as described in paragraph (1).

“(3) Use of emission allowances.—An entity that receives an allocation of emission allowances under this subsection may use the proceeds from the sale or other transfer of the emission allowances only for the purpose of carrying out activities described in this subsection.

“SEC. 708. MERCURY EMISSION LIMITATIONS.

“(a) In General.—

“(1) Regulations.—

“(A) In general.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish emission limitations for mercury emissions by coal-fired electricity generating facilities.

“(B) No exceedance of national limitation.—The regulations shall ensure that the national limitation for mercury emissions from each coal-fired electricity generating facility established under section 704(a)(4) is not exceeded.

“(C) Emission limitations for 2008 and thereafter.—In carrying out subparagraph (A), for 2008 and each year thereafter, the Administrator shall not—

“(i) subject to subsections (e) and (f) of section 112, establish limitations on emissions of mercury from coal-fired electricity generating facilities that allow emissions in excess of 2.48 grams of mercury per 1000 megawatt hours; or

“(ii) differentiate between facilities that burn different types of coal.

“(2) Annual review and determination.—

“(A) In general.—Not later than April 1 of each year, the Administrator shall—

“(i) review the total mercury emissions during the 2 previous years from electricity generating facilities located in all States; and

“(ii) determine whether, during the 2 previous years, the total mercury emissions from facilities described in clause (i) exceeded the national limitation for mercury emissions established under section 704(a)(4).

“(B) Exceedance of national limitation.—If the Administrator determines under subparagraph (A)(ii) that, during the 2 previous years, the total mercury emissions from facilities described in subparagraph (A)(i) exceeded the national limitation for mercury emissions established under section 704(a)(4), the Administrator shall, not later than 1 year after the date of the determination, revise the regulations promulgated under paragraph (1) to reduce the emission rates specified in the regulations as necessary to ensure that the national limitation for mercury emissions is not exceeded in any future year.

“(3) Compliance flexibility.—

“(A) In general.—Each coal-fired electricity generating facility subject to an emission limitation under this section shall be in compliance with that limitation if that limitation is greater than or equal to the quotient obtained by dividing—

“(i) the total mercury emissions of the coal-fired electricity generating facility during each 30-day period; by

“(ii) the quantity of electricity generated by the coal-fired electricity generating facility during that period.

“(B) More than 1 unit at a facility.—In any case in which more than 1 coal-fired electricity generating unit at a coal-fired electricity generating facility subject to an emission limitation under this section was operated in 1999 under common ownership or control, compliance with the emission limitation may be determined by averaging the emission rates of all coal-fired electricity generating units at the electricity generating facility during each 30-day period.

“(b) Prevention of Re-Release.—

“(1) Regulations.—Not later than January 1, 2005, the Administrator shall promulgate regulations to ensure that any mercury captured or recovered by emission controls installed at an electricity generating facility is not re-released into the environment.

“(2) Required elements.—The regulations shall require—

“(A) daily covers on all active waste disposal units, and permanent covers on all inactive waste disposal units, to prevent the release of mercury into the air;

“(B) monitoring of groundwater to ensure that mercury or mercury compounds do not migrate from the waste disposal unit;

“(C) waste disposal siting requirements and cleanup requirements to protect groundwater and surface water resources;

“(D) elimination of agricultural application of coal combustion wastes; and

“(E) appropriate limitations on mercury emissions from sources or processes that reprocess or use coal combustion waste, including manufacturers of wallboard and cement.

“SEC. 709. OTHER HAZARDOUS AIR POLLUTANTS.

“(a) In General.—Not later than January 1, 2004, the Administrator shall issue to owners and operators of coal-fired electricity generating facilities requests for information under section 114 that are of sufficient scope to generate data sufficient to support issuance of standards under section 112(d) for hazardous air pollutants other than mercury emitted by coal-fired electricity generating facilities.

“(b) Deadline for Submission of Requested Information.—The Administrator shall require each recipient of a request for information described in subsection (a) to submit the requested data not later than 180 days after the date of the request.

“(c) Promulgation of Emission Standards.—The Administrator shall—

“(1) not later than January 1, 2005, propose emission standards under section 112(d) for hazardous air pollutants other than mercury; and

“(2) not later than January 1, 2006, promulgate emission standards under section 112(d) for hazardous air pollutants other than mercury.

“(d) Prohibition on Excess Emissions.—It shall be unlawful for an electricity generating facility subject to standards for hazardous air pollutants other than mercury promulgated under subsection (c) to emit, after December 31, 2007, any such pollutant in excess of the standards.

“(e) Effect on Other Law.—Nothing in this section or section 708 affects any requirement of subsection (e), (f)(2), or (n)(1)(A) of section 112, except that the emission limitations established by regulations promulgated under this section shall be deemed to represent the maximum achievable control technology for mercury emissions from electricity generating units under section 112(d).

“SEC. 710. EFFECT OF FAILURE TO PROMULGATE REGULATIONS.

“If the Administrator fails to promulgate regulations to implement and enforce the limitations specified in section 704—

“(1)(A) each electricity generating facility shall achieve, not later than January 1, 2009, an annual quantity of emissions that is less than or equal to—

“(i) in the case of nitrogen oxides, 15 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of nitrogen oxides; and

“(ii) in the case of carbon dioxide, 75 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of carbon dioxide; and

“(B) each electricity generating facility that does not use natural gas as the primary combustion fuel shall achieve, not later than January 1, 2009, an annual quantity of emissions that is less than or equal to—

“(i) in the case of sulfur dioxide, 5 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of sulfur dioxide; and

“(ii) in the case of mercury, 10 percent of the annual emissions by a similar electricity generating facility that has no controls included specifically for the purpose of controlling emissions of mercury; and

“(2) the applicable permit under this Act for each electricity generating facility shall be deemed to incorporate a requirement for achievement of the reduced levels of emissions specified in paragraph (1).

“SEC. 711. PROHIBITIONS.

“It shall be unlawful—

“(1) for the owner or operator of any electricity generating facility—

"(A) to operate the electricity generating facility in noncompliance with the requirements of this title (including any regulations implementing this title);

"(B) to fail to submit by the required date any emission allowances, or pay any penalty, for which the owner or operator is liable under section 705;

"(C) to fail to provide and comply with any plan to offset excess emissions required under section 705(f); or

"(D) to emit mercury in excess of the emission limitations established under section 708; or

"(2) for any person to hold, use, or transfer any emission allowance allocated under this title except in accordance with regulations promulgated by the Administrator.

"SEC. 712. MODERNIZATION OF ELECTRICITY GENERATING FACILITIES.

"(a) In General.—Beginning on the later of January 1, 2014, or the date that is 40 years after the date on which the electricity generating facility commences operation, each electricity generating facility shall be subject to emission limitations reflecting the application of best available control technology on a new major source of a similar size and type (as determined by the Administrator) as determined in accordance with the procedures specified in part C of title I.

"(b) Additional Requirements.—The requirements of this section shall be in addition to the other requirements of this title.

"SEC. 713. RELATIONSHIP TO OTHER LAW.

"(a) In General.—Except as expressly provided in this title, nothing in this title—

"(1) limits or otherwise affects the application of any other provision of this Act; or

"(2) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

"(b) Regional Seasonal Emission Controls.—Nothing in this title affects any regional seasonal emission control for nitrogen oxides established by the Administrator or a State under title I.".

(b) Conforming Amendment.—Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by striking "opacity" and inserting "mercury, opacity,".

SEC. 3. SAVINGS CLAUSE.

Section 193 of the Clean Air Act (42 U.S.C. 7515) is amended by striking "date of the enactment of the Clean Air Act Amendments of 1990" each place it appears and inserting "date of enactment of the Clean Power Act of 2003".

SEC. 4. ACID PRECIPITATION RESEARCH PROGRAM.

Section 103(j) of the Clean Air Act (42 U.S.C. 7403(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (F)(i), by striking "effects; and" and inserting "effects, including an assessment of—

"(I) acid-neutralizing capacity; and

"(II) changes in the number of water bodies in the sensitive ecosystems referred to in subparagraph (G)(ii) with an acid-neutralizing capacity greater than zero; and"; and

(B) by adding at the end the following:

"(G) Sensitive Ecosystems.—

"(i) In general.—Beginning in 2005, and every 4 years thereafter, the report under subparagraph (E) shall include—

"(I) an identification of environmental objectives necessary to be achieved (and related indicators to be used in measuring achievement of the objectives) to adequately protect and restore sensitive ecosystems; and

"(II) an assessment of the status and trends of the environmental objectives and indicators identified in previous reports under this paragraph.

"(ii) Sensitive ecosystems to be addressed.—Sensitive ecosystems to be addressed under clause (i) include—

"(I) the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and southern Blue Ridge Mountains;

"(II) the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay; and

"(III) other sensitive ecosystems, as determined by the Administrator.

"(H) Acid deposition standards.—Beginning in 2005, and every 4 years thereafter, the report under subparagraph (E) shall include a revision of the report under section 404 of Public Law 101–549 (42 U.S.C. 7651 note) that includes a reassessment of the health and chemistry of the lakes and streams that were subjects of the original report under that section."; and

(2) by adding at the end the following:

"(4) Protection of sensitive ecosystems.—

"(A) Determination.—Not later than December 31, 2011, the Administrator, taking into consideration the findings and recommendations of the report revisions under paragraph (3)(H), shall determine whether emission reductions under titles IV and VII are sufficient to—

"(i) achieve the necessary reductions identified under paragraph (3)(F); and

"(ii) ensure achievement of the environmental objectives identified under paragraph (3)(G).

"(B) Regulations.—

"(i) In general.—Not later than 2 years after the Administrator makes a determination under subparagraph (A) that emission reductions are not sufficient, the Administrator shall promulgate regulations to protect the sensitive ecosystems referred to in paragraph (3)(G)(ii).

"(ii) Contents.—Regulations under clause (i) shall include modifications to—

"(I) provisions relating to nitrogen oxide and sulfur dioxide emission reductions;

"(II) provisions relating to allocations of nitrogen oxide and sulfur dioxide allowances; and

"(III) such other provisions as the Administrator determines to be necessary.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPOSITION MONITORING.

(a) Operational Support.—In addition to amounts made available under any other law, there are authorized to be appropriated for each of fiscal years 2004 through 2013—

(1) for operational support of the National Atmospheric Deposition Program National Trends Network—

(A) $2,000,000 to the United States Geological Survey;

(B) $600,000 to the Environmental Protection Agency;

(C) $600,000 to the National Park Service; and

(D) $400,000 to the Forest Service;

(2) for operational support of the National Atmospheric Deposition Program Mercury Deposition Network—

(A) $400,000 to the Environmental Protection Agency;

(B) $400,000 to the United States Geological Survey;

(C) $100,000 to the National Oceanic and Atmospheric Administration; and

(D) $100,000 to the National Park Service;

(3) for the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,500,000 to the National Oceanic and Atmospheric Administration;

(4) for the Clean Air Status and Trends Network $5,000,000 to the Environmental Protection Agency; and

(5) for the Temporally Integrated Monitoring of Ecosystems and Long-Term Monitoring Program $2,500,000 to the Environmental Protection Agency.

(b) Modernization.—In addition to amounts made available under any other law, there are authorized to be appropriated—

(1) for equipment and site modernization of the National Atmospheric Deposition Program National Trends Network $6,000,000 to the Environmental Protection Agency;

(2) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Mercury Deposition Network $2,000,000 to the Environmental Protection Agency;

(3) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,000,000 to the National Oceanic and Atmospheric Administration; and

(4) for equipment and site modernization and network expansion of the Clean Air Status and Trends Network $4,600,000 to the Environmental Protection Agency.

(c) Availability of Amounts.—Each of the amounts appropriated under subsection (b) shall remain available until expended.

SEC. 6. TECHNICAL AMENDMENTS.

Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(1) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(2) is redesignated as title VIII and moved to appear at the end of that Act.

Summary of the Clean Power Act of 2003

Amends the Clean Air Act with a new title VII—Electric Generation Emission Reductions.

Caps—Sets annual emissions caps for three pollutants that apply beginning in 2009: SO_x—275,000 tons in western region; 1,975,000 tons in eastern region; NO_x—1,510,000 tons; and CO_2—2,050,000,000 tons.

Mercury emissions are capped in 2008 at a rate that results in 5 tons annually

The Administrator is authorized to reduce these caps if the Administrator determines that they are not reasonably anticipated to protect public health or welfare or the environment. In addition, the Administrator is authorized to limit the emissions from an electric generating facility (EGF), if she determines that its emissions may reasonably be anticipated to cause or contribute to a significant adverse impact on an area.

Modernization—By the later of 2014, or 40 years after commencing operation, each EGF must achieve emission limitations reflecting the best available control technology applied to a new major source of the same generating capacity.

Allownace Creation & Trading—Allowances are created representing each of the caps' tons and may be traded, except for mercury. They will have unique serial numbers to identify them. Western and Eastern SO_x allowances may be traded between regions, but extra-regional allowances can't be used to meet an EGF's obligations. Trading in emission allowances with other sectors is prohibited, except if the allowances are for carbon dioxide and are created by a cap on another non-electricity sector.

Allowance Submission to Meet Caps—Three months after the end of 2009, and every year thereafter, each electric generating facility that generates 15 MW (or the thermal equivalent) or greater from a fossil fuel combustion unit or combination of units that sells electricity must give to EPA at last the amount of allowances that represent the tons they emitted in the previous year. Allowances created and banked under Title IV (acid rain—SO_x) or through Title I regulations (ozone—NO_x), may be used at the rate of 4:1. However, if allowances are banked because a facility meets NSPS in the period 2001–2008, they may be used 1:1 for compliance with Clean Power Act. Allowances under the Clean Power Act may be banked.

Emissions Emission Penalties—By 2007 and every 3 years thereafter, each state will identify the electric generating facilities in that state and in other states that are significantly contributing to non-attainment of an ozone naaqs in that state. Beginning in 2009, the Administrator is authorized, upon a petition from a state or a citizen demonstrating that control measures are inadequate to prevent that significant contribution, to require that each identified and inadequately controlled facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by that electricity generating facility during the period of an ozone naaqs exceedance that occurred in the previous year.

An EGF that fails to submit enough allowances to EPA will be required to submit additional emission allowances as a penalty. This is similar to section 412 of CAA. For SO_x, NO_x, and CO_2, the penalty is 3 times the excess emissions or shortfall in allowances multiplied by the average annual market price of the allowance. For mercury, the penalty is 3 times the excess emissions and the average cost of mercury controls.

Mercury Emissions Limitation—Starting in 2008, mercury emissions are limited to no greater than 2.48 grams of mercury per 1,000 megawatt hours. This is equivalent to reducing aggregate emissions of mercury from EGFs by 90 percent from today's levels, and the emission limitation imposed are deemed to be maximum achievable control technology (MACT) for mercury. In the event that aggregate emissions from EGFs go above the 5 ton cap, then EPA must adjust the limitations downward. EGFs may average their emissions over 30-day periods and between units at a single facility. EPA must promulgate regulations to prevent the rerelease of mercury into the environment from coal combustion waste, i.e. fly ash.

Non-Mercury Haps Rulemaking—EPA must proposed MACT regulations to cover non-mercury hazardous air pollutants from EGFs by 2005 and enforce them by 2008.

Monitoring—Coal-fired EGFs above 50MW will be required to conduct ambient air quality monitoring within a 30-mile radius for hazardous air pollutants and sulfur dioxide emitted by the facility. In general, EGFs must conduct continuous emission monitoring.

Allowance Allocation.

Allowances representing the tons of pollution in the emission caps for SO_x, NO_x, and CO_2, are distributed annually every year by the Administrator in 2009 to five main categories: consumers/households, transition assistance, renewable energy-efficiency-cleaner energy, carbon sequestration, and existing units.

Consumers/Households—After the allowances described below are distributed, the Administration will have a minimum of 62.5% of the total allowances to distribute to households. EPA will arrange for a trustee to receive these allowances and to convey their fair market value to households based on the number of persons in the household and the ratio of the household's state's residential electricity consumption to the national residential electricity consumption.

Transition Assistance—EPA will arrange for a trustee to receive 6% of the allowance in 2009 (this declines over 10 years by increments of .5 to 1.5% in 2018), who must then turn around and obtain fair market value for those allowances and convey:

80% of that value to dislocated workers and communities that experience a disproportionate impact due to the emission reductions required by the bill, and

20% to producers of electricity intensive products (like aluminum) based on their share of total output multiplied by the average amount of power used by most efficient production process multiplied by the national average emission rate of the covered pollutants from fossil fuel generating facilities in tons per MW.

Renewable Energy Generating Units, Efficiency Projects and Clean Energy Sources—EPA will allocate no more than 20% of the total allowances to:

(1) renewable electricity generating units based on their output multiplied by the national average emission rate of the covered pollutants from fossil fuel generating facilities in tons per MWh. So, for each avoided ton of pollution per unit of output, the renewable generator will get an allowance equal to one ton.

(2) owners and operators of energy efficient buildings, producers of energy efficient products and entities that carry out energy efficiency projects, based on the tons of pollution that would have been emitted at the national average rate for fossil fuel electricity generation or natural gas combustion for each megawatt-hour or unit of natural gas saved.

(3) cleaner fossil fuel EGFs, based on their output multiplied by half of the tons of pollution that would otherwise have been emitted at the national average rate for fossil fuel electricity generation or natural gas combustion for the same amount of output.

(4) combined heat and power facilities, based on their Btus of thermal energy output multiplied by the tons of pollution that would otherwise have been emitted in tons per Btu at a fossil fuel EGF for the same amount of output.

Carbon Sequestration—EPA will allocate up to .075% of the total carbon dioxide allowances to states for developing biological carbon sequestration inventories and for establishing state revolving loan funds for loans to owners of nonindustrial private forest lands to carry out carbon sequestration. EPW will allocate up to 1.5% of the total carbon dioxide allowances to entities conducting geologic carbon sequestration, based on the national average rate of carbon dioxide emissions from EGFs per ton sequestered.

Existing Facilities. EPA will allocate 10% of the allowances in 2009 (declining 1 point annually over time until it reaches 1% in 2018) to EGFs based on share of 2000 output.

Acid Precipitation and Sensitive ecosystem research—EPA must expand the report completed every four years on the reduction in acid deposition rates necessary to prevent adverse ecological effects by including consideration of changes in lakes and streams acid neutralizing capacity. In addition, EPA must submit a report every four years on sensitive ecosystems, including the Adirondacks, the mid-Appalachian Mountains, the Great Lakes, Lake Champlain, the Rocky Mountains, and the southern Blue Ridge Mountains. If necessary, EPA is authorized to promulgate regulations in 2012 to protect them.

Failure of EPA to Issue Regs—EPA must promulgate regulations by 2009 to implement and enforce these emission limitations or each EGF must achieve specific emission performance at each facility relative to an uncontrolled source—95% for sulfur dioxide, 85% for nitrogen oxides, 25% for carbon dioxide, and 90% for mercury.

Small Generator Inventory—EPA will conduct an inventory of emissions from Electric Generating Facilities (EGFs) with generating capacity less than 15MW. Based on that inventory, EPA will annually subtract those emissions from the total amount of allowances allocated prior to distribution each year.

Savings Clause—Nothing in the Clean Power Act precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

Ms. COLLINS. Mr. President, I am pleased to join Senator JEFFORDS in introducing the Clean Power Act of 2003. This bill will remove the loophole that has allowed the dirtiest, most polluting power plants in the Nation to escape significant pollution controls for more than 30 years.

Maine is one of the most beautiful and pristine States in the Nation. It is also one of the most environmentally responsible States in the Nation. Maine has fewer emissions of the pollutants that cause smog and acid rain than all but a handful of states. Maine also has one of the lowest emissions of carbon dioxide nationwide.

Unfortunately, despite the collective environmental consciousness of both the citizens and industries of Maine, Maine still suffers from air pollution. Every lake, river, and stream in Maine is subject to a state mercury advisory that warns pregnant women and young children to limit consumption of fish caught in those waters. Even Acadia National Park, one of the most beautiful national parks in the Nation, experiences days in which visibility is obscured by smog.

Where does all this pollution come from? A large part of it comes from a relatively small number of mostly coal-fired power plants that use loopholes to escape the provisions of the Clean Air Act. Coal-fired power plants are the single largest source of air pollution, mercury contamination, and greenhouse gas emissions in the nation. A single coal-fired power plant can emit more of the pollutants that cause smog and acid rain than all of the cars, factories, and businesses in Maine combined.

As the easternmost State in the Nation, Maine is downwind of almost all power plants in the United States. Many of the pollutants emitted by these power plants—mercury, sulfur dioxide, nitrogen oxides, and carbon dioxide—end up in or over Maine. Airborne mercury falls into our lakes and streams, contaminating freshwater fish and threatening our people's health. Carbon dioxide is causing climate change that threatens to alter Maine's delicate ecological balance. Sulfur dioxide and nitrogen oxides come to Maine in the form of acid rain and smog that damage the health of our people and the health of our environment.

A single power plant can emit nearly a ton of mercury in a single year. That's equivalent to incinerating over 1 million mercury thermometers and is enough to contaminate millions of acres of freshwater lakes. In contrast, Maine has zero power plant emissions of mercury. This bill would reduce mercury emissions from power plants by 90 percent by 2009.

I am pleased that there has been so much recognition recently of the problems that so many States are facing on clean air. President Bush has proposed a "Clear Skies" initiative that will reduce emissions of mercury, sulfur dioxide, and nitrogen oxides. Last year, Senators CARPER, CHAFEE, BREAUX, and BAUCUS also introduced legislation that would reduce these pollutants, as well as carbon dioxide.

There are important differences between these proposals. The Jeffords/Collins bill does more to reduce smog, acid rain, mercury pollution, and global warming than any other bill. Our bill provides more public health and environmental benefits than any other serious proposal, and it provides the benefits sooner. However, any step which reduces air pollution is a step in the right direction. Our parks and our people have waited far too long for clean air.

I think virtually everyone agrees that we need to reduce power plant pollution. I look forward to working with the Administration and my colleagues on both sides of the aisle to provide cleaner air.

Ms. SNOWE. Mr. President, I rise today to cosponsor Senator JEFFORDS' bill—as I did in the 106th and 107th Congresses—as I am dedicated to reducing power plant emissions that cause some of the Nation's—and Maine's—most serious public health and environmental problems.

For too many years, coal-burning power plants exempt from emissions standards under the Clean Air Act have created massive pollution problems for the Northeast because whatever spews out of their smokestacks in the Midwest, blows into the Northeast, including my State of Maine, giving it the dubious distinction of being at the "end of the tailpipe", so to speak.

The Jeffords' legislation calls for reductions of power plant emissions for pollutants that cause smog, soot, respiratory disease; acid rain that kills our forests; mercury that contaminates our lakes, rivers and streams; and climate variabilities that cause severe shifts in our weather patterns. Maine currently leads the Nation in asthma cases per capita, which is not a surprise, but which it can do little about when nearly 80 percent of the State's dirty air is not of their own making but is transported by winds blowing in from the Midwest and Southeast.

The bill will dramatically cut aggregate power plant emissions by 2009 of the four major power plant pollutants: nitrogen oxides NO_X, the primary cause of smog, by 71 percent from 2000 levels; sulfur dioxide, SO_2, that causes acid rain and respiratory disease, by 81 percent from 2000 levels; mercury, Hg, which poisons our lakes and rivers, causing fish to be unfit for human consumption, through a 90 percent reduction by 2008; and carbon dioxide, CO_2, the greenhouse gas most directly linked to global climate variabilities, by 21 percent from 2000 levels. Of note, the NO_X, SO_2, and mercury reductions are set at levels that are known to be cost effective with available technology.

The bill will also eliminate the outdated coal-burning power plants that were grandfathered in the Clean Air Act unless they apply the best available pollution control technology by their 40th birthday or 2014, whichever is later. The thinking for the exemption in the Clean Air Act was based, at the time, on the assumption that the plants would not stay on line much longer. However, as energy has gotten more expensive, companies are keeping these older, dirtier plants up and running.

Furthermore, just as the Clean Air Act already provides tradable allowances for sulfur dioxide that causes acid rain, the Jeffords' legislation also allows for tradable allowances to control emissions for three other pollutants—NO_X, SO_X, CO_2,—by using market-oriented mechanisms to meet emissions reduction requirements.

The tradable allowances would be distributed to five main categories, including 63 percent or more to households; six percent for transition assistance to affected communities and industries, which will decline over time; up to 20 percent to renewable energy generation, efficiency projects and clean energy sources, based on avoided pollution; 10 percent to existing electric generating facilities based on 2000 output; and up to 1.5 percent of the carbon dioxide allowances for biological and geological carbon sequestration. Of note, trading will not be allowed if it enables a power plant to pollute at a level that damages public health or the environment.

I realize that the Administration's Clear Skies Initiative does not address carbon dioxide as a pollutant nor does it address emissions reductions for CO_2. While I recognize that the pollutants listed under the Clear Air Act have been to achieve healthier air for humans by cutting back on smog and soot, and also for mercury contamination, I believe it is long past due that carbon dioxide be recognized as a pollutant that is harming the health of the planet.

I am supporting the goal of CO_2 emissions reduction in the Jeffords' bill in the hopes that the bill will be a rallying point to further the debate for reducing CO_2 and at the same time, get our air cleaner on a quicker timeframe. In particular, Congress needs to develop a market mechanism approach for CO_2 emissions trading—such as we now have for acid rain—to allow U.S. industries the flexibility and certainty to reduce CO_2 emissions without the threat of higher energy production costs in the future that will be passed on to the consumer. I will continue to work with my colleagues, the White House and representatives from various industry groups, and environmental organizations to achieve this goal.

The bottom line is that we have the opportunity to raise the bar for cleaner domestic energy production in an economically effective manner. Solutions exist in available and developing technologies, and most of all in the entrepreneurial spirit of the American people who want a cleaner and healthier environment, including those in Maine who want to ensure that the State's pristine lakes and coast will remain clean and our forests healthy for generations to come. States like Maine are leading the way in trying to reduce CO_2 emissions—and the Jeffords' legislation sends a powerful message to those who would pollute our air: your days are numbered.

I am optimistic that the Congress can come together with the President, industry and all those who want cleaner, healthier air to create a cohesive policy that is best suited for our nation, so I urge my colleagues to support the Jeffords' legislation.

By Mr. ROCKEFELLER:

S. 367. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am proud to re-introduce a bill that reauthorizes the landmark welfare reform legislation passed in 1996. It is basically the same bill as I introduced in the last Congress and it is designed to allow States to continue the important work to promote work and personal responsibility. This reauthorization bill is designed to allow States to continue to provide the flexible initiatives that have reduced national welfare caseloads by over 50 percent and moved millions of Americans from welfare to work.

Welfare reform was a bold experiment to dramatically change a major social program. In 1996, Congress ended the entitlement of eligible families with children to cash aid. The results five years later are impressive. Over two-thirds of the people who are leaving the welfare rolls have left for work.

Seven years ago, we agreed that the bipartisan goal of welfare reform should be to promote work and to protect children. We stood here together, on unchartered ground, and endorsed significant policy changes that we believed would help families gain independence and economic self-sufficiency, while protecting the children. States began to revise welfare service delivery with guidance based on the new reforms. Each State designed and implemented programs that were unique and specific to their populations. While the results have been mixed, I believe that encouraging progress has been made. The challenge this year will be to continue to build on our foundation, and be sensitive to the current economic situation and the fiscal crisis States face today.

When we started welfare reform, we had a strong economy. Now, States are struggling and most of their reserves are gone. I believe we can continue the progress of welfare reform, but I strongly believe we must provide the key investments that help welfare parents make a successful transition from welfare to work, including increasing child care funding.

In West Virginia, welfare reform has brought bold changes. Parents on welfare get extra support as they face new responsibilities and obligations to make the transition from welfare to jobs. In 2001, I hosted a roundtable discussion to meet with individual West Virginians who were undergoing major life transitions. They told me that they were proud to be working, but that it was often still a struggle to make ends meet and do the best for their children. The goal of this legislation is to help those parents, and millions more, to promote the well-being of their children, even as they work.

Today, I am introducing the Personal Responsibility and Work Opportunity Reconciliation Act Amendments of 2003. States need help to continue making progress. We should continue to build on this foundation, and not reduce state flexibility. It is essential that we continue welfare reform, not unravel it, or restructure it.

This bill acknowledges that we must keep the focus on work, by both requiring and rewarding work. To ensure a real focus on helping parents leave welfare rolls for a job, this legislation gradually replaces the caseload reduction credit with an employment credit, designed by Senator LINCOLN of Arkansas and Congressman LEVIN of Michigan. Under this important provision, States will only get a bonus toward their work participation requirement if parents move from welfare to a job. This credit will acknowledge the dignity of all work by providing a bonus for parents who get jobs, both full and part-time. A mother who has never worked in her life and then gets a part-time job has achieved a true accomplishment, and that deserves recognition. It is also the first step toward independence. It is an empowering approach to promoting work and sends the proper message to families who are striving to become self sufficient. I am pleased to incorporate their proposal into my bill, and I look forward to working with them closely throughout the welfare debates during this Congress to develop an employment credit that truly rewards work.

At this point, with a soft economy, I believe it is unwise to significantly change State TANF programs to impose drastically higher work participation rates requiring 40 hours per week of work and activities. Such changes, as suggested by the Administration, would double the work requirement for mothers with children under the age of 6, and that does not seem right. Increasing work requirement without new funding for child care, transportation, and job placement activities would be, plain and simple, an unfunded mandate. It could hinder state efforts to move parents into private sector jobs. It could undermine our progress.

State officials have testified before the Finance Committee that such changes would force states to restructure existing programs that are working and turn their focus away from those who need some assistance with child care or transportation, but are no longer dependent on a welfare check. We should not cut back on necessary child care and work supports for working families who are following the rules we set in 1996.

This comprehensive welfare reform bill makes the right investments. It invests $5.5 billion more in child care, which is the amount supported by the Finance Committee in a bipartisan vote last June.

This bill also increases funding for the basic TANF block grant by $2.5 billion because of state need. It provides full funding for the Social Services at $2.8 billion, which was promised to the states in 1996. My bill also would expand and increase the supplemental grants to help the states with high growth and high poverty deal with the challenges of welfare reform. With these new investments, states will be able to increase investment in the fundamental work supports like child care, transportation, and training, that help a parent succeed in moving from welfare to work. States would have flexibility in allocating the new resources, but I believe much of the funding can and will be directed into child care, which is a major priority.

This bill would continue the transitional Medicaid program so families can keep health care coverage for a year as they move from welfare to work. In 1996, I was proud to work with Senator BREAUX and the late Senator John Chafee to protect access to health care for such vulnerable families. I have incorporated Senator BREAUX's bipartisan bill to continue transitional Medicaid coverage, and I appreciate his leadership on this and other key issues. Our bill also gives states more flexibility and options to place parents in vocational training and English as a Second Language programs, so parents can get real jobs. In recognition of Maine's success with the Parents as Scholar program, States have the option to follow the Maine model for 5 percent of their caseload to combine work and education.

The bill also invests $200 million to create BusinessLink Grants, competitive grants to support public and private partnerships to help parents get jobs. The Welfare-to-Work Partnership is just one example of how nonprofits working with business leaders can make a real difference. The Partnership includes over 20,000 businesses that have provided more than 1 million jobs to parents moving from welfare to work. I have met with the board members of this group, and we should encourage such partnerships. I know that other groups, like the Salvation Army and Good Will, are doing important work on providing transitional job opportunities, and these organizations would be eligible for grants as well.

A job is the first step, but for welfare parents to make a successful transition to independence, they need a range of supports. To achieve this goal, the bill will create Pathways to Self-Sufficiency Grants to improve the support network for parents. These grants are intended to provide incentives and support to TANF caseworkers and nonprofit organizations to help improve the comprehensive network of supports for working families, including Medicaid, CHIP, child care, EITC, and a range of services. Working mothers deserve to know what type of support will be available so that they do not slip back into welfare.

Work is fundamental, but we also need to be concerned about important aspects of the lives of families and children. This legislation creates a Family Formation Fund to encourage healthy families, reduce teenage pregnancy, and improve child support and participation of parents in children's lives. The bill seeks to end certain discrimination and harsh rules for two-parent families in the current system. If our goal is to support marriage, we should not penalize married couples.

Our legislation also makes a simple, but important change. Under the current TANF program, each welfare parent has an Individual Responsibility Plan that serves as an assessment and work plan. In addition to having a responsibility to work, parents have a responsibility to protect their children's well-being. To emphasize this fundamental point, this bill adds language directing states to incorporate the concept of a child's well-being into each parent's Individual Responsibility Plan. States have great flexibility, but it is important to send a clear message that one of a parent's responsibilities is the well-being of their children.

This legislation builds on the foundation of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. My hope is that this framework will help promote bipartisan discussion about how we can make even more improvements in our welfare system, while maintaining our partnership with the States, particularly at this time of severe fiscal problems in our States.

By Mr. MCCAIN (for himself and Mr. GRAHAM of South Carolina):

S. 368. A bill to amend title X of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

Mr. MCCAIN. Mr. President, today, there is a greater awareness of the precarious financial condition confronting our Nation's Social Security system. Unfortunately, partisanship has controlled the debate on reform, polarizing and paralyzing Congress, while the fate of Social Security has become more grim and the consequent need for reform has become more urgent.

It is now time for us to come together to reform and revitalize this system, so that Social Security will continue to benefit both the seniors of today and tomorrow. As elected officials, we have an obligation to ensure that Social Security benefits are paid as promised, without unfairly burdening the workers of today.

American workers deserve to know the true financial status of the Social Security program. Each individual should have the right to honest information, including the real value of their personal retirement benefits. Most Americans have little knowledge of the true financial status of Social Security because the current system does not provide them with practical, easy to understand information.

Today, Senator LINDSEY GRAHAM and I are introducing a bill that will require the inclusion of that practical information in annual Social Security statements sent to all taxpaying Americans. These statements will include straight forward information regarding the average rate of return workers can expect to receive from Social Security as compared to the amount of taxes an individual pays into the program, the amount Social Security receives in payroll, how much revenue is needed to give promised benefits to seniors, and the date when the program will no longer have sufficient funds to pay promised benefits. It is only fair and just to provide everyone with the true facts about how much they will pay in payroll taxes and what the limited return will be on their contributions.

We must talk straight to Americans about Social Security and begin working together in a bipartisan fashion to make the necessary changes to strengthen and save the Nation's retirement program for the seniors of today and tomorrow.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Straight Talk on Social Security Act of 2003".

SEC. 2. MATERIAL TO BE INCLUDED IN SOCIAL SECURITY ACCOUNT STATEMENT.

Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(E) a statement of the current social security tax rates applicable with respect to wages and self-employment income, including an indication of the combined total of such rates of employee and employer taxes with respect to wages; and

"(F)(i) as determined by the Chief Actuary of the Social Security Administration, a comparison of the total annual amount of social security tax inflows (including amounts appropriated under subsections (a) and (b) of section 201 of this Act and section 121(e) of the Social Security Amendments of 1983 (42 U.S.C. 401 note)) during the preceding calendar year to the total annual amount paid in benefits during such calendar year;

"(ii) as determined by such Chief Actuary—

"(I) a statement of whether the ratio of the inflows described in clause (i) for future calendar years to amounts paid for such calendar years is expected to result in a cash flow deficit,

"(II) the calendar year that is expected to be the year in which any such deficit will commence, and

"(III) the first calendar year in which funds in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will cease to be sufficient to cover any such deficit;

"(iii) an explanation that states in substance—

"(I) that the Trust Fund balances reflect resources authorized by the Congress to pay future benefits, but they do not consist of real economic assets that can be used in the future to fund benefits, and that such balances are claims against the United States Treasury that, when redeemed, must be financed through increased taxes, public borrowing, benefit reduction, or elimination of other Federal expenditures,

"(II) that such benefits are established and maintained only to the extent the laws enacted by the Congress to govern such benefits so provide, and

"(III) that, under current law, inflows to the Trust Funds are at levels inadequate to ensure indefinitely the payment of benefits in full; and

"(iv) in simple and easily understood terms—

"(I) a representation of the rate of return that a typical taxpayer retiring at retirement age (as defined in section 216(l)) credited each year with average wages and self-employment income would receive on old-age insurance benefits as compared to the total amount of employer, employee, and self-employment contributions of such a taxpayer, as determined by such Chief Actuary for each cohort of workers born in each year beginning with 1925, which shall be set out in chart or graph form with an explanatory caption or legend, and

"(II) an explanation for the occurrence of past changes in such rate of return and for the possible occurrence of future changes in such rate of return.

The Comptroller General of the United States shall consult with the Chief Actuary to the extent the Chief Actuary determines necessary to meet the requirements of subparagraph (F).".

By Mr. THOMAS:

S. 369. A bill to amend the Endangered species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the "Listing and Delisting Reform Act of 2003." The Endangered Species Act has become one of the best examples of good intentions gone astray. Today, I am taking one small step toward injecting some common sense into what has become a regulatory nightmare. It is my intention to start making the law more effective for local landowners, public land managers, communities and State governments who truly hold the key to any successful effort to conserve species. My legislation seeks to improve the listing, recovery planning and delisting processes so that recovery, the goal of the act, is easier to achieve.

In Wyoming, we have seen first hand the need to revise the listing and delisting processes of the Endangered Species Act. Listing should be a purely scientific decision. Listing should be based on credible data that has been peer-reviewed. In 1998, the Preble's Meadow Jumping Mouse was listed in the State of Wyoming. The listing process for this mouse demonstrates how the system has gone haywire, devoid of good science. One of the more significant shortcomings regarding the handling of the Preble Mouse has been the confusion between the "known range" as opposed to the alleged "historical range" of the mouse. Historical data and current knowledge do not support the high, short-grass, semi-arid plains of southeastern Wyoming as part of the mouse's historical habitat range. The U.S. Fish and Wildlife Service has even admitted to uncertainties regarding taxonomic distinctions and ranges. further, the State was not properly notified causing counties, commissioners, and landowners all to be caught off guard. Such poor practices do not foster the types of partnerships that are required if meaningful species conservation is to occur. Clearly, changes to the Endangered Species Act are desperately needed.

Not far behind the mouse in Wyoming, was the black tailed prairie dog. Petitions to list the prairie dog were filed with the U.S. Fish and Wildlife Service. I've lived in Wyoming most of my life, and I've logged a lot of miles on the roads and highways in my State over the years. I can tell you from experience that there is no shortage of prairie dogs in Wyoming. Any farmer or rancher will concur with that opinion. This petition, and countless other actions throughout the country, makes it painfully clear that some folks are intent on completely eliminating activity on public lands, no matter what the cost to individuals or local communities that rely on the land for economic survival.

My legislation will require the Secretary of the Interior to use scientific or commercial data that is empirical, field tested and peer-reviewed. Right now, it's basically a "postage stamp" petition: any person who wants to start a listing process may petition a species with little or no scientific support. This legislation prevents this absurd practice by establishing minimum requirements for a listing petition that includes an analysis of the status of the species, its range, population trends and threats. The petition must also be peer reviewed. In order to list a species, the Secretary must determine if sufficient biological information exists in the petition to support a recovery plan. Under my proposal, States are made active participants in the process and the general public is provided a more substantial role.

This legislation requires explicit planning and forethought with regard to conservation and recovery at the time the species is listed. Let me be clear about the intent of this requirement. I do not question the basic premise that some species require the protection of the Endangered Species Act. However, listing a species can cause hardship on a community. For that reason, it is critically important and only reasonable that every listing be supported by sound science. We should be sure of the need for a listing before we ask the members of our communities and private landowners to make sacrifices.

In Wyoming, I have found that with several listings, the Secretary of the Interior was unable to tell me what measures were required to achieve species recovery. The Secretary could not tell me what acts or omissions we could expect to face as a consequence of listing. How can this be, if the Secretary is fully apprized of the status of the species? Conversely, if the Secretary cannot clearly describe how to reverse threatening acts to a species so that we can achieve recovery, how can we be sure that the species is, in fact, threatened?

This ambiguity has caused much undue frustration to the people of Wyoming. If the Secretary believes that certain farming or ranching practices, or a private citizen's development of their own property is the cause for a listing, then the Secretary should identify those activities that have to be curtailed or changed. If the Secretary does not have enough information to indicate what activities should be restricted, then why list a species? Why open producers and others to the burden of over-zealous enforcement and even litigation without being able to achieve the goal of recovering the species?

This legislation is ultimately designed to improve the quality of information used to support a listing. If the Secretary knows enough to list a species, that person should know enough to tell us what will be required for recovery. That should be the case under current law, and that is all that this provision would require.

Additionally, we need to revise the end of the process, the de-listing procedure. Recovery should be the goal of the Endangered Species Act. Yet, it is virtually impossible to de-list a species. There is no certainty in the process, and the State who has all the responsibility for managing the species once it is off the list are not true partners in that process. Once the recovery plan is met, the species should be delisted.

Wyoming's experience with the Grizzly bear pinpoints some of the problems with the current de-listing process. The Interagency Grizzly Bear Committee set criteria for recovery and in the Yellowstone ecosystem, those targets have been met, but the bear has still not been removed from the list. We've been battling the U.S. Fish and Wildlife Service for years over this issue to no avail. Despite rebounded populations, we keep funneling money down a black hole.

The point is something needs to be done. People in Wyoming have grown weary of the Endangered Species Act and the efforts of a vocal minority to run roughshod over their lives and interests. It is imperative to the longevity of many species and our citizens in the West that we bring this Act to the snubbing post and gain control of the process. The changes I've suggested will have a significant affect on the quality of science, public participation, state involvement, speed in recovery and finally the delisting of a species. Species that truly need protection will be protected, but let's not lose sight of the real goal—recovery and delisting.

By Mr. DEWINE (for himself, Mrs. CLINTON, and Mr. REED).

S. 371. A bill to amend the Public Health Service Act to ensure an adequate supply of vaccines; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today, along with my colleague from New York, Senator CLINTON, to introduce the Childhood Vaccine Supply Act—a bill that would help ensure that our nation's public health system has an adequate vaccine supply.

Vaccinations are critical in our efforts to keep our population, particularly children and the elderly, healthy. They are key in protecting the elderly from influenza during flu season or protecting children from contracting polio or the mumps. They—vaccinations, inoculations, immunizations, whatever you want to call them—also help lessen the threat of bacterial or viral infections and potential disease outbreaks.

Currently, it is recommended that children receive 12 routine vaccinations against preventable diseases. These vaccinations are given in a series of shots and booster shots by the age of two, with an additional four doses later in life. This ends up being about 16 to 20 doses of vaccines for children. Yet, just last year, over half of the vaccines children need were in short supply.

That shortage of vaccines was not acceptable, and we should do all we can to prevent any future shortage and do all we can to protect our kids from illness and disease. As a Senator, and more importantly, as a father of eight and grandfather of eight, nothing is more important to parents than the health and safety of our children.

While we are not currently experiencing a shortage, we know that the vaccine market is unstable and unpredictable. According to the Centers for Disease Control's National Immunization Program, there were several reasons for the shortages last year. The CDC concluded and posted on its website that the "reasons for these shortages were multi-factorial and included companies leaving the vaccine market, manufacturing or production problems, and insufficient stockpiles." The CDC did as good a job as it possibly could, especially considering the vaccine shortages our nation faced last year. The agency's website posted information about shortages and released revised vaccine schedules to keep our public informed and knowledgeable about vaccination shortages.

But, even with the strong efforts of the CDC, we can work toward preventing a future vaccine shortage. We can work toward a more permanent solution. The bill I am introducing with my colleague from New York will go a long way to do just that.

The bill we are introducing today—the Childhood Vaccine Supply Act—would help bring some stability to our fragile vaccine supply. Unlike drug manufacturers, vaccine manufacturers do not have to give notice when they stop making a vaccine—whether the vaccine is withdrawn from the market intentionally or because the manufacturer is simply unable to continue making the vaccine. Essentially, these manufacturers leave the marketplace with no notice and no warning. Most doctors and hospitals—and more importantly parents and older adults—often have no idea that a vaccine is in short supply until they line up for a flu shot or go to the doctor for their child's immunizations.

Our bill would change this. It would require any manufacturer of a vaccine to give notice of discontinuance. By giving notice, the Centers for Disease Control, CDC, and the Food and Drug Administration, FDA, would be better able to ensure an adequate vaccine supply for our Nation's population. Additionally, our bill would require all drug and vaccine manufacturers to give notice when they withdraw from the market. This change would ensure that we have a better sense of who is making vaccines and drugs and would allow the CDC and FDA to monitor the manufacturer's production and release of vaccines. Let me explain why this is important.

Vaccines, or biological products, are difficult to develop and manufacture. They are more complex than drugs. Because of this, it takes longer for a biological product to reach the market. For example, a pharmaceutical company that manufactured tetanus vaccine stopped producing it, leaving only one company to produce tetanus vaccine for the entire country. The remaining company increased production to accommodate all of the needs of the United States. Despite this, it still required about 11 months for the vaccine to be ready for release. In other words, it took 11 months for the company to ramp-up production to meet demand. Our bill would create a notification mechanism to capture those drugs and vaccines leaving the market so we can avoid future vaccine and drug shortages.

Our bill would take another important step toward ensuring an adequate vaccine supply. It would confirm the authority of the CDC to develop a plan for the purchase, storage, and rotation of a supply of vaccines sufficient to provide routinely recommended vaccinations for a six-month period for children and adults. Essentially, our bill would create a framework for the CDC to develop a national vaccine stockpile to ensure that childhood vaccine shortages simply do not occur.

Our children deserve timely vaccinations. When childhood vaccinations are in short supply or are unavailable, they do without, living unprotected against disease. That should never happen. Our bill is a step toward ensuring children get the vaccines they need and that they get them at the right time. I urge my colleagues to join us in support of this important public health legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPLY OF VACCINES.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end the following:

"Subtitle 3—Adequate Vaccine Supply

"SEC. 2141. SUPPLY OF VACCINES.

"(a) IN GENERAL.—

"(1) PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a plan for the purchase, storage, and rotation of a supply of vaccines sufficient to provide routinely recommended vaccinations for a 6-month period for—

"(A) a national stockpile of vaccines for all children as authorized under section 1928(d)(6) of the Social Security Act (42 U.S.C. 1396s(d)(6)); and

"(B) adults.

"(2) SUPPLY.—The supply of vaccines under paragraph (1) shall—

"(A) include all vaccines routinely recommended for children by the Advisory Committee on Immunization Practices; and

"(B) include all vaccines routinely recommended for adults by the Advisory Committee on Immunization Practices.

"(3) SUPPLY AUTHORITY.—The Secretary shall carry out—

"(A) paragraph (2)(A) using the authority provided for under section 1928(d)(6) of the Social Security Act (42 U.S.C. 1396s(d)(6)); and

"(B) paragraph (2)(B) using—

"(i) the authority provided for under section 317; and

"(ii) any other authority relating to the vaccines described in such paragraph.

"(b) SUBMISSION OF PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit the plan developed under subsection (a) to—

"(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(B) the Committee on Finance of the Senate; and

"(C) the Committee on Energy and Commerce of the House of Representatives.

"(2) INCLUSIONS.—The plan shall include a discussion of the considerations that formed—

"(A) the basis for the plan; and

"(B) the prioritization of the schedule for purchasing vaccines set forth in the plan.

"(c) IMPLEMENTATION OF THE PLAN.—Not later than September 30, 2006, the Secretary shall fully implement the plan developed under subsection (a).

"(d) NOTICE.—

"(1) IN GENERAL.—For the purposes of maintaining and administering the supply of vaccines described under subsection (a), the Secretary shall require by contract that the manufacturer of a vaccine included in such supply provide not less than 1 year notice to the Secretary of a discontinuance of the manufacture of the vaccine, or of other factors, that may prevent the manufacturer from providing vaccines pursuant to an arrangement made to carry out this section.

"(2) REDUCTION OF PERIOD OF NOTICE.—The notification period required under paragraph (1) may be reduced if the manufacturer certifies to the Secretary that good cause exists for reduction, under the conditions described in section 506C(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c).

"(e) PROCEEDS.—Any proceeds received by the Secretary from the sale of vaccines contained in the supply maintained pursuant to this section, shall be available to the Secretary for the purpose of purchasing additional vaccines for the supply. Such proceeds shall remain available until expended.

"(f) ONGOING REPORTS.—

"(1) IN GENERAL.—Not later than 2 years after submitting the plan pursuant to subsection (b), and periodically thereafter, the Secretary shall submit a report to the Committees identified in subsection (b)(1) that—

"(A) details the progress made in implementing the plan developed under subsection (a); and

"(B) notes impediments, if any, to implementing the plan developed under subsection (a).

"(2) RECOMMENDATION.—The Secretary shall include in the first of such reports required under paragraph (1)—

"(A) a recommendation as to whether the vaccine supply should be extended beyond the 6-month period provided in subsection (a); and

"(B) a discussion of the considerations that formed the recommendation under subparagraph (A).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2009.".

Mrs. CLINTON. Mr. President, I rise today to discuss an important issue to which I have pledged my constant dedication throughout my career—ensuring that children have access to affordable and safe vaccines. These vaccines are one of the most successful and cost-effective tools we have to prevent disease and death.

Yet only a year ago, however, doctors had to turn families away at the door because of national vaccine shortages for eight out of the eleven vaccine-preventable diseases. During the vaccine shortage, children became ill with pneumococcal meningitis and pneumonia, diseases that could have been prevented with an adequate supply of the pneumococcal vaccine.

Since the HELP Committee met to discuss the vaccine shortage crisis, we have witnessed some significant progress, which is a credit to a collaborative effort by public health officials, vaccine manufacturers and providers. Shortages for five vaccines have stopped, and childhood vaccines for eight different diseases are no longer being delayed. These shortages, temporarily alleviated, could return at any time. I know that my home state of New York, like the rest of the Nation, only has a one-to-two month stockpile for some of the routinely recommended childhood vaccines.

At the most recent HELP Committee hearing no vaccines, we listened to a GAO report that acknowledged two critical components to protecting our children's health security, and today I rise to present legislation that would take these two important steps.

Having the government stockpile vaccines is important because vaccine production is a complex process. The GAO report confirmed that a pause in production for safety reasons could happen again and would have a critical and devastating impact on the ability to vaccinate children and adults. I appreciate the administration's announced commitment to provide funds in the 2004 Budget for a vaccine stockpile. The Childhood Vaccine Supply Act would strengthen and support the administration's authority in these efforts and assure that the stockpile includes adults as well as all children, who were affected by the tetanus-diphtheria toxoid shortage last year.

We also need an additional buffer because DCD acknowledges that it will take 4 years before we can have a 6-month stockpile of childhood vaccines. We need a notification mechanism so that CDC can work with other manufacturers to maintain the vaccine supply when a manufacturer cannot produce an adequate supply of vaccine. Each of the four major vaccine producers has stated that they do not object to this sort of an advance notice provision. The Childhood Vaccine Supply Act would create a notification mechanism for manufacturers to give one-year advance notice when they intend to stop making a vaccine.

We have worked amicably with Senators FRIST, GREGG, and KENNEDY on both of these vaccine provisions. We have work amicably with Senator FRIST on this issue and our vaccine provisions, and fully expect to continue working with this bipartisan group of Senators to accomplish the important goal of assuring safe vaccines for all children.

By Mr. THOMAS (for himself and Mr. CRAIG):

S. 372. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the "State and Local Government Participation Act of 2003" which would amend the National Environmental Policy Act, NEPA. This bill is designed to guarantee that Federal agencies identify State, county and local governments as cooperating agencies when fulfilling their environmental planning responsibilities under NEPA.

NEPA was designed to ensure that the environmental impacts of a proposed Federal action are considered and minimized by the federal agency taking that action. It was supposed to provide for adequate public participation in the decision making process on these Federal activities and document an agency's final conclusions with respect to the proposed action.

Although this sounds simple and quite reasonable, NEPA has become a real problem in Wyoming and many States throughout the Nation. A statute that was supposed to provide for additional public input in the federal land management process has instead become an unworkable and cumbersome law. Instead of clarifying and expediting the public planning process on Federal lands. NEPA now serves to delay action and shut-out local governments that depend on the proper use of these Federal lands for their existence.

The "State and Local Government Participation Act" is designed to provide for greater input from State and local governments in the NEPA process. This measure would simply guarantee that State, county and local agencies be identified as cooperating entities when preparing land management plans under NEPA. Although the law already provides for voluntary inclusion of state and local entities in the planning process, too often, the federal agencies choose to ignore local governments when preparing planning documents under NEPA. Unfortunately, many Federal agencies have become so engrossed in examining every environmental aspect of a proposed action on Federal land, they have forgotten to consult with the folks who actually live near and depend on these areas for their economic survival.

States and local communities must be consulted and included when proposed actions are being taken on Federal lands in their State. Too often, Federal land managers are more concerned about the comments of environmental organizations located in Washington, DC or New York City than the people who actually live in the State where the proposed action will take place. This is wrong. The concerns, comments and input of state and local communities are vital for the proper management of federal lands in the West. The "State and Local Government Participation Act of 2003" will begin to address this troubling problem and guarantee that local folks will be involved in proposed decision that will affect their lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Government Participation Act of 2003".

SEC. 2. CONSULTATION WITH STATE AGENCIES AND COUNTY AND LOCAL GOVERNMENTS ON ENVIRONMENTAL IMPACT STATEMENTS.

Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended in the first sentence of the matter following clause (v) by striking "any Federal agency which has" and inserting "each Federal agency, State agency, county government, and local government that has".

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. INOUYE, Mr. FEINGOLD, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. REED, and Mr. SARBANES):

S. 373. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senators KERRY, CLINTON, SARBANES, CORZINE, MIKULSKI, DODD, LEVIN, REED, LIEBERMAN, FEINGOLD, INOUYE, and AKAKA in introducing the Safe Nursing and Patient Care Act.

Current Federal safety standards limit work hours for pilots, flight attendants, truck drivers, railroad engineers and other professionals, in order to protect the public safety. However, no similar limitation currently exists for the Nation's nurses, who care for so many of our most vulnerable citizens.

The Safe Nursing and Patient Care Act will limit mandatory overtime for nurses in order to protect patient safety and improve working conditions for nurses. Across the country today, the widespread practice of mandatory overtime means that over-worked nurses are often providing care in unacceptable circumstances. Restrictions for mandatory overtime will help ensure that nurses are able to provide the highest quality of care to their patients.

Some hospitals have taken action to deal with this serious problem. Over the last few years in Massachusetts Brockton Hospital and St. Vincent Hospital agreed to limit mandatory overtime as part of negotiations following successful strikes by nurses. These limits will protect patients and improve working conditions for the nurses, and will help in the recruitment and retention of nurses in the future.

Job dissatisfaction and harsh overtime hours are major factors in the current shortage of nurses. Nationally, the shortfall is expected to rise to 20 percent in coming years. The goal of the Safe Nursing and Patient Care Act is to improve the quality of life for nurses, so that more persons will enter the nursing profession and remain in it.

The bill limits mandatory overtime to declared states of emergency. Clearly, there are times when other options are exhausted and hospitals need additional help. The bill takes account of such needs. The bill requires health providers to notify nurses of these new rights, and nurses who report violations are guaranteed protection from workplace discrimination. In addition, the bill requires the Agency for Health Care Research and Quality to report to Congress on appropriate standards for the maximum numbers of hours that nurses should work in various health settings without compromising patient care.

Improving conditions for nurses is an essential part of our ongoing effort to reduce medical errors, improve patient outcomes, and encourage more Americans to become and remain nurses. The power of providers to force nurses to work beyond what is safe for themselves and their patients is one of the major drawbacks to careers in nursing. The Safe Nursing and Patient Care Act is a significant step that Congress can take to support the Nation's nurses, and I urge my colleagues to support it.

By Mr. BAUCUS (for himself, Mr. BUNNING, Mr. ENZI, Mr. CRAPO, Mr. BURNS, Mr. JOHNSON, Mr. BAYH, Mr. COCHRAN, Mr. INOFE, Mr. ALLEN, Mr. NICKLES, Mr. WARNER, and Mr. MILLER):

S. 374. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my good friend and colleague, Senator BUNNING today in introducing legislation that will repeal the Special Occupational Tax, (SOT), on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products, but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. Believe it or not, this tax was originally established to help finance the Civil War. That war is over, and this inequitable tax has outlived its original purpose. Clearly an example of an anticipated approach to Federal taxation, repealing the SOT has an element of simplification in it.

The SOT on alcohol dramatically increased during the budget process in 1988 and has unfairly burdened business owners across the country since. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the SOT. According to the ATF, there are 480,427 locations nationwide that pay SOT's every year, including 485,603 retailers. These retail establishments account for $114 million out of $126 million in SOT revenues.

In Montana, there are 3,378 locations, including 3,254 restaurants and 494 convenience stores, which pay nearly $2 million dollars in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, "mom and pop" convenience stores in Butte, and allowing alleys, flower shops, and restaurants across Montana, and the United States, pay the Federal Government almost $100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages.

The SOT is extremely regressive. Retailers must annually pay $250 per location; wholesalers pay $500; vintners and distillers pay $1000. Because the SOT is levied on a per location basis, a sole proprietorship must pay the same amount as one of the Nation's largest retailers, and locally-owned chains having to pay per location, would have to pay as much as, if not more than, the Nation's largest single site brewery. In testimony before the Finance Committee last spring, a small business owner from Helena, MT who runs four convenience stores and three restaurants said it best. "Whether it's a seasonal restaurant, an Elks Lodge or American Legion, a bowling center, campground, a florist who delivers gift baskets containing wine, or a convenience store operator, no one is spared from the tax." This is not what Congress had in mind 150 years ago, and I don't believe it's a situation we want today.

Repealing the SOT on alcohol is supported by a broad-based group of business organizations and enjoys widespread bipartisan support on Capital Hill. Similar legislation is being introduced in the House today, and a bill, identical to this one, was introduced in the previous Congress, but for one reason or another, the law was not enacted.

The legislation preserves ATF's record-keeping requirements, while removing the agency's enforcement burden, and will save up to $2 million per year. The GAO examined SOT efficacy several times, and found it fundamentally flawed. The Joint Committee on Taxation called for the elimination of SOT in its June 2001 simplification study.

More than 90 percent of all SOT revenue comes from retailers—a great majority of that number are small businesses. Recently, President Bush met with a group of small business owners and employees in St. Louis. He said, "The best way to encourage job growth is to let [small businesses] keep more of their own money, so they can invest in their business and make it easier for somebody to find work." Repealing the SOT would provide an immediate and visible tax cut to small business owners.

Now, as the Federal Government considers ways to provide additional economic stimulus to the people who need it most, the time is right for us to move forward and enact this legislation to repeal the SOT an alcohol. We urge our colleagues to join us in this endeavor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 of such Code is amended by striking ", on payment of a special tax per annum,".

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 of such Code is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 of such Code and the table of subparts for such part are amended to read as follows:

"PART II—MISCELLANEOUS PROVISIONS

"Subpart A. Manufacturers of stills.
"Subpart B. Nonbeverage domestic drawback claimants.
"Subpart C. Recordkeeping by dealers.
"Subpart D. Other provisions."

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

"Part II. Miscellaneous provisions."

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking "and rate of tax" in the item relating to section 5111, as so redesignated.

(C) Section 5111 of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking "and rate of tax" in the section heading,

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 of such Code is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

"Subpart C—Recordkeeping by Dealers

"Sec. 5121. Recordkeeping by wholesale dealers.
"Sec. 5122. Recordkeeping by retail dealers.
"Sec. 5123. Preservation and inspection of records, and entry of premises for inspection."

(5)(A) Section 5114 of such Code (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.",

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) WHOLESALE DEALERS.—For purposes of this part—

"(1) WHOLESALE DEALER IN LIQUORS.—The term 'wholesale dealer in liquors' means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

"(2) WHOLESALE DEALER IN BEER.—The term 'wholesale dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

"(3) DEALER.—The term 'dealer' means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

"(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer."

(C) Paragraph (3) of section 5121(d) of such Code, as so redesignated, is amended by striking "section 5146" and inserting "section 5123".

(6)(A) Section 5124 of such Code (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 of such Code and inserted after section 5121.

(B) Section 5124 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.",

(ii) by striking "section 5146" in subsection (c) and inserting "section 5123", and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) RETAIL DEALERS.—For purposes of this section—

"(1) RETAIL DEALER IN LIQUORS.—The term 'retail dealer in liquors' means any dealer (other than a retail dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

"(2) RETAIL DEALER IN BEER.—The term 'retail dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

"(3) DEALER.—The term 'dealer' has the meaning given such term by section 5121(c)(3)."

(7) Section 5146 of such Code is moved to subpart C of part II of subchapter A of chapter 51 of such Code, inserted after section 5122, and redesignated as section 5123.

(8) Part II of subchapter A of chapter 51 of such Code is amended by inserting after subpart C the following new subpart:

"Subpart D—Other Provisions

"Sec. 5131. Packaging distilled spirits for industrial uses.
"Sec. 5132. Prohibited purchases by dealers."

(9) Section 5116 of such Code is moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after the table of sections, redesignated as section 5131, and amended by inserting "(as defined in section 5121(c))" after "dealer" in subsection (a).

(10) Subpart D of part II of subchapter A of chapter 51 of such Code is amended by adding at the end thereof the following new section:

"SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

"(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

"(b) PENALTY AND FORFEITURE.—

"For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302."

(11) Subsection (b) of section 5002 of such Code is amended—

(A) by striking "section 5112(a)" and inserting "section 5121(c)(3)",

(B) by striking "section 5112" and inserting "section 5121(c)",

(C) by striking "section 5122" and inserting "section 5122(c)".

(12) Subparagraph (A) of section 5010(c)(2) of such Code is amended by striking "section 5134" and inserting "section 5114".

(13) Subsection (d) of section 5052 of such Code is amended to read as follows:

"(d) BREWER.—For purposes of this chapter, the term 'brewer' means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e)."

(14) The text of section 5182 of such Code is amended to read as follows:

"For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122."

(15) Subsection (b) of section 5402 of such Code is amended by striking "section 5092" and inserting "section 5052(d)".

(16) Section 5671 of such Code is amended by striking "or 5091".

(17)(A) Part V of subchapter J of chapter 51 of such Code is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(18)(A) Sections 5142, 5143, and 5145 of such Code are moved to subchapter D of chapter 52 of such Code, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended by striking "this part" each place it appears and inserting "this subchapter".

(B) Section 5732 of such Code, as redesignated by subparagraph (A), is amended by striking "(except the tax imposed by section 5131)" each place it appears.

(C) Subsection (c) of section 5733 of such Code, as redesignated by subparagraph (A), is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(D) The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end thereof the following:

"Sec. 5732. Payment of tax.
"Sec. 5733. Provisions relating to liability for occupational taxes.
"Sec. 5734. Application of State laws."

(E) Section 5731 of such Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(19) Subsection (c) of section 6071 of such Code is amended by striking "section 5142" and inserting "section 5732".

(20) Paragraph (1) of section 7652(g) of such Code is amended—

(A) by striking "subpart F" and inserting "subpart B", and

(B) by striking "section 5131(a)" and inserting "section 5111(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, but shall not apply to taxes imposed for periods before such date.

Mr. BUNNING. Mr. President, I am happy to join my colleague, Senator BAUCUS, in the introduction of legislation to repeal the Special Occupational Tax on the sale of alcoholic beverages.

This is an unfair tax imposed on all businesses that manufacture, distribute or sell alcohol products. It has a particularly egregious impact on the Nation's small businesses—the "Mom and Pop" convenience stores, the local bowling alleys, the small sandwich shop, the seasonal bait shop, and the community lodges. This regressive tax imposes the same tax on little businesses and large businesses. The tax is levied as a fixed amount per location—$250 for retailers, $500 for wholesalers, and $1,000 for vinters and distillers—with no adjustment for the size of a business. Thus, a family which owns two small convenience stores will pay twice as much as a large one-location "super" party store. This tax results in small retail outlets paying a larger percentage of their revenue towards this tax. In addition, the tax is not prorated, meaning that seasonal businesses such as bait shops or marinas that are open for three months a year will pay the same rate as businesses that are open year-around.

Largely due to the negative impact of this tax on small businesses, there has been strong bi-partisan support for its repeal in both the Senate and the House. The effectiveness of the tax—which is traditionally quite expensive to administer—has been found to be flawed by the General Accounting Office in several examinations. In a 2001 study on the simplification of the Federal tax system, the Joint Committee on Taxation recommended the repeal of the Special Occupancy Tax on alcohol. The Joint Committee found that the tax is in the nature of a business license fee and serves no tax policy purpose.

I hope my colleagues will join Senator BAUCUS and me in repealing this burdensome tax once and for all.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, and Mr. THOMAS):

S. 375. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program of 1; to the Committee on Finance

Mr. DOMENICI. Mr. President, I rise today with my friends Senator LINCOLN, Senator ROCKEFELLER, and Senator THOMAS to introduce the "Medicare Access Equity Act of 2003," a bill to address the inequality that exists in Medicare reimbursement levels to urban and rural physicians.

Nothing is more important to our families than accessible and available health care. When we become ill and need treatment, we must turn to our doctors for help. But, imagine this, a hospital filled with the latest technology, and no doctors to administer treatment.

Does this sound ridiculous? It's not. Rural patients often have difficulty obtaining timely care due to a shortage of physicians, and, the problem I have described is not just occurring in my home State of New Mexico, forty-one other States are experiencing similar problems because of a common set of rules and procedures.

In most rural areas, Federal policy undermines a doctor's ability to see Medicare patients by establishing disparity in reimbursement levels. Rural physicians are among the lowest Medicare dollar reimbursement recipients in the country, and I submit that this is the reason these areas cannot effectively recruit and retain their physicians.

Medicare payments for physician services are based upon a fee schedule, intended to relate payments for a given service to the actual resources used in providing that service. One component of this fee schedule is "physician work." CMS defines "physician work" as the amount of time, skill and intensity necessary to provide service.

Each component of the fee schedule is multiplied by a geographic index; designed to adjust for variations in cost. The geographic index as it relates to "physician work" is lower in rural areas than in metropolitan/urban areas. Thus, although rural physicians put in as much or even more time, skill, and intensity into their work as physicians in metropolitan/urban areas; rural physicians are paid less for their work.

This practice is unfair and it is discriminatory. There is no reason doctors in Albuquerque, NM should be paid less for their time than doctors in New York City. Doctors should be valued equally, irrespective of geography.

The "Medicare Access Equity Act of 2003" fixes this problem. The Bill creates a more equitable Medicare reimbursement formula for doctors in 56 different fee schedule areas in 42 different States. It continues to apply the current formula to determine geographic index as it relates to physician work. However, once the calculation has been completed, The Secretary will increase the work geographic index to one for any locality for which such index is below one. Those fee schedule areas that are currently at or above one will not be affected by this legislation.

Our Bill builds upon the simple proposition that increased Medicare Physician reimbursements improve patient access to care and the ability of states to recruit and retain physicians. If Medicare physician reimbursement rates are raised, patients will be the ultimate beneficiaries.

Thank you and I look forward to working with my colleagues Senator LINCOLN, Senator ROCKEFELLER, and Senator THOMAS on this very important issue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Access Equity Act of 2003".

(b) FINDINGS.—Congress makes the following findings:

(1) Americans have paid taxes in to the medicare program equally across the country and every American should have access to quality health care.

(2) There is a national market for health care providers.

(3) Increasingly, private insurance companies tie their reimbursement rates to those paid by medicare.

(4) The physician fee schedule formula for medicare currently includes several adjustments for variable costs throughout the nation. While it is appropriate for the cost of running a practice to reflect overhead differences, physicians should not be compensated for their time differently based on where they live.

(5) Medicare beneficiaries pay the same part B premium regardless of location which forces subsidization of higher reimbursement areas by seniors in lower reimbursement areas without any corresponding benefit.

(6) Areas of the country that currently receive the lowest reimbursement from medicare are often the same areas that are experiencing the greatest shortage of physicians. Attracting more physicians to these areas cannot be achieved without greater equity in medicare reimbursement.

SEC. 2. ESTABLISHMENT OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) FLOOR AT 1.0 ON WORK GEOGRAPHIC INDICES.—After calculating the work geographic indices in subparagraph (A)(iii), for purposes of payment for services furnished on or after January 1, 2004, the Secretary shall increase the work geographic index to 1.00 for any locality for which such geographic index is less than 1.00.".

Mrs. LINCOLN. Mr. President, I am pleased to join my colleague Senator PETE DOMENICI today in introducing the "Medicare Access Equity Act of 2003."

This important legislation will significantly help rural physicians in Arkansas and across the country keep their doors open to Medicare beneficiaries. By correcting a disparity in the Medicare physician fee schedule, Medicare will pay rural physicians more fairly for their individual effort in treating Medicare patients.

In my home State of Arkansas, 60 percent of seniors live in rural areas. Consequently, Medicare patients make up a large percentage of a rural physician's practice.

It is simply unfair that current Federal policy doesn't value physician work in all areas, urban and rural, in the same way. Because the component of the fee schedule that relates to physician work is multiplied by a geographic indicator adjusting for variants in cost, Medicare payment policy devalues the amount of time and skill that rural physicians spend in providing medical services.

I believe that work is work, regardless of where it is performed. It takes the same amount of time and skill for a physician in Pea Ridge, AR to treat a wound or diagnose a patient as a physician in Los Angeles, CA. It is time to correct this inequity.

The Medicare Access Equity Act does this by revising the geographic practice cost indices GPCI, to establish a minimum index of 1 for the "physician work" component. The bill applies the current formula to determine physician work GPCIs, but if a GPCI is calculated to be less than 1, the Secretary of Health and Human Services will increase it to 1.

This is critical to my home State of Arkansas, where the physician work GPCI is currently 0.953, the sixth lowest GPCI in the country. Increasing Arkansas' work GPCI to 1 will automatically pump more money to rural physicians in Arkansas, where many may begin to close their doors due to the rising costs of providing health care.

It is my hope that Senator DOMENICI and I, with help from the Senate Rural Health Caucus, can pass this important legislation as part of any Medicare reform we consider this year. Fair reimbursement is key to ensuring that rural Americans retain the quality health care they receive from their doctors.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. COCHRAN, Mr. JOHNSON, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. REID, Mr. SANTORUM, Mr. DURBIN, Mr. CHAFEE, Mr. FEINGOLD, Mr. LIEBERMAN, Ms. STABENOW, and Mr. MILLER):

S. 377. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation to pay tribute to one of our Nation's most prominent individuals, Dr. Martin Luther King, Jr. The Martin Luther King, Jr. Commemorative Coin Act of 2003 instructs the Secretary of the Treasury to mint coins to recognize Dr. King's contribution to the people of the United States. Revenues from the surcharge on the coin would go to the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Martin Luther King, Jr. This honor is long overdue.

His contributions to our Nation are well known and well documented. From 1955 when he helped lead the Montgomery Boycott to his death at the hands of an assassin in 1968, Dr. King dedicated his life to the cause of civil rights. In those 13 years, he was jailed several times, got cursed at and stoned by mobs, reviled by racist attacks in the South. Civil rights marches for freedoms we take for granted today like the right to vote or drink from the same water fountain, were met with police dogs and fire hoses.

Honoring Dr. King also means honoring those local leaders in the civil rights struggle who kept Dr. King's vision alive at the grassroots. In my particular home State of Louisiana, Rev. Dr. T.J. Jemison led a successful bus boycott in our State capital Baton Rouge. He became an advisor to Dr. King during the Montgomery Bus boycott. Many of these local leaders faced constant danger at home. One Louisianan, Dr. C.O. Simpkins of Shreveport had his home bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated.

But Dr. King urged us to fight hate with love, quell violence with peace, and to replace ignorance with understanding. He believed in a higher calling for America. In his famous "I Have a Dream" speech at the Lincoln Memorial in 1963, he called on America to live up to its creed, that all men were created equal. America heeded his call by passing landmark civil rights legislation in 1958 and 1964. For his work, he received the Novel Peace Prize in 1964. At 35 years old, Dr. King was the youngest recipient of the Peace Prize.

Today, our Nation is a better place than it was just 40 years ago. It is truly remarkable how much this nation has changed in the lifetimes of virtually everyone currently serving in the Senate. Our nation has made great strides forward, but race relations in our country are not perfect. But we are working to get there.

A nineteenth century rabbi named Zadok Rabinwitz said that "A man's dreams are an index to his greatness." Dr. King had a dream. His dream is becoming our nation's reality. By any measure his dreams were great and they made a great Nation even greater. I urge my colleagues to support the Martin Luther King, Jr. Commemorative Coin Act of 2003.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. JOHNSON, and Mr. KOHL):

S. 378. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, our tribal colleges and universities have come to play a critically important role in educating Native Americans across the country. For more than 30 years, these institutions have proven instrumental in providing a quality education for those who had previously been failed by our mainstream educational system. Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few, only one or two would graduate with a degree. Since these institutions have curricula that is culturally relevant and is often focused on a tribe's particular philosophy, culture, language and economic needs, they have a high success rate in educating Native American people.

I had the honor today of meeting with students, faculty and presidents from South Dakota's tribal colleges to talk about the educational needs of Native Americans and the role tribal colleges play in strengthening tribal communities. It, like so many of the meetings I have had with representatives of tribal colleges, was a fascinating conversation. I am consistently impressed by the enduring spirit, sense of community and hope for a better quality of life that these institutions support. After meeting these students and educators, I have no doubt that the future of Indian Country is in good hands.

The results of a tribal college education are impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduating. In addition, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 55 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, many challenges remain to ensure the future success of these institutions. These schools rely heavily on Federal resources to provide educational opportunities for all students. As a result, I strongly support efforts to provide additional funding to these colleges through the Interior, Agriculture and Labor, Health and Human Services, and Education Appropriations bills.

In addition to resource constraints, administrators have expressed a particular frustration over the difficulty they experience in attracting qualified individuals to teach at tribal colleges. Geographic isolation and low faculty salaries have made recruitment and retention particularly difficult for many of these schools. This problem is increasing as enrollment rises.

That is why I am introducing the Tribal College and University Teacher Loan Forgiveness Act. This legislation will provide loan forgiveness to individuals who commit to teach for up to five years in one of the 34 tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This program will provide these schools extra help in attracting qualified teachers, and thus help ensure that deserving students receive a high quality education.

This measure will benefit individual students and their communities. By providing greater opportunities for Native American students to develop skills and expertise, this bill will spur economic growth and help bring prosperity and self-sufficiency to communities that desperately need it. Native Americans and the tribal college system deserve nothing less. I believe our responsibility was probably best summed up by one of my state's greatest leaders, Sitting Bull. He once said, "Let us put our minds together and see what life we can make for our children."

I am pleased that Senator's BAUCUS, BINGAMAN, CONRAD, JOHNSON, and KOHL are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of the Tribal College and University Teacher Loan Forgiveness Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This Act may be cited as the "Tribal Colleges and Universities Teacher Loan Forgiveness Act".

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking "or" after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(J) as a full-time teacher at a Tribal College or University as defined in section 316(b)."; and

(B) in paragraph (3)(A)(i), by striking "or (I)" and inserting "(I), or (J)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of the Tribal Colleges and Universities Teacher Loan Forgiveness Act, who—

"(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

"(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

"(b) QUALIFIED LOAN AMOUNTS.—

"(1) PERCENTAGES.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

"(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of the Tribal Colleges and Universities Teacher Loan Forgiveness Act to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

"(B) 20 percent of such total amount, for the third or fourth year of such employment; and

"(C) 30 percent of such total amount, for the fifth year of such employment.

"(2) MAXIMUM.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

"(3) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

"(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

"(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(f) DEFINITION.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.".

SEC. 2. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this Act shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

By Mr. BINGAMAN (for himself and Mr. THOMAS):

S. 379. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators THOMAS, LINCOLN, and JOHNSON entitled "The Medicare Incentive Payment Program Improvement Act of 2003" is designed to improve the flow of needed bonus payments to physicians serving Medicare patients in Health Professions Shortage Areas, HPSA.

The Medicare Incentive Payment Program, MIPP, created by the Omnibus Budget Reconciliation Act of 1987, was meant to assist physicians in defraying the higher costs and burdens of serving Medicare patients in shortage areas. Rural areas are know to suffer from physician shortages, both primary care and specialty physicians. In fact, even though 20 percent of America lives in a rural area, less than 11 percent of physicians in the U.S., practice in rural areas.

In my own State, the ongoing loss of physicians from underserved areas has affected both primary care and in particular, specialty services. In many areas, the shortage of specialists exceeds that of the primary care physicians. The New Mexico Health Policy Commission reported in its year 2000 report that 22 percent of residents in Los Alamos and Santa Fe were unable to receive needed specialist care.

While the national ratio of physicians per population is 198 doctors per 100,000 persons, New Mexico ranks 33rd in the country with only 170 physicians per 100,000 population. We are not in a position to "grow our own doctors" either as New Mexico ranks 37th among the 46 States with medical schools in graduating physicians per capita.

New Mexico, like many other States with large numbers health profession shortage areas, or HPSAs, must rely on its ability to recruit and retain physicians in underserved areas to meet the health care needs of its citizens. It was the original intent of the MIPP to do this, by allowing for physicians in underserved areas to receive an additional 10 percent add-on in payments for services rendered. These 10 percent "bonuses" are meant to be an essential component in our ongoing effort to ensure Medicare beneficiaries access to medical services, particularly in underserved areas.

Unfortunately, the Medicare Incentive Payment Program has fared poorly, with few providers choosing to receive the payments. In fact, the total annual physician payments have never exceeded $100 million, because of a series of disincentives in the legislation.

The program requires a provider to do a number of things to obtain the bonus payments. First, providers must be aware that MIPP payments are available to them. Many providers are unaware of the program's existence. Next, physicians must find out if the patient's medical care occurred in a shortage area. Following this, a unique code must be attached to the Medicare claim, which is then forwarded to the carrier. Finally, after all these steps, providers are subjected to automatic Medicare audits, just for applying for the very payments for which they are eligible.

Providers committed to serving Medicare patients in underserved areas deserve the support assured by the original legislation's intent.

The Medicare Incentive Payment Improvement Act of 2003 addresses and improves shortcomings in the original legislation by: Placing the burden for determining the bonus eligibility on the Medicare carrier. Eliminating automatic provider audits. Directing the Center for Medicare and Medicaid Services to establish a Medicare Incentive Payment Program Educational Program for Providers. Establishing an ongoing analysis of the programs, ability to improve Medicare beneficiaries' access to physician services. Continue to provide the original 10 percent add-on bonus for Part B physician payments in Health Provider Shortage Areas.

Medicare carriers are the logical arbiters to determine whether physician services occurred in a shortage area. Physicians, already overworked, lack sufficient time, resources and training to research and determine whether a service was provided in a HPSA. By placing the responsibility on carriers, with their sophisticated information systems, the physician's administrative burdens will be reduced.

The automatic audits triggered by this program, which are costly, time intensive, and unwarranted, will be lifted under our legislation. By placing the responsibility on carriers to determine payment eligibility the need for provider audits is eliminated.

While the MIPP program is intended to improve beneficiaries' access to physician services, there is no measure of the program's effect on physician availability. The legislation offered today directs CMS to perform an ongoing analysis as to whether these payments actually do improve beneficiaries' access to physician services.

I believe these improvements, in addition to others listed above, will greatly improve patient's access to care.

The following organizations have expressed support for this legislation: American College of Physicians/American Society of Internal Medicine, and the National Rural Health Association.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Incentive Payment Program Improvement Act of 2003".

SEC. 2. PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.

Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).".

SEC. 3. EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.

The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

SEC. 4. ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.

(a) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. BROWNBACK):

S. 380. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, today, I rise to offer to the Senate some good news for our mailers and, indeed, anyone who uses the United States Postal Service. The USPS, which has been losing significant amounts of money in recent years despite repeated increases in postage rates, has determined that its finances are in better order than previously thought. If Congress acts expeditiously on legislation that I am introducing today along with my colleague, Senator CARPER, the Postal Service will avoid an imminent rate hike.

In recent years, the United States Postal Service has been raising postal rates at a rapid pace. When the USPS last raised rates in 2002, it was the third such rate increase during an 18-month period. Such steep, irregular rate increases make it very difficult for businesses to plan for their postal costs. This is a particular problem for catalog companies and magazine publishers, which set their prices in advance based on assumptions about postal rates. Mailing costs for some smaller catalog businesses, I am told, now can exceed production costs.

In so many ways, postage rate increases have a significant economic impact. As rates increase, so do the costs Americans bear to send letters, mail packages, and pay their bills. Rate increases also raise the cost of goods, which, of course, reflect not only the cost to ship but also the cost to advertise by mail.

But rate increases reflect the price of maintaining an ever-expanding postal network and the infrastructure to sustain it. Each year, the Postal Service adds 1.7 million new addresses. This equates to 4,800 new letter carriers making deliveries to over 513 million new delivery stops each year, all while maintaining one of the lowest first-class letter rates in the world.

In addition to providing a critical service to individual postal patrons, the Postal Service is a powerful economic engine. The USPS is the eleventh largest enterprise in the Nation with $66 billion in annual revenue, more than Microsoft, McDonald's and Coca Cola combined. While the Postal Service itself employs more than 700,000 career employees, it is also the linchpin of a $900 billion mailing industry that employs nine million Americans in fields as diverse as direct mailing, printing and paper production.

That is why the deteriorating state of the United States Postal Service's finances has been a source of great concern to many of us. After several years of large losses, the USPS has been slowly approaching its statutory borrowing limit of $15 billion.

A few months ago, however, the Office of Personnel Management discovered that the USPS will dramatically over-fund its contributions to the Civil Service Retirement Fund unless the law is changed. After having based the Postal Service's annual contributions on the assumption that it had an actuarial deficit of $32 billion, OPM discovered instead that the USPS's CSRS deficit was actually only $5 billion. The difference is primarily due to higher than expected yields on pension investments by the Department of the Treasury. If the USPS continues to fund the CSRS at its current pace, it will over-fund its CSRS liability by $78 billion.

If Congress approves the changes to the payment schedule as my bill provides, the Postal Service's CSRS retirement expense would be reduced by $2.9 billion in fiscal year 2003 and another $2.8 billion in fiscal year 2004. The USPS would be able to reduce its debt by more than $3 billion in fiscal year 2003, and anticipated rate increases would be delayed until at least 2006, ushering in an era of stable and predictable postal rates.

My initial response upon hearing this good news was one of pleasant surprise but mixed, I admit, with a healthy dose of skepticism. As the old saying goes, "if it sounds too good to be true, it probably is." However, the Office of Management and Budget, as well as the U.S. Treasury Department, have confirmed OPM's analysis. Further, having spoken with experts outside the government as well, I have become satisfied that this situation represents a rare exception to the rule.

That is why Senator CARPER and I today introduce the Postal Civil Service Retirement System Funding Act of 2003. Our bill will correct the statutory funding mechanism for the Civil Service Retirement System, CSRS. This legislation is necessary to prevent the overpayment of retirement contributions by the U.S. Postal Service. Most important, this bill directs OPM to determine a new amortization schedule that will pay off the Postal Service's existing unfunded CSRS liability of $5 billion.

In addition, the legislation requires that the savings resulting from this Act be used to reduce the postal debt in a manner that the Secretary of Treasury shall specify. It also expresses the sense of Congress that the Postal Service should use these savings to fulfill its commitment to hold postal rates unchanged until at least 2006, to begin to pay a portion of their massive unfunded health care liabilities, and that the savings not be used to pay bonuses to Postal Service executives.

The USPS needs other changes as well, something acknowledged by everyone inside and outside the Postal Service. I was pleased that President

Bush appointed a Commission on the U.S. Postal Service that is modeled along the principles outlined in legislation I introduced last year. I am hopeful that when the Commission reports this summer, it will provide us with a blueprint to ensure that our postal system is ready to serve twenty-first century America as ably as it has served us in the past. I look forward to receiving the Commission's report and any recommendations for legislation it may include.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Postal Civil Service Retirement System Funding Reform Act of 2003”.

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) Definitions.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking “normal cost” the first place that term appears and inserting “normal cost percentage”; and

(B) by inserting “and standards (using dynamic assumptions)” after “practice”;

(2) by striking paragraph (18) and inserting the following:

“(18) ‘Fund balance’—

“(A) means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards; and

“(B) shall not include any amount attributable to—

“(i) the Federal Employees' Retirement System; or

“(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;”;

(3) in paragraph (27), by striking “and” at the end;

(4) in paragraph (28), by striking the period and inserting “; and”; and

(5) by adding at the end the following:

“(29) ‘dynamic assumptions’ means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

“(A) investment yields;

“(B) increases in rates of basic pay; and

“(C) rates of price inflation.”.

(b) Deductions, Contributions, and Deposits.—Section 8334 of title 5, United States Code, is amended by striking the matter following the section heading through paragraph (1) and inserting the following:

“(a)(1)(A) The employing agency shall deduct and withhold from the basic pay of an employee, Member, congressional employee, law enforcement officer, firefighter, bankruptcy judge, judge of the United States Court of Appeals for the Armed Forces, United States magistrate judge, Court of Federal Claims judge, member of the Capitol Police, member of the Supreme Court Police, or nuclear materials courier, as the case may be, the percentage of basic pay applicable under subsection (c).

“(B)(i) Except in the case of an employee of the United States Postal Service, an equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

“(ii) In the case of an employee of the United States Postal Service, an amount shall be contributed from the appropriation or fund used to pay the employee equal to the difference between—

“(I) the product of—

“(aa) the basic pay of that employee; and

“(bb) the normal cost percentage applicable to the employee category of that employee under paragraph (1)(A); and

“(II) the product of—

“(aa) the basic pay of that employee; and

“(bb) the percentage applicable to that employee under subsection (c) deducted from basic pay under paragraph (1)(A).”.

(c) Civil Service Retirement and Disability Fund.—

(1) In general.—Section 8348 of title 5, United States Code, is amended by striking subsection (h) and inserting the following:

“(h)(1)(A) In this subsection, the term ‘Postal supplemental liability’ means the estimated excess, as determined by the Office of Personnel Management, of the difference between—

“(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service; and

“(ii) the sum of—

“(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

“(II) the actuarial present value of the future contributions to be made under section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

“(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and employees of the United States Postal Service, including earnings on those payments; and

“(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

“(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

“(ii) Military service included in the computation under clause (i) shall not be included in computation of the payment required under subsection (g)(2).

“(2)(A) Not later than June 30, 2004, the Office of Personnel Management shall determine the Postal supplemental liability, as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

“(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

“(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

“(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

“(E) The United States Postal Service shall pay the amounts determined under this paragraph for deposit in the Fund, with payments due not later than the date scheduled by the Office.

“(3) Notwithstanding any other provision of law, in computing the amount of any payment under any provision other than this subsection that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.”.

(2) Technical and conforming amendment.—Section 8334 of title 5, United States Code, is amended by striking subsection (m).

(d) Other Payments.—

(1) In general.—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

(2) Effect on prior payments.—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) In General.—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury shall specify, consistent with succeeding provisions of this section.

(b) Amounts Saved.—

(1) In general.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

(2) Methodology.—Not later than July 31, 2003, for fiscal year 2003, and October 1 of the fiscal year before each fiscal year beginning after September 30, 2003, and before the date specified in paragraph (4), the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the methods by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) REQUIREMENTS.—Each such plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(4) DURATION.—Nothing in this subsection or subsection (a) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period after the date of the enactment of this Act and before the date specified in subsection (b)(4), the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) POSTAL DEBT DEFINED.—For purposes of this section, the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used to pay bonuses to Postal Service executives.

(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.—

(1) IN GENERAL.—The United States Postal Service shall, by December 31, 2003, in consultation with the General Accounting Office, prepare and submit to the President and the Congress a report describing how the Postal Service proposes to address its obligations relating to unfunded postretirement healthcare costs of current and former postal employees.

(2) PRESIDENT'S COMMISSION.—In preparing its report under this subsection, the Postal Service should consider the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 30 days after the Postal Service submits its report pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(g) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a "surplus")—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.

Mr. CARPER. I am pleased today to be able to join my friend from Maine, the chair of the Governmental Affairs Committee, in introducing the Postal Civil Service Retirement System Funding Reform Act of 2003. This bill is of vital interest to the future of the Postal Service and enjoys the strong support of postal management, postal employees and postal customers.

According to OPM and GAO, the Postal Service will significantly overfund its obligations to its employees enrolled in the Civil Service Retirement System if it continues paying at the current rate. The Reform Act addresses this by reducing the amount of money the Postal Service is required to pay into CSRS each year to reflect a more accurate estimate of its obligations that has been prepared by OPM. In the current fiscal year, this will reduce the Postal Service's annual CSRS payment by nearly $3 billion. These savings, and savings of similar size projected for future years, will be used to retire a portion of the Postal Service's $11.1 billion debt to Treasury. The Postal Service had previously only been able to budget $800 million for debt reduction this fiscal year.

Most importantly, the savings the Postal Service will enjoy if the Reform Act becomes law will allow it to hold the price of postage steady until at least 2006. This is important because, while what the Postal Service charges for its services is still a bargain when compared to the prices charged by most foreign posts, postal customers have absorbed multiple rate increases in recent months that have raised the price of postage by more than the rate of inflation. At a time when the economy is weak and modes of communication like e-mail and electronic bill pay are more popular than ever, another rate increase this year could be a disaster for the Postal Service. If the price of postage goes up again in 2004, as I expect it to if the Reform Act is not enacted, the Postal Service will likely lose a good deal of business. Companies will be more aggressive in encouraging their customers to communicate with them online. Large mailers will reduce volume and let workers go. Everyday users of the mail will be forced to bear another large spike in the price of a first-class stamp. All of this would come at a time when the Postal Service is predicting an increase in volume for the first time in quite a while. The Reform Act will keep mail in the system and give mailers the opportunity to increase the amount of business they do with the Postal Service.

The Reform Act, however, does not remove the Postal Service's obligation to continue on the modernization program begun under Postmaster General Jack Potter. General Potter came on the job at a difficult time for the Postal Service but has led them in a successful effort to streamline operations, taking billions of dollars in costs out of the system without hurting service. That process needs to continue.

The Reform Act also does not eliminate the need for the Postal Service to deal with the future cost of retiree health benefits. These costs are estimated at about $50 billion. The Postal Service funds them now on a pay-as-you-go basis, meaning they are not reflected in the price of postage today. If not addressed soon, these costs will be pushed on to future ratepayers, forcing the Postal Service to begin raising rates dramatically once the baby boom generation begins to retire. Some of the savings the Postal Service will enjoy if the Reform Act becomes law should be used to prevent this from happening.

Finally, the Reform Act does not remove Congress's obligation to enact postal reform legislation this year that will help the Postal Service and General Potter continue the transformation necessary to make the Postal Service viable in the electronic age. President Bush's Commission on the United States Postal Service will release a set of postal reform proposals this summer that I hope will offer some fair, balanced recommendations that we can use to begin drafting legislation. I plan to put forward a proposal of my own this year that maintains universal service and current delivery standards while giving the Postal Service the kind of flexibility its private sector competitors have to set prices and cut costs. I look forward to working with Chairman Collins and all of my colleagues on the Governmental Affairs Committee in getting a postal reform bill signed into law during the 108th Congress.

In closing, I would like to briefly address some of the similarities between the Reform Act and the Managerial

Flexibility Act President Bush proposed during the 107th Congress and make an important distinction between the two proposals. Like the Managerial Flexibility Act would have done for all Federal agencies, the Reform Act makes the Postal Service responsible for benefits due to its CSRS enrollees as a result of prior military service and amortizes its unfunded CSRS obligations over a period of 40 years. The Managerial Flexibility Act also would have required Federal agencies to begin funding their retiree health benefits on a cost accrual basis, something the Postal Service should be able to do if the Reform Act becomes law and it begins to see some savings. This kind of accounting makes sense in the case of the Postal Service, which by law must be self-sufficient and must pay its employees' pension and health costs through the price of postage. The utility of requiring all Federal agencies to account for their employees' retirement costs in this way is not clear to me. As CBO points out in its January 23rd evaluation of the version of the Reform Act proposed by OPM late last year, recognizing the accrual cost of agency retirement benefits by mandating payments between agencies and the Treasury does not provide the government with the resources necessary to make future payments when they come due and does not lessen the burden on future taxpayers to pay them. In the case of the Postal Service, however, the kind of accounting contained in the Managerial Flexibility Act will give postal customers, who must plan how much they mail in future years based on how much they anticipate postage will cost, a more realistic idea of what the Postal Service's future costs of doing business will be.

If the Reform Act is not enacted before April 1st, the Postal Service will need to assume that they will be required to make the large CSRS payment required of them under current law, forcing them to file the rate case they have been preparing. This will force mailers to begin litigating the case, meaning they will begin spending resources paying lawyers instead using the mail. I call on my colleagues to act quickly on the Reform Act to prevent this from happening.

By Mr. DORGAN (for himself, Mr. CAMPBELL, Mr. BINGAMAN, Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Ms. CANTWELL, Mr. WARNER, Mrs. LINCOLN, and Mr. TALENT):

S. 382. A bill to amend title XVIII of the Social Security Act to provide for coverage of cardiovascular screening tests under the medicare program; to the Committee on Finance.

Mr. DORGAN. Mr. President, I am pleased to be introducing today the Medicare Cholesterol Screening Coverage Act of 2003, along with my colleagues, Senators CAMPBELL, BINGAMAN, INOUYE, LINCOLN, LANDRIEU, WARNER, JOHNSON, CANTWELL and TALENT. Companion legislation is being introduced in the House of Representatives today by Representative DAVE CAMP and Representative WILLIAM JEFFERSON.

I think it is appropriate to be introducing this bill during "American Heart Month." For the last 40 years, Congress and the President have recognized American Heart Month because of the need to continue the fight against heart disease—our country's #1 killer and a leading cause of disability. Cardiovascular diseases take an enormous human and financial toll on our Nation. Every 33 seconds, an American dies from cardiovascular disease. About 41 percent of deaths each year are from cardiovascular diseases—more than the next 6 leading causes of death combined. Adding cholesterol screening testing to the menu of preventive services already covered by Medicare is yet another step we can and should take in the fight against these insidious diseases.

Cardiovascular diseases account for one-third of all of Medicare's spending for hospitalizations. Yet the identification of one of the major, changeable risk factors for cardiovascular disease—high levels of cholesterol—is not covered by Medicare.

The National Heart, Lung, and Blood Institute and the American Heart Association recommend that all Americans over the age of 20 have their cholesterol levels tested at least once every five years. But when an American turns 65 and enters the Medicare program, their coverage for cholesterol screening stops. That is just not right.

Adding a cholesterol screening benefit to Medicare is a common-sense, cost-effective step. According to the Congressional Budget Office, this benefit would cost only $20 million a year—a small fraction of the $26 billion that Medicare spends each year for hospitalizations of patients with cardiovascular diseases.

I am pleased that language similar to my bill was included in S. 3018, bipartisan Medicare legislation introduced last fall by the leaders of the Finance Committee, Senators GRASSLEY and BAUCUS. Unfortunately, however, the Senate did not act on this bill before adjourning last year.

I hope Congress will act soon to provide Medicare coverage of cholesterol screening, and I encourage my colleagues to cosponsor this bill.

Another way my colleagues can help in the fight against heart disease is by joining the Congressional Heart and Stroke Coalition. The Congressional Heart and Stroke Coalition was founded in 1996 and I am honored to serve as one of its co-founders and co-chairs. Since its inception, this bicameral, bipartisan Coalition has grown to nearly 200 Members. Its purpose is to raise awareness among Congress and the public about heart attack, stroke, and other cardiovascular diseases and to support public policies to prevent, treat, and ultimately cure these diseases. I encourage those Members who have not already joined the Congressional Heart and Stroke Coalition to do so.

I look forward to working with my colleagues to add a cholesterol screening benefit for Medicare beneficiaries and to make progress in the fight against cardiovascular diseases.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cholesterol Screening Coverage Act of 2003".

SEC. 2. COVERAGE OF CARDIOVASCULAR SCREENING TESTS.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (U), by striking "and" at the end;

(2) in subparagraph (V)(iii), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(W) cardiovascular screening tests (as defined in subsection (ww)(1));".

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Cardiovascular Screening Tests

"(ww)(1) The term 'cardiovascular screening tests' means the following diagnostic tests for the early detection of cardiovascular disease:

"(A) Tests for the determination of cholesterol levels.

"(B) Tests for the determination of lipid levels of the blood.

"(C) Such other tests for cardiovascular disease as the Secretary may approve.

"(2)(A) Subject to subparagraph (B), the Secretary shall establish standards, in consultation with appropriate organizations, regarding the frequency and type of cardiovascular screening tests.

"(B) With respect to the frequency of cardiovascular screening tests approved by the Secretary under subparagraph (A), in no case may the frequency of such tests be more often than once every 2 years.".

(c) FREQUENCY.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by striking the semicolon at the end of subparagraph (I) and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a cardiovascular screening test (as defined in section 1861(ww)(1)), which is performed more frequently than is covered under section 1861(ww)(2).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to tests furnished on or after January 1, 2004.

By Ms. STABENOW.

S. 383. A bill to amend the Solid Waste Disposal Act to prohibit the importation of Canadian municipal solid waste without State consent; to the Committee on Environment and Public Works.

Ms. STABENOW. Mr. President, I rise today to introduce a bill to address the growing problem of Canadian waste shipments to Michigan.

In 2001, Michigan imported almost 3.6 million tons of municipal solid waste, more than double the amount that was imported in 1999. This gives Michigan the unduly distinction of being the third largest dumping ground of waste in the United States.

My colleagues may be surprised to know that the biggest source of this waste was not another State, but our neighbor to north, Canada. More than half the waste that was shipped to Michigan in 2001 was from Ontario, Canada, and these imports are growing rapidly. On January 1, 2003, as another Ontario landfill closed its doors, the City of Toronto switched from shipping two-thirds of its trash, to shipping all of its trash—1.1 million tons—to a Michigan landfill. And this deal could last 20 years! Experts predict that soon there will be virtually no local disposal capacity in Ontario, which could mean even more waste being shipped across the border to Michigan.

Not only does this waste dramatically decrease Michigan's own landfill capacity, but it has a tremendous negative impact on Michigan's environment and the public health of citizens. Currently, Canadian municipal solid waste is sent to landfills in seven different Michigan counties—Genesee, Huron, Macomb, Monroe, Oakland, Washtenaw, and Wayne counties. Based on current usage statistics, the Michigan Department of Environmental Quality, DEQ, estimates that Michigan has capacity for 15–17 years of disposal in landfills. However, with the proposed dramatic increase in importation of waste, this capacity is less than 10 years. The Michigan DEQ estimates that for every five years of disposal of Canadian waste at the current usage volume, Michigan is losing a full year of landfill capacity. The Canadian waste also hampers the effectiveness of Michigan's State and local recycling efforts, since Ontario does not have a bottle law requiring recycling.

These Canadian waste shipments also present a threat to homeland security. Currently, 130 truckloads of waste come into Michigan each day from Canada. These trucks cross the Ambassador Bridge and Blue Water Bridge and travel through the busiest parts of Metro Detroit. In addition to causing traffic delays, and filling our air with the stench of exhaust and garbage, these trucks also present a security risk at our Michigan-Canadian border, since by their nature trucks full of garbage are harder for Customs agent to inspects then traditional cargo.

Last year, I joined with Senator LEVIN and Congressman DINGELL to introduce legislation to enforce the protections that Michigan is already entitled to which are contained in an international agreement between the United States and Canada. I continue to be supportive of this bill and I was proud to join as an original co-sponsor when it was reintroduced last month. However, with the recent landfill closings in Ontario, this problem has spiraled out of control.

That is why today I am introducing "the Canadian Waste Import Ban Act of 2003." This bill would stop these shipments by placing an immediate federal ban on the importation of Canadian municipal solid waste. The ban will be in place until the EPA enforces "the Agreement Concerning the Transboundary Movement of Hazardous Waste." Under this existing agreement, the EPA is supposed to receive notification of Canadian waste shipments, and then would have 30 days to consent or object to the shipment. Not only have these notification provisions not been enforced, but the EPA has indicated that they would not object to the municipal waste shipments.

In addition, the bill requires the EPA to Michigan's or any State's consent before receiving any shipment of Canadian municipal solid waste. In enforcing the agreement, the EPA must obtain the consent of the receiving State, before consenting to a Canadian municipal solid waste shipment. The EPA must also consider the impact of the shipment on homeland security, the environment, and public health.

This legislation will stop the importation of Canadian trash until Michigan residents are given the voice they deserve in deciding whether or not this waste should be sent to their landfills. We need to give the states a real voice in these decisions and my bill guarantees that the states through the EPA will get to decide whether or not they want to receive this Canadian waste.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Canadian Waste Import Ban Act of 2003".

SEC. 2. CANADIAN MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. CANADIAN MUNICIPAL SOLID WASTE.

"(a) DEFINITIONS.—In this section:

"(1) AGREEMENT.—The term 'Agreement' means—

"(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

"(B) any regulations promulgated to implement and enforce that Agreement.

"(2) CANADIAN MUNICIPAL SOLID WASTE.—The term 'Canadian municipal solid waste' means municipal solid waste that is generated in Canada.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means—

"(i) material discarded for disposal by—

"(I) households (including single and multifamily residences); and

"(II) public lodgings such as hotels and motels; and

"(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

"(I)(aa) is essentially the same as material described in clause (i); or

"(bb) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service; and

"(II) is not subject to regulation under subtitle C.

"(B) INCLUSIONS.—The term 'municipal solid waste' includes—

"(i) appliances;

"(ii) clothing;

"(iii) consumer product packaging;

"(iv) cosmetics;

"(v) debris resulting from construction, remodeling, repair, or demolition of a structure;

"(vi) disposable diapers;

"(vii) food containers made of glass or metal;

"(viii) food waste;

"(ix) household hazardous waste;

"(x) office supplies;

"(xi) paper; and

"(xii) yard waste.

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

"(ii) solid waste, including contaminated soil and debris, resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

"(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

"(III) a corrective action taken under this Act;

"(iii) recyclable material—

"(I) that has been separated, at the source of the material, from waste destined for disposal; or

"(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

"(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

"(v) solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

"(aa) that is owned or operated by the generator of the waste;

"(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

"(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

"(vi) medical waste that is segregated from or not mixed with solid waste;

"(vii) sewage sludge or residuals from a sewage treatment plant;

"(viii) combustion ash generated by a resource recovery facility or municipal incinerator; or

"(ix) waste from a manufacturing or processing (including pollution control) operation that is not essentially the same as waste normally generated by households.

"(b) BAN ON CANADIAN MUNICIPAL SOLID WASTE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Administrator promulgates regulations to implement and enforce the Agreement (including notice and consent provisions of the Agreement), no person may import into any State, and no solid waste management facility may accept, Canadian municipal solid waste for the purpose of disposal or incineration of the Canadian municipal solid waste.

"(2) ELECTION BY GOVERNOR.—The Governor of a State may elect to opt out of the ban under paragraph (1), and consent to the importation and acceptance by the State of Canadian municipal solid waste before the date specified in that paragraph, if the Governor submits to the Administrator a notice of that election by the Governor.

"(c) AUTHORITY OF ADMINISTRATOR.—

"(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

"(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

"(B) implement and enforce the Agreement (including notice and consent provisions of the Agreement).

"(2) CONSENT TO IMPORTATION.—In considering whether to consent to the importation of Canadian municipal solid waste under article 3(c) of the Agreement, the Administrator shall—

"(A) obtain the consent of each State into which the Canadian municipal solid waste is to be imported; and

"(B) consider the impact of the importation on homeland security, public health, and the environment.".

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. Canadian municipal solid waste.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE (for herself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 55

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rules XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2003, through September 30, 2003, and October 1, 2003 through September 30, 2004, and October 1, 2004 through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department of agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,215,913, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(i) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $2,139,332, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2004 through February 28, 2005, expenses of the committee under this resolution shall not exceed $911,668, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationary supplies purchased through the Keeper of the Stationary, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording Photographic Services, or (7) for payment of franked mail cost by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, and October 1, 2003, through September 30, 2004, and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. NICKLES submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,136,108, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $5,522,410, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,355,010, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization

Act of 1946), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003 through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 12, 2003, at 9:30 a.m., in open and closed session to receive testimony on current and future worldwide threats to the National Security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and transportation and the House Subcommittee on Science and Space be authorized to meet on Wednesday, February 12, 2003, at 9:30 a.m. on the *Challenger* Space Shuttle in Russell SR-325.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 12, 2003 at 9:30 a.m. to conduct a business meeting regarding S. 195, Underground Storage Tank Compliance Act of 2003; Several Committee Resolutions on GSA Prospectuses; and Committee Funding Resolution.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 12, 2003, at 9:30 a.m., to hear testimony on Examination of Proposals for Economic Growth and Job Creation: Incentives for Investment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 12, 2003 at 9:30 a.m. to hold a Hearing on The Reconstruction of Afghanistan: An Update.

AGENDA

Witnesses: Panel 1: The Hon. David T. Johnson, Coordinator for Afghanistan Assistance, Department of State, Washington, DC.

The Hon. Dr. Peter W. Rodman, Assistant Secretary of Defense for International Security Affairs, Department of Defense, Washington, DC.

Panel 2: The Hon. Ishaq Shahryar, Ambassador of Afghanistan to the United States, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, February 12, 2003.

The following agenda will be considered:

AGENDA

Adopting sub-committee memberships
Adopting committee rules
S. , Keeping Children and Families Safe Act of 2003 (CAPTA reauthorization)
S. , NIH Foundation
S. 239, Trauma Care
S. , Birth Defects
S. , Animal Drug User Fee Act

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 12, 2003, at 10:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a CONFIRMATION HEARING on the President's nomination of Mr. Ross O. Swimmer to be Special Trustee for American Indians at the U.S. Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a Judicial Nominations hearing on Wednesday, February 12, 2003 in Dirksen Room 226 at 9:30 a.m.

TENTATIVE AGENDA

PANEL I

The Honorable Richard C. Shelby United States Senator (R–AL); The Honorable Jeff Sessions United States Senator (R–AL); The Honorable Ben Nighthorse Campbell United States Senator (R–CO); The Honorable Wayne Allard United States Senator (R–CO); The Honorable George F. Allen United States Senator (R–VA); The Honorable Lamar Alexander United States Senator (R–TN); and The Honorable Chris Cannon United States Representative (R–UT).

PANEL II

Timothy M. Tymkovich to be United Circuit Judge for the Tenth Circuit

PANEL III

J. Daniel Breen to be U.S. District Judge for the Western District of Tennessee; William H. Steele to be U.S. District Judge for the Southern District of Alabama; Thomas A. Varlan to be U.S. District Judge for the Eastern District of Tennessee; Timothy C. Stanceu to be a Judge of the U.S. Court of International Trade; and Marian Blank Horn to be a Judge of the U.S. Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES

Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, and Fisheries be authorized to meet on Thursday, February 12, 2003, at 2:30 pm on the Coast Guard transition to Homeland Security.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. CLINTON. I ask unanimous consent that Robyn Rimmer, a legal fellow in my office, be granted the privilege of the floor for this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 13, 2003

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Thursday, February 13. I further ask unanimous consent that on Thursday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume the consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Mr. President, on behalf of the majority leader, and for the information of Senators, tomorrow the Senate will once again resume debate on the nomination of Miguel Estrada. We have now spent 5 days, over 35 hours, debating this well-qualified and capable nominee. During this debate, every Senator should have had the opportunity to speak on the nomination of Miguel Estrada if they desired. We will continue consideration of this qualified nomination tomorrow morning.

In addition, the omnibus conference report will be filed in the House tonight. The House is expected to act on that conference report tomorrow. Therefore, it is the leader's hope that the Senate will be able to complete action on that measure on Thursday or Friday. Rollcall votes are therefore possible during Thursday's session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. When this was prepared, it wasn't morning. I think the report is going to be filed in the next hour or two.

Mr. TALENT. That is correct. It would be in the morning.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:45 a.m., adjourned until Thursday, February 13, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 12, 2003:

THE JUDICIARY

CONSUELO MARIA CALLAHAN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE FERDINAND F. FERNANDEZ, RETIRED.

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE DAVID R. HANSEN, RETIRED.

HARRY A. HAINES, OF MONTANA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE RENATO BEGHE, RETIRING.

EXTENSIONS OF REMARKS

HONORING JOSEPH NOEL SACHATELLO III

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SIMMONS. Mr. Speaker, I rise to honor an individual dedicated to public service, a leader in his community and an example to us all, the late Joseph Noel Sachatello III from Waterford, Connecticut, who died this month in the line of duty.

Joseph was a well-known and beloved member of the neighboring Montville (CT) police force. For him being a protector of the peace was the fulfillment of a lifelong dream, the pinnacle of a successful career in service to town, state, and country. His love for his work shown through his enthusiasm for his job.

In recognition of his service, his name will be carved into a memorial for police officers in Meriden, Connecticut. Joseph served my state and region faithfully. This honor is much earned. We will miss him.

At Joe's funeral, a company of 1,200 uniformed officers stood at attention, and more than 450 officers, friends, family and neighbors came to mourn his passing. Joe touched the lives of many individuals in his community. He was proud of whom he was and where be came from. And in his pride we found and will continue to find inspiration. It is men like Joe that move the men and women in this room to carry forth with their mission. So his passing is a tragedy but his life was a blessing. My heartfelt condolences go out to his family and friends. He will be missed but not forgotten.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in heartfelt appreciation for this great man. I would also like to ask the House to join me in extending our deepest condolences to Joseph's parents, Joseph N. Sachatello Sr. and Elaine Geiger Sachatello as well as his wife, Lisa and their six-month old son, Anthony.

TO EXPRESS THE POLICY OF THE UNITED STATES REGARDING THE UNITED STATES' RELATIONSHIP WITH NATIVE HAWAIIANS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce a bill to clarify the political relationship between Native Hawaiians and the United States. This bill is identical to a bill being simultaneously introduced in the Senate by Senator DANIEL AKAKA and Senator DANIEL INOUYE. Representative ED CASE, from the Second District of Hawaii, is joining me as an original cosponsor on the introduction of this measure.

For years, Congress has legislated on behalf of Native Hawaiians as the aboriginal, indigenous, native peoples of Hawaii. This measure clarifies that political relationship and provides a process for Native Hawaiians to form a governing body to engage in a government-to-government relationship with the United States.

The United States has declared a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians. This relationship has been acknowledged by the United States since the inception of Hawaii's status as a territory. This relationship was most explicitly affirmed by the enactment of the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land in Hawaii for homesteading by Native Hawaiians. Legislative history clearly shows that in addressing this situation, Congress based this action and subsequent legislation on the constitutional precedent in programs enacted for the benefit of American Indians.

Since Hawaii's admission into the Union, Congress has continued to legislate on behalf of Native Hawaiians as indigenous peoples. Native Hawaiians have been included as Native Americans in a number of federal statutes which have addressed the conditions of Native Hawaiians. Public Law 103–150, the Apology Resolution, extended an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii. The Apology Resolution also expressed the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians.

It is important to note that this measure has strong support from indigenous peoples within the United States. The National Congress of American Indians and Alaska Federation of Natives have both passed resolutions in support of a government-to-government relationship between Native Hawaiians and the United States. Similar resolutions have been passed by the Japanese American Citizens League and the National Education Association. The measure is also supported by the Hawaii State Legislature, which passed a number of resolutions supporting a federally recognized government-to-government relationship.

The legislation being introduced today is important not only to Native Hawaiians, but to all the people of Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but within the State of Hawaii. The essence of Hawaii is characterized not only by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. This measure furthers these actions.

HONORING THE MEMORY OF MARTIN CUMMINGS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the memory of my late friend, Martin Cummings. Martin passed away on January 3 of this year. He was a wise man who counseled me on numerous occasions. I will truly miss him, as will his community of Wilson County, Tennessee.

Martin's pride for his community was obvious. He served on numerous civic organizations and boards, including the Wilson County Planning Commission where he served as chairman. In his capacity as planning commission chairman, Martin helped shaped Wilson County into a prosperous and attractive community.

He was a successful real estate professional who devoted much time and energy into everything he did. He received numerous awards from an appreciative real estate industry. His family especially reaped the rewards of his caring and generous nature. Martin and his wife, Camelia Rose, were married for nearly 51 years and had five children and six grandchildren. Martin has left a wonderful legacy.

I deeply admired Martin for his many accomplishments and his unselfish service to his community. His decency transcended both his public and private life. I am proud to have had Martin as a close friend. I will sorely miss that friendship and his sage advice.

HONORING MARY MACRAE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. BLACKBURN. Mr. Speaker, in almost 30 years of experience as a business, community, and political activist, Mary MacRae has given her best to virtually every endeavor and it shows.

As a successful business owner and president of the National Association of Women Business Owners, Mary is an advisor to Members of Congress and a mentor to entrepreneurs everywhere. Few others can lay

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

claim to as long a list of accomplishments as Mary.

While at NAWBO, Mary helped found the Women's Resource Center, a source of training, counseling and technical assistance for start-up and existing women business owners in Tennessee. This single accomplishment has the potential to help thousands of women start and run a business. Mary exemplifies the value of public service and she does so with humility, grace, and plenty of hard work.

Tennessee and America are better for her determination and her service to others.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CANTOR. Mr. Speaker, our Nation mourns the loss of the seven astronauts of Shuttle *Columbia*. We honor the lives of some of our finest men and women from America's space program and their desire and sacrifice to make this world a better place.

We in Virginia take a moment to remember one of those astronauts, Captain David M. Brown, Mission Specialist aboard Shuttle *Columbia*. I extend special condolences to the family of Capt. Brown, son of Dorothy and Paul Brown of Massies Corner, from the Seventh District of Virginia. Capt. Brown was a graduate of the College of William and Mary and also graduated from Eastern Virginia Medical School in Norfolk, VA. Virginians will long remember and honor the accomplishments and the life of Captain David Brown.

We recognize the crew of Shuttle *Columbia's* courage and devotion to the expansion not only of our Nation's scientific knowledge, but our national security as well. Although this tragedy strikes a terrible blow, it is important to remember the words of our fellow Virginian, Capt. David Brown: "This program must go on."

I would like to express my deepest sympathy to the grieving families. My prayers are with the entire Shuttle *Columbia* crew's families and loved ones during this tragic time.

"LIBERATION" OF FRANCE IN VIOLATION OF COVENANT OF LEAGUE OF NATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. HYDE. Mr. Speaker, among the many letters I have received on the subject of Iraq, one of the most provocative is the following, signed "Publius Secundus."

DEAR CONGRESSMAN HYDE: I am not an international lawyer, but as part of an effort to be helpful, I must note that I have come across disturbing and, I believe, persuasive evidence that D-Day and the subsequent "liberation" of France were in direct violation of the solemn obligations undertaken by Great Britain and France under the Covenant of the League of Nations. As Article 11 states: "Any war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Whether one regards this easily avoided conflict as a dispute (1) between one League member, Britain, and another, France (then represented by the government of so-called "Vichy" France, which is believed to have never withdrawn from the League), or (2) between one League member and a non-member state (the United States vs. France, Britain vs. Germany), the League Covenant makes clear the course of action to be taken, in letter and certainly in spirit.

Under the first scenario, the conflict must be submitted to the League Council under Articles 12–16. The waiting period of at least three months after the award by the arbitrators, sadly, was not honored.

As for the second scenario, as addressed in Article 17, I do not recall Germany—an exmember since 1933—being invited to accept the obligations of League membership, and certainly the leading role of the Council was never respected. In fact, I am forced to conclude that the Council was bypassed altogether. Certainly, no vote of the Council authorizing the attack was ever recorded.

I believe we can all agree that Chancellor Hitler was a brutal dictator whose replacement should be welcomed by all civilized people, but we must also admit that he was never given an opportunity to disarm.

Certainly no League Commission was ever allowed to perform its tasks, as set forth in the Covenant. I need hardly remind anyone that Britain's declaration of war against Germany in 1939—Germany had made no attack upon Britain—violated virtually all of the Articles of the League Covenant.

I find all of this very troubling.

I believe we have no option but to judge the June 6, 1944 Allied attack—jointly planned and conducted by the U.S. and Britain in a deliberate effort to impose their will by force on other countries without authorization by the League—upon Germany/France as an avoidable or easily postponed act of aggression that demonstrates a complete disregard for international law and the obligations of membership in the League. The international community cannot allow this violation to stand.

Sincerely,

PUBLIUS SECUNDUS.

For your convenience, I have attached the relevant sections of the Covenant. (The entire document can be obtained at http://www.yale.edu/lawweb/avalon/leagcov.htm).

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 5

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting . . .

ARTICLE 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

ARTICLE 12

The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council. In any case under this Article the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or judicial settlement and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

ARTICLE 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League. . . .

ARTICLE 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances. . . .

(The entire Covenant can be obtained at http://www.yale.edu/lawweb/avalon/leagcov.htm)

INTRODUCTION OF H.R. 4, THE PERSONAL RESPONSIBILITY, WORK AND FAMILY PROMOTION ACT OF 2003

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. MCKEON. Mr. Speaker, today, I am pleased to join with several of my colleagues in sponsoring H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003, which would reauthorize the Temporary Assistance for Needy Families (TANF) block grant and the Child Care and Development Block Grant (CCDBG).

Last year, the House Education and the Workforce Committee considered and passed H.R. 4092, the Working Toward Independence Act, to reauthorize the work-related provisions of TANF. The legislation built upon the historic welfare reform law passed in 1996—a law that made a fundamental shift in policy by encouraging personal responsibility and promoting work. For the first time in the history of social welfare policy, benefits were tied to work. Because of the principle of "work first" and a purpose to help people better themselves, a whole new culture of personal responsibility was created within the program.

After merging the remaining sections of TANF into a comprehensive package, the House of Representatives passed H.R. 4737, the Personal Responsibility, Work and Family Promotion Act of 2002, which was substantially the same as the bill that has been introduced today. Unfortunately, the Senate did not act on a welfare reauthorization bill.

As such, Congress must again pass a reauthorization bill that builds on the success of the 1996 law that has been nothing short of remarkable.

For example, there has been an historic decline in the welfare rolls; increases in employment for low-income single mothers, who comprise the population most likely to need assistance; and a sustained decline in child poverty. Six years ago, the nation's welfare rolls bulged with more than 5.1 million individuals and families. Today, the rolls have decreased tremendously. Since 1996, over 3 million families have left welfare for work. Over 3 million former welfare recipients know the satisfaction of earning a day's pay.

Even with the robust economy of the late 1990s, recent studies confirm that welfare reform is largely responsible for the declining caseload and increase in work. The law's promotion of work made the crucial difference in maximizing opportunities for welfare recipients.

But there is still work for us to do. Too many families receiving assistance are not engaged in activities that will lead to self-sufficiency. This year, Congress must build upon the success of the 1996 law by providing additional options for families on welfare to move into productive jobs, become self-reliant and obtain independence.

As the debate goes forward on the best way to increase personal responsibility, it is important to remember that the true benefactors of welfare reform are young Americans. Because of welfare reform, young Americans are able to see their parents get up each morning and earn a day's pay. Without this very basic ethic, those young people are at a great disadvantage and it becomes difficult for them to escape the cycle of poverty in which their families have lived for generations.

The legislation that is being introduced today, H.R. 4, is based on the Administration's proposal and strengthens work rules to ensure that all families are engaged in a full week of work and other activities that will lead to self-sufficiency. Families will be permitted to combine real work with education and training to help recipients advance in their jobs. In addition, states will need to have plans achieving the work-related goals of TANF. States will be encouraged to coordinate their TANF work programs with the One-Stop Career Center system created through the Workforce Investment Act of 1998, so that former recipients will continue to have access to additional training resources.

Furthermore, we know that families cannot maintain employment without reliable, safe child care for their children. In my home state of California, according to Fight Crime: Invest in Kids California, "Fewer than one out of every five child care centers in California is rated as good quality." That is why this bill will also maintain the unprecedented commitment of federal support for child care by adding $1 billion in discretionary funding to the Child Care and Development Block Grant, which provides support to state child care programs. In addition, the bill improves the program by helping to target funds set-aside for quality activities and encouraging states to address the cognitive needs of young children so that they are developmentally prepared to enter school. The bill also provides states maximum flexibility in developing child care programs and policies that best meet the needs of children and parents.

Finally, H.R. 4 will provide significant new waiver authority for states to better coordinate a variety of federal programs, including TANF, food stamps, housing assistance and workforce investment programs that improve services to needy families. This provision will encourage states to continue the experimentation at the state and local level that preceded the federal welfare reform action in 1996. At the same time, it remains important that the local areas created under the Workforce Investment Act be heavily involved in the process. That is why I am pleased that the bill includes provisions ensuring that the local administering entities join in the flexibility applications submitted to the Secretaries. This will, in effect, give the locals veto authority over provisions that they believe will not improve the quality or effectiveness of the programs involved.

Mr. Speaker, I urge my colleagues to support this important legislation that enhances opportunities for families to move up the economic ladder and access quality child care for their children.

TRIBUTE TO ALLEN E. JOHNSON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to express warm thanks, congratulations, wishes to Allen E. Johnson, upon his retirement as the city manager of the city of Roseville. His vision and managerial skills have helped develop one of the most pleasant, balanced, well-run communities in California.

After achieving a bachelor of science degree from California State University, Sacramento in 1976, Al began a career in public administration as a personnel analyst for the County of Yuba. Within a few short years, he became director of personnel for Yuba City, where he served from 1979 to 1983. Then, in September 1983, he began a nearly 20-year tenure with the city of Roseville. Rising from director of personnel to administrative services director to city manager, Al has had a significant and lasting impact on the direction in which Roseville has developed.

Most recently, he managed the city's day-to-day operations, its $300 million budget, and 1,000 employees. He has overseen the city-owned electric operation which weathered California's energy crisis better than most utilities in the state. Additionally, he has guided the proactive expansion of regional wastewater treatment facilities and improvements to local flood control capabilities. Perhaps most importantly, he negotiated agreements for and led the implementation of nine specific plan developments ranging from 500 to 3,000 acres in scope. It is fair to say that he has left lasting fingerprints on the shape and character of the city of Roseville.

Roseville has experienced dynamic growth during Al's tenure. Under his steady leadership, the city has developed several outstanding public amenities, including the recently-dedicated Roseville Civic Center, the new Police Department headquarters, the Roseville Aquatics Center, the Roseville Sports Center, the Woodcreek Oaks Golf Course, and numerous parks and transportation improvements. In addition to the fine city projects which he oversaw, Al has also helped to create an environment in Roseville that fosters high levels of private investment. Perhaps the most recognizable example of this pro-business attitude he helped foster is the 1.12 million square foot regional mall, known as the Roseville Galleria, which opened in the year 2000. Due to this aggressive economic development and contrary to previous history, the city is now regarded as one of the Sacramento region's premier retail centers and dining destinations.

Noted for his leadership in regional public policy discussions, such as the recent local debate over sales tax revenue distribution, Al has shared his expertise and experience through numerous presentations to public forums, training sessions, and professional conferences. He is also an active member of several professional organizations.

Beyond his professional capacity, Al Johnson has also contributed much to the community through his involvement in various civic and charitable organizations. Among these are the Roseville Chamber of Commerce, Roseville Host Lions Club, the United Way Leadership Council, and the Association for Retarded Citizens.

Roseville, which was once a sleepy railroad town, is now a vibrant, well-planned community with award-winning parks, law enforcement, and city management. It is home to nationally-recognized, high-performing public schools. Its railroad past blends with its newer high-tech industry and thriving commercial centers. Its residential areas include dynamic new developments as well as historic neighborhoods. Despite its increasing affluence, the community has also met its affordable housing needs. In short, Roseville is a model community with a high quality of life and a bright horizon. The clear vision, tough negotiation, and consistent leadership of Al Johnson are a large part of the reason why.

I thank him for his service and wish him well in his future endeavors.

OFFICER EUGENIO SOLIS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a retiring lawman, Agent Eugenio Solis, a unique patriot who has enforced our laws and chased the bad guys his whole career. I am enormously grateful to him for his life's work.

Eugenio Solis has served South Texas with 32 years of law enforcement altogether, both as a patrol officer and as a narcotics agent. He has over 27 years with the Texas Department of Public Safety.

His superiors say he is one of the best undercover agents we have. Undercover work is dangerous, dirty work, and doing it well takes a special talent and untold bravery. Agent Solis can make a deal on the street happen quickly; he has a nose for nasty business. He can expertly hook a bad guy, buy drugs * * * and either get out of there fast, or arrest the bad guys.

Over the years he has established relationships and made contacts with all manner of federal and local officials, offering him sundry resources and contacts that make him effective on the streets.

His legendary exploits are so well known around South Texas that he has even been recruited by other law enforcement agencies to do undercover work. In his undercover capacity, he has been fortunate; he has never had to draw his gun.

You cannot work undercover and not have a good sense of humor, and Eugenio Solis indeed possesses that. He is a famous kidder and practical joker, which can often mean tnat when he's swept up with the druggies to avoid detection, his fellow officers will leave him handcuffed for several hours in good-humor retribution.

Even in his retirement, he continues to work—currently with a drug task force in Kingsville. Mr. Speaker, the men and women on the front lines in our drug war are necessarily in the shadows, their faces unseen and their names unknown * * * because that is the way the business works.

He has a strong, loving family to support him. That support is vitally important to an agent whose business requires him to deprive his family of his time and attention. Druggies do not keep a schedule. His wife, Sylvia—and their children: Eugenio III and Eduardo, and granddaughter, Shelby—have been his greatest support network.

I ask my colleagues to join me in commending Eugenio Solis for his years of dedication to law enforcement, for standing on that thin blue line that protects our neighborhoods from the bad guys.

MARTIN LUTHER KING, JR. ESSAY CONTEST

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. DEFAZIO. Mr. Speaker, I rise today to congratulate Kate Wagoner, a 13-year old resident of Eugene, Oregon. Ms. Wagoner, an eighth grader at Thomas Jefferson Middle School, recently won an essay contest held in honor of Dr. Martin Luther King, Jr.

The theme of the essay contest was how Americans can be peacefully patriotic, even as the clouds of war loom on the horizon.

In her insightful essay, Ms. Wagoner notes that peaceful change can begin with one individual or one family who cares about others and acts on that compassion. However, she goes on to write that it is equally important for such individuals to influence the decision-making of those in power in order to guarantee a lasting peace.

As Ms. Wagoner concludes, if the United States dedicates itself to helping feed, clothe, house, and educate the needy around the world, then we may be able to achieve the "nonviolent" coexistence of which Dr. King spoke, rather than the "violent co-annihilation" of which he warned.

I would encourage my colleagues and others to read Ms. Wagoner's essay, which I've included at the end of my remarks.

DR. MARTIN LUTHER KING, JR., ESSAY

Almost 40 years ago, on April 14, 1967, Dr. Martin Luther King said, "the greatest 17 purveyor of violence in the world today (is) my own govenment."

Dr. King's statement is still a powerful message because America continues to use violence around the world. President Bush is pushing for a war in Iraq, while nations like North Korea, South Korea, Pakistan, India, Afghanistan, Israel, and Palestine suffer from U.S. foreign policy decisions.

How can Americans be peacefully patriotic while our govemment gives the U.S. military more and more to do around the globe? To repeat one of my mother's favorite quotes, "Never believe that a few caring people can't change the world. For, indeed, that's all who ever have." (Margaret Mead, American anthropologist).

During the holidays, my family gave money to an organization that helps hungry people all over the world feed themselves. The families we help receive donations of goats, sheep, llamas, honey bees, geese, oxen, and other farm animals so they can be more self-sufficient and live healthier lives. Peaceful patriotism is like this donation.

Around the world, kids like me are starving. Around the world kids like me are soldiers and suicide bombers. Around the world kids like me get sick from drinking dirty water, get shot by soldiers, and step on land mines. Around the world, kids like me struggle to survive. Americans, as peaceful patriots, can help change some of these kids' lives.

Americans have a right to be proud of their country. This is a nation where people can be and do great things. However, imagine a world where America is also known as a nation that helps people around the globe be and do great things. When the richest and most powerful nation in history dedicates itself to making sure people everywhere are well-fed, housed, clothed, educated, and have hope for the future, peaceful patriotism will change the world.

It is not enough for my family to practice peaceful patriotism or for your family to make that choice. We have to have people in power making decisions about our relationships with other nations who share our hope for the future of America and of the world. We can each live as peaceful patriots and help many people now, but if we work together to create a nation of peaceful patriots tomorrow, we can make all the world safe; and secure for kids like me.

The message I want quoted in the future because it descibes America is, "The greatest purveyor of peace in the world today is my own govemment,"

PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. As many of my colleagues have pointed out, our nation's seniors are struggling to afford the prescription drugs they need in order to maintain an active and healthy lifestyle. Yet, the Federal Government continues to impose taxes on Social Security benefits. Meanwhile, Congress continually raids the Social Security trust fund to finance unconstitutional programs! It is long past time for Congress to choose between helping seniors afford medicine or using the Social Security trust fund as a slush fund for big government and pork-barrel spending.

Mr. Speaker, I do wish to clarify that this tax credit is intended to supplement the efforts to reform and strengthen the Medicare system to ensure seniors have the ability to use Medicare funds to purchase prescription drugs. I am a strong supporter of strengthening the Medicare system to allow for more choice and consumer control, including structural reforms that will allow seniors to use Medicare funds to cover the costs of prescription drugs.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr.

Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation this provisions have been blocked by the federal bureaucracy. It is time Congress stood up for the American consumer by removing all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the federal government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the federal government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites that sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

HONORING THE WORK OF GERALD T. HALPIN

HON. TOM DAVIS

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, we rise today to recognize and honor Mr. Gerald T. Halpin for his years of service in his workplace and community. Mr. Halpin currently serves as President and Chief Executive Officer of WEST*GROUP MANAGEMENT LLC, a corporation he founded in 1962.

As President of WEST*GROUP, Mr. Halpin has been responsible for the development, redevelopment, and construction of over 13 million square feet of office, retail, residential, and industrial space. With his co-founders, WEST*GROUP initiated the development of the area known as Tysons Corner, Virginia, upon the purchase of a 125-acre farm in 1962. Since this initial development, Mr. Halpin has since opened four beautifully landscaped office parks located near major transportation arteries in Northern Virginia and suburban Maryland.

Having served as Chairman of Alexandria Management Corporation, Mr. Halpin has also acquired extensive experience in the development of hotels and resorts. He was an owner and key developer of the luxury resort The Cottonwoods, as well as two other hotels in Scottsdale, Arizona. In residential real estate, Mr. Halpin has also achieved a high level of expertise. Mr. Halpin has plans to construct four high-rise condominium towers in Tysons Corner, Virginia.

In addition to his professional achievements, Gerry Halpin has given back to his community. He served for more than eight years as a member of the Fairfax County Economic Development Authority and its predecessors. Mr. Halpin was also appointed to the Governor's Advisory Board on Industrial Development, and has served on the Board under three governors. Currently, Mr. Halpin serves as Chairman of the Washington Monument Visitor Education Fund. In addition, he also chairs the Grand Teton National Park Foundation, an organization that he founded. Mr. Halpin has also served as a Trustee of the American Museum of Immigration, the National Parks and Recreation Association, and the Wolf Trap Foundation.

Mr. Halpin has been honored for his many accomplishments throughout the years. Most recently, he was recognized as the Ernst & Young Greater Washington "2002 Master Entrepreneur of the Year." Also in 2002, he was awarded an Honorary Degree of Doctor of Humanities from Shenandoah University. Other significant awards include the Fairfax County Citizen of the Year Award, the prestigious Ellie Doyle Service Award from the Fairfax County Park Authority, as well as a Virginia Senate proclamation honoring Mr. Halpin as an "Outstanding Virginian for a Lifetime of Dedication to Fairfax County."

Mr. Speaker, in closing, it is with great pleasure that we extend this recognition to Mr. Gerald Halpin. His dedication to his business and community deserves to be commended. We call upon all of our colleagues in joining us to applaud Mr. Halpin for all of his accomplishments.

GODSPEED RON KEENEY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. RAHALL. Mr. Speaker, today, I would like to pay tribute to Mr. Ron Keeney who will soon retire after nearly 37 years of great service to our Nation with the U.S. Army Corps of Engineers. I would emphasize the term "great service" because the contributions Ron Keeney has made to bettering the lives of the people who reside within the jurisdictional area of the Huntington District of the Corps of Engineers is beyond description here. Indeed, Ron is more than a dedicated public servant and wonderful person, I also view him a friend not only to myself but to the people of West Virginia.

Ron will be retiring from the Huntington District where he is the Deputy District Engineer for Project Management and the Chief of the Planning, Programs and Project Management Division. From my experience, Ron brought to this job not just the credentials of a seasoned Corps of Engineers veteran in terms of planning and constructing civil works projects, but a very real and deeply held belief that the mission of the Corps is more than just building locks and dams and flood control projects. That in effect, the Corps' mission includes improving our environment and providing opportunities for economic development so that our children and future generations to come will live in a better world.

Ron Keeney was born in Huntington, West Virginia, and began his rise through the ranks of the Corps of Engineers in 1966. He graduated from Ohio University with a BBA in Economics, summa cum laude. Over the course of his career he has received 30 outstanding/exceptional performance ratings and awards, the Silver de Fleury Medal, named USACE Planner of the Year, LRD Planner of the Year twice and received the Director of Civil Works Special Act Award.

I have had the privilege to work with Ron on many projects over the years and can say without hesitation that no challenge was ever too great for him. And challenge him we did indeed. Whether it was providing flood control along the Tug Fork River, implementing one of the first in the Nation Corps of Engineers environmental infrastructure programs, or building a relationship with Marshall University's Geotechnical Center, Ron Keeney responded to the challenge. I know for a fact that when he looks back at his career he will remember the work we did together at the Bluestone Dam facility as a highlight.

Mr. Speaker, on behalf of myself and my staff, including Kent Keyser and Jim Zoia, we wish Ron Keeney Godspeed on his future endeavors. The best to him and his family, and may he continue to reside and prosper in the great State of West Virginia.

TRIBUTE TO OMERO SABATINI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to the life's work of a retired American diplomat and longtime Alexandria, VA resident Omero Sabatini. Mr. Sabatini's crowning achievement is his modern translation of Italy's most treasured novel, I Promessi Sposi, or Promise of Fidelity, written by Italy's foremost novelist Alessandro Manzoni.

With extensive experience in promoting intercultural relations and translating from and into Italian, Mr. Sabatini has interpreted at the highest levels of government in both the United States and Europe, and has published numerous booklets, articles and human-interest stories in both English and Italian. He is active in several Italian-American organizations and is a member of a number of associations of retired U.S. Foreign Service Officers.

Born in Indiana, Mr. Sabatini lived in Italy from the age of three until his early twenties.

He attended Italian high schools, and it was there that he became an admirer of Italian literature and all things Italian.

He devoted most of his professional life to promoting U.S. exports, but in retirement chose to spend a large share of his time translating this Italian literary masterpiece. He undertook this task as an act of love, and out of a desire to make this great Italian classic better known in the United States and other parts of the English-speaking world.

When the novel that he has translated was first published in its original Italian, Edgar Allan Poe, and the great German poet, Johann Wolfgang Goethe, praised it enthusiastically. Sir Walter Scott called it the "greatest romance of modern times," and Giuseppe Verdi, who composed his Requiem Mass to honor Manzoni's memory, thought that it was one of the greatest books ever written. This novel is also included in the original Harvard Classics series, under the old English title, "The Betrothed."

Throughout the years, several attempts have been made to translate this novel into English, but most of them have failed to capture the intensity and vividness of Manzoni's imagination. Mr. Sabatini's work, however, has been highly praised and admired by scholars from prestigious universities and other institutions of higher learning.

Though set in 17th century northern Italy, "Promise of Fidelity" is a timeless and universal tale that touches on every human feeling, passion and behavior. It tells the story of two young fiancés separated by the events that marked Europe's dramatic political and social scene.

I concur with the vast majority of experts who feel that this novel is required reading for anyone interested in learning about Italian and world literature, but also those intrigued with how Italian social, intellectual, and artistic patrimony has helped shape our own American culture and our outlook on life. I salute Mr. Sabatini's work, as it will continue to provide learned enjoyment for many generations to come.

HONORING ALMA MATILDA WALTERS ON HER 100TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Mrs. Alma Matilda Walters on the occasion of her 100th birthday, which will take place next week on February 22nd.

Mrs. Walters was born on February 22, 1903, in Palmetto Point, St. Kitts, British West Indies. She immigrated to the United States in her early teens and like so many immigrants of that era, she entered the U.S. through Ellis Island. Mrs. Walters eventually settled in Jersey City, New Jersey, married and raised her first five children (Delores, Irene, Marjorie, Florence and John) there. Her first marriage ended in divorce and she was forced to raise her children as "a single mother" well before the phrase became a part of today's popular culture. Mrs. Walters did so while working as a church assistant and domestic worker to the Lerner family, the owners of the Lerner clothing store chain.

Mrs. Walters worked as a nurse's aide at Community Hospital in Brooklyn's Flatbush neighborhood for many years. She was an active member of Local 1199 and participated in union activities during her working years as well as after her retirement in 1977. She was also an active member of the Miller Avenue Block Association and a life-long Democrat.

Later in life, she met and married M/Sgt. Ulysses Walters. The Walters traveled throughout the United States and lived in Texas, Oklahoma and Georgia before returning to Brooklyn, New York in 1963. Together, they adopted a son, Frank Edward. Mrs. Walters' husband, Ulysses, died in 1975.

Mrs. Walters resided at 399 Miller Avenue in the East New York section of Brooklyn from 1964 until the spring of 2000 when she suffered a hip fracture and needed extensive nursing care. She is currently residing at the Kingsbrook Jewish Medical Center in Brooklyn, New York.

Mrs. Alma Matilda Walters currently has 96 direct descendants who are alive. This number includes six generations. She is an outstanding example of a woman who came to America to improve her own life and contributed in many ways to the success of her family, children and community. She struggled and endured during some of the most difficult times in our history. Although she only had the equivalent of an eighth grade education, she always inspired each of her children to be the best at whatever they chose to do in life.

I urge my colleagues to join me in recognizing the lifetime achievements of this remarkable woman, Mrs. Alma Matilda Walters, as she celebrates her 100th birthday on February 22, 2003.

CALVERT TROJANS WIN 2002 TEXAS BOWL; SIX-MAN FOOTBALL STATE CHAMPIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SESSIONS. Mr. Speaker, congratulations to the 2002 Calvert High School Trojan six-man football team upon winning Calvert's first Texas State football title in school history!

Team members Herbert Kinney, Darius Smith, Chris Ford, Greg Ford, Sammy Wells, Deuantay Green, Torre Grimes, Joske Bowen, Tijon Green, Brandon Stewart, Brian Ford, Randall Green, Jay Green, Lionel Melton, James Ashley, Tranquille Kinney, Corey Gibson, Mario Smith, and Dekesselar Ford provided a natural wellspring of notable Calvert championship athletic talent, the likes of which has not been seen since National Baseball Hall of Fame inductees and half-brothers Rube and Bill Foster.

Head Coach and Trojan alumnus Coylin Grimes provided the unflappable leadership and football know-how necessary to mold this outstanding group of players into an unstoppable force and an unbeaten team (14–0). Upon realizing his team's championship ambitions last December way out in San Angelo, Coach Grimes remarked, "This feels great. The kids deserved it; the city of Calvert deserved it. It's just a great time to be a Calvert Trojan fan." You did it, Coach, and we're all proud of you and your work in guiding this outstanding group of young and talented athletes towards achieving their highest goals for the 2002 football season. The lessons of determination, concentration, and dedication, along with the rewards attending these lessons will not be forgotten, and will be shared by every Trojan athlete and scholar for all time. We also congratulate assistant coach Randy Boley, team managers Kiemon Council, Kasey Burnett, and Javion Council, whose dedication to the success of the 2002 Trojan six-man football team should also be honored.

The Trojans scored all 51 of their points in the final half of 2002 championship play, stunning the Sanderson Eagles who went into the locker room at the half up 32–0. The 4,000 football fans on hand at San Angelo's Bobcat Stadium were treated to a 50-yard score on the Trojan's final possession of the game by playmaker Darius Smith. Darius, who finished the game with 206 yards rushing, 88 yards receiving, and five touchdowns, caught a short pass on a flare route, broke two tackles, and took the ball over the goal line with less than a minute remaining in regulation to bring the Championship home to Calvert, 51–46. Congratulations to the Calvert High School football team and to their fans, friends and families in Calvert, Texas and throughout the country!

HONORING MEDAL OF VALOR RECIPIENTS: SERGEANT JOE PEDROZA, DEPUTY MATTHEW LUTHER, DEPUTY OSCAR LEON, DEPUTY PHILLIP FARLEY, OFFICER TERESA NAUGLE-DUDEK AND OFFICER ERNIE SANCHEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. FARR. Mr. Speaker, I rise this evening to honor the courageous efforts of the men and women in law enforcement. These individuals risk their lives each day in fighting crime and keeping our communities safe. Tonight, I honor four brave members of the Monterey County Sheriff's Department and two members of the Salinas Police Department that have been awarded a Medal of Valor by the Monterey County Peace Officer's Association for their dedicated service to the County of Monterey.

On December 29, 2001, Monterey County Sheriff's Deputies responded to a call about a suspicious vehicle that may have been involved in the sale of stolen property. Deputy Matthew Luther determined the vehicle was stolen and also realized that it was parked at a residence where known felons took refuge.

Additional units arrived and surrounded the location: Deputy Luther and Deputy Phillip Farley covered the rear of the home, while Deputy Oscar Leon covered the front. Sergeant Joe Pedroza took the exterior perimeter.

A suspect's desperate efforts to flee were thwarted by Deputy Farley. Trying another exit, the suspect encountered Deputy Leon and began shooting. Deputy Leon returned fire at almost point blank range. Shortly thereafter, the suspect attempted to escape by jumping off the front porch of the residence and tried to climb into a tree above Deputy Luther. The suspect, still in possession of his handgun was disabled by Deputy Luther's return fire. After securing the suspect, two additional co-conspirators were located inside the house and taken into custody.

Throughout this quick encounter, each deputy employed his skills, training, and instincts—all of which culminated in the securing of the suspect and the crime scene. The encounter was not over after the suspect was shot and disabled. All the deputies involved maintained their focus, worked in unison and continued to react to each threat as it arose. The above Sheriff's Deputies were confronted with a life and death situation in which a murder suspect attempted to gain his freedom by shooting his gun at them. In doing so, they were able to apprehend the suspect without injuries to the deputies involved.

Sergeant Joe Pedroza, Deputy Matthew Luther, Deputy Oscar Leon, and Deputy Phillip Farley were awarded this Medal of Valor on April 17, 2002.

On the evening of January 15, 2002, the Salinas Fire Department and the Salinas Police Department were dispatched to a structure fire at the Acosta Plaza apartment complex.

Officer Ernie Sanchez and Officer Teresa Naugle-Dudek arrived before any fire units and determined that the occupants of apartment #2, which was fully engulfed, were safe and accounted for. In speaking with the residents, the two officers learned that the occupants of apartment 1 had not been seen outside.

When Officer Sanchez knocked on the door and got no response, he forced the locked door. When Officer Sanchez and Officer Naugle-Dudek entered the premises, they found the apartment full of thick, dark smoke. Without breathing apparatus or concern for their personal safety, they located three individuals asleep in an upstairs bedroom. Officer Sanchez and Officer Naugle-Dudek evacuated the residents and had the persons evaluated by medical personnel at the scene.

Officer Sanchez kept the family with him until he could make arrangements with relatives for their lodging. Officer Naugle-Dudek assisted the other displaced residents in securing temporary housing in the complex, until their units could be declared structurally safe to inhabit.

There is little doubt that both their quick actions averted a potentially deadly situation. These citizens, fast asleep, could have been overcome by smoke inhalation and perished in their home. Officer Sanchez and Officer Naugle-Dudek displayed heroism while disregarding their own personal safety during the structure fire.

Officer Teresa Naugle-Dudek and Officer Ernie Sanchez were awarded this Medal of Valor on April 17, 2002.

Undaunted, all of these men and women acted with great courage, in concert with one another and with the highest degree of professionalism. And it is their undying commitment to public safety and law enforcement that is so essential to the health of our communities. Mr. Speaker, it is with great pride that I congratulate these individuals on their receipt of this tremendous honor.

CONGRATULATIONS TO THE UNIVERSITY OF SOUTHERN CALIFORNIA ON THEIR ORANGE BOWL VICTORY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. WATSON. Mr. Speaker, I rise to pay tribute to the accomplishments of the University of Southern California football team. Congratulations are indeed in order for USC President Steven Sample, Head Coach Pete Carroll, and the Orange Bowl champions, who finished the season with the #1 ranking in the Sagarin and Matthews/Scripps Howard ratings and the nation's #4 ranking in the final AP and ESPN/USA Today polls.

The USC Trojan football team has shown unique skill, charisma, dedication, and love for the sport. The Trojans accumulated an 11 and 2 win-loss record while competing against some of the best programs in the country. The Trojans regular season performance and their strength of schedule earned them a Bowl Championship Series, or BCS, berth. Teamwork and a motivated work ethic combined to create second half domination over Iowa in the Orange Bowl. After going into the half tied 10–10, the Trojans mounted long touchdown marches on their first three possessions of the second half to blow open the game. USC finished the game 38–17, defeating a higher ranked Iowa Hawkeye team.

Now is also the appropriate time to congratulate quarterback Carson Palmer for winning the prestigious Heisman Trophy. This is the first time the trophy has returned to the west coast since USC running back Marcus Allen managed the feat 21 years ago. Carson Palmer is the 5th Heisman winner from USC. Palmer himself summed up the Trojan mind set this year when he stated, "I couldn't be more honored to take this trophy back to share with my teammates in Los Angeles . . . This award is as much theirs as it is mine."

Mr. Speaker, again I congratulate USC President Steven Sample, Head Coach Pete Caroll, and the football team at the University of Southern California for a season to remember.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. REYES. Mr. Speaker, I wish to honor the lives of the seven courageous individuals who tragically perished aboard the Space Shuttle *Columbia* on Saturday morning. Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, William McCool, and Ilan Ramon are true heroes who leave behind a legacy of cooperation, hard work, and friendship that will live on and inspire future generations of scientists and space explorers. I offer my deepest condolences to the astronauts' families.

In the midst of this tragedy, may our Nation and the international community also pay homage to all of the selfless, courageous astronauts of the National Aeronautics and Space Administration and other space agencies around the world. These men and women venture into the unknown in search of new knowledge. These complex, grueling, and dangerous missions have been the source of some of the greatest technological gains in history.

The goal of every astronaut is ultimately the betterment of mankind, and the seven explorers we lost on Saturday were working towards exactly that. They were working to understand complex mechanisms in the human body, collecting samples of their own blood, urine, and saliva to detect possible bone loss, kidney stones, muscle loss, or weakening of immune systems, to lead to developments in healthcare—like the dialysis equipment that my mother uses.

As the astronauts watched the Earth spin below them, observing climatic and atmospheric phenomena, they worked on projects to help lessen our footprint on the planet, including researching low-level combustion for use in leaner-burning automobile engines. The data from their research will have impact far into the future.

As people in my district of El Paso and across the Nation watched the *Columbia* fall from the sky on Saturday morning, we were gripped with awe and fear. We will rise out of this tragedy. The lessons that we learn from this day will bring us to a brighter tomorrow, a future in which more passionate young men and women truly become citizens of the universe, looking at the world from the vantage point of the stars. The crew of the *Columbia* lived an adventure which most of us can only imagine. As long as children look up to the sky and dream of touching the stars or standing on the moon, our memories of these brave men and women will live on.

THE RIM OF THE VALLEY CORRIDOR STUDY ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the Rim of the Valley Corridor Study Act, directing the Secretaries of Interior and Agriculture to study the feasibility of expanding the Santa Monica Mountains National Recreation Area to include the mountains and canyons in Southern California that are part of the Rim of the Valley Corridor, as designated by the State of California.

The National Park Service and the U.S. Forest Service would jointly study the suitability of more than doubling the size of the Santa Monica Mountains National Recreation Area by encompassing this corridor, which contains areas of rare Mediterranean ecosystems and encircles the mountains above the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys, as well as the famed Arroyo Seco, home of Pasadena's Rose Bowl.

For many residents of Southern California, the mountains above our communities are a nearby haven to enjoy nature, a refuge from the noise and commotion of Los Angeles. Our mountains can and should be places where city-dwellers can easily go to enjoy such activities as hiking, camping, mountain biking, horseback riding, observing wildlife, and admiring nature's scenic beauty. Given the tremendous growth pressures in Southern California, we must act now to preserve our precious open space. It is my hope that the Rim of the Valley Corridor Study Act will embody a dream and vision of a Southern California enhanced not only by what was built, but also by what was preserved.

The National Park Service oversees the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, spanning from the mountains to the sea and protected in perpetuity by Congress in 1978. Inclusion of the Rim of the Valley Corridor would link wildlife habitat in the Santa Monica Mountains to the Angeles National Forest.

The Rim of the Valley Corridor Study Act would require the Secretaries of Interior and Agriculture to complete their study within one to three years, consulting with state and local government entities. It would then be necessary for Congress to enact subsequent legislation to implement the study's recommendations.

I am pleased that this legislation has bipartisan support, with Reps. HOWARD BERMAN, DAVID DREIER, GEORGE MILLER, BRAD SHERMAN, and HILDA SOLIS as principal co-sponsors. I am delighted that the senior Senator from California, Senator FEINSTEIN, is also introducing this important legislation today.

The Rim of the Valley Corridor Study Act will result in an initiative creating a lasting legacy of nearby natural open space for our children—and their children—to enjoy.

HONORING RICHARD WILLIAMS, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to honor the life of Mr. Richard Williams, Jr., who served as Blount County Commissioner from 1984 until recently.

Commissioner Williams was dedicated to his family, faith and Country. He was a great American.

An active member of the Blount County community, Commissioner Williams was a Sunday school teacher and chairman of the Board of Deacons at St. John Baptist Church of Alcoa. He was Past Master of Granite Masonic Lodge No. 289, Past Commander in Chief of Alcoa Consistory No. 175, Past Potenlate of Almas Shrine Temple No. 71, and was named Mason of the Year.

In 2002 he received the Governor's Tennessee Volunteer Commendation Award and was listed in Who's Who Among Black Americans. Williams was also a member of the Alcoa Rotary and American Legion Post 18.

When he was elected to Blount County's governing body in 1984, he became the second African-American elected official in Blount County in the twentieth century and the third in the county's history.

Above all, he cherished his family. Commissioner Williams was married to Evelyn Robinson Williams for over forty years. He loved being a husband, father, grandfather, and great-grandfather.

This Nation is a better place because of Commissioner Williams, and I want, in this small way, to express my great appreciation for his service and my heartfelt condolences to his family.

HONORING STANLEY EUGENE TOLLIVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Stanley Eugene Tolliver—respected attorney, civic activist, community advocate, dedicated family man, and friend and mentor to countless—as he is sworn-in as President of the Norman S. Minor Bar Association.

Mr. Tolliver was born and raised in Cleveland, and has reflected a life-long commitment to education for himself and for others. After attending the Cleveland Public Schools, Mr. Tolliver received his undergraduate degree at Baldwin Wallace College with a major in prelaw. He was awarded his law degree from Cleveland-Marshall College of Law in 1951. Mr. Tolliver passed the bar exam in 1953 while serving in the United States Army. In 1969, he received a Juris Doctor degree from Cleveland-Marshall College of Law.

He embarked upon his journey of public service in the seventies, when he was appointed by Judge Frank Batisti to the Committee of the Office of School Monitoring and Community Relations. Mr. Tolliver was elected to the Cleveland School Board in 1981; reelected in 1985, 1989, and elected as President of the School Board in 1987. In 1990, Mr. Tolliver was reelected as President of the School Board. Besides his dedication to the education of our youth, Mr. Tolliver has been equally committed to social justice issues. He is an active member of the Black Elected Democrats of Cleveland; a life-long member of the NAACP; an Executive Committee Member of the Cleveland NAACP; and an active member of the Cleveland Citizens Committee Against Dual Law Enforcement. Additionally, Mr. Tolliver has served as legal counsel to Dr. Martin Luther King, Jr., the Southern Christian Leadership Conference and the Congress of Racial Equality. Mr. Tolliver acted as the legal advisor for the Shield Club, and initiated the indictment of ten Cleveland police officers for violent crimes.

Mr. Speaker and colleagues, please join me in honor of Stanley Eugene Tolliver, and his continued commitment to our community. His work, expertise and dedication have served to uplift, improve and unify our entire citizenry. Mr. Tolliver's strong leadership abilities, vision, and passion for social justice for all has earned him the deep admiration and respect of the Cleveland community, as well as the entire Greater Cleveland community.

INTRODUCING THE SALES TAX EQUITABILITY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce the Sales Tax Equitability Act, important legislation which would eliminate the discrimination faced by individuals who live in States that have no income tax.

Under current law, individuals can deduct their State income tax from their Federal income tax. Unfortunately, in many States like Texas, which has no State income tax, residents are not eligible for this deduction. Even though they pay State sales taxes that are equitable to income taxes in other States, these individuals are penalized because they don't pay a State income tax. This situation is patently unfair.

The legislation I am introducing today would allow residents of States with no income tax to deduct their sales tax from their Federal income tax. This legislation would provide fairness for all Americans by ensuring that, in States where there is no income tax, State and local sales taxes are treated the same as income taxes.

I encourage my colleagues to support this legislation.

IN RECOGNITION OF RABBI SIDNEY KLEIMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. MALONEY. Mr. Speaker, I would like to pay tribute to Rabbi Sidney Kleiman on the occasion of his 90th birthday. Both a scholar and a vigorous leader, Rabbi Kleiman inspires his community and congregation with his pious dedication and moving sermons.

With the longest active tenure of service in the same synagogue of any living rabbi, Rabbi Kleiman, has been serving New York City's historic Congregation Talmud Torah Adereth El for over 60 years. First as Rabbi from 1939–1999, he now serves as Rabbi Emeritus since 2000.

Rabbi Kleiman tells the story of how he became rabbi of Adareth El. "In 1939, I was Rabbi of the Jewish Center of Violet Park [in Bronx]. A Mr. Finkel, of blessed memory, was a member of my shul and also a member of the 29th Street shul. He noticed that I left every morning to go down to Henry Street on the lower east side, to take my children to school in the yeshiva, and that I would go back every afternoon to pick them up. Mr. Finkel said to me, "Rabbi, you can't keep this up! You will not last, it is too much for you. There is an excellent opportunity, the 29th Street shul is looking for a Rabbi. The position would be perfect for you." Rabbi Kleiman was happy in his current position, but Mr. Finkel persisted. Rabbi Kleiman agreed to preach a sermon one Shabbos, with the understanding that he was not applying for the position of Rabbi.

He recounts, "The Saturday I preached was the week that Britain's Prime Minister Chamberlain had held his now infamous meeting with Hitler in Munich. When Chamberlain returned to 10 Downing Street, it was a rainy day. He opened up his umbrella and declared to the world: Peace in our time! The title of the sermon I preached that Shabbos was Peace Not in Our Times." Rabbi Kleiman explains that Chamberlain should have known from his meeting that Hitler was out to destroy the Jewish people and their rich culture. In the pacifist and isolationist climate of the United States during that time, the Rabbi stressed that the prestige of the Jewish people and their leaders had to be raised. In his words, "The congregation said that if this Rabbi is crazy enough to deliver this kind of sermon when America is so isolationist and pacifistic, let's elect him for six months and then fire him. And so it was. Every six months I was fired and re-hired. And that's how I lasted 60 years!"

And after fifty years as Rabbi, the Board of Trustees at Adereth El asked him if he would consider retiring. He said, "No Way!" He told them that his mother lived to 104 and was alert to the last day and he expects to outlive her. Currently, after 60 years of outstanding service and leadership, Rabbi Kleiman has been given the new honor and title of Rabbi Emeritus, which he expects to be for at least another fifty years.

Congregation Talmud Torah Adereth El, founded in 1857, has the distinction of being the only Jewish congregation in New York City to have worshipped for more than 140 years on the same site. Since 1863, Adereth El has been located on East 29th Street. The original design and integrity of the synagogue's simple and dignified interior has been substantially unaltered. Today, the congregation continues to provide a spiritual home to over 150 New York City families. The contributions of Congregation Talmud Torah Adereth El have touched many lives by providing spiritual guidance as well as fostering an enduring spirit of community. This spirit of giving is epitomized by the dedication and selflessness exhibited by Rabbi Kleiman.

For his unwavering dedication to his community and congregation, Rabbi Kleiman will forever remain a prominent and lasting community and spiritual leader.

In recognition of Rabbi Kleiman's lifetime of service and leadership of Congregation Talmud Torah Adereth El, I ask that my colleagues join me in saluting Rabbi Kleiman and the congregation on his 90th birthday celebration.

RECOGNITION TO SALVATORE M. SCHIBELL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend of the Sixth District of New Jersey. Mr. Salvatore Michael Schibell, who is being honored as the Man of the Year for the Amerigo Vespucci Society.

Mr. Schibell is being honored for his untiring dedication and remarkable assistance to his community. Mr. Schibell, a native of Long Branch, attended Long Branch High School and later graduated from Monmouth University with a Bachelor's Degree in Accounting and a Master's Degree in Business Administration. In 1990, Mr. Schibell was awarded his Masters Degree in Tax Law by Fairleigh Dickenson University. He holds CPA Certificates in both New Jersey and New York.

In 1989 Mr. Schibell was a founding partner of Rescinio, Schibell & Company. Prior to the formation of the firm, he spent fifteen years in public accounting, most of them with an international Big 6 firm. Formerly a senior manager, he left public accounting to serve eight years as the senior financial officer and general manager of a major beverage distributor. In 1993, Mr. Schibell became a partner of the accounting firm of Lawson, Rescinio, Schibell & Associates, P.C. in Oakhurst, NJ.

Mr. Schibell's professional memberships are numerous, some of which include: The American Institute of Certified Public Accountants, New Jersey Society of Certified Public Accountants; Community Associates Institute, and the Estate Planning Council of Central New Jersey, for which he served as the past president and was on the Board of Trustees. In addition, Mr. Schibell has served on numerous committees for charitable organizations, such as: the Amerigo Vespucci Society, and the Ronald McDonald House in Long Branch.

Presently, Mr. Schibell and his wife Lois reside in Eatontown, New Jersey where they enjoy the company of their four children Stephanie, Andy, Sean, and Denise and their first grandchild, Ashley Brook.

On this day we celebrate and honor the distinguished Mr. Salvatore M. Schibell for his extensive accomplishments and his dedicated service to his community. I ask my colleagues to join with me in commending him in his dedication.

T.C. ROBERSON FUTURE FARMERS OF AMERICA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to recognize the T.C. Roberson High School Future Farmers of America organization and their teacher, Lonnie Johnson. The organization was recently recognized in the November/December 2002 issue of New Horizons magazine for their efforts to help poor and elderly individuals by participating in MANNA FoodBank's Plant a Row for the Hungry project. Through their hard work, these outstanding high school students provided hundreds of pounds of fresh vegetables to needy individuals throughout western North Carolina. The T.C. Roberson High School Future Farmers of America organization was also recognized in a July 8, 2002 editorial and a July 5, 2002 article in the Asheville-Citizen Times, which I am happy to share with my colleagues.

[From the Asheville Citizen-Times, July 5, 2002]

FUTURE FARMERS RAISE CROPS FOR THOSE IN NEED

(By Barbara Blake)

SKYLAND.—Lonnie Johnson can almost see the smiles on the faces of the elderly people who will soon be eating fresh corn, beans, tomatoes, squash and peppers his horticulture students are growing out at Roberson High School.

And thinking about the pleasure these nutritious vegetables will bring to those senior citizens and others who live on the edge of hunger brings a smile to Johnson's face.

"Elderly people go crazy with fresh produce," he said. "A lot of these people don't get much fresh, and we're going to be giving them hundreds of pounds all the way up into September and October. And we won't stop then—in the fall, we'll plant our fall garden with greens and cabbage and turnips and broccoli, and we'll keep it coming."

Those are sweet words to the staff at MANNA FoodBank, which will receive the vegetables from the Roberson students and immediately distribute them to the poor and hungry in Western North Carolina as part of the nonprofit's Plant a Row for the Hungry project.

Johnson, who formerly was the horticulture teacher at the Swannanoa Valley Youth Academy, started the Plant a Row project on that campus two years ago, providing MANNA with nearly 2,000 pounds of produce.

Early in the spring, Johnson found his Future Farmers of America students at Roberson equally interested in participating. So they worked together to plant more than one row for the hungry after clearing brush to make beds, working the soil and carefully planting seeds—all while learning about all things gardening and horticulture.

Throughout their summer vacation, students have come one, two or 10 at a time to replant, weed, water and, now, harvest the vegetables of their labor.

"It's fun—I like to work with my hands," said rising sophomore Levi Dowdle, peering into a bushy hill of squash loaded with yellow flowers and tiny fruits. "I like seeing how much stuff has grown, and how fast it grows, and how much time different things take.

"And," he said, "I like helping people."

This produce will defintely help people, according to Kitty Schaller, director of development at MANNA, which netted more than 15,000 pounds of donated produce from local gardens last year.

"Lots of times during the year, we're able to access produce because it's not in great condition. But this puts the freshest stuff in the hands of the agencies that need it—and the need is great," Schaller said.

"This is first-quality stuff, and as soon as it comes in, it goes out."

Schaller said the Youth Academy and the Roberson FFA kids are the only two schools formally involved with the Plant a Row for the Hungry project, and said she hopes other schools will take part.

"We love having children do this, because it establishes a pattern for them—making a connection with the soil, making a connection with hungry people," Schaller said. "We're grateful to the folks at Roberson for taking this on, and we hope other schools will decide to do it as well."

Schaller said MANNA also is grateful for more informal donations of fresh vegetables, ideally between 8 a.m. and 3:30 p.m., weekdays.

"But if someone needs to come on Saturday, they can call and we'll make special arrangements," she said.

"While we emphasize the 'plant a row' concept, we also are very, very welcoming of people's excess produce, even if it's just excess," Schaller said. "It's a lot of people doing a little amount that really makes a difference—and a few people doing extraordinary stuff."

[From the Asheville Citizen-Times, July 8, 2002]

ROBERSON'S FFA GOOD SIGN OF BRIGHT FUTURE FOR WNC CITIZENSHIP

Thanks to a group of Future Farmers of America at Roberson High School and their teacher, Lonnie Johnson, poor, elderly people in Western North Carolina will be benefiting from one of summer's greatest pleasures—a bounty of fresh, homegrown vegetables.

As any backyard gardener knows, nothing tastes as good as a ripe, freshly picked tomato. And nothing is more nutritious than homegrown vegetables that are eaten soon after they were harvested.

Johnson and his students decided to participate in MANNA FoodBank's Plant a Row for the Hungry project, but they planted more than a row. They're growing corn, beans, tomatoes, squash and peppers. Before coming to Roberson, Johnson taught horticulture at the Swannanoa Valley Youth Academy, where he started a Plant a Row project two years ago. That project provided MANNA with nearly 2,000 pounds of produce.

"Lots of times during the year, we're able to access produce because it's not in great condition," said MANNA's Director of Development Kitty Schaller. "But this puts the freshest stuff in the hands of the agencies that need it—and the need is great. This is first-quality stuff, and as soon as it comes in, it goes out."

The project benefits not only those whose consume the vegetables, it gives young people an opportunity to learn about gardening. Throughout their summer vacation, students have come singly and in groups to replant, weed, water and harvest the vegetables. They're learning more than practical horticultural skills.

"We love having children do this," pattern for them—making a connection with the soil, making a connection with hungry people.

The Youth Academy and Roberson FFA are the only two schools formally involved with the Plant A Row program, Schaller said, but she'd love to see others participate.

As for Johnson, he gets a lot of satisfaction thinking about those who will relish the vegetables his students grow.

"Elderly people go crazy with fresh produce," he said. "A lot of these people don't get much fresh, and we're going to be giving them hundreds of pounds all the way up into September and October. And we won't stop then—in the fall, we'll plant our fall garden with greens and cabbage and turnips and broccoli, and we'll keep it coming."

Kudos to Johnson and his students, who have pointed the way for other schools. But in this time of fiscal austerity, participating in the Plant A Row project is a tremendous and inexpensive opportunity for anyone who has a garden spot to give a great bounty to those in need. Seeds are inexpensive and with a little tender loving care they become a nourishing gift beyond compare.

Schaller said MANNA is also grateful for more informal donations of fresh vegetables, preferably between 8 a.m. and 3:30 p.m. weekdays. So, if your garden is producing more than you can possibly preserve, consider a donation to MANNA.

You'll have the joy of imagining, as Johnson does, the pleasure your gift will bring.

[From New Horizons, Nov./Dec. 2002]

T.C. ROBERSON HIGH SCHOOL FUTURE FARMERS OF AMERICA

Here in Asheville, a city of 60,000 people in the hills of western North Carolina, the MANNA Food Bank feeds people in need across a 19-county area. They do their best to keep food moving to soup kitchens, the elderly, child daycare centers for families with low incomes and anywhere else where people have trouble putting food on the table.

A few years ago, Lonnie Johnson, the Roberson FFA Chapter advisor, heard about MANNA's "Plant a Row for the Hungry" program, where local citizens donate a portion of their garden vegetables to the food bank.

Johnson recognized the opportunity and pounced on it. "There are people in our community who have needs, and if we can help meet those needs, then there's a lot of learning that can go on." Johnson says.

BREAKING GROUND

Roberson FFA members quickly latched onto the project. For many, it's a hands-on component for horticulture class. For others, it's afterschool volunteerism.

Jacob Laughter, a junior who currently serves as FFA chapter president, has been at Roberson High since the project began. "I got to break ground for the beginning of our garden with our new Troy-Bilt tiller. I was also part of the seeding process, where we dug small holes to plant our seeds."

Senior Jenny Stove, the FFA chapter secretary, is just glad she has the opportunity to be involved. "I think I love to work in the garden more than all else," she says. "Behind our greenhouse, we have corn that grows mile-high, spinach that the local rabbits eat, onions, collard greens cucumbers and zucchini."

It's fresh vegetables like these that are considered delicacies at the food bank, where most of the food distributed is packaged in cans and boxes. "People really get excited when they get fresh produce," Johnson says.

While this modest, one-third of an acre garden isn't breaking any records for size, everything from the garden is donated to the food bank. So far, the small parcel of ground has yielded hundreds of pounds of vegetables, and counting.

Deborah Stines, a junior, likes the harvest best. "I enjoy working in the garden because I like to pick the vegetables and be able to say to myself, 'Hey, I planted this, and it grew!'" When the time for harvest arrives, the FFA crew loads and drives the procedure to MANNA's loading dock, where workers eight the load and give the students a receipt.

IN THE NEWS

The chapter's efforts haven't gone unnoticed. Editors at the Asheville Citizen-Times caught wind of the FFA chapter's project in July. In a lengthy editorial, they had this to say: "Kudos to Johnson and his students, who have pointed the way for other schools." After this appeared in the newspaper, the phone in the agriculture shop started ringing.

As a result of the editorial, people from the school and the community called and wanted to visit the garden. "It just perked them up and made them feel good," Johnson says. Soon thereafter, a local television station and the school's own televised news program quickly picked up the story.

While these FFA members appreciate the positive publicity their FFA chapter his received, they realize something more important is happening. Their gardening project has built public awareness of hunger—a move that will put Asheville, and the world, a few steps closer to making sure everyone has enough food to eat.

IN THEIR OWN WORDS

Krystal Dorsey, a sophomore, didn't have any community service experience a couple of years ago. "After working on this project," she says, "I started to realize how important it is to do things for others, as well as how awesome it feels."

Jessica Stouder, a junior, echoes those sentiments: "It makes me glad to see that if students are working like this to help a cause here in little Asheville, then think of the big difference we could make all over the country."

TRIBUTE TO NICK PINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Nick Pino of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Nick's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Nick courageously assisted in getting Ms. Lichtenberg out of the house, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities everyday.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Nick Pino before this body of Congress and this nation. Nick's quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

IN RECOGNITION OF GOUVERNEUR HEALTHCARE SERVICES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. MALONEY. Mr. Speaker, I would like to pay tribute to Gouverneur Healthcare Services, on the occasion of their Annual Chinese New Year Celebration. Founded in 1885, Gouverneur Healthcare Services has a rich and lengthy history of providing innovative healthcare services for New Yorkers and their families.

In 1885, Gouverneur made history by becoming America's first public hospital to establish a tuberculosis clinic. As a pioneer in healthcare, it was also the first institution to employ a female physician on its ambulance service as well as the first to set up day camp on a boat for undernourished adults and children. A century later, Gouverneur established Project HELP, the first psychiatric mobile crisis unit for homeless, mentally ill individuals. These are just a few examples of Gouverneur's ability to create innovative programs to fulfill the needs of our community.

Gouverneur's 210 bed Nursing Facility has provided outstanding skilled nursing and rehabilitation care for over a quarter of a century. Care is provided in an ethnically and culturally sensitive manner, with special programs for Chinese and Hispanics. In addition, Gouverneur's ambulatory care facility, with over 300,000 visits in FY 1998, is one of the city's busiest. Among Gouverneur's many notable services is the Diagnostic and Treatment Center, which is the largest in New York State, providing more than 300,000 visits each year. The center focuses on maintaining patient wellness through a wide range of outpatient diagnostic and healthcare services including general medicine, pediatrics, gynecology, obstetrics, HIV care, behavioral health, dentistry, podiatry, dermatology and an eye clinic.

Gouverneur aims to reach all members of the culturally and ethnically rich Manhattan community. Special programs include the Asian Bicultural Unit, which provides psychiatric services for members of the Asian community, and the Roberto Clemente Center and the Sylvia Del Villard Continuing Day Treatment Program, which offer mental health programs designed to suit the needs of the Latino community.

Gouverneur's attentive concern and dedication to a multi-cultural patient population have made it a leader in providing services to non-English speaking patients. Gouverneur's staff is multilingual and is devoted to meeting each patients' individual needs. For example, Gouverneur's nursing facility provides Chinese, English and Spanish menus, with an emphasis on individual food preferences.

Gouverneur's multicultural services department works diligently to ensure that each and every patient feels comfortable while his or her healthcare needs are addressed. The department has members and volunteers that provide interpreting services in various languages, and printed materials are available in English, Chinese and Spanish throughout the facility. Gouverneur has also piloted TEMIS, an award winning system that enables patients and their providers to receive simultaneous translation during exams through the use of wireless technology.

As an active leader in the community, Gouverneur hosted "Celebrate Better Hearing and Speech Month" in May 2002. The event raised public awareness and offered free speech and language screenings to children from a widely diverse community in their own native languages. As a result of the collaboration, many children were screened and approximately 75% were flagged for possible speech and language difficulties.

In recognition of Gouverneur Healthcare Services' outstanding contributions to the community and their commitment to the quality of life of the diverse New York City community, I ask that my colleagues join me in saluting Gouverneur Healthcare Services on the occasion of their Annual Chinese New Year Celebration.

TRIBUTE TO MR. ROBERT J. "BOB" LEWIS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Mr. Robert J. "Bob" Lewis, Deputy Executive Director for Federal Relations of the National Association of Water Companies (NAWC). Bob retired January 10, 2003. Bob has had a very distinguished career providing over 32 years of leadership and direction in government and association service.

Bob has a Juris Doctorate from the University of Michigan Law School and is a member of the D.C. and Michigan Bar Associations. Bob started his career in D.C. as a Legislative Assistant for Senator Robert P. Griffin (R–MI). He then went on to serve as a Staff Assistant to President Nixon on the White House Domestic Council; General Counsel of the Federal Trade Commission; partner at Ballard, Spahr, Andrews & Ingersoll; Vice President for the Pharmaceutical Manufactures Association; Senior Vice President for Federal Relations at the Tobacco Institute and Vice President for Public Affairs at the Generic Pharmaceutical Industry Association. Bob and his wife, Margaret, have two children and two grandchildren.

During his time at NAWC, Bob was responsible for developing and implementing NAWC's Federal government relations strategy including both legislative and regulatory activities. As a senior manager, Bob also saw to the day-to-day operations of the association. Bob's dedication to these duties was a true asset to NAWC as well to those who worked directly with him. His honesty, fairness and integrity are of the highest caliber and, his concern for others is genuine. Bob completes his tenure at NAWC as the instrumental figure in carrying out the strategies that led to many important victories for the association and its members.

Since my arrival in Washington, I have had the privilege of working with Bob in developing legislation that will help local water companies continue to provide clean, affordable drinking water. His effectiveness as an advocate on these issues is a true testament to his dedication and passion for his work. His professionalism will be missed, but his accomplishments will remain.

Again, I would like to congratulate Bob on his career accomplishments and wish him the best of luck in his future endeavors.

IT IS TIME TO KEEP OUR PROMISE TO FILIPINO VETERANS OF WORLD WAR II

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to ask for the support of my colleagues for H.R. 664, "The Health Care for Filipino World War II Veterans Act."

Almost 60 years ago, President Franklin D. Roosevelt drafted the soldiers of the Philippines into service in World War II, because the Philippine was a territory of the United States at that time. Fighting side-by-side with soldiers from the United States mainland, the Filipino soldiers were instrumental in the successful outcome of the war. However, shortly after the war's end in 1946, Congress passed the Rescissions Act which took away promised benefits from many of the Filipino veterans and declared that their service was deemed not to be service in the military forces of the United States.

We owe not only a debt of gratitude to these brave veterans, but we owe them recognition as veterans of the United States military. And we owe them the benefits they were promised! Now in their 70s and 80s, they are in desperate need of health care, and approximately five veterans are dying each day.

I have introduced, H.R. 664, with a number of original co-sponsors from both parties, including Congressmembers SIMMONS, EVANS, CUNNINGHAM, PELOSI, ISSA, ROHRABACHER, ABERCROMBIE, MILLENDER-MCDONALD, TIAHRT, LOFGREN, and SCOTT. This bill would provide access to VA medical facilities for the Filipino veterans who are now living in the United States and would restore the designation of veteran to these brave men.

The Secretary of Veterans Affairs, Anthony Principi, testified in a June 13, 2002 hearing before the VA Health Subcommittee in support of H.R. 4904, the version of this bill in the

107th session. The House of Representatives passed these health care benefits on July 22, 2002 but they were unable to get passed by the Senate before adjournment of last year's session. Senator INOUYE has reintroduced a similar bill in the 108th session in the Senate (S. 68).

There is overwhelming support for H.R. 664. We must quickly pass this bill to begin the process of restoring benefits that are deserved by the Filipino World War II veterans.

IN MEMORY OF THE HON. FRED V. SKOK

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. LATOURETTE. Mr. Speaker, I recently lost a dear friend and revered colleague, Lake County Probate Judge Fred V. Skok, who died January 10 after a brief illness.

Judge Skok left behind a beloved wife of 39 years, Linda; daughters Heidi Skok Thorp of Glenmont, NY, and Gretchen Skok DiSanto of Concord Township; sons-in-law James Thorp and Dino DiSanto, and two grandsons, Harry Thorp and Hugh Thorp. A daughter, Christine Marie Skok, and his parents, Victor and Mary (Shume) Skok, are deceased

Judge Skok was a legal legend in Lake County. He was elected County Prosecutor in 1960 and Probate Court Judge in 1972. He was set to retire this year after serving 30 years on the bench. He was a 1952 graduate of Princeton University and earned his law degree at the former Western Reserve University Law School in Cleveland.

I consider myself blessed to have known Judge Skok for many years, and I looked to him as a mentor while I served as County Prosecutor before coming to Congress. Judge Skok was a quiet, scholarly man with a tremendous wit and a voracious intellect. He was revered in legal circles and doing the right thing was second nature to him.

Judge Skok will also be remembered for his great devotion to Lake Metroparks, and maintaining the environmental beauty of Lake County. As a 30-year resident of Concord Township, few things brought more pride to the judge than preserving the sprawling park space by his home and throughout the county.

The passing of Judge Skok brought great sadness to those who knew him. On behalf of the 14th Congressional District of Ohio, I share my heartfelt condolences with his family.

IN RECOGNITION OF THE PANPAPHIAN ASSOCIATION OF AMERICA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. MALONEY. Mr. Speaker, I would like to pay tribute to the Panpaphian Association of America, Inc., on the occasion of the Fourth Evagoras Pallikarides Award of Merit. An outstanding organization established in 1987, the Panpaphian Association has enriched its community through its promotion of the rich culture of Cyprus.

Founded by a small group of Cypriot Americans of Panpaphian ancestry, the Panpaphian Association of America has grown considerably in the past two decades. It has played a significant role in educating others about Cyprus and it history, traditions, and customs. The Panpaphian Association's contributions to the community include a choir and a soccer team, as well as various educational lectures on Paphian archaeological excavations and their findings. Originally a small community organization, the Panpaphian Association prospered remarkably and has developed into a pillar of the Cypriot American community.

In addition to supporting Cyprus and increasing awareness of Cypriot heritage, the association is involved in motivating and aiding its community in various ways. It promotes and stresses the importance of education through its annual academic excellence awards. Further, the association has made a major effort in fundraising for those who require medical attention, and it has made helpful donations to Paphos Hospital.

In 1999, the Panpaphian Association established the Evagoras Pallikarides award, honoring the memory of Pallikarides, a Cypriot hero who was killed in 1956 while fighting for his country's freedom. Dennis C. Droushiotis, the Trade Commissioner of the Republic of Cyprus, has been selected as the honored recipient of the 2003 Evagoras Pallikarides Award of Merit.

Among his many accomplishments are the establishment of the first Cyprus Trade Center in the United States and the implementation of many successful exports and investments programs, leading to the exponential growth of Cypriot exports to the U.S. The Trade Center's bilateral initiatives were a crucial factor in the United States becoming the main exporter to Cyprus and the growth of two-way trade.

Mr. Droushiotis is also the founding member of the Cyprus-U.S. Chamber of Commerce, inaugurated in 1998 by President Glafcos Clerides and Minister Nicos Rolandis. He has served as a delegate to the World Trade Organization, the United Nation 33rd and 37th General Assembly Sessions, and other such prestigious gatherings. His many civic involvements include work with the European Travel Commission, the Cyprus Olympic Committee, and the Cyprus Children's Fund.

Throughout his life, Mr. Droushiotis has been committed to the cause of justice, peace, and prosperity for Cyprus. He has been honored by the Cyprus Chamber of Commerce, and in 2000, he received the Ellis Island Medal of Honor for his work in international trade. As an individual who has contributed greatly not only to his nation but to both the Cypriot and Cypriot American communities, he is truly worthy of the Evagoras Pallikarides Award.

The organization has also chosen Charles Socrates as 2003 Member of the Year. Mr. Socrates, who originates from a small village in Cyprus, immigrated to the United States and, despite limited resources, developed a successful career while establishing an extensive network of family and friends. The Panpaphian Association honors Mr. Socrates today for his hard work and pride in his ethnicity.

In recognition of the Panpaphian Association of America's many contributions for the Cypriot American community, I ask my colleagues to join me in saluting this organization and all of tonight's honorees on the fourth anniversary of their annual Evagoras Pallikarides Award of Merit.

TRIBUTE TO LINUS TRUJILLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to honor Linus Trujillo of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Linus' quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Linus courageously assisted in getting Ms. Lichtenberg out of the house, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities everyday.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Linus Trujillo before this body of Congress and this nation. Linus' quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

HONORING TONYA MITCHELL: A HEROIC PUBLIC SERVANT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to honor one of Florida's heroes, Tonya Mitchell. Tonya Mitchell, a valiant public servant, was abducted on January 31, 2003, while driving a mail truck across northwest Miami-Dade County. Tonya Mitchell, extraordinarily composed, drove throughout Miami North-Dade and Broward Counties at gunpoint while dozens of patrol cars and news choppers followed. For five terrifying hours, including a two-hour standoff, Tonya Mitchell, unlike most people facing a life or death situation, maintained a remarkably calm demeanor until she was finally released to safety.

Tonya Mitchell, a 32-year-old mother of two from Miramar, Florida, is an example of true courage. The target of a very dangerous situation, she overcame fear and convinced her abductor, after the two-hour standoff, not to commit suicide. Because of her committed faith, she persuaded a man who put her life in grave danger to turn himself in to the authorities. Tonya Mitchell, a deeply religious woman, is not only a survivor, but a model of bravery.

United States postal employees have a visible presence in our community. My district, and districts across our country, function more effectively because of their invaluable work. Tonya Mitchell is a three-year veteran of the postal service who often fills in on her colleague's routes. She is a devotee to her community and as seen through last week's experience, a devotee to human kind. Mr. Speaker, the South Florida community is very proud of Tonya Mitchell. Clearly seen through the dedication she has in her work and through her extraordinarily bold composure, she is truly a hero and a role model to us all.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed roll call votes 18 and 19 on February 5, 2003. I was on my way to attend the funeral for a family member who passed away earlier in the week. Had I been present, I would have voted "no" on the Motion to Recommit H.J. Res. 18 and voted "yes" on H. Res. 51, expressing the House of Representatives condolences to the families and crew of the Space Shuttle *Columbia*.

CONGRATULATIONS TO CITRUS GIRL SCOUT TROOP 378

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate the Heart of Florida Girl Scout Troop 378 in Citrus County, Florida for their service to the Community and to the people of my district.

The troop recently learned about the importance of voting and about the functions of American government as part of the 'I-Count' Voter Education program and each Troop Member participating in the program received a patch upon completion.

Mr. Speaker, as you may know, those in the Girl Scout program measure their accomplishments and award merit based on the number of patches they accumulate. As part of earning this patch, the girls studied intently and listened to a speech I gave about the importance of voting—and how one vote can be the deciding factor in some instances.

It was when I spoke to the girls and had the chance to meet them and hear about all they'd done in the community that I realized the tremendous amount of work they'd done and their intense dedication to the Girls Scout program.

Mr. Speaker, let me briefly mention just a few of the things this group of girls has done throughout their years of involvement with this program.

As Daisies the girls learned to do crafts and learned the Girl Scout promise. They went on campouts, marched in parades and sang at Surry Place Nursing home.

As Brownies, the troop went to nursing homes to sing, volunteered at various events and continued to appear in local parades.

As Juniors, they collected old, unused cell phones to benefit battered women, helped at the local "Relay for Life," which benefits the American Cancer Society, and presented the local volunteer firefighters with cookies to thank them for their work in the community.

Now that the girls are Cadets they are still collecting cell phones and will be continuing their involvement in the "Relay for Life" program. This past Holiday Season they "Gift Adopted" a local under-privileged girl, and donated money and new gifts to make her Christmas brighter.

Currently they are saving the proceeds from the sale of their Girl Scout cookies for a trip to Savanna, Georgia to see where Juliette Gordon Low, the Girl Scout founder, was born.

Amber Auth, Nicole Bruno, Melissa Fonczak, Emily Stanton, Rebecca Rose, Kimberly Carbonari, Rebecca Morse, along with troop leader Mimi Rose and assistant troop leader Nora Auth, deserve to be commended for their service and dedication, I am proud to have them as my constituents and am honored to be their representation in Congress.

TRIBUTE TO KATHY ORTIZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Kathy Ortiz of Pueblo, Colorado for the selfless act of courage she displayed on November 8, 2002. Kathy's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Kathy courageously assisted in getting Ms. Lichtenberg out of the house, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities everyday.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Kathy Ortiz before this body of Congress and this nation. Kathy's quick actions, coupled with those of her fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

IN SUPPORT OF MR. ESTRADA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise in support of a fellow member of the Hispanic community and nominee to the U.S. Court of Appeals for the D.C. Circuit, Miguel Estrada.

Mr. Estrada personifies the success and achievement of our beloved community. His legal expertise will add a profound dimension to the court that is considered to be precursor to the Supreme Court. As an attorney, he has argued 15 cases before the U.S. Supreme Court, and has tried 10 cases as a prosecutor for the Southern District of New York.

A native of Honduras, Miguel Estrada is an American success story. During his first years in the U.S., Mr. Estrada spoke virtually no English. His commitment to education and improvement of the individual is demonstrated by the excellence of his academic record. As a graduate of Columbia College, where he graduated Phi Beta Kappa, and Harvard Law, Miguel Estrada's legal experience exceeds that of the average nominee.

If confirmed, Miguel Estrada would be the first Hispanic judge to serve on the court. President Bush served the Hispanic community well by nominating a man of such character and devotion to the Constitution.

Mr. Speaker, Miguel Estrada has my full support and best wishes on his nomination.

ELIMINATION OF CAP ON MEDICAID PAYMENTS TO THE U.S. TERRITORIES AND COMMONWEALTHS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to re-introduce legislation which continues to be the highest health care priority for the more than 4 million residents of our country's off-shore areas—the elimination of the cap on Medicaid payments to the U.S. Territories and Commonwealths.

Mr. Speaker and my colleagues, it saddens me as a physician, to report to you once again that our fellow indigent Americans living in American Samoa, Guam, Puerto Rico and the Virgin Islands who qualify for Medicaid, receive less than adequate health care because the amount of federal Medicaid dollars we receive falls far short of meeting their needs. Because we face depressed economies with high unemployment rates, as well as, a growing indigent population, the ever-increasing cost of health care coupled with the federal cap means that our local governments have to bear a significantly greater cost of the Medicaid program than their counterparts in the states. This means, that for the bare bones Medicaid program in the Virgin Islands, the federal government contributed only $5.59 million of the $14,394 in fiscal year 2000 total cost of the program. In Guam, the local government spent three times more than the $5.4 million they received from the federal government to run their Medicaid program also in fiscal year 2000.

Mr. Speaker, this is my fourth term as a member of the House of Representatives. Every year I have been here, fighting to eliminate the cap on Medicaid for the insular areas has never been far from my focus.

Since becoming Chair of the Congressional Black Caucus Health Braintrust, I have garnered the support of my fellow Caucus members in calling attention to this problem and have made lifting the Medicaid cap for the off-shore areas a central item in the CBC's overall health care agenda. I thank my colleagues for the support they have given me on this issue.

In 1997, we were successful with the help of the previous administration to secure important increases in our cap for which we were grateful but that was almost five years ago and the problems have gotten worse not better.

It is time that our country ends this inequity and, in this one area—health care—treat all Americans alike, whether they live in a state or not. We must end the practice of residents of the territories and commonwealths having to leave their homes to seek more and better health care services on the mainland, often splitting-up families all because our Medicaid program is under-funded and our local governments can't afford to pay the difference.

Mr. Speaker President Bush recently announced a proposal to modify and improve the way Medicaid works in the states. My colleagues from the off-shore areas and I look forward to working with the President, Health and Human Services Secretary Tommy Thompson as well as every member of this body to impress upon all of you the urgent need to end this unequal treatment of health care funding for the American citizens living in the territories and Commonwealths.

I urge my colleagues to join my cosponsors and I in supporting this bill. All Americans deserve the same health care program that their government provides, regardless of where in the country they happen to live.

TRIBUTE TO CLINT ALBRECHT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Clint Albrecht of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Clint's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Clint courageously assisted in getting Ms. Lichtenberg out of the house, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities everyday.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Clint Albrecht before this body of Congress and this nation. Clint's quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 26, honoring the contributions of Catholic schools to the academic and moral education of children on Guam and throughout our nation. I would like to take the opportunity to thank Mr. VITTER for continuing the important role played by Catholic Schools here in the 108th congress.

The tradition of Roman Catholicism on Guam dates back to the arrival of Ferdinand Magellan in 1521. The island eventually became an important stop along the Spanish Galleon Trade Route.

In 1668, Padre Diego Luis de San Vitores and his missionaries brought Christianity to the people of Guam. They established a mission in village of Hagatna which later became the site of the first Catholic Church and is now the seat of the Archdiocese of Guam.

From these seeds, the Catholic faith on Guam has flourished and with it, faith-based institutions such as the Catholic School system have likewise thrived. Today, in one of the clearest manifestations of this tradition, nearly a quarter of Guamanian school children attend Catholic schools throughout the Island.

In the modern era, Bishop Apollinaris Baumgartner established the foundations of Guam's Catholic Schools. Guam's first Chamorro Bishop, Archbishop Felixberto C. Flores, made Catholic education a priority and instilled a tremendous pride in the academic and moral education provided by the Catholic schools. His successor, Archbishop Anthony S. Apuron has continued the tradition of excellence that has been the standard of the Catholic Schools in Guam.

The contribution of the Catholic school system to the people of Guam is reflected in our local leaders in the clergy, government and private sector who are alumni of the Catholic schools. I am confident the influence of the Catholic schools will produce Guam's leaders of tomorrow.

I would now like to recognize and commend the Catholic schools on Guam for their commitment to instilling the principles of academic knowledge and sound moral values in the daily lives of our children. Those offering a secondary curriculum include: the Notre Dame High School in Talofofo, Father Duenas Memorial School in Tai, and Academy of Our Lady of Guam in Hagatna. Additionally, those offering an elementary and middle school education include: Bishop Baumgartener Memorial School in Sinajana, Our Lady of Mount Carmel School in Agat, St. Anthony School in Tamuning, Saint Francis School in Yona, San Vicente School in Barrigada, and Santa Barbara School in Dededo. Finally, those offering a nursery school education include: the Dominican Child Care Development Center in Sinajana, Infant of Prague in Tai, Maria Artero in Hagatna, and Mercy Heights in Tamuning.

I would also like to recognize the School Sisters of Notre Dame, Sisters of Mercy, Dominican Sisters, the religious orders of Capuchins, Franciscans, Jesuits and Marists for their service in educating the children of Guam. I would also like to commend the Archdiocese of Hagatna under the leadership of Archbishop Apuron for its guidance in administrating the Catholic Schools on Guam.

Finally, I want commend all the students, parents, teachers and administrators of Catholic schools in Guam and across the nation for their contributions to our nation and our world.

STUDENTS IN FREE ENTERPRISE (SIFE)

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. BLUNT. Mr. Speaker, I rise today to recognize the commendable work of the Students in Free Enterprise or SIFE. This international nonprofit organization, headquartered in Springfield, Missouri, was highlighted in a Wall Street Journal article on January 14, 2003, by Carol Hymowitz titled, "Independent Program Puts College Students On Leadership Paths."

SIFE has been championing our free market system and changing the outlook of promising young business professionals and entrepreneurs for nearly a quarter century. Missouri's 7th Congressional District is not only the home of Drury University, 2001 National SIFE Champion, but eight other preeminent SIFE chapters.

As a former university president and teacher, I have seen firsthand the practical work experience and self confidence collegians gain from SIFE's leadership training and business competitions. These regional, national and international peer contests simulate the competitive nature of today's business environment while creating a risk-free learning atmosphere for the students.

SIFE teaches college students that they have the potential to change the world. In today's global economy, it is no wonder more than 500 schools overseas have joined the 797 SIFE chapters nationwide. As the Journal article detailed, SIFE allows students to put their untested business skills through rigorous opportunities like teaching school children about business concepts and going overseas to teach remote villages about the prosperity of free enterprise.

In keeping with the goal of acclimating students to the real business world, the SIFE chapter at my own alma mater, Southwest Baptist University, has held events such as resume workshops, financial planning seminars and mentoring programs. More than two decades ago, "March Mania" was created to teach public school children about free enterprise. SIFE team members teach the students lessons about supply and demand, international trade and consumer behavior. These experiences, coupled with the business competitions and training opportunities, not only teach young adults necessary business principles, but also demonstrate the importance of mentoring the next generation of business professionals.

Mr. Speaker, I'm proud of the investment SIFE continues to make in young people, and I'm proud they Join me in calling Missouri's 7th Congressional District home.

TRIBUTE TO DAR EMME

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of respect that I honor Mrs. Dar Emme. Through her efforts of suicide prevention, Mrs. Emme has helped countless Colorado youth.

In 1994, after Dar and her husband Dale's lives were personally touched by suicide, they created the Yellow Ribbon Program. Since then, they have firmly committed themselves to stopping others from taking their own lives. Dar currently volunteers more than fifty hours a week with the program, traveling all over the country and speaking to students about suicide prevention. She encourages students to start their own chapters of the Yellow Ribbon Program, which will take calls and emails from students and parents regarding suicide. Dar believes that enabling students to run their own programs facilitates leadership, and will make the programs stronger.

The Yellow Ribbon Program currently employs six people. They send kits worldwide and answer emails and letters from parents and youth regarding suicide prevention. This program has been of great importance in the lives of many people; since its inception, the program has received more than 2,500 letters from children saying that the program saved their life.

Mr. Speaker, it is with privilege that I recognize Dar Emme before this body of Congress and this nation today. Mrs. Emme's efforts to help those at risk for suicide have been immeasurably beneficial in the lives of many.

INTRODUCTION OF CONCURRENT RESOLUTION TO ESTABLISH NATIONAL INVENTOR'S DAY

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SMITH of Texas. Mr. Speaker, today I introduced a measure to establish National Inventor's Day as February 11th.

Invention has been a part of our country since it was founded. In fact, today is the birthday of Thomas Edison, who was a great inventor and held over 2,000 patents. He is probably best known for having invented the light bulb, the motion picture camera, and the phonograph. He also discovered incandescent light and invented the electric miner's lamp.

Edison's inventive genius is reflected in many of our other great inventors. Other American inventions include everyday items such as scotch tape, the cell phone, and the sewing machine to technological marvels like the first microprocessor.

I would like to celebrate the inventors of our great country with this resolution.

LEGISLATION PROVIDING FOR FEDERAL RECOGNITION OF NATIVE HAWAIIANS

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. CASE. Mr. Speaker, I am honored to cosponsor legislation introduced by my friend and colleague from Hawaii, Mr. ABERCROMBIE, which affirms the longstanding, political relationship between the indigenous people of my state and our federal government and extends the time-honored federal policy of self-determination for indigenous peoples under U.S. jurisdiction to Native Hawaiians. The bill provides for federal recognition of Native Hawaiians, establishes an Office for Native Hawaiian Relations in the Department of Interior, and creates a federal interagency group to better coordinate policies and programs that address Native Hawaiians.

Most Americans are very familiar with the indigenous peoples of the continental United States and the State of Alaska—American Indians and Alaska Natives. But, because of Hawaii's geographical distance from the U.S. mainland and our unique history with the United States, most overlook the fact that an equally indigenous people of our great country—Native Hawaiians—originated and retains their base in today's Hawaii.

U.S. interests in the Hawaiian Islands and contact with Native Hawaiians date back to the late 1700s. Throughout that period, the federal government has maintained a unique relationship with Native Hawaiians—a relationship that was reaffirmed when Hawaii became a territory in 1900 and a state in 1959, and has continued through today.

Over those years, more than 160 federal statutes have enacted programs to address the conditions of Native Hawaiians in areas such as Hawaiian homelands, health, education, and economic development. And in Hawaii, efforts by the state and quasi-autonomous entities such as the Office of Hawaiian Affairs and private entities like the Kamehameha Schools have all been devoted to the same ends.

In more recent years, the Congress and Executive Branch have undertaken further efforts to improve the conditions and clarify the political status of Native Hawaiians. Most notably, the enactment in 1993 of the Apology Resolution (P.L. 103–150), which received bi-partisan support in the House and Senate and was signed by President Bill Clinton, expressed a national commitment to reconciliation efforts between Native Hawaiians and the federal government.

In 2000, the Departments of Interior and Justice issued a reconciliation report which was a culmination of efforts undertaken by the departments in their consultations with Native Hawaiians on a broad range of issues. In complementary efforts, Presidents Clinton and George W. Bush also addressed the needs of Native Hawaiians in the White House Initiative on Asian Americans and Pacific Islanders, established by executive orders to increase federal opportunities for and improve the quality of life in these communities.

Federal recognition legislation was a top priority recommendation of these efforts. Its intent was and remains to confirm that a federal policy of self-determination toward Native Hawaiians is appropriate and should be further memorialized.

As a result, federal recognition is Hawaii's singe highest priority in our federal efforts. Not only is it the natural next step in a long process of reconciliation for Native Hawaiians, but it is indispensable and necessary to the continuation of Hawaii as we know it.

That Hawaii cannot exist without the survival and prosperity of our indigenous people and culture. Federal recognition is the only practical way to assure the long term viability of the current and future programs and entities which provide for that culture's survival. In both ways, then, we all have a huge stake in federal recognition.

Thank you, Mr. Speaker.

TRIBUTE TO ANITA ARRIETA-ALEJANDRE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Mrs. Anita Arrieta-Alejandre for helping the Spanish speaking community of Denver, Colorado. She has dedicated herself to preserving and enriching the lives of the people in her community every day.

Anita is a Colorado native who grew up on a farm in Southern Colorado where she worked in the fields with her family. She was determined to graduate from high school with Honors, and she did—through all four years. After graduating from high school, Anita joined the Navy. Now, she is a mother of eight and a grandmother of twelve. Her Mexican heritage is a great source of pride for her. For that reason, Anita has dedicated her life to serving her community, and sharing its rich cultural traditions with others.

Mrs. Arrieta-Alejandre is dedicated to helping the Spanish-speaking population of Denver assimilate while preserving their important cultural heritage. She believes that it is important for people to assimilate into society, but without losing their cultural identity. By working with individual families she is able to help them in applying for jobs, obtaining drivers licenses, enrolling their children in school, and countless other tasks that are simply impossible without an understanding of English. Over the past twenty years, she has volunteered and worked with more than twenty different organizations that serve the Hispanic community of Colorado. Anita currently owns a Mexican western store, promotes her husband's mariachi band, and directs children's theater for her nonprofit organization Teatro Latino de Colorado.

Mr. Speaker, it is with great privilege that I recognize Anita Arrieta-Alejandre before this body of Congress and this nation today. Her strong and compassionate actions have helped her community and given people an opportunity to create a life for themselves.

TRIBUTE TO KIMBERLY CANNEDY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Mrs. Kimberly Cannedy of Denver, Colorado for her work with the youth of my state. She has devoted countless hours to helping children of Western Colorado, and has committed her life to making a difference.

Mrs. Kimberly Cannedy was born in Denver, Colorado, where over twenty years ago she gave up her high-powered position with Rolls Royce Motors. With this, Kimberly began what she considers the most important work of all: being a mother. Her work does not stop with her own family, but rather it extends into her community. She has opened her doors to numerous foster children over the past ten years. Kimberly, along with her husband of twenty-one years, recently adopted four young girls, and are currently in the process of adopting another. Her growing family includes three children of her own, all between the ages of 15 and 19. In addition to being a foster care provider, Kimberly has assisted many young mothers by teaching classes on parenting and opening her home to those in need of any additional help.

Kimberly believes that if her work reaches and improves the life of one mother or one child, then it is enough. However, her compassionate work has reached many mothers and children alike, and her personal philosophy of helping people through difficult times has reached into and improved the lives of innumerable people whom she has encouraged and helped throughout the years.

Mr. Speaker, it is with great privilege that I recognize Mrs. Kimberly Cannedy before this body of Congress and this nation today. Through her caring actions she demonstrates to us all what it means to be a caring and supportive individual.

TRIBUTE TO MAREE CHAVEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of honor that I rise to pay tribute to Maree Chavez. Maree has donated countless hours to helping women with cancer in Colorado.

As a child growing up in Colorado, Maree felt like she needed to give back. As she began her career as a hair stylist, Maree organized fundraisers and spent many hours in Craig Hospital cutting the hair of patients who were unable to move. When Maree met a young child who had bone cancer, she was inspired to volunteer for the American Cancer Society. Maree, along with friends and staff, raised more than $6,000 for the child and her family.

Maree now works with the "Look Good, Feel Better" program, helping women to style their hair, do their make up, and give them a feeling of belonging. She says that by doing this for these women it gives them their "sparkle" back. Although she has been organizing them for many years, Maree's fundraising efforts have not stopped, they have gotten stronger. This last summer she raised $3,000 when she ran in the Marine Corps Marathon. All of Maree's hard work to help others comes from her strong and kind spirit, which will continue to help the people of her community.

Mr. Speaker, it is with privilege that I recognize Maree Chavez before this body of Congress and this nation today. Her efforts to help the women of her community have restored their self-image and provided something much more important, their self-esteem.

TRIBUTE TO OLLIE MARIE PHASON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Ms. Ollie Marie Phason. Ms. Phason's strength in the face of adversity is a true inspiration. Ollie's life was changed forever in 1993 when her six-year-old son, Broderick, was wounded by a 9mm bullet, from gang crossfire. Broderick made a miraculous recovery in three months. Her ability to overcome her shock and sorrow, and in response, make a difference in the lives of others, is truly commendable.

Ollie's response to this tragedy was admirable, as she became highly involved in the Denver Safe City Program. This program was designed to keep children off the streets and involve them in extracurricular activities, which contribute to the well-being of these juveniles. Ollie's active involvement and energy in this issue created new policies to protect and enrich the lives of the children of Denver. As a single mother, her efforts and success in creating positive change within the community are to be greatly commended. In addition to her involvement with the Denver Safe City Program, Ollie currently owns a small pedicure and foot massage business, Marie for Feet, to supplement her income.

Mr. Speaker, it is with privilege that I recognize Ollie Marie Phason before this body of Congress and this nation today. Her four children are fortunate to have such a loving, caring, and dedicated mother. Ms. Phason's efforts to help juveniles succeed in life have been immeasurably beneficial in the lives of many.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 13, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 14

9:30 a.m.
Governmental Affairs
To hold hearings to examine the President's proposal to create a terrorist threat integration center, including consolidating intelligence analysis.
SD–342

FEBRUARY 25

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program, to be immediately followed by a closed hearing in SH–219.
SD–106

Foreign Relations
To hold hearings to examine world food aid.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine terrorism, focusing on state and local response.
SD–430

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Disabled American Veterans.
SH–216

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on gas supply and prices.
SD–366

FEBRUARY 26

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

FEBRUARY 27

9:30 a.m.
Foreign Relations
To hold hearings to examine proposed legislation authorizing funds for the Department of State.
SD–419

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy production on federal lands.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the Workforce Investment Act.
SD–340

MARCH 4

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on financial conditions of the electricity market.
SD–366

MARCH 6

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy use in the transportation sector.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Veterans Association, and the Non-Commissioned Officers Association.
345 Cannon Building

MARCH 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation.
SD–366

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 13

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Sergeants Association.
345 Cannon Building

MARCH 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, February 13, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Jim Schetler, Pastor, Pensacola Christian College Campus Church, Pensacola, Florida, offered the following prayer:

Dear Holy and Merciful Father, we praise You for who You are; for all You provide and for all You do in us and through us.

Thank You for the blessing of being an American. We praise and thank You for the protection and provision on this blessed land. Lord, pour upon these legislators a spirit of cooperation, enabling them to complete today's priorities.

Father, provide a hedge of protection around this body and their loved ones. Give unto them a righteous discernment and the courage to dispense it. Enable them to be upright stewards of the time, assets, and authority entrusted to them.

May each representative understand they were elected by the people, but ordained by You, the creator of government, and are therefore Your ministers.

When this day is done, may much be accomplished with a clear conscience to all regarding their decisions. Most of all, Heavenly Father, we acknowledge that You will be our refuge and our strength in the days to come.

In the name of our Lord, we ask these things. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Florida (Mr. MILLER) is recognized for 1 minute. The remainder of the 1-minute speeches will be postponed until the end of the day.

PASTOR JIM SCHETLER

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am proud to acknowledge Pastor Jim Schetler, who blessed us with our opening prayer today. Pastor Schetler comes to us from Pensacola Christian College Campus Church, a ministry involving over 1,500 members of the community, and over 4,000 Pensacola Christian College students when the school is in session.

His personal journey with God and the Holy Spirit has given him a dynamic and vibrant ability to make his preachings come alive to Christians of all ages. As a result, his Sunday morning services are now aired by television stations nationwide. Originally from Traverse City, Michigan, Pastor Schetler graduated from Pensacola Christian College in 1979 and has remained in its service ever since. He met his wife, Marilee, while he was a student at PCC, and has been blessed with three wonderful sons: Benjamin, Luke, and Drew.

Upon graduation, he spent the following 2 years traveling as a PCC representative. Afterwards, he and Marilee spent 6 months living in a kibbutz in Israel with the Baptists for Israel Institute. He then spent the next 7 years as a youth pastor of Campus Church until he became the pastor of Campus Church in 1988.

Mr. Speaker, I would like to thank my friend, Pastor Jim Schetler, for joining us on the House floor today.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 69 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 69

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, and shall not be subject to amendment. All points of order against such amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 69 is an appropriate and fair rule providing for the consideration of H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This rule provides for a total of 2 hours of general debate in the House with 50 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and the ranking member of the Committee on Education and the Workforce, and finally, 30 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce.

After general debate, the rule makes in order two substitute amendments: the substitute amendment offered by the gentleman from Ohio (Mr. KUCINICH), the gentlewoman from California (Ms. LEE), the gentleman from Massachusetts (Mr. MCGOVERN), and the gentleman from California (Mr. LANTOS); and the substitute amendment offered by the gentleman from Maryland (Mr. CARDIN), the gentleman from Wisconsin (Mr. KIND), and the gentlewoman from California (Ms. WOOLSEY), both of which are printed in the report of the Committee on Rules and debatable for 40 minutes each, equally divided and controlled by a proponent and an opponent.

The rule waives all points of order against consideration of the bill, as well as against the amendments printed in the report. Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, 7 years ago many of us stood in this very Chamber surrounded by skeptical glares and wary eyes as we began debate on the historic welfare reform package. The day was August 1, 1996. It was also payday for many Americans. And on that day, 14 million welfare recipients cashed a paycheck for which they had not worked.

Mr. Speaker, 14 million people received money from the American taxpayers in exchange for no work, no questions asked, no strings, no requirements, no obligation to produce or demonstrate the slightest bit of productivity to our communities and to our society. Such was the nature of our welfare system 7 years ago.

Now, this may have seemed unfair to the taxpayers; but it was doubly unfair to the welfare recipients trapped in generational cycles of poverty and hopelessness. But on that day in 1996, Congress passed one of the most historic reform bills ever, one that truly made the American dream a reality for millions of Americans previously without hope. But these reforms were not passed without a fight.

There were claims that the landmark plan would drive poor families into the streets. And there were shouts that children would be left starving, and cries that single mothers would be forced to neglect their families. But now, 7 years later, we see a very different picture of what welfare reform has done. The predictions of doom and gloom have not been realized. Quite to the contrary, welfare caseloads have fallen from 14 million to 5 million. Over 3 million children have been lifted out of poverty.

Black child poverty rates have hit a record low, and the poverty rate among Hispanics has seen its largest decrease in history. In addition to these tremendous statistics, perhaps the biggest achievement of welfare reform is the way in which these reforms have promoted self-sufficiency and empowered so many men and women.

Welfare reform has given Americans a chance to work and the means to do it by placing a high value on the contributions of each and every person in society. It assumes that every person has some talent, some knowledge, some skill, some individual uniqueness to contribute. It assumes that each man and woman who is physically and mentally capable can and should be, even in the slightest discernible way, a productive part of our communities.

The benefits are twofold. Not only are our communities strengthened by the additional contributions, but these men and women, who were formerly trapped in a cycle of dependency, have now established a real sense of accomplishment and independence. Today we have a tremendous opportunity to build on these successes.

As I proceed to describe this legislation, I expect it will sound very familiar. That is because less than a year ago in this very Chamber this Congress approved the same plan, updated simply for time.

While I have the honor and distinction of introducing this legislation on behalf of the House, it is really the gentleman from California (Chairman THOMAS), the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Ohio (Chairman BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. HERGER), and many others who have worked long hours to craft a bill that empowers individuals, protects children, and strengthens families.

Their committees have vetted this language over and over in dozens of hearings and markups. After already exhausting the committee process last year, we have brought this plan straight to the floor at the commencement of the new Congress, as the first major piece of legislation out of the hopper. That is how strongly we believe in this plan. The reforms of 1996 have expired. They expired September last year. We cannot afford to wait.

First of all, this package provides $16.6 billion for the Temporary Assistance of Needy Families, commonly known as TANF, as a block grant, which was created in the 1996 reform. Funding this block grant goes directly to State-designed programs to help move more welfare recipients into productive jobs. Yet 58 percent of welfare recipients are not participating in work activities yet, and that is not acceptable.

It continues to cost taxpayers money, but worse still, it stifles the recipients' ability to achieve true self-sufficiency. Therefore, this package calls for increasing the work-related activity requirements from the current 50 percent to 70 percent by fiscal year 2008.

Next, this plan offers parents and families the tools and resources they need to secure a job, achieve independence and strengthen families. By providing access to reliable, high-quality child care, recipients will have peace of mind knowing that their child is safe as they train for, find, and keep a stable job.

Children are our future, and we cannot settle for second-rate care. So in addition to the $4.8 billion funding already in place, this package provides an extra $2 billion. With these dollars comes greater flexibility for States, which will now be able to transfer 50 percent of their share of TANF to child care instead of the current 30 percent.

□ 1015

We all know that training and education are the backbone of advancing one's professional opportunities. So while 24 of the 40 hours must be spent in actual work, the remaining 16 hours may be defined by States and can include training and education. And up to 4 months during a 24-month period can be counted towards State work requirements if the individual is engaged in education or training that will lead to work.

Finally, the plan gives unprecedented flexibility to States by establishing broad, new State flex authority that is enthusiastically supported by our Nation's governors, and it will really give them the tools they need.

Mr. Speaker, welfare recipients do not want a handout. They do not want a life-style of dependence. They do not want a system that offers only a one-way ticket to poverty. American families want to live the American dream. They want the chance to build strong and prosperous lives and they want to offer brighter futures to their loved ones. Therefore, it is my hope that we can silence the grumbles that echoed through this Chamber back in 1996 and build on the successes we have had thus far.

Fostering independence through work, empowering families and lifting more Americans out of poverty are at the core of this reform package, just as they were in 1996. The empirical evidence of the past 7 years quite adequately demonstrates the success so far.

So let us tune out the protests. The shouts, cries and pleas of the naysayers in 1996 were myths then and they are myths now.

To my colleagues who may hesitate to support this rule for partisan reasons, I invite you to take a good look at where we were 7 years ago and where we have come today. You will find hundreds of children and families in each of your districts that are better off now than they were 7 years ago. They are working. They are proud. They are teaching their children about the dignity of having a job and the honor of providing for a family.

Mr. Speaker, a check in the mail every month will not teach responsibility, it will not build confidence, and it will not break the cycle of dependency and poverty. But it will if they have a job. It will provide a sense of accomplishment, a sense of accomplishment for a job well done. And it will provide the means to achieve the American dream. A check in the mail for a hard month's work will open up the doors of opportunity and offer all Americans an endless supply of pride and self-worth for generations to come.

I urge this body to adopt this rule and approve H.R. 4.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in 1996 a sweeping welfare reform initiative was enacted and authorized for 5 years. Temporary assistance to needy families replaced guaranteed welfare checks with a new work requirement, placed a lifetime limit on the benefits recipients could receive, and removed most legal immigrants from eligibility for welfare.

The program was up for reauthorization last year. The reauthorization legislation passed the House with a rule that allowed only one substitute amendment. The bill was reported out of the Senate Finance Committee, but was never considered by the full Senate.

We are here today to consider the rule for the Personal Responsibility, Work and Family Protection Act of 2003. Mr. Speaker, the underlying bill impacts millions of vulnerable Americans, yet the process for consideration of the bill has muzzled meaningful debate and barred serious consideration of alternatives and amendments.

In the 108th Congress, not a single committee with jurisdiction over this legislation has considered H.R. 4. Five committees had jurisdiction over the legislation: Ways and Means, Education and the Workforce, Energy and Commerce, Agriculture and Financial Services. There are over 50 new Members of Congress, not here in the 107th Congress when we began the process, and none of them have had the opportunity to consider and vote on the legislation in committee.

The Republican leadership rushed welfare reauthorization to the House floor. Instead of allowing the Congress and these committees to examine, debate and discuss this important piece of legislation, the majority has opted to bar the full House from considering 22 amendments and to allow us to consider only two substitute amendments.

Because the committee process was skipped, my Democratic colleagues and I asked for an open rule so that, at the very least, the full House could consider the many issues brought up in the dozens of amendments filed with the Committee on Rules. There are too many issues that deserve full discussion and debate. The two substitute amendments that are in order under the rule cannot fully address these issues.

The gentleman from New Jersey (Mr. ANDREWS) offered a very important amendment. It called for a temporary suspension of time limits on TANF benefits to individuals that reside in a metropolitan statistical area where the unemployment rate exceeds 7 percent. But the Committee on Rules, along partisan lines, ruled it out of order.

And the rule voted out of committee on party lines allows for only 2 hours to debate this reform bill. No committees have looked at the bill, and the full House only has 2 hours to debate it. The rule does not give Members the opportunity to address fully the inadequacies of this legislation, the grave changes to the program and the growing needs of Americans living in poverty. The rule bars any meaningful debate and prohibits consideration of important amendments affecting the elderly, parents and children.

Mr. Speaker, too many people are drowning in a sea of poverty. Welfare-to-Work should not merely toss the poorest Americans a life preserver to help them float along, with their heads barely above the poverty level.

The Catholic Family Center in Rochester, New York, provides an example of how the 1996 welfare reforms are failing. The center is doing a great job getting the women in their program off welfare and into work, but the average starting salary of the women is $6.82 an hour, far less than the $17.66 that a Rochester-area single parent with two preschoolers must earn to provide the basic necessities.

H.R. 4 does nothing to close the gap and does not give these hard-working parents who are trying hard to work and care for their families the chance to succeed. We need to do more for our most vulnerable friends and neighbors.

I can tell you that in my district the need for assistance is growing. In Monroe County, New York, applications for welfare assistance were up 17 percent in the year 2001. Requests for emergency housing placements rose by 25 percent from 2000 to 2001. And a program helping the homeless reported that 20,000 more homeless men, women and children were served in the fall of 2001 than during the same period of the year 2000.

The underlying bill fails to meet this growing need and fails to address the most fundamental goal of welfare reform, moving recipients into real jobs and out of poverty. While caseloads have fallen over 50 percent nationally since 1996, a good thing, the poverty rate has decreased only 13 percent over the same period.

If scores of those who have moved off the welfare rolls during a period of economic expansion remain dependent on food stamps, WIC and other public assistance, what are they going to do now that the economy is in recession and the States are in financial crisis? Are recipients going to be forced to try to work and raise their children without the education, training or child care that is necessary to move to real independence? In fact, in the State of New York, almost half the families that move off welfare are still living in poverty. This is not success. Governors, mayors, State legislators, welfare directors and poverty experts all say the same thing, that the bill is a step in the wrong direction.

We all know that education is key to moving out of poverty, yet this legislation eliminates vocational education from the list of activities that count as a work-related activity. What message does this send to Americans who seek a career in the building trades?

The bill even hurts poor children. Access to quality child care is an essential part of helping families to get off welfare and improving the odds that children arrive at kindergarten ready to learn. The Congressional Budget Office has reported that the new work requirement, increasing by 33 percent the amount of time that recipients participate in work activities, will require $8 billion to $11 billion in new child care funding over 5 years. However, the bill only provides $2 billion. What are the financially strapped States supposed to do about a $9 billion gap in child care funding? Where are these children going to go while their parents work 33 percent more hours?

This welfare reauthorization bill also demands more from States without providing any increased funding. It is estimated that unfunded mandates in this bill will cost my State more than $1 billion over 5 years. Nationwide, the estimated cost of unfunded mandates is $11 billion. You can see my State is impacted tremendously.

How can we shift this huge financial burden onto New York and the other States, especially now that the economy is in recession and States across the country are facing huge budget shortfalls? How do these unfunded mandates lift people out of poverty and help them get a job and give them hope?

Mr. Speaker, there is a better way, one that maintains State flexibility, one that focuses on real work and one that seeks to help families escape poverty. My Democratic colleagues and I support strong work requirements that will move people into real jobs. We believe that States should have the flexibility to determine the best mix of services and activities to move them towards self-sufficiency.

We want to provide welfare recipients with access to vocational training so they can find some good jobs. And we support providing the necessary resources particularly for quality child care to help families leave welfare for work. This measure utterly fails to do that.

Mr. Speaker, I would like to share some wisdom with you from the people of the 28th District of New York. In an editorial, published last fall in the Buffalo News, wrote the following about welfare reauthorization:

> The goal of welfare reform should not simply be to trim the welfare rolls. It should be to break the cycle of poverty that puts people on welfare in the first place. Reduced government expenses are a nice benefit, but reducing poverty is the key to long-term success for the program and for the people who have relied upon it. Education and training offer far better chances not only to land jobs but to keep them. Increased child care assistance is a necessary adjunct in breaking the multigenerational cycle of welfare entitlement, as well as a humanitarian move that should come naturally to a rich nation that nonetheless is home to impoverished children.

That was from the Buffalo News, September 15, 2002. I urge my colleagues to voted against this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. Before I begin, I cannot help but think of one of Thomas Jefferson's great lines, the author of our Declaration of Independence. I have got to sort of extrapolate from that when Thomas Jefferson said two thinking men, and in this case it is two women, but he said, "Two thinking men can be given the exact same set of facts and draw different conclusions."

Mr. Speaker, I sat and listened to the very eloquent remarks by my good friend from Ohio, the author of this legislation who chairs our Republican Conference, and I listened to the equally eloquent remarks from my friend from the 28th District of New York who just entered that editorial in the RECORD, and I said that just to let her know I was listening very, very carefully.

It is to me very difficult to believe that we are talking about the same piece of legislation and the same kind of program. We obviously in this country are faced with serious economic challenges. There are people who are hurting out there. We know that. But as I listened to the reports of the failure of welfare reform, I am reminded that it was a bipartisan piece of legislation. I say it was bipartisan because clearly at the end of the day, after two tries, on the third, President Clinton proudly signed and embraced welfare reform in 1996.

We enjoyed strong economic growth through the 1990s. Many people tried to make the claim that the only reason we saw the success of welfare reform is that we were dealing with a strong, vibrant, growing economy; when in fact I looked at and talked with the gentleman from California (Mr. HERGER), the chairman of the subcommittee on Ways and Means that deals with this, and he pointed out that during the 1980s, when we saw an equally strong economy, we witnessed a 25 percent increase in the numbers on the welfare rolls.

We saw strong, bold economic growth during the Reagan years, as we know, yet the numbers of people getting into what my friend from Ohio appropriately described as that generational cycle of dependence continued to grow more and more. And then during the 1990s we again saw strong economic growth, but at the same time we saw implementation of the welfare reform legislation and we have seen tremendous improvement.

We all know that an economic downturn began in the third and fourth quarters of the year 2000. We also know that we suffered tremendously from the tragedy of September 11, 2001. What we found, Mr. Speaker, was that during that period of time, we obviously witnessed a recession. We saw two quarters of negative economic growth. That was last year.

□ 1030

But then the gentleman from California (Mr. HERGER) reported to us that even during that period of time, we saw a 10 percent reduction in the numbers on welfare, meaning that we have been able to very boldly encourage and move people out of that generational cycle of dependence.

If we look at this measure and the steps that are being taken to ensure that those who are truly in need are not going to be suffering, it is very, very impressive. We obviously provide a caveat which allows those parents with children who are in need an opportunity to have consideration for that. We allow in this measure an opportunity for those who are suffering from drug addiction to have an opportunity to deal with that need. We clearly are providing States with flexibility. That is something they said they needed. In my State of California, we have extraordinary extremes from one end to the other. So to provide that opportunity for flexibility is very important.

As we look at the structure of the rule for consideration of this, I am somewhat struck with the arguments that were made by my friend from New York. She said that they advocated an open rule, and it is true that an open rule was moved up in the Committee on Rules last night when we pursued this bill; and if an open rule had been made in order, these very thoughtful substitutes, one of which has come forward from the gentleman from Ohio (Mr. KUCINICH), my very good friend, and I am happy he is offering it in the name of our late former colleague, Patsy Mink, from Hawaii, and the other substitute which was made in order under this rule is being offered by the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means. I said when I announced that we would be considering this measure that we lean towards making substitutes in order, and we have provided waivers and protections so that those substitutes are, in fact, in order. So that is why we clearly should have, I believe, strong bipartisan support for this rule.

Mr. Speaker, we have had story after story told of the families who may not be making as much money today while they are working as they were when they were receiving welfare, and yet they have a level of dignity and pride in what it is that they are doing that makes them happier and more fulfilled. We obviously want to ensure that they have an opportunity to make many times, many times what they were making when they were on welfare and we believe that if we can put into place President Bush's program for economic growth, we can get this economy going so that we can take this number that we have today which was at one point 12 million and because of the success of welfare reform has dropped down to 5 million; and we can, I believe, bring that number even lower.

People talk about compassionate government and the fact that we need, as we look at legislation like this, to demonstrate compassion. And I would remind my colleagues of something that is oft said and that is the level of compassion of the government should not be based on the number of people who are on welfare, but instead on the number of people who do not need to be on welfare. And that is really what we are trying to do with this legislation; and I hope very much that we can move ahead, pass this rule, make sure that we consider these substitutes, which I believe are very well intentioned but need to be defeated, and then pass this very important legislation that the gentlewoman from Ohio (Ms. PRYCE) has offered to us.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this Congress is starting off on the wrong foot. Welfare reauthorization reform is an important issue. It affects the lives of millions of people, and it deserves thoughtful and careful deliberation. Unfortunately, Mr. Speaker, the majority does not agree. The course of those millions of lives will now be determined by a handful of Republican leaders and their staffers, nobody else. That is just wrong and it is not how a democratic body is supposed to function. Welfare reauthorization is important, but the legislative process is important too. And it should not be simply tossed away like yesterday's newspaper.

In addition to trying to finish last year's work today halfway through February, this body is now abandoning the committee system that has served this House for over 200 years. Sure the majority has allowed for two substitutes, and I suppose we should be very grateful; but let me remind my colleagues that this bill was referred to five committees. How many of those committees held a hearing on this bill in the 108th Congress? Zero. How many of those committees marked up this bill? Zero. Over 50 new Members of this body, Republican and Democrat, were denied the opportunity to shape this debate. Do their views not matter? Do we not want their input and their expertise? Could we not have scheduled hearings and markups during these last few weeks when our own schedule here in this Congress has been virtually nonexistent? And I should also add, Mr. Speaker, that the omnibus appropriations bill that we are going to deal with later today includes language that will extend the current welfare program until September of this year. I believe that that gives us ample time to do this right, to let the committees work their will.

Mr. Speaker, the chairman of the Committee on Education and the Workforce testified on this bill yesterday before the Committee on Rules, and in the process he said that he is a fan of the committee system. It is too bad his leadership does not agree with him. Mr. Speaker, I want to say to my colleagues on the other side of the aisle that the committee work matters, that Members who serve in this House matter, that the people of this country matter, and this is not the way for us to do the people's business.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Rochester for yielding me time.

I looked into the CONGRESSIONAL RECORD, and we have now made it a part of the democratic views, the CONGRESSIONAL RECORD in March of 1993, and the following remarks appeared there, Mr. Speaker:

> Every time we deny an open amendment process on an important piece of legislation, we are disenfranchising the people and their representatives from the legislative process. The people and their representatives are not even being treated as second class citizens. They might as well not be citizens at all given how little impact they have on shaping legislation in the House. If that is not undemocratic, I would like to know what is. In other words, Mr. Speaker, the further you and your leadership stray from the regular order around here, the more you are insulting a new order which is not democracy by any definition. The people are sick and tired of this political gamesmanship. They want back their own House, and they want it to be open and democratic, not closed and dictatorial.

Those were the words of the former chairman of the Committee on Rules, a good friend of mine that I traveled the world with, Gerald Solomon; and they were true in 1993, and they are true today as we consider H.R. 4. This bill is opposed by Children's Defense Fund, the Leadership Conference on Civil Rights, and the National Council of Churches. And for good reason. It does very little to address the two primary purposes of welfare, to help those who need help and to provide opportunities to move out of poverty.

Although a number of items in this bill concern me, there are two key aspects that demonstrate its fundamental failure. First, the narrow definition of work activities. H.R. 4 does not include educational programs and training activities. This bill restricts the States from providing education and training opportunities to welfare recipients and does not allow them to count vocational education as a work activity. I believe that any educational opportunities, vocational training, internships, ESL, GED, and even basic literacy courses are the keys to success. The only way to get out of poverty and achieve permanent self-sufficiency is through education and training. When we place people in deadend jobs and fail to give them any opportunities for advancement, we have simply placed them in a dead end.

The second aspect of this bill that concerns me is one that severely impacts my State of Florida as well as California, Texas, and New York. These are the four States with the highest populations of both legal and illegal immigrants. H.R. 4 discriminates against legal immigrants by denying them Federal assistance even if they have been living in this country for a number of years. Both the National Governors Association and the National Conference of State Legislators have recommended that States be given the option to use Federal funds to serve legal immigrants; but under H.R. 4, legal immigrants must be living in this country for 5 years before they are eligible for Federal aid. Even more distressing is the fact that many of those affected by this discrimination are children who were born in the United States and are, in fact, United States citizens.

We have always been very quick as a Nation to judge other cultures as advanced or civilized, and now the time has come to judge ourselves. The measure of how advanced and civilized we are is not in the number of Blackberrys, CDs and DVDs, SUVs, and laptops we possess per capita. The true measure of how advanced and civilized we are is the manner in which we care for the most vulnerable members of our society.

I urge our colleagues to vote against this measure and vote for Cardin and Kucinich.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to, though this is the debate on the rule, emphasize the difference here. It is too bad no effort was made in subcommittee or full committee this time around to try to forge a bridge over these differences.

What are the differences? It is not the value of work. It is not the linkage of welfare to work. No. The difference is whether the emphasis in the Republican bill will be as, to people who are remaining on welfare, they work, or getting people off of welfare into work. And the difference is whether people working should remain in poverty or whether it should be an emphasis on people working out of poverty. And this is a major difference; and it is seen, for example, in the way the Republicans give credit to the States against the required participation rate because of caseload reduction instead of people moving into employment.

It also is shown in terms of the reduction in flexibility for the States to use vocational ed and other techniques, other approaches, so that people move out of poverty into true independence. And here is the reason the challenge matters so much. We do not have the exact data, but a huge proportion of people who have moved off of welfare into work remain in poverty. The average for people who have moved off of welfare into work is $2,500 a quarter or $10,000 a year. It is also shown in the lack of child care money in the Republican bill, also in the lack of adequate health care. So these are important differences.

So this is not a battle of 1995 and 1996. We worked, a number of us, very hard to craft a welfare bill that paid adequate attention to health care and to day care, though it had other problems remaining in it. No. This is a question of where we go from here and whether we are going to tailor a system that gives the States the flexibility, the inducement, and the mothers the opportunity to move from welfare to work, out of poverty into true independence. That is the difference.

So I am proud to be supporting the Cardin bill, and I hope that all the Democrats will vote for it; and I regret that the Republicans made no effort at all to see if we could put this together in this year.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

□ 1045

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to this rule, not because it allows us two amendments on the Democratic side or two substitutes, but because it supports a bill which fundamentally perverts the congressional processes.

There have been no hearings on this bill. New Members who came in this session did not get an opportunity to hear testimony, raise questions or make amendments. That is not the way the congressional process, the democratic process, is supposed to work. For that reason alone, we should reject this bill.

But let me go further. Just yesterday, a janitor in this building stopped me and asked me if I could help him find a job for his 40-year-old girlfriend. She worked as a pharmacist's assistant and cashier, and jobs are scarce. I am not sure if my colleagues on the Republican side understand that.

The question used to be "Where is the beef?" I think the question today ought to be "Where is the compassion?"

This bill will result in putting people out of work, putting people on the street who used to be on welfare. This bill will put burdens on States, $8 to $11 billion more mandated to the States, without a single dollar of help from the Federal Government. Where is the compassion?

Critically, on the subject of compassion, this bill ignores the problem of child care. People want to go to work. That lady wanted to go to work. But is there child care funding? No. Right now there are 15 million eligible children for which the States cannot pay child care. That is one of the fundamental flaws of this bill. Add to that the fact we are asking mothers to work more hours, and you see why this is a major problem.

If one looks further, one will find that the bill limits education and vocational training. People want to go to work, they want to get good jobs, but they need training. My colleagues, unfortunately, do not see that as compassion. It seems to me we ought to have a bill that maximizes rather than minimizes training opportunities.

Finally, we have legal immigrants, immigrants who pay taxes. They are not allowed to benefit under this bill.

This is a misbegotten bill. It ought to be returned to committee. We ought to reject this rule and reject, more importantly, the underlying bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume just to respond briefly, because child care is very important to me too. I think it is probably one of the most important pieces of this legislation.

This bill gives the governors in every State the ability to shift more of the TANF funding into child care. We not only put an additional $2 billion more into child care, we allow the governors to take the TANF funds and spend from 30 percent, which is the maximum allowed now, to now 50 percent of the TANF funds can shift into child care.

So it is very important that this body understands the funds are there, and it is within the purview of the governors to allow it to be spent for child care. I think that that extra flexibility is very important, and we are happy to have provided that.

Mr. WYNN. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Speaker, the point I was making is that our welfare rolls are increasing because people are out of work, which means the States will have more people to fund; and the bill does not provide substantial increases in funding to the States. You are asking them to basically take out of their existing TANF money to provide for more people. That does not seem to make sense.

I reiterate, 15 million eligible children are not being funded.

Ms. PRYCE of Ohio. Mr. Speaker, reclaiming my time, the governors will be allowed to use the funds that the Federal Government is giving them to provide for child care, and that is a good thing.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think this legislation is, which is the reason why I rise to oppose the rule, "my way or the highway."

Consultation is the way of this Congress. In determining my position on welfare reform, I went to the constituents of my district who are facing drastic conditions, high unemployment and great need.

I listened to my distinguished friend explain the Republican bill, and simply my response to that is, it gives the governors the right to borrow from Peter to pay Paul. When they borrow to get child care money, what it will do is undermine the needs of your people elsewhere and those in dire poverty.

Let me share with you my concern as to whether any Texan can vote for the Republican bill, because Texas is number one in the percentage of uninsured children, we are number 50 as it relates to children who are fully immunized, and we are number nine in States with a population under 18 living in poverty. So this bill does not respond to the needs, if you will, of those living in poverty in the State of Texas.

The Republican bill provides less money for training, no focus on helping families move up the economic ladder, and frankly, there is not enough money for child care. If you talk to single parents, or parents in general, living in poverty or unemployed or trying to get training or work, they tell you that there is no money for child care.

As we look to homeland security, which is very important, we should not abandon home security. It certainly is an outrage that we would send young men and women off to fight our battles for justice and humanity and democracy who are legal immigrants, but yet their families back home are living in poverty because we insist that they be in this country for 5 years. Why is it not important that they are legal immigrants and that they require the same dignity as anyone else?

I would simply say then that we have a crisis. People are starving, are unemployed, children are going hungry as they go to school, and young mothers who are teenage mothers are living without parenting skills and without training skills. An amendment that I offered did not get in place to be able to help train them.

I would simply say that we have a crisis, and for those who are scoring this, I am going to be voting for the Democratic substitute and the Kucinich amendment, because I am going to stand with the poor people of America as opposed to worrying about the scorers, who do not care anything about the human needs of people living in this Nation and around the world.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am not going to talk about the bill. I am going to talk about the process, because that is what is really wrong with what happened here.

When we organized the Committee on Ways and Means, I asked the chairman in open committee whether we would have hearings on this bill. The chairman said that is what he wanted. But it is pretty clear that this House is being run by a politburo run by the gentleman from Texas (Mr. DELAY).

The gentleman from Texas (Mr. DELAY) obviously told the chairman of the Committee on Ways and Means, which is supposed to be the most powerful committee in Congress, you cannot have hearings on this; we are dealing with this on the floor without any discussion, no debates.

Now, if this were a good rule and you made it an open rule and let us put any amendments forward we wanted to, if we could have the debate out here in public, that would be okay. But you closed that off, as well as having any kind of public discussion in the committee system.

Now, this Congress, I am sure, is going to do more and more of that, because it is clear what you are trying to do is run stuff through here so quickly that we will be out of town when some war begins, and there will not be any Members of Congress around here. You will have done all the business, you will not have any hearings anyplace, and you will simply pass the legislation over to the Senate and go home. That is a travesty on the process that has been in place in this country for 200 years.

This is not a minor little bill. This is not "shall we name the post office in Oologah, Oklahoma, after Will Rogers?" This is about what we do with the poor people of this country. And for Members elected not to have an opportunity to debate amendments and discuss the issue, I know what they are going to say when we get out here with the regular bill; they are going to say we did it last year.

Listen, things have continued down the drain. We have got higher and higher unemployment, and more and more of us are facing problems in State legislatures that cannot respond to this.

The President has made no proposal to deal with the problems of the States in dealing with people who are on welfare, who are in trouble, kids. The President says, "Leave no child behind." Well, I guess he means they can go to school on an empty stomach. That is okay with him. Okay, that is good. But why not have a kid with a stomach with some food in it so he can pay attention to the books?

But if we had this debate and we had all these amendments put out here and we argued about whether you could actually get 30 hours of work, or should you count training or whatever, all those issues would then make it very clear what you are doing to poor people. You do not care whether they have a livable wage; just shove them off the rolls and leave them out there. And when we start to get the kids, we are going to get the kids from the programs in every State that deal with child abuse. People are going to say, these parents are not taking care of these children. We have to take those children away from them.

It will be created by a bill that never had a hearing. Shame on the Republican leadership.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response, the fact that this bill did not go through the committee process is totally unfounded. This bill was vetted and there were hearings held and there were committee markups, both in the House and the Senate. There were task forces. There was so much work done on this bill, and it took so long; we passed it with bipartisan, very wide bipartisan support, and we sent it to the other body. There was no action at that time.

Mr. Speaker, we cannot afford to waste that amount of time again. We have to get this done. It has already expired. We need to reauthorize the welfare reform provisions and improve upon them. So much success has happened, we need to continue the momentum and allow the families, the children, the men and women, to rise out of poverty, give them the tools that they need; and that is exactly what this bill does.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my good friend from Ohio, the author of this bill, I cannot imagine any legislature in the country saying we are not going to put this through the committee system this year because we talked about it last year.

Times have changed tremendously since last year. Unemployment rolls have risen, people are being thrown out of work on a daily basis. In my district, I am told that even temporary jobs are almost impossible to find. But that is only one portion of it. Many, many parts of this bill needed to be debated again this year in light of the new realities.

I agree with my colleagues who spoke before me: It is a shame and it is a blot on this Congress that we would bring a bill of this magnitude, affecting the lives of so many Americans, without going through a single one of the five committees that had jurisdiction over it.

I hope this is not a symbol of things to come. If it is, then the legislature has declared itself to be unnecessary. I cannot imagine much that will come up here this year that we probably did not discuss in years past.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I ask my colleagues just to look back at the welfare reforms of 1996 and to remind them how far we have come, how far the poverty-stricken people in this Nation have come.

Today, we will find children and families in every one of our districts better off now than they were 7 years ago. We have reduced the welfare rolls. They continue to drop even in these tough times. Our welfare rolls are continuing to drop, even as unemployment may rise.

H.R. 4 builds on these efforts to further protect our children, to strengthen our families, to increase States' flexibility, and to continue the decline in poverty.

Mr. Speaker, it has often been said that the best social program is a job. This legislation provides the needed tools for them to move from welfare to work. There is no reason to stall any longer. This bill has expired. We cannot let it go any longer. We need to pass this rule today, we need to pass this bill today. Stall tactics are over.

Today is the day. We have a very important thing to do for this country, and we should get on with it. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Pursuant to House Resolution 69 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1059

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 25 minutes; the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes; and the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

□ 1100

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before 1996, welfare recipients were trapped, trapped in a welfare system for an average of 13 years. The welfare program actually discouraged work, amazingly enough, and caseloads climbed, peaking at 14 million individuals in 5 million families.

In 1996, reform law turned the welfare program in the right direction, in the work direction. Recipients now are benefiting from increased work, education, training, larger incomes, reduced child poverty, and greater self-reliance, which probably is the most important benefit from the new program. Welfare caseloads are down more than 50 percent since that historic 1996, and the caseloads continue to decline even in a recession structure.

Some of my colleagues might remember the dire predictions of reform opponents in 1996 who predicted that the law, in their words, would cast 1 million more children into poverty. I am glad to report they were wrong. Nearly 3 million children have been lifted from poverty since 1996 in key groups, such as children raised in single-mother households and African American children, who are seeing poverty fall to record-low levels.

Now, obviously, we need to continue on these successes, and that is why H.R. 4 is before us today. Our priority is to help more people successfully transition to work in order to know the dignity of collecting a paycheck instead of a welfare check. Now, more than ever, work is the only permanent path out of poverty.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the real issue before us is where we go from here. We can analyze where we were in 1995 and 1996. Many of us worked hard to bring about a welfare reform that linked welfare-to-work and provided child care and also provided health care. After those ingredients were placed into the bill, and it was a struggle, many of us voted for the welfare reform bill, despite serious inadequacies, especially as to legal immigrants and as to food stamps.

Where do we go from here? It is said a paycheck is dignity. Yes, a paycheck that provides people with a living wage and that moves them out of poverty is the true ticket of dignity. The problem with the bill that has been brought before us, and there are many procedural issues that have been raised, such as the failure to go through the committee process in this session; but the problem is that the emphasis in the Republican bill is not moving people off of welfare into productive work, but two problems: emphasizing those who are on welfare working, rather than moving people from welfare to work and people moving from welfare to work, though they remain in poverty. Those are the two flaws.

We can do much better. Our challenge now is whether people can move from welfare to work out of poverty and into true independence, and that is what the Cardin substitute does. That is what the Thomas bill or whatever it is called fails to do, and there has been no effort at all at any point before this session or during this session to try to bridge these differences.

The reason it is so important is because large numbers, we are not sure exactly the number, but this is clear: huge numbers of people who move from welfare to work remain in poverty. The majority earn $2,500 a quarter, $10,000 a year.

So the Republican bill fails in terms of accomplishing that goal of moving people out of poverty. So they tailor the bill so that the incentive to the States is not to get people into productive work, but to reduce caseloads no matter how it is done.

There are other problems with it. The flexibility of the States to help move people out of welfare into work and out of poverty has been reduced and their ability to use training education. There is inadequate day care money, and I want to emphasize this very briefly. There is an increase in the Republican bill, but it is discretionary money; and CBO has said it is $7.5 billion less than necessary to meet the new requirements in this bill.

We can do much, much better with State flexibility, with the right emphasis on not only welfare to work, but welfare to work that moves people out of poverty.

These differences are important distinctions. They are important differences that will lead to different results for mothers, for their children, and for our Nation; and this House is now forfeiting the chance if it passes the Republican bill to accomplish these results.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, we are going to hear a number of claims; and I would like to present one that I believe is incontrovertible, and that is if people remain on welfare, they will remain in poverty.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means; and I ask unanimous consent that he control the remainder of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. HERGER) will control the time of the gentleman from California (Mr. THOMAS).

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

This important legislation before us today, H.R. 4, the Personal Responsibility Work and Family Promotion Act of 2003, builds on the many successes of the historic 1996 welfare reform law. H.R. 4 will help even more people transition from welfare to work and know the dignity of collecting a paycheck instead of a welfare check.

As my colleagues may recall, before 1996 the Nation's welfare program actually encouraged dependence with recipients staying on the rolls for an average of 13 years. The program discouraged work, and caseloads reached record levels with some 5 million families and 14 million recipients dependent on benefits by 1994.

Since the 1996 changes, work has increased, incomes are higher, child poverty has been reduced, and families are more self-reliant. Welfare caseloads are down more than 50 percent and have continued to decline even over the past 2 years as unemployment rates have risen. Nearly 3 million children have been lifted from poverty, and poverty rates for African American children and families headed by single mothers have reached all-time lows.

We must continue to build on this record of success. We can do that by passing H.R. 4. This legislation fulfills the President's call to further improve the welfare system by encouraging even more welfare recipients to work. It would protect children and strengthen families by promoting healthy marriages, and it would allow States increased flexibility in operating their welfare programs.

The welfare program needs our immediate attention since it has been on life support since October 1 of 2002. Permanent reauthorization of this program is vitally important to States and the families and individuals this program serves.

I urge all Members to vote in support of H.R. 4.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I ask unanimous consent to control the time on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. CARDIN) will control the time of the gentleman from Michigan (Mr. LEVIN).

Mr. CARDIN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, my remarks should not be taken as any kind of a statement about the Committee on Ways and Means, because we had nothing to do with this. But I remember the verse in the Bible where they were asking Christ how you would know if you were really a good Christian, and he said, well, it is how you take care of the least of these, meaning the poor people and the sick and all of the rest. This bill is an absolute travesty. Nobody wants to talk about it.

Now, let me tell my colleagues what Republicans say. Mark Schweiker, the former Republican Governor of Pennsylvania said, "Meeting the work requirements in the House bill would require us to dismantle much of our time-tested and effective welfare program and replace it with costly programs with little utility. These changes, including significant new child care costs, would cost the taxpayers of Pennsylvania more than $300 million." That is a Republican Governor talking.

Or we could take the Republican Senate chairman in Iowa. Her name is Mary Cramer. She said, "We are concerned that the proposals such as the legislation passed by the House will restrict Iowa's successful efforts to provide training to welfare recipients and meet the needs of local businesses. We urge you not to take a step backwards and further restrict education and training options."

I could go on like this. Anybody outside the Beltway, outside of the office of the gentleman from Texas (Mr. DELAY), knows that this bill is not going to make it better; it is going to make it worse.

Now, I have a whole long list of things. The GOP will say today that welfare reform has been a great success. If that is, why have 41 out of the 47 States said, the Republican plan would force fundamental change in their current welfare program? Why are we changing it if it is not broken? What is the point? The point is to squeeze poor people.

We heard earlier that child poverty has fallen dramatically because of welfare reform. No, that is not what everyone else who is an economist says. It is a good economy, and it has been the earned income tax credit, and we still are forcing families, with a family of three living on $2,500 a quarter. Now, that is 70 percent of the Federal poverty line. We call that success? That is what we are being led to believe out here, that we have a success and we ought to squeeze them more. They got too much. That family of three with $10,000 for a year ought to be squeezed some more.

We will also hear, and we did hear, that this bill gives more flexibility because we allow States to define 16 of the 40 required work hours in the bill. This bill increases the current law direct-work requirement from 20 to 24 hours and eliminates job search. Looking for a job does not count anymore; you only get credit for working. So if you have a job making $6 an hour and you spend a little bit of time out looking for a job, you do not get any credit whatsoever for that.

The CBO estimates that the paperwork involved in this is going to be a cost of $6.2 billion over the next 5 years. So we will pay for $6.2 billion worth of paperwork; but we will not think about the people, because we need to pass the committee, we need to get it right out here and get it passed because TANF expired on March 31. What they did not say when they came out on the floor was, the Senate Republicans included a 6-month extension of the current law through September 30 in the Omnibus Appropriation Act we are about to take on.

Now, that extension is supported by the National Governors Conference, so Republican legislators are going out and sticking their thumb in the eye of Republican Governors.

□ 1115

Now, if the House negotiators would withdraw their objections to that extension, we would have plenty of time for thoughtful consideration of their program. We would have the next 6 months to think about it. The thing I really like best is, we had plenty of debate last year so we do not need to debate it this year, as though, if you discussed it in 1941, it is good enough; we do not need to discuss it again, right?

Well, do things change? Did we have a new Congress elected in November? We have got new people here. Some of these people have never, ever considered these issues, a lot of them. There has been no public debate whatsoever, and we passed last year's bill on a party line vote, and no attempt was made to work it out with the minority then. This is more of the same. This is just rubber-stamping George Bush's proposals, and the gentleman from Texas (Mr. DELAY) leads the politburo, and he keeps sending things up here.

Mr. HERGER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, just to respond, it is important that we move now. We had more than 20 hearings on this legislation last year. The legislation actually expired September 30 of 2002. We are now 6 months on life support.

The gentleman from Washington (Mr. McDERMOTT) mentioned that the reason the welfare rolls have dropped is because of prosperity. I would remind the gentleman that we are in a recession now. And even though we are in a recession, the welfare rolls, even since 2000, have dropped some 7 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK), one of the distinguished members of the Committee on Ways and Means.

Mr. STARK. Mr. Chairman, I rise in strong opposition to this so-called Personal Responsibility, Work and Family Promotion Act. It is sort of an anti-Christian, egalitarian, rich-folks welfare bill. They are going to pay for the tax cut by impacting the least powerful people in our community.

In 1964, Lyndon Johnson declared a war against poverty. Well, today my Republican colleagues and the President have declared a war against the poor and against all successful social programs in this country. My Republican colleagues in the House, led by President Bush, want to gut the poverty programs. The Republicans propose to privatize Medicaid, destroy Head Start, eliminate housing subsidies for the poor and make it impossible for low-income families to get the earned income tax credit.

But the real hotshots in the Republican Party have dreamed this one up. Not only will they make it difficult for adults. You know, Ronald Reagan created their welfare cheat years ago in his mind, when it was still working, and he had an African American woman in a white ermine cape in an El Dorado Cadillac. And my friend from California has heard this story time and time again. Now the Republicans have come up with a new welfare cheat. It is a little kid in second grade. I have one. Let me show you a picture. Here is one. It is my son. He is in second grade.

Now, he does not get subsidized lunches at school, Mr. Chairman, but you know what the Republicans will do, they will wait until these kids get in the cafeteria line for their subsidized lunch, and they will say, Sonny, go home and get a tax return from your parents, because we are kicking you out of the school lunch program.

That is how they will save money to do away with the inheritance tax. They will beat up on little children and call them welfare cheats.

It is that kind of arrogant, obscene statement in programs that will impact the poor and the helpless in our country. And this TANF legislation is the first legislation in the program to reduce the impoverished in our country to begging.

For example, there is no job training after the first 24 hours out of 40 hours of work. There is a requirement that traps poor people in welfare or in poverty. In Alabama, Oregon, Louisiana, Mississippi, Wyoming and Texas, anyone who works 24 hours a week at minimum wage would be ineligible for any welfare programs at all.

Right now, three out of four families in our country are eligible for child care under State rules, but they cannot get it. That is why both of our Democratic alternatives provide substantial increase in child care funding over the next 5 years.

Finally, and here is perhaps the most arrogant of all, the Republicans, who consider themselves experts in family law and marriage, waste $300 million to promote a marriage program inspired by their blind allegiance to the Holy Rollers of the Christian right. These arrogant Republicans are suggesting we take this money and train people to get married. Now with 60 percent of the women on welfare having at one point been victims of domestic violence, the Republican agenda that coerced poor people into marriage virtually guarantees tragic consequences across our country.

Marriage programs completely ignore the real barriers that prevent many from pulling themselves out of poverty. If you want to truly motivate healthy marriages, then they would support both Democratic bills, because we address the underlying causes of marital instability, which in most cases is poverty.

The Democratic bills make poverty reduction an explicit goal of welfare. It gives States the tools to help families move from welfare to work and it provides State financial incentive to reduce child poverty, not kick children off the school lunch program and let them starve. It lets them live in stable families, have families that have the income and the support for decent healthy, progressive lives in this country.

I urge Members to oppose H.R. 4 and support both Democratic alternatives.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind my good friend from California, who is talking about Christian programs and how much poverty is affected by our current welfare bill and the new one, our own State of California poverty rates by the latest Census have gone down since the 1996 bill by 1,031,000.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL), a first-term Member of this body, but a person who is very experienced in developing domestic policy.

Mr. EMANUEL. Mr. Chairman, I would like to thank the gentleman from Maryland (Mr. CARDIN) for yielding me time.

Mr. Chairman, I rise today in opposition to H.R. 4 and in support of the substitute amendment. For 20 years an unwritten agreement regarding the old welfare system existed between conservatives and liberals. Conservatives refused to devote more money to the program. Liberals refused to demand anything of recipients. We have lost two generations of Americans to that failed system of dependency.

I was proud to be part of the strong bipartisan welfare reform that the White House and the Congress enacted in 1996. The 1996 reforms were a bold experiment that broke from the past with a new approach that grounded the welfare system in the values of work and responsibility.

Enrollment has plunged by more than 50 percent since 1996. Eight million people left poverty in the 1990s. Teen pregnancy dropped by more than 20 percent and child support collections doubled. We are moving in the right direction because we were true to our common values.

The most important thing that we have accomplished with welfare reform has been to connect a generation of children to the culture of work. Most of us in this room grew up watching our parents go to work. We internalized the value of work, and now we are passing those values on to our own children. Today, millions of children who would otherwise have grown up in a home where work was an alien concept are being raised in a home where they are learning the routine of work.

I know that there are good people on both sides of this aisle with good values who have seen reforms we created improve the lives of folks back home. To those in this Congress with whom I worked in 1996, let us not walk away from what we have accomplished. We have a future obligation not to let bad politics undo our good work.

I am confident, I am extremely confident, there will be no shortage of partisan fights this session, tax cuts, the deficits, prescription drugs. To give up on proven success to engage in another unnecessary partisan fight is wrong.

Mr. Chairman, welfare reform is about demanding responsibility and encouraging work. Over the past 6 years we as a Nation have benefited from our willingness to move beyond the old politics. This legislation represents a return to the failed policies of the past. It is not compassionate nor is it conservative. It undermines our common values as Americans.

Mr. CARDIN. Mr. Chairman, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 7½ minutes remaining. The gentleman from California has 19½ minutes remaining.

Mr. HERGER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SHAW), the original chairman of the committee that put out the 1996 welfare reform.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think one of the things, and when you listen to some of the debate on the floor by a couple of speakers that I had a chance to watch from my office, you see some bitterness and some hatred trying to be painted onto this system of welfare reform.

We had worked on welfare reform prior to 1996 for several years. We worked hard and long and we did it with compassion. We were faced with a system that was broken, badly broken. And unfortunately, in this broken system, we were breaking people. They were losing their spirit, their inner souls, their drive, what makes people try to do better and to become role models for their kids, actually paying people not to work, paying people to have kids and not to get married.

And guess what? That failed, broken system encouraged that type of behavior. And the welfare rolls grew and they grew and they grew in time of prosperity as well as time of recession.

But then in 1996 after two failed attempts and two vetoes by the Clinton administration, on August 22, 1996, the welfare reform bill was signed into law and there were Democrats and Republicans at the signing ceremony. There were Democrats and Republicans that ended up voting for this welfare reform. And this was after a debate that was punctuated by predictions of kids sleeping on grates.

And what have we accomplished with this? We have cut our welfare rolls by over 50 percent. Even today, we do not see any great rise in welfare reform even as the jobless rates began to rise as of a couple of years ago. This is a wonderful success. And I say, it was done with great compassion.

We were concerned about what happens to the kids. We have provided child care.

We were worried about how the medical expenses were going to be paid. We have provided continuation of Medicaid.

We are worried about how the training for jobs was going to go forward. We have provided job training. The States have done a wonderful job in not only training people so that they can have jobs, but in also teaching them how to take interviews, how you dress, how you shake hands.

□ 1130

Why is all this necessary? It is necessary because the people that were on welfare, that had to come off of welfare were victims of welfare, and they did not know any difference; but they were good people, and we believed in the human spirit, and we were not disappointed.

Now who were these people that got out and who are the real champions of welfare reform? Oh, I hear everybody taking credit for it, but the real heroes were mostly single moms who, after they realized that there was something outside of a life of welfare and dependence, could make something out of themselves, could take control of their lives and could become role models for their kids.

I think that day in 1996 when we passed in this House welfare reform after hearing a speech by the President in which he said right before the vote that he would sign the bill, I think that is one of the proudest moments in the history of this House of Representatives. Now I think it is time to go a little further.

There are those, because of the reduction in the welfare rolls, who would like to decrease the funding. We are getting down now to some hard-core unemployed people. I think 58 percent of the people receiving benefits now are not working, and we need to give that extra little push, but I think we need to continue to do it with compassion.

We need the flexibility that this bill has for child care. We have got to be sure these kids are not in the street. We have got a responsibility, and that responsibility has grown out of a failed welfare program that existed for decades in this country prior to 1996.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding. I would just like to say to the gentleman, I compliment the gentleman for the role he played in 1996. I think our side is trying to protect the product that my colleagues developed in 1996.

This bill that is before us dramatically alters it. The gentleman is right, it was a great success. Why are we now being so prescriptive at the national level?

Mr. SHAW. Mr. Chairman, to answer the gentleman, there are increases in the work requirements. We have gotten to a plateau where the original intent of the welfare reform is not being fully implemented, and I think this is a good corrective measure.

Mr. HERGER. Mr. Chairman, I yield three minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise today in support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003; and I support this important measure because it will remodel and improve the welfare reform legislation that has already helped millions of people off the welfare rolls, improved child well-being, lifted millions more out of poverty, and boosted personal incomes and improved the quality of life.

Take, for example, a family from my district in northwest Florida. James and his wife and their 2-year-old son had to relocate to DeFuniak Springs at a time when there were few job prospects in that community. In November of 2001, James and his family had to apply for cash assistance to meet their needs.

The couple agreed that James would participate in the Welfare Transition Program; and during the 2-week employment preparation program, he learned that he had an aptitude for the medical field.

Upon completion, he entered a community service work site at the Council on Aging; and during this service assignment, he demonstrated not only an aptitude but also the initiative to seek training and further experience. He qualified for financial assistance for training through the Workforce Innovation Act and completed training as a CNA through Walton County Vocational Tech.

Through his eagerness to learn, James was able to secure a paid position with the Council on Aging; and last February, he was hired to a full-time position with benefits and is no longer receiving cash assistance.

Mr. Chairman, this is just one of the many examples of how hard work, personal ambition, and a system that puts faith in the individual can be successful. Even with accomplishments like this, we can do a whole lot more. Our welfare system is not perfect, and we must improve it by offering reforms that promote a life of self-sufficiency, dignity and hope.

I hope that my colleagues support these important principles and will support H.R. 4.

Mr. CARDIN. Mr. Chairman, it is now my pleasure to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip on the Democratic side.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank him for his leadership.

Mr. Chairman, today the self-proclaimed compassionate conservatives dropped their guard and a little bit of a charade, in my opinion.

This hard-hearted welfare reform bill literally mocks the increasing number of Americans who are struggling to make ends meet, and it forces cash-strapped States to swallow a huge unfunded mandate. This bill barks, Get a job, but it turns a blind eye to the most obvious question facing any job seeker today: Where?

When Democrats and Republicans came together in 1996 and pursuant to President Clinton's campaign in 1992 when he said he wanted to see welfare end as we knew it, we came together in a bipartisan fashion; and he signed that bill, ending welfare as we knew it. This Nation was enjoying the longest peacetime expansion of our economy in 50 years. Twenty-two million new jobs were created during the '90s.

I voted for the welfare reform 7 years ago because I strongly support the principle that a person has to earn what they receive, and if they receive assistance, they have a responsibility to pursue the ability to work and support themselves and their children; but oh, how circumstances have changed, Mr. Chairman.

Today our economy is stagnating. It is in the worst hiring slump in nearly 20 years. More than 8 million jobless Americans are looking for work, and more than 2 million jobs have been lost since President Bush took office. Yet this GOP bill blithely ignores reality.

It would impose unrealistic work requirements on recipients, even forcing mothers with children under the age of 6 to double the number of hours they are required to work each week to 40. At the same time, it utterly fails to provide the funding that is needed to back up these new work requirements. Where was the passion to get away from unfunded mandates that I heard so much about in the early '90s before the Republicans took control?

The bill passes the buck to the States, which will be forced to spend an estimated $11 billion over the next 5 years to implement the new rules. How do we expect the States to pay for this unfunded mandate? They were forced to address a $49 billion budget shortfall in fiscal 2003, and according to the National Conference of State Legislatures face a minimum $68.5 billion shortfall in 2004.

Mr. Chairman, on its own merits this bill is bad enough; but when considered in the context of the failed economic policies of this administration, it is oblivious to the realities confronting our people and our States. The Republican proposal cracks down on the single mom who the gentleman from Florida, my good friend, referred to as a hero. This bill cracks down on that single mom who is trying her best to work and still take care of her kids. At the same time it supports a plan that would give the top 1 percent of America's taxpayers over a $25,000 tax cut. Where is the compassion in that? Where is the commitment to leave no child behind in that?

I urge my colleagues, Mr. Chairman, to vote for the Democratic substitute which increases work expectations but also assists the States in accomplishing that objective. It would impose tough, but fair, work requirements. It would increase mandatory funding for child care by $11 billion over 5 years. It speaks to the bipartisan agreement that we had, expecting work but also expecting us to help those who cannot find work, who cannot work.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

I would like, just in response to the gentleman from Maryland, the CBO has indicated that there will not be any unfunded mandates. I have a letter in front of me. Because of the broad flexibility afforded States under the TANF program to structure the program and determine benefits, the new requirements of H.R. 4 would not be intergovernmental mandates.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a key player in welfare reform on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me the time, and I commend him for the legislation before us today which extends and builds on the very successful welfare legislation that this House passed back in 1996, truly one of the best pieces of legislation we have enacted during my time in Congress.

Amazing success. We have lifted 2.7 million children out of poverty through this welfare legislation over the last 7 years. We have reduced welfare caseloads by 60 percent. In my own State of

Ohio, 267,000 people have left welfare and instead started working; and they are enjoying now the dignity and the self-respect that comes with work.

It is hard to argue with that success. I commend the gentleman from Maryland, the ranking member on the subcommittee, for his work with the gentleman from Florida (Mr. SHAW) and now with the gentleman from California on this legislation. I know he shares our same goals, but I would have to dispute what his colleague from Maryland just said about this being a hard-hearted reauthorization of welfare reform. Hardly hard-hearted.

The gentleman just made a very good point that there is no unfunded mandate, which was one of his points; and having been the author of the unfunded mandate act, I am glad we have gone through that process and determined there is flexibility here and it is not an unfunded mandate on States.

More importantly, there is $2 billion in additional funding in this legislation for child care, a huge commitment over the next 2 years to provide significant new resources even at a time when our budgets are tight for something that is very important, which is transitional child care.

There are more taxpayer resources obviously going to these families who need help. Back in 1996, we were giving roughly $7,000 on average per family for welfare. Now, under this program that we will hopefully pass today, it would be $16,000 per family. That is a substantial increase.

The point was made that we are cutting the funds to the States. We are not. Despite a 60 percent reduction in caseloads, we are not reducing the funding to the States. We are keeping the same commitment on the block grant, plus we are adding, as I said, another $2 billion on child care.

These are the statistics, and it is hard to argue with them; and there has been a lot of success.

I want to talk about the personal stories just for a second. All of us have gone back home and talked to welfare moms who have taken advantage of the opportunities we have provided them over the last 6 years with this legislation.

I have had the opportunity to visit with a lot of those families but also some of our good agencies back home. One is called the Accountability and Credibility Together Center in Cincinnati, Ohio; it is called ACT. They have had remarkable success. They have worked with over 5,000 families in the greater Cincinnati area to move them from welfare to work; and guess what, only 200 of those families have gone back to public assistance. Incredible success story.

When I was there at the center recently, I have been there a couple of times, but a family was there. They had come in. Both the mom and dad were out of work. They were about to apply for public assistance and welfare. Instead, the center got them plugged into some educational opportunities, some job opportunities. Now this woman has gone back, she has gotten her GED. She is now in college, and her family is supporting her in that. The husband is working. Again, the dignity and the self-respect that comes from that having worked, being able to provide for a family is something that the statistics cannot tell. That is the great success story of welfare reform that this Congress passed back in 1996.

This is an important extension of that. It is a necessary reauthorization, but will encourage more work, will encourage healthier families, encourage more marriage. I think this is a good bill, and I hope we will pass it with bipartisan support.

Mr. CARDIN. Mr. Chairman, could I inquire as to the time division?

The CHAIRMAN. The gentleman from Maryland (Mr. CARDIN) has 4½ minutes remaining. The gentleman from California (Mr. HERGER) has 9 minutes remaining.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), another important member of our Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I may not need the whole 3 minutes, but I want very much to talk about this issue of work requirements because, first of all, all the studies show that welfare reform was most successful in the States with the most stringent work requirements. The University of Michigan studied this, certainly no bastion of conservatism. The study by the Manpower Demonstration Research Corporation also shows that programs that emphasize rapid entry into the workplace leads to more employment and higher earnings.

Now what does this bill that the President has proposed and the committee has disposed of and brought to this floor do about work? It does a very simple thing. It raises the number of hours a person must work from 20 to 24. That is 3 full work days, 8, 16, 24, three full work days, but it raises the work requirement to 40 hours. That is 5 days, but the other 16 hours, Tuesday and Thursday for example, could be used to take classes. The States can count that as work. They can count, in fact, under the bill, mental health treatment as work, substance abuse treatment as work, all those things that are necessary for the person to be able to succeed in a full-time job and to move up the career ladder in that job.

□ 1145

So what this requires of people on welfare is to think about their whole week and how are they going to use the time in that week to create their own future.

Work experience is, without question, a part of that. You need the experience, you need the recommendations, you need to be on site in a workplace to decide whether this is the line of work you want. If you work at a lower-level job in the insurance industry, you get a pretty good idea of whether those career ladders are interesting to you. You start out in a hospital or a nursing home, you get a pretty good idea of whether those career ladders are worth the extra training to work up them.

If you do not work, you are isolated from the real world and from what it takes to advance, what it takes in skill, what it takes in being able to work with a team, what it takes in personal discipline. So work is important. It does help us move forward.

But education, training, money management, a better understanding of career tracks, mental health, substance abuse treatment, all those things, including caring for your own child, can be counted as work.

You know what communities can do with this bill? They can hire skilled child development people to head up after-school programs for children, and then count as work the time that women spend, or welfare recipients, women and men, spend as assistants in those programs so that we can explode the after-school program opportunities for our kids. And that person's children can be in that program. So not only are you with your own children, but you are learning the child development information you need to be a better parent. Every parent needs this.

So this bill creates extraordinary opportunity for human growth and for personal growth. And without creating that opportunity, the promise of freedom is a false promise.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from California (Mr. HERGER) has the right to close.

Mr. HERGER. Mr. Chairman, I reserve the balance of my time to close.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, with so much attention devoted to Iraq, money is now being diverted from quality child care as well. The Republicans' own Congressional Budget Office estimates that over the next 5 years, for every dollar that is required for child care and other associated costs of the goal of moving people from welfare to work, this Republican bill will provide one very thin dime. This leaves a gap, a "window of vulnerability" of 90 cents on that dollar.

In Texas alone, we will require $688 million that this bill is not providing to meet the needs of our children and to fulfill the work requirements of this legislation. It does not take satellite surveillance photos to see the irrefutable proof in our own neighborhoods that too many children will not have the child care or the child protective services that they need and will be left in neglect.

This is a ticking time bomb in our own country, not on the other side of the world, and it can be defused by providing the essential dollars that even their estimators say will be required to ensure quality child care and to get people to work. Otherwise, these families already rowing hard against a severe current of trouble, are now told that they will be left without a paddle.

This Administration and its allies here in Congress are all too willing to raid Social Security and Medicare to build smart bombs, but what about smart kids and opportunities for them? The gap between this Administration and its Leave-No-Child-Behind policy and the reality of leaving scores of children behind is a scandal. Only in the sense that every child today will be forced to pay off the huge public debt have we left no child behind.

As my friend and State senator from Texas Eliot Shapleigh said, "In a society that values tax breaks over kids, ultimately it is the kids, their education, our prosperity, and America's ability to compete that will pay the price." Inaction is not a solution. We cannot sit here doing so very little to meet the needs of our next generation of Americans. What we need is a coalition of the willing, a coalition of the willing to vote "yes" on a meaningful Democratic alternative to ensure that our youth are given a chance to become productive members of society instead of a burden to America.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume to respond to my friend from Texas that when we started welfare reform back in 1996, the average amount of money that was available for each family was slightly less than $7,000. Today, that amount, because we block granted it, the average amount that is available for each family today is about $16,000. More than double. Also in this bill we have $2 billion that is for additional child care.

And just to the State of the gentleman from Texas (Mr. DOGGETT), that will amount to some $370 million of additional child care, just for the State of Texas.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a key member of our Subcommittee on Human Resources.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003.

Mr. Chairman, we have the opportunity and responsibility to build on the 1996 law, which many here helped write. The law we crafted has seen unparalleled success by almost every measure, yet our work is not done. I am proud that the main focus of this legislation has been on self-empowerment, work, and most importantly, strengthening family.

If we look at the fact that more parents are working today, we have a responsibility to ensure that parents have child care. This bill adds $2 billion over the next 5 years to the current record amounts for this purpose. In addition, this bill also provides the States new flexibility so that unused funds can be transferred over and used for child care needs of working families.

In total, the funds available today per family on welfare, as the chairman said, represent $16,000. That is double the $7,000 available for those purposes in 1996.

Many of us are not new to this issue. In addition to being one of the authors of the landmark 1996 welfare reform law, along with our current chairman, as well as the gentleman from Florida (Mr. SHAW), the chairman in 1996, I have held field hearings, sat with advisory panels, and spoken with constituents. The one common theme was proper access to child care, that that was an impediment on the road from welfare to work.

This bill meets the needs of the parents who have told me time and again that child care is one of the greatest challenges they face. Let us give support to these families who desperately want the choice to work.

Mr. Chairman, this is a good bill. It strengthens the landmark welfare reform bill Congress passed and President Clinton signed into law in 1996. Let us give our families the tools they need to ensure that parents can enter the workforce with peace of mind, knowing their children will be in a safe and constructive environment.

I urge support of this bill.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a bad bill at the wrong time. I supported the 1996 welfare reform legislation. I thought it was the right thing to do. In 1996, we gave the States flexibility. This legislation takes it back. In 1996, we gave the States the resources they needed. This bill does not give them the dollars in order to do the job.

The legislation before us is remarkably different from the 1996 bill. That is why so many of our Nation's governors have said to us in a letter dated today that we will take a significant step backwards in reforming welfare. This is not the time to replace State flexibility with unfunded mandates.

My chairman says this is not an unfunded mandate. The Congressional Budget Office says it will cost $8 to $11 billion extra money for the States to comply with the requirements in this legislation. The Republican bill gives the States $1 billion more and $1 billion on a promise. That is an unfunded mandate. Maybe technically it is not, because you can transfer monies from other accounts.

Let me tell you a story of my own State of Maryland. Our States have record deficits. In 50 years they have not been this bad. We see that deficits are between $70 to $85 billion in our States. In Maryland, our governor is recommending a 23 percent reduction in child care because of the deficits. And what do we do? Mandate they spend more money by a prescriptive Federal law.

That is not what I voted for in 1996. I voted to give the States flexibility and the resources, and this legislation is taking it away. It is going to hurt our children, it is going to hurt our States, and it is wrong. We should have done better, and had we gone through a normal process, we would have had a chance to explore what happened during this past year, correct the mistakes in this body and not rely on a conference.

I urge my colleagues to reject this bill. We will offer an alternative, a substitute, later on in the debate so we can correct these mistakes.

Mr. Chairman, I yield back the balance of my time.

Mr. HERGER. Mr. Chairman, I yield myself the balance of my time.

Sometimes, when I listen to the debate on the other side, I wonder if we are talking about the same legislation. We are seeing in the area of child care some $2 billion more that is being placed into this legislation than was in the 1996 bill.

Again, since we keep hearing about unfunded mandates, I again have a letter in front of me from the Congressional Budget Office indicating that there are no unfunded State mandates.

But let us go over the incredible successes of the 1996 bill and where we go here in our new legislation. Child poverty has fallen since 1996 by nearly 3 million children who have been lifted up out of poverty. The black child poverty rate is now at a record low. More parents are working today than ever before in welfare. Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000. Dependents fell by unprecedented levels. Welfare caseloads fell by 9 million during this period of time, from 14 million recipients in 1994 to just 5 million today. Yet there is much that needs to be done.

Even though we have more people working than before, there are still 58 percent of recipients who are not working or who are not receiving training or who are not involved at all. Too many families are breaking up. It is tough enough to raise children with two parents, let alone just one. We still have 2 million families that remain dependent on welfare that we want to address.

What our new legislation would do is that we allow for more parents to be able to work and, therefore, be able to receive benefits. States will continue to receive the record Federal welfare and child care funds, despite since 1995, a nearly 60 percent reduction in rates. This means that average allotment per family will go from less than $7,000 in 1995 to some $16,000 today. And there are funds in here to help encourage and to help give counseling to encourage that every child has two parents at home. So we recognize this.

Again, of all the legislation that I have been involved with in 16 years, I feel this has been the most successful. And what we are doing in this current legislation, H.R. 4, is building on these incredible successes of the last 5 years and continuing them.

I urge the strong, overwhelming support of this body on H.R. 4.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

□ 1200

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1996 welfare reform law that we are reauthorizing today has been an unprecedented success, one of the most important pieces of social policy since the civil rights legislation of the 1960s. We transformed the welfare system from a permanent entitlement system that tolerated government dependence to a temporary assistance program which helps people earn a new start, find a job and become self-sufficient.

Today, with the Personal Responsibility, Work and Family Promotion Act, we are prepared to build on that success. This bill marks the beginning of a second phase of reform that will help even more Americans find productive jobs.

The colleagues on the other side of the aisle may say, The system is working, why fix it? Why argue with success? Here is why. Welfare caseloads have fallen dramatically since 1966; but as this chart shows, some 58 percent of TANF recipients still are not working for benefits, according to the Department of Health and Human Services.

The bottom line is approximately 2 million families remain on welfare rolls today, and we need to do something about it. Over the last 2 years, the Committee on Education and the Workforce has held five hearings on the success of welfare reform and the new challenges that we face today. Last year our committee approved a bill introduced by the gentleman from California (Mr. McKEON), the Working Toward Independence Act, which is now part of this overall bill which is before us today.

It strengthens work requirements to ensure that we move welfare recipients on the path to self-reliance. As Connecticut Governor John Rowland has said, "The most compassionate way to break the cycle of poverty, dependency, and hopelessness is through work."

The bill requires welfare recipients to participate in work activities 40 hours a week. But within these new requirements, there is significant flexibility for States and recipients themselves. Welfare families will have 16 hours a week to pursue education and job-training opportunities. They can also attend school full-time for up to 4 months over a 2-year period. This measure also increases the percentage of welfare families in each State that must be engaged in work-related activities, currently at 50 percent, moving to 70 percent by 2008.

Some have questioned whether States can meet these new requirements, suggesting that we are setting the bar too high. But I agree with what President Bush said, "If it brings dignity into someone's life, it is not too high of a goal." And remember, the bill gives States 5 years to comply with the new work requirements.

The bill also includes significant funding increases for child care, boosting spending for the Child Care and Development Block Grant by $2 billion over the next 5 years.

In addition to this new money, it is important to remember that States have half the case loads that they had in 1996, which means that they have twice as much money available to spend on work programs, child care, transportation and other services that are necessary in order to help move people from a life of dependency toward the mainstream of American society.

H.R. 4 also incorporates key elements of President Bush's Good Start, Grow Smart plan to improve early childhood education. It encourage States to address the cognitive needs of young children so they are developmentally prepared to enter school.

Finally, the bill includes a promising new plan to empower States and localities to develop innovative solutions to help keep needy families working towards independence. It would give States and local agencies the opportunity to coordinate certain welfare and workforce development programs and improve their efficiency and their ability to help move people from welfare to work.

Mr. Chairman, in closing I would like to echo the sentiments of President Bush when he said that no level of despair should be acceptable in our society. With this bill we are going to help some of the most vulnerable members of our society to help them achieve independence and self-sufficiency, and I urge Members to support the bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. WOOLSEY) will control the time of the gentleman from California (Mr. GEORGE MILLER).

There was no objection.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a Member of Congress who has actually been on welfare, let me tell Members, I know the pitfalls of H.R. 4. I know the pitfalls of the Republican welfare bill.

I also know what we have learned since we passed welfare reform in 1996. We learned that we have to make changes. We learned that we cannot send people to work and keep them in poverty forevermore. We learned that we have to do a better job in helping the families that need that safety net.

In this economy with fewer jobs and a greater waiting list for child care, we know that we have a lot of work to do because people are returning to welfare in this bad economy. But the most important thing that we learned from 1996 is that it is not so hard to get people off welfare, but it is very hard to get them out of poverty. So if we want to keep individuals off the welfare rolls, particularly in a weaker economy, the economy we have today under President Bush, we have to work very hard; otherwise we have failed because welfare moms, those who have moved from welfare, have moved into permanent poverty.

Today more than one-fifth of the families that have left welfare since 1996 have come back onto the rolls and 39 States have reported a greater caseload increase for the last quarter.

This country needs welfare that gives States the flexibility they need to get families out of poverty and into real work, work that pays a livable wage, work that a mother can sustain her family on.

H.R. 4 will push more low-income parents into low-paying workfare jobs while making it almost impossible for them to get a real education, the kind of education they need to get good jobs, jobs that will keep them off welfare forevermore.

While increasing the hours of work, the Republican bill does not provide the child care support that is necessary to sustain those families. We have a Democratic substitute. Our substitute enables States to give welfare recipients the support, the services they need so that they can go forward, become skilled, educated, and get jobs which will keep them off of welfare forever.

I am the perfect example of what a good education, child care resources, good health, and actually being a little bit assertive did not hurt at all, what a difference that makes to a family. I was on welfare for 3 years even though I was working. We cannot take those services away from moms if we expect them to be able to take care of their families now and into the future.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I believe our welfare plan has worked. It has been shown to work, and the corrections that are in this plan make it work better. It is no surprise to the people of the Third Congressional District of Texas that because of the excellent services provided by the North Central Texas workforce, many leave welfare behind.

One example is a woman I will call Alice who found help through the Choices program in Allen. A single mother of two children, Alice went to the workforce center in Allen 5 months pregnant. She had never held a steady job. Having worked a month as a receptionist and 3 months as a waitress, she decided she needed a job to support her and her children.

The Choices program provided her with child care assistance and transportation assistance to seek employment. She worked with the employment services staff, and in time she found a job as a warehouse manager in Plano making $8.50 an hour. The job did not last because the company went broke and she lost it. That did not stop her. Within 2 weeks of losing her job, she found another working as a receptionist in Plano making $12.50 an hour.

Her employment counselor reports that Alice always showed determination and motivation to become self-sufficient so she can support her family. She still works full time and has even taken on a part-time job as a Mary Kay distributor. In December, she sent a Christmas card to the people of the North Central Texas Workforce Center in Allen thanking them for their help. She is a shining example of the positive things that happen when people move from welfare to work. This welfare bill helps them immensely. Let us pass it today.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Republican welfare bill, even though my colleague from Ohio is on the other side.

I keep hearing stories about Alice and Mary and Stephanie who have done well off of welfare. I would like to line up all of the Johns and Alices and Marys that I know who have not had success, who have gone from welfare to poverty, to show Members their children who are suffering as a result of the fact that their mom or dad cannot get child care in order to go to work.

It is an interesting discussion right now that we would talk about work for welfare recipients when in fact the people who have been working all along have no jobs, and we know the last person hired is going to be the first person fired.

Right now would have been the opportunity in these low economic times to take this bill back to committee and take into consideration the fact that the economy is not in as good a shape as it has been, and maybe we could have put some incentives into this bill to have employers hire welfare workers, and maybe that might have stimulated our economy a little bit.

We are in the worst economic times since World War II. Every city, every county, every State is laying off workers. I just read a story in the New York Times this morning about layoffs. So to say this is a great time to talk about moving from welfare to work is ridiculous, and it is ridiculous to have this discussion without taking into consideration the whole issue of the economy as it currently exists.

All we have to do is ask Governor Taft, a good friend of the gentleman from Ohio (Mr. BOEHNER), what trouble the State of Ohio is in right now. Even with the programs of Medicaid, even talking about taxing the poor for getting a manicure or getting a hairdo or for going to the movies. To say we are going to put them in jobs where they make $5.25 an hour and have to pay additional dollars for all of these things is just ludicrous.

I encourage Members to vote against this legislation because it does not do what it is intended to do.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act. Six years ago, the Nation's welfare rolls bulged with more than 14 million individuals. Today the rolls have decreased significantly. In my home State of California, the welfare rolls decreased by more than one-half. More than 470,000 California families are free from the bondage of welfare thanks to welfare reform based on work.

□ 1215

Between 1996 and this very day, over 9 million individuals have left welfare for the satisfaction that can only come from working to support your family. H.R. 4 helps these families and builds on the success of the 1996 reforms.

Mr. Chairman, today there are few who would argue about the success of the 1996 reforms, but 6 years ago the nay-sayers cried that if welfare recipients were required to work for their benefits, millions of families would be forced to live in the streets and millions of children would go hungry. But we know that, in the end, welfare reform based on work helped to reduce the child poverty rate in America to its lowest level in over 30 years. Child poverty among African American children is at its lowest rate ever.

The bill before us requires that those who receive temporary assistance, those needy families that receive that temporary assistance, be involved in direct work for 24 hours a week and that they also spend 16 hours improving their abilities, getting educational instruction or job training that will lead to better marketability for them in the marketplace. The total combined hours for work and training equals just 40 hours a week, which is the average American workweek. For America's families to be ready to lead lives independent of welfare, they must become accustomed to the demands of the average workweek.

But the work requirements coupled with ample job training and educational instruction are not the only ingredients to successful welfare reform. It is impossible to return to work or search for work if welfare recipients do not have adequate child care. H.R. 4 increases the already extremely high levels of funding for the child care development block grant. The high level of funding is increased by $2 billion, even as the number of families being served has dropped by over 3 million.

Mr. Chairman, the ultimate goal of welfare reform is fostering strong and healthy families. When you wade through the rhetoric, when you eliminate the sound bites, when the grand floor speeches are over and the only thing that remains is H.R. 4, Americans can be sure that this Congress has drafted a bill that will help build on the success of the 1996 reform and will help lead families to independence. We re-enthrone work and help people attain the dignity that comes from providing for yourself and your family.

I urge that all of us join in support of H.R. 4.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentlewoman for California for yielding me this time.

Mr. Chairman, our colleagues on the other side of the aisle have simply put a new number on last year's bill without any apparent attempt to address the new realities of this worsening economy. That bill is, in terms, harsh and seems to be divorced from today's reality. As written, the legislation will impact some 48,000 families in my

State of Massachusetts alone, which is now in its toughest economy in a decade. It would cost the State, which is already drowning in red ink, some $222 million over the next 5 years in order to implement what essentially are unfunded mandates. Health care and housing assistance are already being cut back, and in my district the unemployment rate is now 7.3 percent.

In this type of an economy, we should be helping States, not putting a further strain on the safety net for America's families. Obviously, first we need a better policy to create jobs than the one being offered by this administration and the majority. But then we need this measure to be crafted so that it will actually help people qualify and enable them to fill jobs and to lift them out of poverty to self-sustainability.

In the current economic climate, we have to look at the principles that really work. Education and training have to count towards the work requirement more than the bill on the floor allows for. Common sense, educators and countless examples concur with that opinion. People have to be able to make contacts, develop skills and find careers, not just jobs, but jobs that bring them out of poverty. Working parents need child care.

Our alternative keeps up with inflation and increased work habits and addresses that situation. The opponents' bill does not, adding $1 billion; and a $1 billion promise does not meet the $11 billion that we are told is going to be impacted on the States and cost them to meet these requirements. We cannot be forcing parents to choose between leaving their children home alone and working to put food on the table or staying home with their children who are hungry.

And we have to allow State flexibility. States like Massachusetts have effectively used those waivers, Mr. Chairman, to design their own versions of welfare, and they have worked in their economies. Those are the principles that have to underlie this bill. Those are the changes that have to be made. If they are not made, I would recommend that we vote against the bill, but for the alternative.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a valued member of our committee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4. This legislation will continue the remarkable success of welfare reform.

I still cannot get over the statistics. Nationally, welfare caseloads have dropped more than 50 percent from the all-time high of 5.1 million families in March 1994 to 2.1 million in December 2001. Back in my home county of DuPage, there were 2,333 families on assistance in 1996. Today, there are only 419.

Some may argue that caseloads are dropping because individuals have exhausted their eligibility, but the numbers show that this is not true. The most recent census figures show that employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000.

This legislation keeps our commitment to America's kids and to America's great promise of welfare reform. And with the addition of $2 billion in extra funding for child care and development block grants, a very good bill is even better. I thank Chairman THOMAS of the Committee on Ways and Means for including this funding, as well as my Republican women colleagues who have worked very hard for this.

Why is this funding such good news? More funding means more kids covered, and it means that more parents will be able to afford better quality care. More kids covered means more parents working. That is our ultimate objective, to give every American the opportunity to work and to gain the dignity and self-respect that comes with providing for your own family.

The past 6 years of welfare have shown us what works and what does not. When I meet with former welfare recipients throughout my congressional district, each and every one of them tells me that their success simply would not have been made possible without child care assistance.

This is an outstanding bill that builds upon the welfare successes of the past 6 years. Let us get it to the President's desk and into law as quickly as possible.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to just make one remark before I yield time to the ranking member of the Committee on Education and the Workforce, and that is that 20 States right now have a waiting list for child care, not just for welfare moms, but for the working poor and working families in general. We must not forget that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time, and I want to thank her publicly for all of the work over the last several years that she has put into our Democratic substitute, trying to advance this discussion about our obligation to try and help those individuals who want to work to be able to go to work and to be able to get a job that not only takes them off of the public assistance rolls but it also takes them out of poverty. That has to be our goal.

It is unbelievable that the Republicans would introduce the very same bill that they introduced almost a year and a half ago when the economy has changed entirely. During that time what we have seen is the highest unemployment rate since 1994. We have seen almost 1.7 million jobs lost since 2001. Almost 2 million jobs have disappeared.

In those sectors of our economy where people are likely to go to get entry-level jobs, in the hospitality industry, in the retail industry, in the fast food industry, they are all in trouble. They are all laying workers off. Yet we want to act like today is how it was a year ago, 2 years ago, 3 years ago.

No. What we need is we need jobs and we need child care for those individuals who are seeking those jobs. The Republican bill fails to provide that. It fails to recognize how lousy the Bush economy is and how many people are in trouble.

We have 1 million people who have exhausted their unemployment benefits and cannot find work. And somehow we are suggesting that these people just go out and look, that they will be able to find that work. I hope they are able to, but they will not unless we provide the kind of child care that is necessary.

The gentlewoman from California has made it clear: In 20 States we have a waiting list of the working poor, of people trying to get off of welfare, of people who are working to try to find child care for their children. In California, 200,000 people are waiting for child care. The money they have in the bill will not take care of the problem in California, much less nationwide.

The problem nationwide is $11 billion in child care. They put in $1 billion in mandatory child care.

The Republicans have got to wake up and understand what has happened to our economy. We want these people to be able to go to work. We want those people who are working now to be able to stay in the workplace. But the economy has to improve, and they have got to provide the underpinnings so these individuals can take advantage of those job opportunities should they come along.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform.

Mr. CASTLE. I thank the gentleman for yielding me this time. I have a statement which I will submit, Mr. Chairman, for the record.

I would just like to say that I am in very strong support of this legislation. Welfare reform goes back a long time in this country, well before Congress actually got too involved in it. It goes back to the States in the 1980s in which a number of States came forward and said they could do something about welfare reform. Finally, in the Family

Support Act of 1988, the Federal Government got involved.

Again, in 1996, we passed welfare reform legislation. We debated it last year and passed a bill, and now here we are again on the floor. Virtually every time we have done this, every single time, the opposition to it has gotten up and said, We can't do this. It's impossible. You can't get this much out of people. You can't get blood out of a stone.

This is a human issue. If you go back into the jurisdictions where we all live and you see what they have done with welfare reform, if you see the opportunities that we have given to people who in many instances now are living middle-class lives because of a middle-class income, you see the real circumstances of what we can do to help people. There has been no social program that has uplifted people more in this country in a true sense of giving them an opportunity as America allows you to have as has welfare reform.

This legislation continues a lot of the support systems which are necessary, including the educational components, the day care components, the transportation components in the things that have to be done.

I too believe that we need to refine this somewhat. I am a little concerned about the transitional medical assistance in terms of Medicaid continuations. I do worry about transportation. We all worry about day care a little bit.

I think there needs to be sufficient flexibility at the State and local levels to carry out what needs to be done in welfare reform, but I believe this legislation has the basic parameters which will allow this to happen, and I believe this is the next extension of what we have to do in the Congress to allow the States across America to continue their welfare reform programs.

I, for one, believe it can be done. I grant you, the economy is not what I would like to see either, but I believe that it can be done sufficiently to help a lot of people, and then you will see all of those people whom I have seen who will say, Thank you for giving me the opportunity; I am able to help my family now.

I support the legislation. I hope we all can support the legislation.

The 1996 welfare reform law replaced a broken system with one of the most successful government programs in recent history.

As Governor, I promoted work as the ladder to opportunity. Former recipients told me that they needed help breaking away from welfare dependency, but once they found their place in the workforce, they were able to create better lives for their families.

For that reason, I was proud to make work the foundation of the 1996 reform. Today, national data confirms our success. Caseloads are down. Household incomes are up.

Welfare recipients now appreciate the value of work. We provide time and assistance, but understand that welfare cannot be an open-ended entitlement—or a way of life. We help those on assistance, but do not allow them to become passive dependents on the welfare system.

Today's legislation strengthens and embraces these goals.

In particular, H.R. 4 recognizes the education needs of children and includes my language to increase funding for quality initiatives, such as teacher training. H.R. 4 also provides historic funding levels for child care. Both mandatory and discretionary programs, now appropriated at $4.8 billion, will grow by $2 billion.

Yet, these programs are only part of a larger picture. States spend TANF grants on child care—either directly or through funding transfers. And Congress supports child care through other programs like Head Start. Recent estimates show that annual child care funding exceeds $18 billion—a significant investment, by any measure.

This bill also contains language from a bill I introduced, "The Child Support Fairness and Tax Refund Intercept Act," to help custodial spouses collect past due child support even if their child is no longer a minor. A Wilmington, Delaware woman, Lisa McCave, was owed several thousands of dollars in past due child support. The Federal Government discovered that the father was about to receive several thousand dollars in a tax refund. However, because her son was no longer a minor, the IRS could not intercept that money for her. She had to work two jobs to raise her son and put him through college, while he waited out the clock until his son was no longer a minor so he could enjoy his tax refund. Thanks to Lisa McCave's willingness to step forward and ask for justice, millions of parents in the future will be able to intercept tax returns to pay the child support owed them, even if their child is no longer a minor.

With all the improvements to our welfare system contained in this bill, I believe there are a few issues we should continue to review. I appreciate the one year extension of Transitional Medical Assistance, a program that provides continued health coverage for former welfare recipients, but I hope we can extend and simplify this authorization for five years as the President's FY 04 budget recommends—and do so in a way that does not effect Medicaid administrative funds. I have introduced legislation with Congressman LEVIN to extend this valuable program, and I look forward to working with the Senate and the President to accomplish this goal.

Also, it is my hope that we can reinstate the state flexibility provisions and give our Governors the ability to find innovative ways to meet and exceed the goals of this legislation. State waivers were critical to Delaware's success in the past and they are critical to our continued success in the future.

Finally, education is important to reducing unplanned pregnancies and achieving independence for working men and women. Abstinence education is an important part of this effort. Yet, the language in H.R. 4 provides an overly simple solution to a complex problem. In my opinion, we cannot restrict access to basic health information if we are to promote responsibility.

In conclusion, I support H.R. 4—the beginning of our efforts this year to create the next generation of welfare success stories.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), a new member of the Committee on Education and the Workforce.

Mr. DAVIS of Illinois. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I have always been told that when you begin with a faulty premise, you are likely to end up with a faulty conclusion. When you continue to give large, multiyear tax cuts to the most wealthy, how in the world do you expect to have enough real money to provide temporary assistance for needy families? When you allow companies to incorporate out of the country to avoid paying legitimate taxes, how in the world do you expect to have money for temporary assistance to needy families? When you give away billions of dollars in subsidies to agricultural and other big business interests, how in the world do you expect to have money to provide day care for children while their parents go to school or go out and look for a job?

The fact of the matter, Mr. Chairman, is that poverty is on the rise and the need for public assistance is on the rise, while this bill will not do anything in the world to really slow it down or to help people get out of it. We know that TANF has not done enough to address the needs of the most vulnerable in our society. Reductions in poverty come as a result of economic growth. We know that more than 2 million people lost their jobs last year. We know that many people who get jobs through TANF end up working at low-income poverty wages, mired down at a level where they will never get out.

I support the Cardin amendment. I support the Lee-Kucinich amendment. It is really our best hope. Reforming and reauthorizing a TANF program that not only takes people off welfare, but also takes people out of poverty should be the focus of this Congress, not simply passing a neatly packaged pig in a flight bag and calling it a welfare program.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, we heard some of the same dire predictions from the other side when we passed this legislation originally in 1996. We heard predictions that the caseloads were going to rise, that unemployment was going to rise, that the child poverty level would reach all-time highs. In point of fact, the opposite has occurred. Instead, welfare rolls shrank as many Americans moved from welfare to work, from dependence to self-sufficiency.

Over the last 6 years we have seen incredible results, results that need to continue to spread for the benefit of our Nation as a whole. 3.6 million fewer Americans live in poverty today than in 1996. Employment of single mothers is now more than 70 percent, which is an all-time high. Since 1994, welfare caseloads have fallen by 60 percent, today leaving less than 2 percent of the U.S. population on welfare. Moreover, crime has dropped, illegitimacy has declined, and abortions are rarer.

A lot of good things came out of that legislation that we passed in 1996.

□ 1230

We knew that the original system that was designed for a different time and a different era. It was designed for a time when most of the women were home. Most women did not work outside the home, and out-of-wedlock births were rare; but times changed and we have reformed a system whose incentives were perverse that discouraged self-sufficiency, that subsidized out-of-wedlock births, that trapped beneficiaries by making it too costly for them to go back to work because of the benefits that they would lose. By sharing this responsibility with the States, we are using the federalist model going back literally to a lot of innovation we get at the State level that is discouraged by Federal bureaucracies.

This legislation takes us to the next step. I think it would return more people and move them off of the welfare rolls, on to payrolls, of building successful families and building a successful country. I want to thank the authors of this legislation, and I am proud to support it.

Ms. WOOLSEY. Mr. Chairman, I would like to just say that a lot of good things came out of the Clinton economy, and we can all be glad for what happened with that, but that economy is not the same.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY), my friend, for her persistence on this issue and her leadership on this issue.

There is a national consensus in America that if people are able-bodied to stay on welfare, they should have to work and the goal should be to work to get off of welfare. But there is also a national understanding, or there should be, that we cannot have a law that says people have to go to work if there are not any jobs for them to get. Today in America there are about 8 million people without a job looking for work and about 2½ million unfilled jobs being advertised. It makes no sense to tell people they must get a job that is not there. There is a national consensus that people should be good parents at the same time they are good workers. This bill would require people to hold down three full-time jobs if they want to really get out of poverty and advance their family: the job they have to hold down to stay off of welfare; the job they need to do to go to school on evenings or weekends or whatever time they can find to move out of poverty; and the job they need to do as a mom or a dad, which is their most important job. Requiring people to hold down three full-time jobs is a surefire recipe for more poverty and greater welfare rolls.

And finally I thought there was a national consensus that we are going to stop telling State governments and State taxpayers what they had to do with their money. This bill contains $10 billion of unfunded mandates for the States at the time when they can least afford it. This bill violates an underlying bipartisan consensus for welfare reform. The Cardin bill, which the gentlewoman from California (Ms. WOOLSEY) helped so actively to write, would instead carry out that bipartisan consensus. It deserves the support of every Member of this body.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of our leadership team.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

We have got a new freshman class this year; and a month ago one of the Members said to me, You have been in Congress 10 years. What is the most significant thing you have done?

And I thought and I said, I believe it was supporting welfare reform. And here is why. In 1994 there were 14 million people on welfare. Today there are 5 million. Still too many, and yet 9 million people are now in the workplace, having a very positive effect, enjoying life and supporting themselves.

Some of the principles that are very basic American principles in the welfare reform bill are promoting work, improving child care, promoting healthy marriages and strengthening families, fostering hope and opportunity. These are all basic American rights and giving those 9 million people an opportunity to participate in them.

Since 1996, work among welfare recipients has tripled. Employment of single mothers is now more than 70 percent, an all-time high. Since 1994, welfare caseloads have fallen by 60 percent, leaving less than 2 percent of the U.S. population on welfare. These are all significant and positive. The numbers go on: 3.6 million fewer Americans live in poverty today than they did in 1996; 2.7 million fewer children are in poverty today than in 1996. These are real changes, and we did this despite the rhetoric that we heard in 1996, which we are again hearing from the left who like status quo and do not like change. They address children.

Look at the facts on children. This bill increases child care funding. It improves child care quality and strengthens child care support, and that is something that we could get into on another topic. Look at the numbers. The increase in child care expenditures under welfare reform goes from $3 billion to $9.7 billion. If the Members want to help children like those of Bruce Mullins, help pass this bill because these are real people. It has had a positive effect on them, and I believe that our actions today will not always be known by all the people who can benefit from it; but our actions will be felt by those, and therefore I support this bill and I thank the gentleman from Ohio.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), one of the leaders in education.

Mr. KILDEE. I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time.

Mr. Chairman, I rise in opposition to the Republican welfare bill and in support of the Cardin-Woolsey-Kind Democratic substitute. Mr. Chairman, much has changed from the last Congress when we last debated this legislation. Our States are facing deep financial deficits. States are cutting health care programs, funding for the schools and universities, and struggling to ensure their citizens have employment. The bill we are debating today does not recognize these dire times for our States.

The Republican bill would increase work requirements when 8.3 million Americans are out of work. The Republican bill fails to provide adequate child care funding, relegating many of the children to substandard or unsafe child care arrangements. The Republican welfare bill actually reduces education and training opportunities for TANF recipients. Fortunately, the Democratic substitute offered by the gentleman from Maryland (Mr. CARDIN), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Wisconsin (Mr. KIND) provides us with a viable alternative to improve this country's welfare system. The Cardin substitute would allow 24 months of education and training to permit a TANF recipient to get the skills they need to acquire a good-paying job. The Cardin substitute would increase child care funding by $11 billion over the next 5 years. The Cardin amendment also ensures that TANF recipients do work by requiring that 70 percent of welfare recipients are engaged in work activities.

Today's debate should not be a debate over whose bill forces more welfare recipients to work longer hours. Instead, we should be focused on how the system can help individuals to acquire long-term, high-paying jobs.

Mr. Chairman, I urge Members to defeat the Republican bill and to support the Cardin-Woolsey-Kind substitute.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from South

Carolina (Mr. WILSON), a valued member of our committee.

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Chairman, it is an honor for me to be here today to speak on behalf of the reauthorization of welfare reform. I worked on welfare reform in the South Carolina State senate 7 years ago. I heard the same arguments, that it would not work; and we were able in South Carolina to enact welfare reform, and exactly like the Republican Congress in 1996, reduce the caseload, provide jobs for people, provide training, the child care and the health care. It was the greatest experience, and it has been the most exciting activity. I agree with the gentleman from Georgia (Mr. KINGSTON), it is the most exciting activity that I have participated in in legislation.

Additionally, there has been some question as to whether we have had sufficient meetings. Last year I was very fortunate thanks to the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Texas (Mr. DELAY) and the gentleman from Ohio (Mr. BOEHNER) to be working on this issue. We met dozens of times. It was all very positive. And the effect has been, as the Savannah Morning News and the Carolina Morning News have reported, that welfare reform has been the most successful social program in the last 50 years. So I am excited to be here. It speaks for itself, and I urge a positive vote today on reauthorization.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), a valued member of the Committee on Education and the Workforce.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility, Work and Family Protection Act. I opposed this bill last year when we had the same debate. Since then more workers have lost their jobs, more families have lost their homes, and more Americans are in need of Federal assistance. Jobs are scarce as businesses continue to fail. Instead of considering a new bill that reflects this new economic environment, the Republican leadership has brought to the floor the same inadequate bill from last year. Education and training should be the cornerstones upon which this legislation is written. We should be stressing basic literacy, English as a second language, GED completion, and on-the-job training, rather than cynically labeling them welfare scholarships.

In my congressional district I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent, and we lead the State of Texas in job creation. I urge my colleagues to vote against the Republican bill. It is the wrong bill at the wrong time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), a valued member of the committee.

Mr. OSBORNE. Mr. Chairman, I would like to rise in support of H.R. 4. I think that H.R. 4 addresses some of the issues that have become increasingly problematic to our young people, and I observed some of these problems in over 36 years of coaching.

Back in 1960 when I started out, roughly 5 percent of our athletes came from broken homes. Today, roughly one half of our marriages end in divorce. Fifty percent of our young people spend part or all of their childhood without both biological parents. So as time went on, I began to see more and more young men that I was working with carry a lot of emotional baggage, having their lives disrupted in various ways. Currently, we have 18 million fatherless children in our country, and when their dads do not care enough to stick around and see what they look like, they have a vacuum in their lives and they try to fill that vacuum with all the wrong stuff, gangs, drugs, promiscuity, and so on. So one of the aspects of H.R. 4 that I think is particularly important is the healthy marriage program. An example that happened in my district recently was a young couple who were pretty much thrown out of both houses, their homes, and an older couple mentored them and made a tremendous difference. So we think this is very important and certainly support H.R. 4.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentlewoman (Ms. WOOLSEY), my former colleague on the Committee on Education and the Workforce, for yielding me this time.

I rise to voice my opposition to H.R. 4, the so-called Personal Responsibility, Work, and Family Promotion Act. How our names sometimes get in the way! H.R. 4 is not the solution to what we need to do. There has been success in lowering welfare rolls since 1996, but it was the good economy that did this, not welfare reform; and I would love to see numbers for welfare recipients for 2002 instead of just going back to when our economy took the dip in 2001.

We all know that education is the silver bullet and it is the key that helps individuals find higher-paying jobs which lift them out of poverty and achieve the American dream, but this bill makes the same mistakes as its predecessor by limiting recipients' access to education and training. Without these services, welfare beneficiaries are trapped in those low-paying jobs. The best solution to welfare is a job that pays a decent wage. This legislation will also have disastrous effects on our State budgets because it imposes strict new requirements but provides absolutely no funding. For example, it increases the work requirements to 70 percent, which philosophically I do not mind; but currently in my home State of Texas it is struggling to maintain its participation at 26 percent. It will cost the State of Texas $688 million when we already have a $12 billion shortfall.

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Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today to talk about a very large and important group of my constituents that the Republican TANF bill is completely ignoring.

This Republican bill is completely ignoring legal immigrants. This bill denies even its smallest safety net for families who are diligently making their way through the legal immigration process towards becoming full citizens of our country. This bill is ignoring people across the U.S. who pay taxes, who support their communities and, according to Alan Greenspan yesterday, are a positive factor for U.S. economic growth.

This bill is hurting children and families, especially in States with large immigrant populations like mine in New York. New York State, under a Republican governor, understands the necessary reality of providing some benefits to legal immigrants.

Moreover, immigrants, on average, contribute more in tax dollars than they get back through government services and benefits, and the bulk of the dollars immigrants contribute in taxes go to the Federal Government. Yet, when immigrants fall on temporary hard times, the Federal Government chooses to ignore them, and this Republican bill today ignores them as well.

If we are a nation of immigrants, then this Republican bill is not only irresponsible, it is also a slap in the face to our Nation's heritage. This Republican bill is not about finding a solution to poverty; it is about exacerbating the class warfare in this country, it is about dividing and conquering, and unfortunately they are conquering and winning.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from California for yielding the time, and for her great work on the effort to make this bill a better bill.

Mr. Chairman, since the implementation of TANF, California has tripled the number of welfare recipients who are today working. Cash aid has decreased by 45 percent and caseloads have declined more than 40 percent. H.R. 4 will not help California or any other State continue to make such progress.

The gentlewoman from California (Ms. WOOLSEY) and the others who have worked on this substitute are offering a good measure. The substitute calls for tough, real work requirements that move welfare recipients into meaningful employment. The substitute gives States flexibility to create programs that prioritize efficiency over the majority's one-size-fits-all model.

The substitute gives States the resources needed to enact these new tougher mandates, unlike the majority's bill that provides $11 billion in unfunded mandates that no State can afford. It will cost California alone $2.5 billion over the next 5 years.

The substitute balances tough work requirements with financial resources that are necessary to move people into working jobs.

Mr. Chairman, I urge all my colleagues to support the Cardin-Woolsey-Kind substitute.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 1 minute remaining.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

The success of the 1996 welfare reform law is beyond dispute. Even the New York Times has called it an "obvious success." The debate today has been about how to build on that success and how to put even more Americans on the path to self-reliance.

While it is true that the 1996 reforms significantly reduced welfare caseloads, we still have a lot of work to do. A majority of TANF recipients today are still not working for their benefits.

The Personal Responsibility, Work and Family Promotion Act builds upon the best aspects of the 1996 welfare reform law. It strengthens work requirements, enhances flexibility for States and localities, and it does so while providing States with significantly more funding for child care, which is crucial for welfare families transitioning into the workforce.

President Bush stated that no level of despair should be acceptable in our society. With this new legislation we help some of the most vulnerable members of our society achieve independence and self-sufficiency.

I urge my colleagues today to support the welfare reform law, H.R. 4.

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 15 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003. This bill does a number of things that are very important to the Committee on Energy and Commerce that I chair. It contains an extension of funding for the abstinence-only education, and also reauthorizes transitional medical assistance, and I want to speak to both of these issues briefly.

The 1996 welfare reform law included a permanent appropriation of $50 million over 5 years for abstinence-only education under title V of the Social Security Act. With tight State budgets and a requirement that States must match every 4 Federal dollars with 3 of their own, it is noteworthy that almost every State in the Union has now participated in this block grant program. The high rate of State interest suggests that abstinence-only education is indeed one of the ways to address the terrible problems of teen pregnancy and sexually transmitted diseases in our society.

Last year, my friend and colleague, the gentleman from Florida (Mr. BILIRAKIS), the chairman of our Subcommittee on Health, held a hearing on abstinence-only education. It was an eye opener.

At that hearing we learned that problems stemming from increased sexual activity among teens has not abated at all in this country. Even though teen birth rates have declined, we still have the highest teen birth rates of any industrialized nation in the world, and sexually transmitted diseases have grown dramatically. Every day in America, 10,000 young people contract a sexually transmitted disease, 2,400 become pregnant, and 55 contract HIV.

When we were growing up in the 1960s, there were really only two sexually transmitted diseases that were of a real concern. Now we are aware of more than 25, and the diseases that are primarily affecting young people today are now the viral diseases, such as human papillomavirus, herpes and chlamydia.

Mr. Chairman, these viral diseases cannot be cured. They are incurable sexually transmitted diseases. Chlamydia, for example, a major cause of infertility in young women, is asymptomatic in up to 85 percent of the cases. That means for 85 percent of the young women contracting this sexually transmitted disease, which is incurable, they may lose their opportunity ever to bear a child, ever to become a mother, ever to experience the joys and the tremendous rewards of motherhood.

One of the other things we learned was that 50 percent of the sexually active young women between the ages of 18 and 22 are now infected with the papillomavirus, or HPV. Now, this is a virus, again we learn, that most young women do not realize they have, because again it is asymptomatic in most cases. But what we have learned about it is that it is a precursor, it is one of the incurable diseases that often leads to cervical cancer. And guess what else we learned? We learned that there is no evidence whatsoever that condoms reduce the sexual transmission of this infection.

These statistics are terrifying. But they show that the safer sex model has not solved all of these problems despite more than 20 years of a variety of education programs aimed at promoting condom or contraception use.

Mr. Chairman, I urge my colleagues, for the sake of these young men and women in our society who are being infected by these incurable diseases, many of which will cause them incredible damage in their lives, and they are not aware, that we extend the abstinence-only education programs under H.R. 4. H.R. 4 simply maintains the status quo, extends the level of funding of $50 million each year through the year 2008.

New research is beginning to suggest that abstinence-only education can effectively address the prevalence of sexually transmitted diseases among young people and the proportion of births occurring to unmarried mothers. We must continue indeed that effort begun in 1996 and support abstinence-only education programs that empower students to choose abstinence for themselves, while receiving the relevant facts and information that would make them want to make that choice.

The 1996 welfare reform law also included a critical work support for former welfare recipients called transitional medical assistance.

Former welfare recipients typically enter low-wage jobs that do not offer private health insurance coverage or offer coverage with very expensive premiums. Transitional medical assistance extends up to a year of Medicaid coverage to these individuals and their families. This is the bridge of health care coverage that helps take young people out of welfare and into the workforce with adequate medical coverage in the bridge years.

There is strong bipartisan support for this assistance, which provides a valuable incentive for people to move off of welfare into work, and this 1 year reauthorization of transitional medical assistance will have a 5-year cost of $355 million.

Because funding was not included, Mr. Chairman, in the last year's budget resolution, we had to find the money to pay for it, so H.R. 4 includes a limited offset to do so.

We recognize the Medicaid budget difficulties many States are currently experiencing and important functions that are funded with Medicaid administrative costs, and for that reason, the offset included in H.R. 4 is merely a partial adjustment that lasts for only 2 years and pays for the 1-year extension of this important program.

Before 1996, common costs for administering food stamps, Medicaid and welfare were often charged to the AFDC program, the predecessor of the TANF program. These common costs have been included in the calculation of each State's TANF funds. The offset reduces Federal reimbursement for Medicaid administrative costs to reflect the portion of these costs that are already included in the TANF block grants the States receive.

In effect, this offset for the 2-year period deals with a problem we already corrected in the food stamp program in 1998, this double reimbursement for administrative costs. This is a partial adjustment that lasts for only 2 years and then phases out.

I urge my colleagues to vote in favor of H.R. 4, which indeed responsibly pays for the 1-year reauthorization of transitional medical assistance. I know there are many in this room who would like us to extend it for longer than a year. We simply have problems funding it in this bill at this time.

We recognize the careful balance we have achieved between the offset and this 1-year reauthorization, and commit ourselves to revisiting the issue again next year so that this important program can be continued.

I urge Members to join me in full support of this important legislation.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 2¾ minutes.

Mr. Chairman, we should pass a welfare reform bill that is realistic about what people need to transition from welfare to good, paying, lasting jobs. It is in no one's best interest to see people transition from welfare to work and back onto welfare. If we underinvest in job training and child care and other support services, we are setting welfare reform up for failure and wasting money.

The Democrat bill invests in permanent change. The Republican bill does not. From a public policy perspective, from a fiscal perspective, the Democratic bill makes sense.

Transitional medical assistance is a program that provides health coverage for families leaving welfare. Individuals moving off welfare wind up in jobs that do not offer health coverage, or if it is offered, it is simply too expensive. Transitional medical assistance allows these families to keep Medicaid coverage so that getting a job does not mean giving up one's health insurance.

The Republican bill only extends the TMA program for 1 year. There is no logic for that. It is temporary assistance, not a temporary program. The Democratic bill is up front about this and makes transitional Medicaid assistance permanent.

Of added concern, Republicans would cut other parts of Medicaid in order to pay for this extension. It makes no sense to take coverage from some people so that others can keep it. It is illogical.

The second provision extends title V abstinence-only sex education, but locks States into a inflexible curriculum. It is controversial and rightly so. The President and House Republicans' message on welfare for years has been loud and clear, States need greater flexibility. But when it comes to another critically important program, abstinence education, Republicans are unwilling to afford the States the same flexibility. Let me make that clear.

The substitute bill we are offering today supports abstinence education. No one disputes the benefits of teaching abstinence. Under our substitute, if a State chooses to continue its abstinence-only education program, it can. But our substitute offers States the right, the States' rights, if you will, the right to develop an education program that teaches abstinence and comprehensive contraception.

Our substitute requires any curriculum funded with Federal dollars to be scientifically and medically accurate. On that, again my Republican friends fall far short.

The Democratic substitute requires Federal dollars fund only programs proven to be effective in delaying sex. It requires a report to Congress comparing abstinence-only education to programs that teach about abstinence and contraceptives. We should listen to the needs of parents and children; 80 percent of them support abstinence and contraceptive education for their children.

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Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health.

Mr. BILIRAKIS. Mr. Chairman, I rise today in strong support of H.R. 4, the Personal Responsibility, underlined, the Personal Responsibility, Work and Family Promotion Act of 2003. In particular, I would like to lend my strong support to provisions in the welfare bill that our committee included in the package last year, and I am speaking, of course, of the abstinence-only education funds which are provided through title V of the Social Security Act and a 1-year extension of transitional medical assistance.

Last year, the Committee on Energy and Commerce approved a 5-year reauthorization of the title V abstinence-only education funding, and I am pleased to see that this language is again included in this year's reauthorization of welfare reform. This important program provides $50 million in annual funding to States for abstinence education. These abstinence-only education funds were first included as part of the 1996 welfare reform law; and today, 49, 49 of the 50 States have elected to participate in this very important program.

I am pleased that my own State of Florida has elected to participate also. In fact, during my subcommittee's hearing last year, we heard just how effective these programs can be. Participants in ReCapturing the Vision, a program that operates in an impoverished area of Miami-Dade County, have only a 1.1 percent teen pregnancy rate, a 1.1 percent teen pregnancy rate.

By continuing title V funding for another 5 years, we can encourage the development of more successful programs like ReCapturing the Vision. This is so critically important, because the consequences of ill-advised sexual activity by young people is certainly severe. As we all agree, abstinence is the only sure way to prevent the spread of sexually transmitted diseases as well as out-of-wedlock pregnancies.

The bill also reauthorizes the Transitional Medical Assistance program, or TMA. TMA ensures that low-income individuals who are leaving welfare and entering the workforce will continue to have access to health insurance for an additional, let us be clear, for an additional year past, past when they would normally become ineligible for Medicaid. This removes a powerful disincentive to leaving welfare and provides numerous low-income individuals with critical support as they work towards economic self-sufficiency. This provision is even more important today as we see the number of uninsured increasing.

Mr. Chairman, I ask my colleagues to vote for this bill. It has been proven, it has worked, and we have to continue it.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse.

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to this bill. We cannot ask mothers with small children to put in more hours of work without ensuring that their children will be cared for. This bill does not do that. It is unreasonable and flies in the face of family values.

We must increase funding for child care to ensure that we do not harm poor families and single parents. Additionally, the abstinence-only provisions of this bill should be removed. Our children should be taught abstinence, yes; but they also need to learn the facts about sex so that they know how to make good choices to protect themselves. Otherwise they will simply get misinformation from television, the movies, and their friends. We must trust parents and teachers to know how to educate their own children.

This morning at a hearing here on Capitol Hill, I heard the Secretary of State, Colin Powell, address the Global AIDS Initiative. He said that in addition to promoting abstinence, our U.S. AIDS programs abroad also emphasize full education and protection. If these are our policies abroad, should they not also be our policies here at home?

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from the great State of Florida (Mr. STEARNS), the distinguished chairman of the Subcommittee on Commerce, Trade and Consumer Protection.

Mr. STEARNS. Mr. Chairman, we talk here about abstinence. We have to look no further than Uganda for proof of the effectiveness of abstinence in the fight against HIV and AIDS.

Riddled with HIV infections since the 1970s, Uganda took the first step. It found that through community education efforts, they could develop a strategy to prevent more HIV/AIDS patients; and in fact, a study done by Harvard University has proven that promotion of abstinence through billboards, radio programs, and school sex education curricula has resulted in a slow and steady drop in HIV infection rates, as well as new attitudes about conquering AIDS in Uganda. So we have proof positive from this study that abstinence works.

When the program started in the late 1980s, the number of pregnant women infected with HIV was 21.2 percent. By 2001, the number had dropped dramatically to 6.2 percent. The Harvard study also reported Uganda adults are not having as much risky sex. Of women 15 and older, those reporting many sexual partners dropped from 18.4 percent in 1989 to 2.5 percent in the year 2000. The emphasis is on abstinence in Uganda's program. It is unique all through Africa.

In other nations where HIV infections are high, such as Zimbabwe, condoms have been promoted as an answer to ending the AIDS crisis. But we cannot ignore, we just cannot ignore this study from Harvard or ignore the success of the abstinence program in Uganda.

Mr. Chairman, the welfare reform package we consider today goes a long way in achieving our goal of empowering families, promoting independence through work and lifting millions of Americans out of poverty. One particular aspect that is of great encouragement to me is that this bill includes $50 million to provide for abstinence education. Educators, health workers, government officials, entertainment and news media outlets bombard children with the wrong messages. It is increasingly clear that unbridled sexual activity is hurting our youth: sexually transmitted diseases (STDs), AIDS, abortion, unintended pregnancy, fatherlessness, crime, welfare, violence and poverty are rampant social diseases. According to a survey by the National Campaign to Prevent Teen Pregnancy, most Americans support abstinence for teens as a way of diffusing these damaging messages.

We need look no further than Uganda for proof of the effectiveness of abstinence in the fight against HIV/AIDS. Riddled with HIV infections since the 1970s, Uganda has found miraculous success by using abstinence as its prevention strategy. A study done by Harvard University has proven that promotion of abstinence through billboards, radio programs and school sex education curricula has resulted in a slow and steady drop in HIV infection rates, as well as new attitudes about conquering AIDS in Uganda. When the program started in the late 1980s, the number of pregnant women infected with HIV was 21.2 percent. By 2001, the number was 6.2 percent. The Harvard study also reported Ugandan adults are not having as much risky sex: of women 15 and older, those reporting many sexual partners dropped from 18.4 percent in 1989 to 2.5 percent in 2000.

The emphasis on abstinence in Uganda's program is unique. In other nations with high HIV infections, such as Zimbabwe and Botswana, condoms have been promoted as the answer to ending the AIDS crisis. In Botswana, 38 percent of pregnant women were HIV positive last year, contrasted with 6.2 percent of Ugandan women. We cannot ignore the success of abstinence programs in our country and throughout the world and for this reason we must explore this option.

Sexual disease and the negative results from unwanted pregnancies cross physical borders, and are a recognizable concern for all nations and all people. This problem can only be addressed through the exploration of proven and effective methods of sexual education. It is time we give serious thought to the unique initiative of abstinence-based health education.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in opposition to H.R. 4, and I do so with extreme disappointment today.

As one that worked awfully hard in 1996 with both sides of the aisle in coming up with a welfare reform bill, working with my own State, working with the providers of welfare, working with the recipients of welfare, working with the business community, we came up with a good compromise bill.

Now, I am disappointed that we are taking the same bill that was passed last year, without legislative input, and bringing the same bill up today without committee action and the nonrecognition that the economy has changed since last year.

Mr. Chairman, H.R. 4 would severely restrict the flexibility of States such as Texas to continue the activities that have been successful in their welfare reform bills. According to CBO, it will cost Texas $688 million over 5 years to pay for the Washington-mandated policies in this bill. Texas cannot afford these enormous expenses at the same time that we face a $9.9 billion budget shortfall and a sagging economy that continues to reduce State revenue. This will force Texas to drastically cut back on basic services or raise taxes, and they are not going to do that. It would be the height of arrogance for me to stand here in Washington and vote to require Texas to increase taxes or cut spending on other programs to implement policies that the Texas legislature has already considered and rejected in favor of other policies which have been proven to work.

Vote down H.R. 4; support the Cardin substitute. It will be much better for the State of Texas and other States.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from the great State of Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications.

Mr. UPTON. Mr. Chairman, I rise in strong support of H.R. 4.

Mr. Chairman, welfare reform in the past did not work. We did not have it. It was welfare under the old system. We did not have reform. We passed welfare reform then; and President Clinton, after a couple of vetoes, ended up signing the bill, and we established a base to get our States out of the trouble that they were in.

Last year, this House passed a bipartisan proposal to again move the process forward, but there were some in the other body who chose not to take that legislation up. This year, we are acting a little quicker.

There are two very important components of this legislation. One is the abstinence-only education which provides $50 million each year to the States under a matching program. It does not take away from other programs, it works, and we have seen teen pregnancy rates drop dramatically in those States that have used it. In my State, a 40 percent drop.

The second thing that we did was we removed the incentive for people to stay on welfare in lots of ways. Primarily what we did, though, through TMA, transitional medical assistance, we are able to say to those folks that were on welfare and knew that by taking a job they would lose their Medicaid for themselves and their kids, that that is not going to happen, that we provided the transition so that those families could take a job, get into the workforce, move up the ladder, that they would not lose that provision that would otherwise have taken away their health insurance. We changed that. TMA is in this bill, it was the bill that we helped write in our subcommittee, it was done, and it is part of this legislation. I urge my colleagues to support it and move the bill again to the other body so that we can see this legislation reach the President's desk.

Mr. Chairman, I rise in strong support of H.R. 4, legislation reauthorizing the very successful 1996 welfare reform act. As a senior member of the House Energy and Commerce Committee and the Education and the Workforce Committee, two of the three House committees with jurisdiction over welfare reform, I have worked closely with my colleagues to further strengthen this legislation so that more families can know the benefits of personal responsibility, work, and stronger family units.

I'd like to focus today on two key components of the 1996 law that I have taken the lead on—the reauthorization of the Transitional Medical Assistance program and the Title V abstinence education block grant program.

One of the greatest disincentives to leaving the welfare rolls is the loss of Medicaid coverage for oneself and one's family. H.R. 4 reauthorizes the Transitional Medical Assistance program, which will ensure that individuals leaving welfare for employment have guaranteed health care coverage for up to one year.

H.R. 4 also reauthorizes the Title V abstinence education program at the current funding level of $50 million a year. When we passed welfare reform, we emphasized work and personal responsibility. We have made great strides in promoting work, but too many of young people's dreams are still being cut short by poor personal decisions that dramatically affect the course of their lives. Teen birth rates have been falling, but nearly ½ million teens in this country give birth each year—a rate higher than those of most industrialized nations. And 8,519 births are to girls under the age of 15. We know that out-of-wedlock births and teen births take a high toll—on the child, the teen mother, and our society as a whole.

Further, sexually transmitted diseases have reached epidemic proportions, placing the health and very lives our young people in serious peril. In the 1960s, one in 47 sexually active teens was infected with a sexually transmitted disease. Today, one in four is infected.

It is important to note that State participation in the Title V abstinence education program is voluntary, and this is not free money to the States. States have to match every 4 federal dollars they receive with three dollars of their own. Yet today, 49 of the 50 states are participating.

Anyone who doesn't think abstinence education works has only to examine my State of Michigan's record. The State began its own program in 1993—the Michigan Abstinence Partnership program. One reason that it works so well is its emphasis on involving entire communities—parents, teachers, health professionals, youth leaders, youth organizations, and community leaders—in developing programs tailored to their unique needs. Michigan's teen pregnancy rates have dropped 40 percent in the targeted group of 15–17 year olds, and for the last several years, Michigan has been one of up to five states rewarded by the Department of Health and Human Services for achieving the largest decrease in their ratios of out-of-wedlock to total births while also experiencing a reduction in their abortion rates.

Abstinence education programs are much more than "just say no" programs. They are positive, motivational programs that give young people the information and inspiration they need to think of their futures and abstain not only from sexual activity but also from drug and alcohol use.

Mr. Chairman, President Bush got it exactly right when he said that abstinence is not just about saying no to sex, it is about saying yes to a happy, healthier future.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in opposition to the underlying bill and in support of the Cardin substitute and in outrage for the circumvention of the committee process.

Mr. Chairman, last year in the Education and the Workforce Committee, we sat down and discussed TANF reauthorization extensively. We had several days' worth of hearings at both the committee and subcommittee level before a two-day markup in full committee. Two other committees—Ways and Means and Energy and Commerce—worked on the bill at the same time. Then the leadership of the majority party brought the bill to the floor, they only allowed two hours of debate and no amendments were permitted. This was an egregious example of the political partisanship and poor procedure that has dominated the House in recent years. But this year, the situation is even worse; no committees looked at the bill. The entire committee process was ignored, and again we have is no opportunity for real debate or amendment on the floor.

Mr. Chairman, I don't know if some of my colleagues have noticed, but since we last looked at TANF reauthorization, we've had an election. Aren't the new members of this body entitled to hear more this bill? Aren't they entitled to their say in committee? We've also seen our economic situation get worse last year. Unemployment has gone up. Wouldn't it be a good idea for the committees to discuss the effects of these factors? Is it wise to ignore any potential new research that may have been conducted?

I'm not going to speculate as to why the leadership found it necessary to circumvent the committee process. But this is a dangerous precedent to set, and we should do more than give a cursory examination when we reauthorize the program providing assistance to the neediest of our families.

Not only should we have looked at this bill in committees, but we should also be focusing more on trying to find the facts behind temporary assistance in this country. Welfare reform is still an experiment in progress. We still do not know what happens to people who leave the welfare rolls. Are they working? Are the unemployed? Are they simply off the rolls? What factors contribute to the ability of people to comply with TANF work requirements? No one knows for sure.

That's why as we go through this reauthorization process, it is vitally important that we improve the research and data reporting in TANF. In order to make informed decisions on the directions that TANF and CCDBG should take we need more information on the issue.

I believe that while maintaining pressure on the states to move people from welfare to work, the renewed TANF should also help families move up the job and income ladders. We should eliminate the caseload reduction credit and phase in an employment credit. For each 1% of the caseload that obtains employment, the work participation rate would be reduced by 1%. In addition, there would be extra credit for recipients who obtain higher paying jobs. Another way of assisting families in moving up the income ladder is giving people the tools to get a good job with the potential for advancement, not a dead-end make-work job. We need to provide the training for individuals trying to get jobs. This is how we can ensure that families will not return to the welfare rolls.

We must also give parents what they need to achieve the work requirements. First and foremost, this means providing funding for quality childcare. A parent will not make a reliable employee if he or she is always concerns about the quality of their child's care, or cannot get childcare at all. If welfare recipients are going to get real jobs that uplift their self-sufficiency and if children are going to have the care and attention they need to grow positively, we must need good childcare programs.

Mr. Chairman, all these issues could have been brought up in committee. All of them could have been considered during markup or addressed by witnesses during hearings. But we never got the chance. And while I laud the goal of providing TANF recipients with the resources to move from welfare to work. I cannot support this bill and I cannot condone the circumvention of the legislative process.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE), who establishes his health care credentials very well.

Mr. INSLEE. Mr. Chairman, I rise in support of the Cardin substitute on the basis that not all welfare reform plans are created equal. The Cardin plan, I believe, is the superior plan for one basic reason. That reason is that it will work. It will work where the rubber meets the road, which is actually getting people to have livable-wage jobs, rather than to put them in temporary make-work positions where they are going to wind up right back up on the public assistance program.

The reason I believe it will fundamentally succeed is that the Cardin plan recognizes the reality that without providing people child care while they are going to school, while they are going to vocational school, while they are going to community college, they will not succeed in breaking the chains of poverty. The Cardin plan makes allotments to States to allow that to happen.

I have to tell my colleagues, the States are in big trouble and they are incapable of doing this job right now without assistance. In my area, at the Edmonds Community College, Shoreline Community College, we have enrollments at Shoreline Community College of thousands of students overenrolled in this program to break the chains of poverty. We need to give these students child care to make sure kids are not waiting in the parking lot while mothers are in, or fathers are in, retraining but, in fact, are cared for during their development years.

I have to say that this is going to cost the State of Washington $144 million. Where is the help from Uncle Sam? The Cardin bill will do it. It will make welfare reform work.

The CHAIRMAN pro tempore (Mr. KOLBE). The Chair would advise the gentleman from Louisiana (Mr. TAUZIN) that he has 1 minute remaining and the right to close, and the gentleman from Ohio (Mr. BROWN) has 8 minutes remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON), and I am reminded that Governor Davis has talked about the inflexibility and mandates of the Republican plan.

Ms. WATSON. Mr. Chairman, the bill that is on the floor today comes without any committee consideration by either the Committee on Education and the Workforce or the Committee on Ways and Means.

Yesterday, I testified before the Committee on Rules on two amendments that would ensure fair and equitable access to ex-drug offenders, since the President pointed out in his State of the Union that we need to do more to rehabilitate ex-drug offenders, and also one that would protect the Federal civil rights and workplace rights for welfare recipients. Like so many other amendments, they were summarily rejected. My bills were fair and reasonable, and I believe they deserved a chance.

H.R. 4 imposes massive and costly new mandates on States that they cannot afford. My State alone has a $35 billion shortfall. The billions of new costs that States are being asked to burden will force many States to raise taxes and cut necessary services. Cutting services will include a reduction in welfare programs such as child care, transportation, and skills training to make welfare recipients job-ready. Is this reform? No, it is not.

Implementing the Republican proposals in California will cost our State an additional $2.8 billion over the next 5 years, and we do not have the money.

□ 1315

Without additional funding, the costs for child care in California alone are projected to increase by $130 million. Reject this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, the crux of a lot of this, no one disagrees with a lot of what the gentleman from Louisiana (Mr. TAUZIN) has touted in terms of this abstinence program, there may be some issues that need to be worked through, but all of us are in support of curtailing the transmission of sexually transmitted disease.

The challenge, I think, that many of us have with this is that the Republican approach, in addition to some of the procedural challenges raised most recently by the gentlewoman from California (Ms. WATSON), is that many of the freshman Members have never had an opportunity to hear this committee or hear a debate or to have hearings to talk a little bit about what the bill will accomplish. We did not even have it marked up.

Some may say we focus too much on process, but it is important for those who have only been here a little over a month now to have that opportunity.

Two, we constantly complain in this Chamber about imposing unfunded mandates on States. Coupled with the fact that so many States as has already been mentioned, including my home State of Tennessee, faced with some $350 to $400 million in shortfall which pales in comparison to California, Florida, Texas and New York, nonetheless these are real dollars for real people. Here we are now imposing another unfunded mandate on the States.

As much as I appreciate the vigor, the zeal of many of my friends on the other side of the aisle, and many on this side who support the abstinence programs and other aspects of the this bill, we need not kid ourselves. Unemployment is up. Many of the economic factors and indicators of the past 4 to 6 years that have moved in the right direction are not moving in the right direction for a variety of reasons.

It is my hope that we can all see fit to support the Cardin substitute, not because it is a Democratic substitute or because it is not the Republican bill; because it actually provides States with the resources to do all of the things that all of us hope we can do, which is move people from welfare to work.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I oppose H.R. 4, the Personal Responsibility, Work and Family and Promotion Act.

I opposed this bill during the last Congress and I oppose it now. For as long as I remain in this House, I will oppose any bill that claims to help American families while punishing them. I oppose H.R. 4 because it offers no educational opportunities, and I state, no educational opportunities. It does not provide for adequate funding for child care, for child care, I state. It is very important to a lot of us.

It does not restore the benefits to legal permanent residents.

I am tired of bills that pretend to promote families, that pretend to promote families. I am tired of bills that tell the unemployed that you are just lazy.

Unemployment rates are steadily climbing in our country. It is time we get serious about fixing our problem. If you ask any person on welfare in this country if they would be rather working, overwhelmingly the majority would say yes. They desire to work and we should make sure we do increase the workforce.

We are at a time in our country where we do not have the employment right now, and more and more people are in poverty. And yet we are asking many of these individuals to go out and fight for this country. And yet we are willing to put more people out in the streets and not provide jobs. We should be providing jobs.

We should be providing educational training, vocational programs. We need to have access to English language training. We needs more access to literacy programs. Jobs in this country are becoming scarce. We need to provide help for people.

I oppose this legislation.

Mr. BROWN of Ohio. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. KOLBE). The gentleman from Ohio has 3½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time, and I associate myself with his opening remarks.

Mr. Chairman, I rise to try to inject a heavy dose of economic reality into what has been a morning of self-congratulation. TANF was not a success because of our brilliance, Mr. Chairman. The economy more than any other factor made TANF a success, yet this bill ignores the economic cycles and is on automatic pilot going in precisely the wrong direction.

This is the worst economy in 15 years. Yet we are increasing the hours of work for those who receive TANF and increasing the percentage of families in work-related activities. We have got 6 percent unemployment for those who are already in the workforce with skills. What worries me most, Mr. Chairman, is that TANF has already creamed off the most ready to work, yet we are raising requirements for the hardest to place. This is nuts.

This bill is a recipe for failure, not the success we have enjoyed. Look at the racial composition. We are told, hey, we have reduced the rolls. Are the rolls really down? For whites, they are down 5.8 percent; for blacks, they are up 2.1 percent. This is since 1996. And for Hispanics they are up 5.2 percent. In the third quarter, 39 States had increased welfare rolls.

In the face of these difficulties, we need more flexibility, not less. Less prescriptiveness, this is the opposite of what this bill is giving us. We know how to respond to economic cycles when it comes to business and when it comes to those who have been in the workforce. We must respond in the same rational way to those left on TANF, particularly considering that they are the hardest to place.

Mr. BROWN of Ohio. Mr. Chairman, does the gentleman from Louisiana (Mr. TAUZIN) have the right to close?

The CHAIRMAN pro tempore. Yes, that is correct.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY) who is a new member of the Committee on Energy and Commerce.

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong opposition to H.R. 4 and in support of the Cardin-Kind-Woolsey substitute and the Mink properly named substitute, which both take a giant leap forward in addressing the needs of the poor.

Let us talk about jobs. President Bush and the Republicans want to eliminate a tax on dividends when the only work involved in that is opening up an envelope. People who go to work every single day, who earn the same amount of money, now they are going to have to pay taxes on that. And let us try and instill then a work ethic in poor people.

Well, I want to say, poor people want to work. Where are those jobs? Poor people want to take care of their children. Where is the money for the child care? We want to invest in families. Poor people want to better themselves. They do not want just a job. They want to be out of poverty, and that should be our goal too.

That is what we do. We expand opportunity for education, provide $11 billion in child care funding, restore benefits to legal immigrants, include poverty reduction, not just simply caseload reduction as a new purpose of TANF.

I would contend that H.R. 4 grossly underfunds child care. It would cost $7 billion over the next 5 years just to keep up with inflation. It is an unfunded mandate to the States when, again, the plan by the Republicans does not help the States.

That is bad bill. Support the substitutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, welfare reform passed by this Congress, signed so reluctantly by Bill Clinton, has been an unmitigated success. It was built on one premise. You do not love people by condemning them to a lifetime of poverty and dependence. You love them by giving them a chance for independence and self-dignity.

Mr. Chairman, I yield the remainder of my time to the gentleman from South Carolina (Mr. DEMINT) who will close for this side.

Mr. DEMINT. Mr. Chairman, we have heard a lot of success stories today, but what is important is that we build on these successes and that we give even more Americans this dream of moving from dependency to dignity and moving to hope and to freedom. Now we must offer this opportunity to all Americans.

Mr. Chairman, I commend the gentleman and all of those who have worked in concert to make this a possibility to bring this bill to the floor and to free Americans from the oppression of unemployment to give them the skills and the abilities they need and the opportunity to move from welfare to dignity and to hope and to freedom.

Mr. MEEK of Florida. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

I rise today in opposition to H.R. 4 and in support of the Cardin-Kind-Woolsey substitute amendment.

In its current state, this bill will not only put great strains on the families and individuals we set out to protect in every other aspect of life, but adds unbearable strains on States that already suffer from shortfalls and unfunded mandates. These new requirements could cost states up to $11 billion over the next 5 years. in addition to the $50 to $70 billion in shortfalls estimated by the National Conference of State Legislators.

It is important that we write and support laws that have positive effects on our nation's families. Now, while Florida's efforts at welfare reform are by no means perfect, it has at least recognized that a well-trained adult is a self-sufficient adult. Instead of focusing on keeping participants busy for precisely 40 hours per week while they are on welfare, Florida and other States have recently placed a greater emphasis on structuring programs that provide the types of activities needed to move participants into paid employment and off of welfare, like training programs and educational incentives. Also, Florida determined that providing supports to low-income families, such as child care and transportation assistance, before they resort to welfare, is an essential part of work-based welfare reform. By increasing work program costs for families on welfare, a 40-hour requirement would limit the resources states have to help other low-income working families stay off of welfare.

The bill would reduce the flexibility states now have to tailor work activities to the individual needs of parents and families. In particular, States would have less ability to place recipients in vocational education programs because such activities generally would not count toward the first 24 hours of participation required of parents. The bill also would limit significantly States' ability to engage recipients in activities designed to address various barriers to employment—such as physical, mental, and learning disabilities, domestic violence, and substance abuse—because these activities would not count for the bulk of the mandated hours of participation.

I wonder how many children will continue to be alone or with inadequate care while parents are forced to increase their hours of work. In the State of Florida and throughout this country, we have issues in our child protective services, because many poor or near poor parents are working and children are left to fend for themselves. While this bill fosters and promotes marriages by giving States grants for research, technical assistance and promotional activities, it diverts $200 million from current bonus to States. All while hurting the single parent trying to make a living and care for their family without any additional programs.

We should have looked at this reform from the point of view of both the family and States in implementing change. We cannot use the carrot and the stick approach and not allow the States the flexibility to administer this Federal program.

States will be required to have 70 percent of their welfare caseload working within the next 5 years, up from the current work participation rate of 50 percent while keeping TANF block grants at $16.5 billion annually for the next 5 years.

Section 8 housing vouchers for low-income families will be replaced with a block grant program. These vouchers were targeted to welfare recipients for whom housing assistance is critical to obtaining or retaining employment. HUD provided 50,000 vouchers at a cost of $283 million. The program allowed families to rent apartments near available jobs, transportation or childcare. The vouchers were targeted to families who are currently receiving, are eligible for, or have left the welfare roll within the last 2 years.

But, instead, this bill fails at every turn:

Instead of increasing access to education and training, this bill requires that such activities would count for up to 24 months against a State's participation requirement.

Instead of increasing mandatory funding for child care by $11 billion over the next 5 years, and restoring the Social Services Block Grant funding to $2.8 billion per, this bill will cost states $11 billion over the next 5 years, and still sacrifice support services that would allow parents to maintain working hours.

Instead of removing barriers to serving legal immigrants, including the current ban on States providing Federally funded TANF benefits to immigrant families, the bar on serving pregnant women and children under Medicare, and the bar on disabled children under SSI, this bill retains the discriminatory restrictions despite bipartisan support for removing them.

Instead of providing States with the flexibility to tailor programs to their clients, while maintaining some minimum level of support, this bill takes away the ability to help people how they need to be helped, all the while saying that Federal agencies can choose not to help them at all by implementing a superwaiver overriding most Federal laws related to low-income programs.

We had an opportunity today to help the hardest to help find a way to self-sufficiency. Instead, we have forced States to go deeper into fiscal crisis or cut programs that could actually aid reform. Webster's defines reform as improvement by alteration, correction of errors, or removal of defects. I don't think there will be a picture of this legislation by definition.

Mr. COLLINS. Mr. Chairman, H.R. 4 reflects the President's and Congress' proposals to move more Americans off government dependence toward individual financial freedom. Prior to the passage of the 1996 welfare law, many mistakenly forecast that welfare reform would place more people in poverty. Instead, welfare rolls were cut by more than half and more than 9 million recipients left the welfare rolls and began collecting paychecks. In fact, one of the greatest success stories of the 1996 welfare reform law has been my home State of Georgia. Some have stated that States will not be able to meet the new work requirements in this legislation; this is not the case with the state of Georgia. Last year, as the House was considering welfare reauthorization legislation, I had the opportunity to speak with Georgia's Labor Commissioner Michael Thurmond about the increased work requirements in this legislation. Before serving as Labor Commissioner, then Governor Zell Miller selected Michael Thurmond to direct Georgia's Workfirst program to move Georgians from welfare to work. It was this program that laid the foundation for Georgia's success in moving so many from welfare to work. In our conversation, Commissioner Thurmond stated with the confidence that Georgia will be able to meet these standards. By passing this legislation today, this House is both honoring and building on the success of States like Georgia who are breaking the cycle of dependence and placing more Americans on the road to financial independence. Through the passage of H.R. 4, my home State of Georgia, and other States, will be able to build on the success of the 1996 law and place more Georgians and more Americans on the road to self-sufficiency.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this tax and spend bill before us today. This bill will force States to increase taxes to pay for the increased spending necessary to meet the costs of the bill's unfunded mandates.

The Republican bill would impose mandates that would force States to change their existing welfare programs. Welfare reform has been a success in Texas and across the country in large part because of the State flexibility. I do not understand why the majority wants to force States to scrap the programs that have produced this success in order to comply with a Washington-knows-best approach. The States and folks at the local level know what works and what doesn't work in their local communities. They do not need Washington telling them how to run things.

According to a survey conducted by the National Governor's Association, 41 out of 47 States who responded would have to significantly alter their welfare program in order to comply with the requirements of the bill. This will require a costly redirection of resources. States will have to dismantle effective programs that have met the individual needs of their citizens.

For example, Texas's program helped them achieve a 61 percent reduction in welfare recipients since 1996. The Texas welfare program establishes time-limited benefits and requires welfare recipients to participate in work activities. The Texas Workforce Commission (TWC) oversees the Choices employment program, as well as child care, through a system of 28 local workforce development boards. The Department of Human Service is responsible for client eligibility determinations.

If the bill proposed by the majority passes, Texas will have to dismantle this successful program. They would have to drastically scale back its vocational education program which has been successful in matching welfare recipients with business needs, and implement a subsidized wage program that the State previously rejected as being ineffective. Texas would have to end its current practice of levying a reduction in cash benefits in order to comply with the mandate that States terminate assistance completely for families out of compliance with work requirement.

The Republican plan proposes radical waivers and block grant options what would affect the basic structure of the Food Stamp Program. It puts at risk the Program's effectiveness as a work support for families leaving cash assistance, ignores the considerable flexibility States currently have to run the program, and would undermine essential protections for the program's vulnerable clients. Congress instead should maintain the Food Stamp Program structure affirmed in last year's bipartisan farm bill reauthorization.

The Republican bill would create an unfunded mandate of $8 billion over 5 years according to the Congressional Budget Office to meet the work requirements in the bill. CBO estimated that if States actually meet the 40 hour work requirement with meaningful, structured requirements instead of self-reported activities, the unfunded mandate would increase to $11 billion. For Texas, this equates to a sum of up to $668 million over 5 years. Texas cannot absorb these costs. Faced with a $9.9 billion budget shortfall, and now a sagging economy that continues to reduce state revenue, the State will have no other option than to explore alternative ways to fund the government. This will mean cutting back on basic services or raising taxes.

In would be the height of arrogance for me to stand here in Washington and vote to require Texas to increase taxes or cut spending on other programs to implement policies that the Texas legislature has already considered and rejected in favor of other policies which have been proven to work. Many other States will face the same problem, as they face an $85 billion combined budget shortfall.

Republicans do not often like the term "unfunded mandate" because States would have the option of terminating current, nonmandatory services like child care to working families to cover the additional costs, rather than spending new State dollars. However, child care is a necessary component of a welfare-to-work program, and terminating these programs are not a real option for States who want to help working families afford child care.

The Democratic substitute increases funding to States for child care assistance to match the CBO estimate of increased child care costs resulting from the work requirements in the Democratic substitute. The Democratic bill provides an additional $11 billion for mandatory child care over 5 years.

The Democratic plan focuses on moving welfare recipients into work and keeping them employed. The majority talks about their bill being tougher on work because of the 40 hour work requirement, but the reality is that 16 hours of that work is in unsupervised, unstructured activities that are not defined and could include helping children with homework or other self-reported activities. On the core work requirements, the Democratic substitute matches the Republican bill with 24 hours of work. More importantly, the Democratic substitute provides a credit for moving welfare recipients into employment, whereas the Republican bill allows States to reduce the work participation requirements simply by reducing the caseload for any reason.

The Democratic plan aims to equip welfare recipients with the knowledge and skills necessary to escape from poverty and welfare, and into a paying job, while the Republican bill does not. The Democratic plan allows for education and training to count toward the participation rate for up to 24 months, while the Republican plan limits them to 4 months. Republican plan eliminates vocational education from the list of work-related activities that count toward the State's participation rate—for the first 24 hours a week.

If you want States to be able to continue succeeding at the necessary job of helping folks get back to work, vote no on H.R. 4.

Mr. BARRETT of South Carolina. Mr. Chairman, I strongly support the Personal Responsibility, Work and Family Promotion Act of 2003. Since Congress passed historic welfare reform legislation in 1996 with work at the centerpiece of the initiative the results have been irrefutable. 3.6 million fewer Americans live in poverty today than in 1996 and welfare caseloads have fallen by 60 percent, since 1994.

In my home State of South Carolina, 70,043 people left welfare between 1996 and 2001. 70,043 people who now know the feeling of independence, self-worth and accomplishment that comes with getting a job and supporting ones family. It pleases me even more to be able to say that 82,000 South Carolinians left poverty between 1996 and 2000. Providing job training and education, increasing funding for child care programs and providing incentives to strengthen families allows people to leave welfare programs and leave poverty behind. The results have been remarkable, but there is more to be done. We need to ensure that when a person leaves the welfare system they do not return. We live a wonderful country full of promise and opportunity for everyone, anyone can do anything in this country—it's the American dream, and in many ways a job is at the heart of that dream.

The Personal Responsibility, Work and Family Promotion Act of 2003 will ensure parents will have the opportunity to tap into reliable child care so they can have the peace of mind that comes with knowing their children are safe while they train for, find, and keep a job. It's important once an individual is able to find a job they continue to train so they have the opportunity to further their career. Another key component is a stable home life because it is so important to set the stage for a child's future. American families do not want a hand out and they don't want a system that offers a life of poverty. They want a helping hand when it's needed and more importantly, they want a chance to rebuild their lives so they can provide a brighter future for themselves and their loved ones, on their own.

Mr. TIAHRT. Mr. Chairman, I've been looking forward to today for quite some time. Today we will pass a welfare reform bill that will build upon the successes of our historic 1996 reforms. In the past 7 years I have heard numerous success stories that arose from the 1996 Welfare Reform legislation that touched the lives of millions.

Our great former president Ronald Reagan once said, "We should measure welfare's success by how many people leave welfare, not by how many are added."

In 1996, there were over 14 million welfare cases. Since then, however, that number has been reduced by 9 million. But this debate is about more than just numbers—it is about people. Statistics don't do justice to the smiling faces of success.

I am often asked what I consider my proudest accomplishment as a Congressman. I am extremely proud to have been a Member of the historic 105th Congress that passed the 1996 Welfare Reform Act. Perhaps more than anything else we have accomplished during my time in Washington, reforming welfare has had a positive impact on American families.

Families have achieved independence: Welfare caseloads fell by 9 million—from 14 million recipients in 1994 to just 5 million today.

Promoting work has delivered results: Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and

Child poverty fell dramatically: Since 1996, nearly 3 million children have been lifted from poverty, and the black child poverty rate is now at a record low.

The success of the 1996 welfare reform law is beyond dispute. Our challenge and great opportunity now is to build on that success—by putting even more Americans on the path to self-reliance. I urge my colleagues to vote in favor of this bill, and help the most desperate in our society realize their dreams.

Mr. CASE. Mr. Chairman, I rise today in support of the democratic alternatives to H.R. 4, the Personal Responsibility, Work and Family Promotion Act, and in opposition to the underlying bill.

I support what is widely referred to as Patsy Mink Memorial TANF Reauthorization substitute introduced offered by Representatives KUCINICH, LEE, MCGOVERN, and, LANTOS for two principal reasons. First, I owe it to my distinguished predecessor, the late Congresswoman Patsy T. Mink, to vote to support her legacy of work on welfare reform. This substitute is based on H.R. 3113, which was introduced by Congresswoman Mink in the 107th Congress, and reflected her deeply-held belief that education was the key to enabling poor women and children escape poverty. Indeed, improving welfare law in these respects was her major legislative priority during her last term in Congress.

Second, I believe that the States should have very broad authority on how to spend their TANF funds, including decisions on whether to provide benefits to legal permanent residents and educational opportunities beyond basic vocational training. The principal bill does exactly the opposite.

I am also voting for the Cardin-Kind-Woolsey substitute, which retains the State flexibility contained in current welfare law and provides States with the option of allowing recipients up to 24 months of education, doubling the provision in current law.

I am voting against H.R. 4 because it reduces State flexibility provided under the current law and imposes an unfunded mandate on States. The Congressional Budget Office estimates that implementing the expanded work requirements for welfare mothers—up from 30 hours to 40 hours per week—will cost the States $8 to $11 billion to create make-work jobs and to provide for increased child care.

I am supportive of reasonable, fair welfare reform that moves people from welfare to work. But I reject Federal mandates that limit the States' flexibility and unnecessarily harm people who are trying to improve their futures and that of their children through education.

Mr. THOMPSON of California. Mr. Chairman, I rise today in support of strong, meaningful welfare reform.

I was not a member of this body when welfare reform was first debated in 1996. But, the changes that came about as a result of that debate have brought significant and positive developments to my home state of California.

Under TANF, California has tripled the number of welfare recipients working and their average monthly earnings have significantly increased. Cash aid has decreased by 45 percent and caseloads have declined more than 40 percent.

These are the types of results that the 1996 reforms intended our states to achieve and we must build upon them in a way that will continue to bring people out of poverty and into meaningful employment.

Unfortunately, the bill that we debate today places unrealistic expectations on both our states and our welfare recipients. Worse, it calls for the enactment of work requirements that cannot be met without enhancing childcare, job training and transportation benefits—but minimal funds are provided for these support services.

Tough work requirements are a critical component of any welfare reform legislation and I strongly support strengthening our current provisions. But, I cannot support a plan that shifts a disproportionate financial responsibility onto our states simply because the federal government has squandered our surplus.

The underlying legislation contains approximately $11 billion in unfunded mandates—costs that our states will have to bear alone in order to comply with these new provisions. These mandates will cost California almost $2.5 billion—a tremendous hit particularly at a time when the state is struggling with a budget shortfall of $35 billion.

Mr. Chairman, as evidenced by the Cardin/Kind/Woolsey substitute, we can balance tougher work requirements with the financial resources necessary to truly move people from welfare to work.

This substitute calls for tough, real work requirements that move welfare recipients into meaningful employment.

This substitute gives states the flexibility to create programs that prioritize efficiency over the majority's "one-size-fits-all" model. Flexibility has enabled California to implement individual responsibility plans following job search and job preparation activities.

We have been very successful in placing people into work first, rather than wasting both funds and time to develop plans for individuals who have already attained employment.

These innovative approaches are supported by this substitute, which encourages states to implement sensible reforms and to tailor their programs to the needs of their beneficiaries—combining though work requirements with vocational training or ESL education.

Finally, this substitute gives states the resources they need to enact these new, tougher mandates—providing the $11 billion in additional child care funding that CBO has indicated states will need in order for recipients to meet these new work requirements. By preventing unfunded mandates and promoting flexibility, this substitute ensures universal engagement and continued success in transitioning people from welfare into gainful employment.

I urge all of my colleagues to support this substitute, which will build upon the accomplishments our states have already achieved.

Mr. CAPUANO. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act. This bill, which is similar to the welfare reform bill passed by the House in the last session, extends the authorization for the Temporary Assistance for Needy Families (TANF) block grant program through FY 2008.

While I welcome the possibility of reauthorizing this vital program, I am frustrated by the way in which this legislation was brought to the floor—without any markup in the three committees that share jurisdiction on the issue. Furthermore, the House of Representatives has had ample time to rewrite this bill and present a meaningful proposal that will address the needs of low-income families and the states that administer these programs. The bill before us today is nearly identical to last year's legislation and does little to help those most in need of services. The goal of this bill should be to assist welfare recipients in finding employment while transitioning out of poverty. In order to do so, we should be focusing on adjusting the grants for inflation, providing additional funding for childcare and retaining the current thirty-hour workweek requirement while allowing flexibility for education and training programs.

This bill comes at a time when states are experiencing unprecedented budget shortfalls. The economy is sluggish and the unemployment rate has risen from 3.9 percent to 6 percent. Without additional funding, states will be forced to cut important services, including child care and transportation benefits. I cannot support a bill that increases the work requirement for those most difficult to place in employment while failing to provide adequate child care funding. If we demand that people must work for their benefits, we need to provide those individuals with the resources necessary to do so. Massachusetts currently has more than 17,000 children on its child care waiting list. An additional $111 million in childcare funding is needed over the next five years to implement this legislation in Massachusetts alone. The Democrats have responded to this crisis by offering an alternative reauthorization bill. The Cardin substitute provides states with the resources they need to meet these new requirements. It increases childcare by $11 billion over the next five years, while allowing more flexibility to count education and training as work requirements. It retains the current thirty-hour work week rule and allows states to use federal cash assistance for legal immigrants.

The TANF program has been successful in helping to move families off the welfare and into work. It is our job to ensure that states have the resources to continue this important work. I urge my colleagues to support working families and vote against the Republican bill and for the Democratic substitute.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the reauthorization of a welfare program that has brought confidence and helped restore a sense of self-worth and freedom to thousands of my constituents who have fallen on hard times. Reauthorizing the Temporary Assistance to Needy Families, or TANF, program is and should be a top priority, both for my state and our country. We have come far in giving Americans better opportunities but there is much left to do.

The landmark welfare reform Congress undertook seven years ago has been a success. Caseloads have gone down. And states now have the flexibility to spend the money in areas where it is most needed. But even more important is the fact that welfare reform has brought to millions of American citizens economic and social freedom, the feeling of self-satisfaction that comes with a job well done and a goal or milestone reached.

And though this reform has enjoyed a strong show of success, we should not be content to rest until all our work is done. This bill offers such a commitment. States will receive each and every year between now and 2008 $16.6 billion. This includes an increase in the Child Care and Development Block Grant, which goes directly to helping mothers and fathers provide better opportunities to their children, as well a measure to provide financial support to mothers newly off welfare.

This welfare program has been a success nationally and in Connecticut.

I speak of Richard Morgan, a 32-year-old resident of North Stonington. Richard enrolled in the Job Search Skills Training (JSST) class offered through the state welfare office. "It was very good, excellent," he said. "I learned some things I hadn't known before, like how to market myself. I learned how to write a resume, how to make goals." Richard now has the liberty to pursue the job and a life of his choosing.

I speak of Milagros Medina, a 28-year-old single mother of three. As a requirement of her federal welfare assistance, Medina went to a Jobs First orientation at the Connecticut Works Center in New London. After this training, Medina interviewed with Brian Kingsley, a Food Service Director, trying to get a job as a nutritionist. "Now whenever I have a job opening," he says, "I go the Connecticut Works Center first. I see them as a pre-screening support agency." Milagros now has the freedom to use her own merits as an asset.

In Connecticut, federal action and reform has made possible our Jobs First Employment Services Program, a resource to those out of work who need guidance, training and the tools to find their path. As Richard and Milagros will tell you, this program works.

If we search, we can find proof in the numbers. Connecticut caseloads have gone from 38,891 families in 1997 to nearly 12,000 in 2002. Over 60 percent of our state's families on welfare are engaged in some form of work activity. But numbers are not the true merit of this program. The heart of welfare is in its ability to offer these are men and women with new opportunities, new freedoms a new sense of self-determination. Every American has the chance, the right, to know that the doorways to success are open to him or her. This action we are taking the reforms we have put into place is that doorway.

Mr. Chairman, this welfare offers hope where there was none. It helps develop the skills, the motivation, and more importantly, the confidence and freedom to reenter the workforce. That is a right that should be available to all hard-working men and women in America. Our state programs and local officials are getting the job done. It is time for Congress to do the same.

Mr. CHOCOLA. Mr. Chairman, today, I rise in support of the Personal Responsibility, Work, and Family Promotion Act of 2003.

Over the last decade, many in this Congress have worked to turn the welfare system around. The Personal Responsibility and Work Opportunity Act of 1996 has been an enormous success. All across America, the welfare rolls are down, and many young people have returned to lives of self-reliance and dignity.

The 1996 welfare reform law expired at the end of last year. Congress must now act to maintain and expand the success of welfare reform by promoting work, strengthening families, and helping more welfare recipients move toward independence and self-reliance.

The bipartisan bill before us today helps welfare recipients follow a responsible path toward independence by increasing minimum work requirements, providing additional opportunities for education and training, and making health benefits available to individuals leaving welfare as they transition to self-sufficiency.

This legislation takes important steps to strengthen families and protect children by increasing funding for childcare, so single parents can go to work. It also provides financial incentives for states to return more money collected from past-due child support to mothers and children. And, as soon as the legislation becomes law, it makes available up to $300 million annually for programs that encourage healthy, stable marriages.

Finally, this bill frees states to seek out new and innovative approaches to serve those in need. It allows states greater flexibility and encourages projects to improve program effectiveness and to improve service delivery.

I am proud to have co-sponsored this bipartisan bill. H.R. 4 maintains and strengthens the 1996b reforms, while providing a sensible plan that promotes work, requires responsibility, strengthens families, and protects children.

Ms. KILPATRICK. Mr. Chairman, today, I voted against passage of H.R. 4, the Welfare Reform Reauthorization. I opposed passage of the bill last session and today for the same reasons.

First, the Republican bill has weak educational opportunities for welfare recipients, it places unfunded mandates on States, and implements stricter requirements without taking into account increases for inflation. This puts States in a very compromising position. Furthermore, this bill only includes $1 billion in additional funding over five years for childcare. It is general knowledge that there is insufficient money provided for childcare to meet the current needs of our nation. Moreover, the Republican bill places harsher work requirements on mothers with young children, without providing for a sufficient increase in childcare funding. How are families to cope?

Additionally, the Republican bill is only concerned about the numbers looking good on paper. The majority points to the success of the reduction of welfare rolls with the Welfare Reform Law of 1996; however, they fail to take into account the number of welfare recipients that have moved off the welfare rolls straight into low-income, minimum wage jobs. Many families still must rely on government assistance to stay afloat. Their measure of success is terribly flawed.

Providing government assistance to needy families should not be based on unlimited assistance—this is something that those of us on both sides of the aisle can agree on. However, this bill should be directed at providing fair and meaningful assistance that will help lift families out of poverty. This objective is at the heart of both the Kucinich and Cardin Substitutes that I supported. Both of these alternatives to H.R. 4 put a greater emphasis on educational opportunities and programs—an approach that would ensure that families are able to move up the economic ladder. Without the opportunity to learn a trade or pursue post-secondary educational options, the outlook for families being able to move off of welfare and improve their economic status is bleak.

Welfare reform should include policies that provide real solutions to helping families leave and stay off of welfare. Helping families to succeed is the Democratic approach—and the right approach. If we fail to enact policies that give families a real chance to create a better life, we fail families and we fail children.

Ms. McCARTHY. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003 and in support of the Cardin/Kind/Woolsey alternative.

I supported the 1996 Welfare Reform bill (P.L. 104–193). States like Missouri have made great progress in moving 100,000 individuals from welfare to work. Ms. Jones is one of Missouri's success stories. When she was called into Department of Family Services (DFS) case management she had numerous barriers keeping her from employment. She had three children, ages 9, 10, and 11. Ms. Jones had no driver's license, no automobile license, no insurance for her car, and the car needed mechanical repairs. Before she could get a job these barriers had to be addressed. She received Temporary Assistance. With the creative collaboration of DFS and the Welfare to Work consultants, Ms. Jones is no longer receiving Temporary Assistance, has employment paying her $8.50 per hour, has her driver's license, transportation and some new uniforms to wear.

To continue moving individuals from assistance to gain employment maintaining state flexibility is critical to the success of welfare reform. State like mine have been the laboratories for change and success in moving people from government assistance to self-sufficiency. The state of Missouri utilizes an innovative case by case assessment in providing temporary assistance. We participate in effective community based partnerships that foster independence from public assistance and improve family well being. We have award winning programs that promote and provide youth mentoring, extended school days, parenting skills, child development, job training, post-secondary education, and job placement services that are effective at moving welfare recipients into self-sufficiency.

H.R. 4 jeopardizes the flexibility that Missouri utilizes in providing personalized case management through these programs. H.R. 4 eliminates Missouri's flexibility in vocational education training by stipulating only four months of education and training. In a time when states like mine are already facing serious deficits and cut in spending, this bill exacerbates their budget woes by providing no new money to implement its stricter work and participation requirements, and states currently cannot balance their budgets as required by their constitutions. Missouri would have to come up with over $200 million dollars to implement to inflexible changes in H.R. 4 when it is already facing $814 million in deficits. This does not include the $116.5 million Missouri would need in additional child care money to ensure the children affected will have access to safe and nurturing care. The bill before us today funds the Temporary Assistance for Needy Families—TANF—block grant at the 1995 level and proposes barely enough funding for childcare to keep up with inflation.

The Cardin/Kind/Woolsey substitute both provides an inflationary increase in the TANF block grant (an additional $6 billion over five years) and increases child care funding by $11 billion over five years. If my colleagues on both sides of the aisle truly want to promote self-sufficiency and encourage more single mothers like Ms. Jones, who has moved off of temporary assistance, then we must adopt the Cardin/Kind/Woolsey substitute because it provides the resources that promote working toward self sufficiency.

Mr. Chairman, stricter work requirements with fewer resources is a losing equation for the welfare mothers and children of metropolitan Kansas City and for our nation.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 4, the Republican welfare bill, and in support of the Democratic alternative offered by my colleagues Representatives CARDIN, KIND, and WOOLSEY.

To paraphrase baseball great Yogi Berra, this legislation "is like deja vu all over again."

Indeed, the bill we are considering today is almost identical to the flawed welfare bill we debated last May. Since then, our national economy has continued to stagnate, unemployment has risen sharply, and our states have fallen further into fiscal crisis. In light of this, one would think that the Republican Leadership would take some time to re-think their welfare bill and write a better one. Instead, they offer today the same welfare bill that failed to pass Congress last year. What wasn't good enough for America's working families then, is worse for America now.

There are three main problems with H.R. 4. First, it burdens the states with a large unfunded mandate. Second, it fails to provide welfare participants with adequate access to education and job training. And finally, it significantly underfunds childcare.

I strongly support putting people to work to help them obtain self-sufficiency. While the Republican bill requires more work hours, H.R. 4 does not provide the states with the resources to implement these additional work requirements. According to the Congressional Budget Office, it will cost $8–11 billion to comply with these new provisions. In North Carolina, which is in the midst of a severe budget crisis, H.R. 4 would cost $222 million.

Additionally, welfare reform should not limit one's opportunity to succeed and care for one's family. Under the Republican welfare bill, education initiatives that allow welfare recipients to take community college classes or obtain their GED are eliminated. That's unacceptable. As the former Superintendent of North Carolina's public schools, I understand how important education is to finding and keeping a good job. Education is the key to a successful future. Many of the folks who remain on the welfare rolls today are the least prepared to enter the workforce, and we must provide them with the tools they need to lift themselves and their families out of poverty.

Finally, the republican bill also requires parents to work ten more hours per week, yet it does not provide enough resources for childcare. Finding quality childcare is one of the most daunting challenges with which welfare recipients must contend. Good childcare helps young children develop and keeps older children in positive, productive environments. It keeps children off the streets while their parents are at work. This is common sense. If you require folks to spend more time working, you must give them an avenue for caring for their children.

I support the Democratic alternative to this bill. As a member of the New Democratic Coalition, I especially want to commend the good work done by my colleague Congressman KIND on this alternative. Mr. KIND's leadership has produced a far superior bill. Like H.R. 4, our plan requires more work hours, but it goes much further in providing the resources necessary to make welfare reform work. It also allows states to count education and job training as work related activities, which help welfare recipients prepare to get good jobs and permanently leave the welfare rolls. Further, this alternative makes reducing poverty a core purpose of the welfare program. And most importantly, this plan invests significant resources for childcare.

Mr. Chairman, I've lived all of my life in the rural communities located in the heart of North Carolina. There we share common values that stress the importance of family and hard work. Welfare reform should provide families with the tools to lift themselves out of poverty to self-sufficiency. Disappointingly, the Republican welfare bill will not work; it will fail our families. Conversely, the Democratic alternative honors hard work and provides our families with opportunities to find hope and achieve success.

I urge my colleagues to oppose H.R. 4 and to support the Democratic alternative.

Ms. ROYBAL-ALLARD. Mr. Chairman. I rise today in opposition to H.R. 4, a bill to reauthorize the Temporary Assistance to Needy Families Program.

The purpose of this program is to move people from welfare to work; however Democrats and Republicans approach this effort very differently. The Democratic plan moves welfare recipients into real jobs and out of poverty. Republicans focus only on adding work hours, even if it means pushing recipients into minimum wage jobs that keep them in poverty.

The Democratic plan provides education and training to workers, so they can move up the economic ladder into decent paying jobs. The Republican plan ignores the need for training.

The Democratic plan increases access to quality child care, which is critical for families moving from welfare to work. The Republicans underfund child care programs by 9 billion dollars.

Finally, the Democratic plan provides States with the flexibility to tailor their services based on past experience. The Republican plan forces states into a one-size-fits-all program full of unfunded mandates that ignores the unique needs of individual states.

Mr. Chairman, it is clear that the Democrat approach will reform welfare in a way that helps move people from welfare to work with the hope of improving their quality of life. I urge my colleague to vote against this punitive Republican bill that fails to offer hope, and support the Democratic substitute.

Mr. UDALL of New Mexico. Mr. Chairman, today we are considering critically important legislation to reauthorize the Temporary Assistance for Needy Families, TANF, block grant program for another five years. This is an incredibly important task made even more so in light of the difficult economic circumstances our country is currently facing. In light of the fact that there are over 8 million Americans out of work. And in light of the fact that nearly all of the states are facing serious fiscal crises.

Unfortunately, I believe that H.R. 4 fails to take into consideration the particularly difficult times facing some of the most vulnerable individuals in our society and those becoming increasingly more vulnerable in these times of economic uncertainty. Now is not the time to impose more restrictions and costs on states and TANF recipients, yet that is precisely what H.R. 4 does. And it does so without providing any additional funding, which does not fit my definition of compassionate conservativism.

Seven years ago, when TANF was created to replace the AFDC program, the bill was funded at $16.5 billion per year. Today we are considering a bill that not only provides only the exact same amount of money as the 1996 welfare reform bill, disregarding inflation, but also increases TANF recipients' required work hours from 30 hours to 40 hours a week. According to the Congressional Budget Office, this provision alone will cost the states $8 to $11 billion over the next five years, and will cost my home state of New Mexico an estimated $100 million to implement the work participation requirements. These additional mandates that lack the funds to accompany them will exacerbate already dire fiscal crises in the states. The combined 2002–2005 state budget gap is projected to be $189 billion. Add the additional costs associated to implement the work requirements and the states are staring a combined budget gap of $200 billion right in the face.

In addition, H.R. 4 also fails to help working mothers with the increasing cost of childcare. Though the bill does include $1 billion in new mandatory child care funding—the only new funding in this legislation—this amount is not nearly enough to help cover the additional child care funds that states would need to implement the child care provisions in H.R. 4. New Mexico alone would require an additional $50 million over 5 years to implement the childcare provisions of this legislation.

I do strongly support, however, the substitute legislation being offered by Mr. CARDIN, and Mr. KIND, and Ms. WOOLSEY. Not only does this legislation strengthen current work requirements and provide states with the flexibility and freedom to innovate, but also provides sufficient funding necessary to help states with additional requirements.

The substitute being offered today increases work participation rates from its current level of 50 percent by 5 percent a year to reach 70 percent by 2007. It increases the number of work-focus activity hours from 20 to 24 hours, and provides states the option of increasing the number of required hours of work from 30 hours to 40 hours a week if they so desire. However, unlike H.R. 4, the substitute provides the states with the resources necessary to meet these changes. The Cardin-Kind-Woolsey substitutes provides inflationary increases for the TANF block grant, which equals an additional $6 billion over five years, as well as an additional $11 billion for mandatory childcare funding over five years to meet the requirements.

Mr. Chairman, as President Franklin Delano Roosevelt once said, and which is engraved on a wall at the FDR memorial not 15 minutes walking distance from here, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little." Today, as we consider this legislation to provide a safety net for our great country's poorest and most vulnerable population, as the income disparity between the rich and poor continues to grow, this quote from a great man and great leader should resonate loudly throughout the chambers of the capitol and throughout the land. We need to help provide opportunities for people to get out of poverty and off of TANF. H.R. 4 does not do this, but instead imposes unfunded mandates on states. H.R. 4 focuses on caseload reductions, not poverty reduction, which should be the true standard by which a successful welfare program should be measured.

I urge my colleagues to vote against H.R. 4 and support the Cardin-Kind-Woolsey substitute.

Mr. MICHAUD. Mr. Chairman, I rise today to urge my colleagues to support the Cardin Democratic alternative on the Welfare Reauthorization bill. This bill would reduce poverty, promote State flexibility, and help move welfare recipients into real jobs.

It adds a strong new work requirement, but it also provides welfare recipients with support through education, training, and childcare, and it gives states adequate resources to fund these programs.

In contrast, H.R. 4 would leave Maine with a $56 million dollar unfunded mandate over five years. Just as bad, right now, a Maine family of three receiving the maximum benefit only reaches 39 percent of the federal poverty level.

H.R. 4 doesn't give any new resources to change that. Instead, it simply asks states and welfare recipients to meet new goals, without giving them a real change to achieve them.

So let's support the alternative, and pass welfare reform that works.

Mr. EVANS. Mr. Chairman, I stand before you today to show the American people what the Republicans in Congress really stand for. This welfare reform bill perpetuates the misconception of the stereotypical welfare recipient and does little to actually help those on the welfare rolls gain economic independence. H.R. 4 does nothing to help people move into real jobs providing livable wages.

One of the key factors in moving recipients from welfare to work is the ability to obtain education and job training. This legislation ignores the reality of the situation: education is imperative to propel those on the welfare rolls into higher paying jobs that are the real road to self-sufficiency. In the current state of our economy, now more than ever, we need to provide job skills and training to the poorest families. Even skilled workers are having a difficult time finding employment, and it would be ruthless for us to turn our backs on those with less skills in their time of need.

Mr. Chairman, this Republican bill's extended work provisions are extremely troubling. Mandating a 40-hour work week for single parents on welfare without providing the needed monies for child care is reprehensible. The Congressional Budget Office estimates that $11 billion will be needed to fund for child care in order to make this extended-work mandate feasible. H.R. 4 allows only $1 billion for this care, thus leaving our already financially-strapped states in a serious predicament.

Further, this legislation lacks alternatives to abstinence-only education. It is irresponsible that we are not providing monies for comprehensive sex education program that would help reduce teen pregnancy, reduce sexually transmitted diseases and promote sexual health.

I support the Democratic substitute that understands and provides for the real purpose contained in the title: Temporary Assistance to Needy Families. These alternatives give recipients a hand up, not a hand out. By extending the definition of work to include job training, getting a GED, and care for a child under 6 or the disabled, my Democratic colleagues and I show our compassion for the poor in their time of need.

Republicans are showing their true colors by introducing this legislation: a sincere lack of understanding of the factors that lead people to seek government assistance and a lack of mercy for those down on their luck in this time of economic recession. We need a fair and decent method of helping those who need our help the most. I urge my colleagues to vote against H.R. 4.

Mr. MATHESON. Mr. Chairman, the proposal before us today to reauthorize Temporary Assistance to Needy Families TANF, is one that falls short of providing temporary assistance or focusing on needy families. While there are aspects of H.R. 4 that should be applauded, such as increasing overall funding, restoring federal support for the Social Services Block Grant, removing the disincentives for two parents families, and approaching welfare cases with a family-oriented perspective, this legislation falls short on providing the real solutions that families struggling in Utah require.

There are several essential elements for welfare reform that are lacking in H.R. 4. First, is state flexibility. H.R. 4 would limit state flexibility and subsequently undermine the welfare successes that Utah has experienced. The whole concept of the 1996 reforms was for states to tailor services. Over the last six years, it has been the ability of the states to adapt programs to meet the needs of populations with multiple barriers that has allowed caseloads to decline. Developing true self-sufficiency requires state flexibility. It means looking towards the long-term and providing credit for educational and vocational training, and it requires state alternatives to increase participation rates.

At the same time that H.R. 4 limits state flexibility, it fails to even provide adequate funding for the increased requirements it entails. H.R. 4 would require the states to do more with fewer resources. It increases the mandates on the states to increase participation rates and work hours, but does not provide the resources to implement these changes. It leaves the states without the ability to cover the increased costs related to stricter work requirements and removes the credits available to the states for decreasing caseloads without providing other benefits. This unfunded mandate cannot be supported by Utah, and will not provide the temporary assistance required at this time.

H.R. 4 also falls short on supporting families. It requires parents to go to work without any resources to care for their children. The Congressional Budget Office has estimated that new work requirements would require $44 million dollars more for child care in Utah. H.R. 4 does not provide these resources. In addition, H.R. 4 would no longer allow single mothers with children under age six to be fully compliant if they work 20 hours a week. Instead, they would be required to work 40 hours a week, despite the young children they have at home, and then would be provided with no additional resources to help them obtain child care. Such actions are not pro-child and are not pro-family.

I cannot support legislation that falls short on providing for the real people that I represent in Utah. They deserve more. That is why I support reauthorization of TANF that is built on sound principles: flexibility for the states, reasonable requirements, real work that will lead to long-term self-sufficiency, educational and vocational training, and adequate resources for childcare. Such a proposal would recognize the real needs of real Utahns and provide needy families with real, temporary assistance.

Mr. BLUMENAUER. Mr. Chairman, especially in these troubled economic times, the safety net, in the words of President Reagan, is critical for many families in Oregon and across America. Unfortunately, after months of delay, we are being presented with a TANF Reauthorization that shows little improvement from the bill presented to us almost a year ago, even though the economic situation has deteriorated dramatically in the last year, putting millions of Americans out of work. This bill does little to recognize the needs and challenges facing a growing number of Americans.

In Oregon, the new welfare system is getting its most severe test. Our statewide jobless rate is now 7.1 percent, the highest in the nation. Oregon's budget is in shambles, but we are not alone. At least 46 states are struggling to close a combined budget gap of $37 billion in the most recent fiscal year. Budget shortfalls are reaching record levels, and are projected to approach $85 billion. Some states have already made cuts to TANF-funded programs, including Ohio, the homestate of the author of this bill. At a time when states are facing serious budget crises and are being asked to do even more on hometown security, the federal government should be giving assistance, not retreating. Instead, this bill would create a series of unfunded mandates that in Oregon alone are expected to cost $100 million over the next five years.

This proposal also fails to address the critical need for childcare among families receiving assistance. A recent report by the Children's Defense Fund found that budget shortfalls have forced a number of states to reduce funding for child care, despite the pressing need for these services as economic circumstances worsen. Asking for increases in make-work hours without significantly increased childcare funding is shortsighted and ultimately destructive in the fight to help these families achieve self-sufficiency.

Finally, this bill fails to recognize the fiscal realities facing states and the mounting challenges facing a growing number of Americans. Instead of targeted tax cuts to those who are least in need; the federal government should step up to the plate and support welfare reform that will achieve a real reduction in poverty.

Mr. RODRIGUEZ. Mr. Chairman, I rise in strong opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003. While proponents of H.R. 4 argue that they are building upon the successes of the sweeping 1996 welfare reform plan by promoting independence through work and lifting millions of Americans out of poverty—they in fact promote helplessness and misery for millions.

They fail to recognize that while research tells us that even though poverty levels are down, hunger, utility cut-offs, and hopelessness have increased among former Temporary Assistance of Needy Families (TANF) recipients. Within these poor families many children suffer because poverty prevents them from having basic needs met. When the prevalence of poverty is combined with the fact that less than one fourth of children eligible for a range of government subsidies receive any of them, we are failing to protect our most important and vulnerable assets—our children.

H.R. 4 does not provide sufficient funding for programs essential to reaching the goal of reducing poverty. It would freeze the amount of the TANF block grant at current funding levels for the next five years. These funding limitations are especially critical during these times of increasing unemployment and State budget deficits. The reality is that the value of the TANF block grant has fallen by 13.5 percent between fiscal year 1997 and fiscal year 2002. In my home State of Texas alone it would take $688 million, over the next five years, in addition funding to implement the work participation requirements in H.R. 4. Forcing States to implement new provision in the welfare bill, while providing no new resources for either TANF block grants or child care, is a recipe for disaster and not a responsible approach to reauthorizing TANF.

States should be provided appropriate funding to ensure that TANF recipients receive the assistance they need to become self-sufficient. H.R. 4 does not provide states with the financial support, or the programmatic flexibility needed to tailor work activities to the individual needs of parents and families to overcome workplace barriers. Instead it imposes harsh work requirements that are recipes for failure and restricts States' ability to operate education and training programs that prepare TANF recipients for long term, well compensated employment.

Finally, an important component of any proposed reauthorization of TANF must ensure access to job and health care programs for this Nation's legal immigrants. Despite widespread support for providing hardworking, tax paying legal immigrants with the opportunity to apply for safety-net programs, H.R. 4 continues the unfair ban on providing such critical services to legal immigrant families with children. Medicaid and CHIP eligibility should be based on need, not the date one enters the country. States should be allowed to continue to use state funds to provide primary and preventative care to immigrants.

I will only support a welfare reauthorization bill with the true purpose of reducing poverty, and one which provides its participants with real opportunities and with the self-dignity to pursue the necessary tools to ensure future success.

I will support the amendments presented to this bill, made in the form of substitutes, which increase childcare funding, which allow States more flexibility to count education and training and other work preparation towards more realistic work requirements, that restore eligibility and benefits to legal immigrants and that reward States that place parents in real, long term employment.

Mr. CRANE. Mr. Chairman, I rise to lend my full support to H.R. 4 the reauthorization of the Personal Responsibility, Work, and Family Promotion Act of 2003.

Before 1996 there were many cases of honest, hard-working individuals on the welfare rolls, who, faced with hard times, were forced to rely on our government in order to help provide for themselves and their families. Unfortunately, there were also many cases of individuals who in the past abused this system set up to help those in need. I believe that individuals who choose to live off of government welfare, with no intention of leaving the rolls, not only cheat the American taxpayer, they also cheat their children and grandchildren who often live their lives trapped in a cycle of receiving government handouts.

Mr. Chairman, the bill we are considering on the floor today gradually raises work requirements over the next five years and continues to award States that are successful at moving people from welfare to work. This bill protects children with a $2 billion increase in childcare funding. The bill allows States greater flexibility in providing care for children of low-income working families. This keeps with the idea that those closer to a problem know best how to fix it. The plan also includes $300 million annually to encourage healthy marriages and two-parent married families, through programs such as pre-marital education and counseling.

Let me briefly say that despite my support for the measure, I remain concerned about some of the provisions in the legislation. While the measure does improve upon work requirements from the 1996 Temporary Assistance for Needy Families (TANF) bill, in some cases it does not go far enough. For instance, H.R. 4 increases the number of hours a welfare beneficiary must work and spend in job training programs, but it allows the states to define "work" in practically any way they see fit for these additional hours. Mr. Speaker, I am in favor of allowing States flexibility in administering welfare programs—flexibility is, after all, the linchpin of the reforms we enacted in 1996—but in my view we should set some sort of minimal standard and let the States implement them as they see fit.

Mr. Chairman, TANF has shown how, through simple common sense means, the lives of millions of Americans can change from a cycle of poverty and dependence to lives that are happier and more productive. They have shown how expecting more from our fellow citizens can lift the Nation as a whole. I am happy to support this measure and encourage my colleagues to vote in favor of this important legislation.

Mr. PAUL. Mr. Chairman, no one can deny that welfare programs have undermined America's moral fabric and constitutional system. Therefore, all those concerned with restoring liberty and protecting civil society from the maw of the omnipotent State should support efforts to eliminate the welfare state, or, at the very least, reduce Federal control over the provision of social services. Unfortunately, the misnamed Personal Responsibility, Work, and Family Promotion Act (H.R. 4) actually increase the unconstitutional Federal welfare state and thus undermines personal responsibility, the work ethic, and the family.

H.R. 4 reauthorizes the Temporary Assistance to Needy Families (TANF) block grant program, the main Federal welfare program. Mr. Speaker, increasing Federal funds always increases Federal control, as the recipients of the funds must tailor their programs to meet Federal mandates and regulations. More importantly, since Federal funds represent resources taken out of the hands of private individuals, increasing Federal funding leaves fewer resources available for the voluntary provision of social services, which, as I will explain in more detail later, is a more effective, moral, and constitutional means of meeting the needs of the poor.

H.R. 4 further increases Federal control over welfare policy by increasing Federal mandates on welfare recipients. This bill even goes so far as to dictate to States how they must spend their own funds! Many of the new mandates imposed by this legislation concern work requirements. Of course, Mr. Speaker, there is a sound argument for requiring recipients of welfare benefits to work. Among other benefits, a work requirement can help a welfare recipient obtain useful job skills and thus increase the likelihood that they will find productive employment. However, forcing welfare recipients to work does raise valid concerns regarding how much control over one's life should be ceded to the government in exchange for government benefits.

In addition, Mr. Chairman, it is highly unlikely that a "one-size-fits-all" approach dictated from Washington will meet the diverse needs of every welfare recipient in every State and locality in the Nation. Proponents of this bill claim to support allowing States, localities, and private charities the flexibility to design welfare-to-work programs that fit their particular circumstances. Yet, this proposal constricts the ability of the States to design welfare-to-work programs that meet the unique needs of their citizens. I also question the wisdom of imposing as much as $11 billion in unfunded mandates on the States at a time when many States are facing a fiscal crisis.

As former Minnesota Governor, Jesse Ventura pointed out, in reference to this proposal's effects on Minnesota's welfare-to-welfare work program, "We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the State. Why should we be forced by the Federal Government to put our system at risk?" Why indeed, Mr. Speaker, should any State be forced to abandon its individual welfare programs because a group of self-appointed experts in Congress, the Federal bureaucracy, and inside-the-beltway think tanks have decided there is only one correct way to transition people from welfare to work?

Mr. Chairman, H.R. 4 further expands the reach of the Federal Government by authorizing approximately $10 million for new "marriage promotion" programs. I certainly recognize how the welfare state has contributed to the decline of the institution of marriage. As an ob-gyn with over 30 years of private practice, I know better than most the importance of stable, two parent families to a healthy society. However, I am skeptical, to say the least, of claims that government education programs can fix the deep-rooted cultural problems responsible for the decline of the American family.

Furthermore, Mr. Chairman, Federal promotion of marriage opens the door for a level of social engineering that should worry all those concerned with preserving a free society. The Federal Government has no constitutional authority to promote any particular social arrangement; instead, the founders recognized that people are better off when they form their own social arrangements free from Federal interference. The history of the failed experiments with welfarism and socialism shows that government can only destroy a culture; when a government tries to build a culture, it only further erodes the people's liberty.

H.R. 4 further raises serious privacy concerns by expanding the use of the "New Hires Database" to allow States to use the database to verify unemployment claims. The New Hires Database contains the name and social security number of everyone lawfully employed in the United States. Increasing the States' ability to identify fraudulent unemployment claims is a worthwhile public policy goal. However, every time Congress authorizes a new use for the New Hires Database it takes a step toward transforming it into a universal national database that can be used by government officials to monitor the lives of American citizens.

As with all proponents of welfare programs, the supporters of H.R. 4 show a remarkable lack of trust in the American people. They would have us believe that without the Federal Government, the lives of the poor would be "nasty, brutish and short." However, as scholar Sheldon Richman of the Future of Freedom Foundation and others have shown, voluntary charities and organizations, such as friendly societies that devoted themselves to helping those in need, flourished in the days before the welfare state turned charity into a government function.

Today, government welfare programs have supplemented the old-style private programs. One major reason for this is that the policy of high taxes and the inflationary monetary policy imposed on the American people in order to finance the welfare state have reduced the income available for charitable giving. Many over-taxed Americans take the attitude toward private charity that "I give at the (tax) office."

Releasing the charitable impulses of the American people by freeing them from the excessive tax burden so they can devote more of their resources to charity, is a moral and constitutional means of helping the needy. By contract, the Federal welfare state is neither moral or constitutional. Nowhere in the Constitution is the Federal Government given the power to level excessive taxes on one group of citizens for the benefit of another group of citizens. Many of the founders would have been horrified to see modern politicians define compassion as giving away other people's money stolen through confiscatory taxation. In the words of the famous essay by former Congressman Davy Crockett, this money is "Not Yours to Give."

Voluntary charities also promote self-reliance, but government welfare programs foster dependency. In fact, it is the self-interests of the bureaucrats and politicians who control the welfare state that encourage dependency. After all, when a private organization moves a person off welfare, the organization has fulfilled its mission and proved its worth to donors. In contrast, when people leave government welfare programs, they have deprived Federal bureaucrats of power and of a justification for a larger amount of taxpayer funding.

In conclusion, H.R. 4 furthers Federal control over welfare programs by imposing new mandates on the States which furthers unconstitutional interference in matters best left to State, local governments, and individuals. Therefore, I urge my colleagues to oppose it. Instead, I hope my colleagues will learn the lessons of the failure of the welfare state and embrace a constitutional and compassionate agenda of returning control over the welfare programs to the American people through large tax cuts.

Mr. HONDA. Mr. Chairman, I rise today to express my strong opposition to H.R. 4, the Republican Welfare Reform bill that would push millions of American families deeper into a life of poverty.

I represent Santa Clara County, California, which has an unemployment rate of 8.2 percent. In a shrinking job market with an intensely competitive workforce, it makes no sense for H.R. 4 to require an increase to a 40-hour workweek. Many welfare recipients are already working two to three jobs trying to make ends meet.

Santa Clara County has one of the most diverse immigrant populations in the Nation. A third of current welfare recipients in the county lack basic education, and almost half lack vocational skills. Over 60 percent of current recipients have difficulty speaking and reading English.

While employers demand basic language training for these individuals, H.R. 4 eliminates any vocational education as a primary work activity. In effect, this change penalizes non-English speaking immigrants all across our Nation. I find it untenable that under H.R. 4, the road to self-sufficiency will not be paved with education and training.

H.R. 4 unreasonably increases work requirements and irrationally restricts training. It undermines TANF's goal of self-sufficiency and, most disturbingly, places harsh burdens on American families in a time of economic uncertainty.

It is even more distressing that on such a crucial issue, House Members will not be given a chance to offer amendments that would improve upon the bill. It is apparent that there are legitimate concerns with several provisions of H.R. 4—concerns that translate into real consequences for our constituents. Now should not be the time to disregard the families and children who need our leadership the most.

Mr. Chairman, in substance and in process, I adamantly oppose H.R. 4 and I urge my colleagues to support a Democratic substitute.

Mr. KIND. Mr. Chairman, I rise today in support of the Democratic substitute to H.R. 4, which reauthorizes welfare reform. H.R. 4 is a step in the wrong direction. It replaces State flexibility with unfunded mandates, it promotes make-work at the expense of wage-paying employment, and does nothing to help families escape poverty when they leave welfare for work. I worked closely, however, with representatives CARDIN, and WOOLSAY, in crafting a Democratic substitute that better assists the States in moving families from welfare to work and I am pleased to be a lead sponsor of this legislation.

Furthermore, as co-chair of the New Democratic Coalition, I am satisfied that our substitute incorporated many of the new Democrats' suggestions based on the principle of "work first."

The successful welfare legislation passed in 1996 was one of the signature New Democrat initiatives and succeeded where previous attempts to reform welfare failed.

Welfare reform, however, now faces its stiffest test since its enactment. The roaring 90's—the decade during which more than 22 million new jobs were created—are long gone. Our economy today is stagnating. The unemployment rate and welfare rolls are up. An estimated 8.6 million Americans are out of work, including 166,000 in my home State Wisconsin.

Adding insult to injury, the States, which took responsibility under the 1996 law for administering assistance programs, are in the grips of their worst fiscal crisis in 50 years. They are being forced to cut back services—services that provided critical supports for welfare recipients and the working poor and, as many recipients reach the five-year benefits limit, States increasingly will find themselves providing very basic supports for their citizens through food programs and homeless shelters.

Unfortunately, our changing economic fortune has not stopped the House leadership from pushing welfare reform legislation that fails to help those who are struggling to make end meets and imposes even more unfunded mandates on the States.

The GOP plan, for example, would drastically increase the number of house that mothers with young children will be required to work, without a corresponding increase in child care funds. In fact, House leadership would freeze funding for welfare and child care at current levels, even though the Congressional Budget Office estimates that implementing the new work requirements will cost the States an additional $8 billion to $11 billion over five years. In Wisconsin alone, this would add another $89 million to our State's projected $3.2 billion budget deficit.

Thus, the Democratic substitute is a better alternative that places welfare recipients on the path to independence from public assistance by preparing them for good paying, private-sector jobs. Our alternative reform provides the States with flexibility and freedom to be innovative in moving families from welfare to work and empowering individuals to become self-sufficient.

Currently, the most promising State programs that help welfare recipients obtain and advance in a job, combine a "work first" approach with supplements training and education. Our plan helps these States by providing employment credits and allowing them to count education and training towards their participation rate for up to 24 months. Finally, our plan combines heightened work requirements with an addition $2.2 billion per year in childcare funding to ensure that families transitioning off of welfare can afford to work.

In addition to the Democratic Substitute, I offered two amendments during Rules Committee yesterday, which, unfortunately, were not accepted by the House leadership and were kept from being debated on the floor today.

The first amendment was an employment credit that I offered with Congressman LEVIN. Currently, States have the option of taking advantage of the caseload reduction credit that rewards States with credit against its participation rate just for moving people off welfare. Our amendment, however, would have replaced the caseload reduction credit with an employment credit, thus, rewarding States for moving people into jobs, with a bonus for moving them into high paying jobs. Last year, even the Administration's plan eliminated the caseload reduction credit and replaced it with its own employment credit.

The second amendment I offered gave States incentives to put fathers to work. It rewarded States with a credit towards its worker participation rate if they worked with fathers to increase their employment and pay child support. While very little research exists about marriage and its direct benefit to children, substantial research shows a working father most effectively improves children's emotional and financial well-being.

Again, I am pleased to have sponsored the Democratic substitute with Representatives CARDIN and WOOLSEY. Our alternative is a step forward in the right direction. Today, while facing a stagnant economy coupled with unprecedented budget deficits, our welfare reform legislation ensures that families are strengthened, companies well served, and individual futures improved. By building on our past success, we can continue to help millions of Americans once and for all gain a foothold on the first rung of the career ladder.

Mr. Chairman, I urge my colleagues to oppose H.R. 4 and support the Democratic substitute offered by Representatives CARDIN, WOOLSEY and myself. Finally, I regret that this legislation was pushed through the House so quickly without any consideration from the committees of jurisdiction. Acting with such haste completely ignored the process and shut out all our new Members. Such an important issue should have received more thought and consideration.

Mr. OXLEY. Mr. Chairman, I rise in support of H.R. 4—the "Personal Responsibility, Work, and Family Promotion Act of 2003."

The Committee on Financial Services approves H.R. 4's State flexibility authority that would cut across jurisdictional lines, both statutory and regulatory, to allow States and/or local governments to conduct demonstration projects to integrate Federal programs and funds. Under the plan, entities, such as the public housing authority, and the local and State governments would petition a Federal review board for this broadened waiver, with the appropriate Secretary exercising veto authority over the plan.

An example of this waiver could be a childcare center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4 will knock down firewalls and bureaucratic obstacles that many housing organizations complain about when attempting to blend programs from different agencies.

This proposal is an opportunity to allow some demonstration programs to see different ways of tackling the problem of service delivery, poverty, and a permanent underclass that should have the opportunity to move beyond public housing and homeless shelters to fully integrate in the private sector through rental and homeownership opportunities. We have heard time and time again that we need to blend more of the programs from HHS and HUD, for example, to tackle homelessness. H.R. 4 gives us that opportunity.

Moreover, to ensure that residents in public housing have an opportunity to comment and participate in the development's strategic plan, H.R. 4 requires that the concerns of the residents be incorporated into not only the annual strategic plan submitted by the Public Housing Authority, but also the application for State flexibility. This will provide a significant opportunity for collaboration between the public housing authority management, residents and the administrators of other entities to craft demonstrations that will achieve meaningful results, as opposed to a dictate from top-management only. I can't underscore the importance of resident/tenant participation to the eventual success of these applications and demonstrations. For that purpose, H.R. 4 is noteworthy.

One of the reasons the '96 welfare reforms were so successful is that States had the flexibility and leeway to shape their welfare programs in innovative ways. This bill enhances that flexibility, offering "flexibility" to allow States to integrate funding to improve services. As Health & Human Services Secretary and former Wisconsin Gov. Tommy Thompson said, flexibility is "what the governors need and that's what the governors will have."

This new flexibility will help States create broad, comprehensive assistance programs for needy families—as long as they achieve the purpose of the underlying program and continue to target those in need. This new flexibility will help States design fully integrated assistance programs that could revolutionize service delivery. The exemptions included in H.R. 4 should alleviate any concerns that fundamental rights and protections are jeopardized. Those exemptions are: (1) civil rights; (2) purposes or goals of any program; (3) maintenance of effort requirements; (4) health and safety; (5) labor standards under the Fair Labor Standards Act of 1938; or (6) environmental protection.

I urge my colleagues to support H.R. 4.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

The welfare reform law of 1996 is a resounding success. The welfare rolls have been cut in half, the number of welfare recipients working for pay has more than doubled, the employment rate of single mothers has nearly doubled, and child poverty has reached a 25-year low. Millions of families have been freed from the shackles of government dependency. They are holding their heads up high as they earn a living, care for themselves and their families, and improve the future for their children.

Today we have the opportunity to help more families escape from the vicious cycles of poverty and despair. I am a proud cosponsor of H.R. 4, which continues the truly compassionate policy of providing a hand-up instead of just a hand-out. By coupling temporary financial assistance with opportunities for higher education and vocational skills training, more families will achieve financial independence and improve their quality of life. As the saying goes, you can give a man a fish and feed him for a day, or teach a man to fish and feed him for a lifetime.

H.R. 4 also continues the landmark program which has dramatically lowered teenage pregnancies in our nation. This program provided $250 million over five years for states to educate teenagers about abstaining from sex until marriage and remaining faithful afterwards. From 1994 to 2000, the number of unwed teenagers who became pregnant fell from 46.6 to 39.6 per thousand. The abstinence movement profoundly influenced this trend.

Newsweek magazine recently reported that "more than one-third of U.S. high schools teach abstinence until marriage and 700 abstinence programs spread the sex-can-wait gospel in all 50 states." The majority of these programs are a result of the 1996 welfare reform law. Their success can be measured by new Federal data revealing that virginal teenagers now outnumber sexually-active ones. The Youth Risk Behavior survey found that the number of teenagers who say they have never had sexual intercourse rose by 10 percent between 1991 and 2001. We must improve upon this success to give more teenagers the positive message of abstinence until marriage.

There is a great need for this message. According to the Centers for Disease Control and Prevention, three million teenagers contract a sexually-transmitted disease each year, and over half of high-school seniors lose their virginity before graduation. This is a tragedy of epic proportions. Thousands of young women are sterile for life after contracting the sexually-transmitted disease Chlamydia. Many will enter marriage without knowing they cannot conceive children.

Abstinence until marriage education will save millions of teenagers from the heartache of infertility, the pain of having an incurable STD, the regret of giving too much of themselves too soon, and the anguish of being sexually abused. Many abstinence programs help teenagers protect themselves from sexual abuse by teaching them to recognize emotional blackmail and inappropriate sexual pressure.

Failed "comprehensive sex education" and misleading "abstinence plus" programs have for too long given teenagers the message that "anything goes" as long as a contraceptive is used. These destructive programs have done incalculable damage by failing to inform teenagers about the full risks of STDs, the failure rates of contraceptives, and the strong emotional bonds formed during intercourse. Authentic abstinence education programs give teenagers the full truth: there is no contraceptive for a broken heart, and no guaranteed protection against pregnancy or STDs except abstinence until marriage and fidelity afterwards.

Presdient Bush has rightly said that "for children to realize their dreams, they must learn the value of abstinence. We must send them the message that of the many decisions they will make in their lives, choosing to avoid early sex is one of the most important. We must stress that abstinence isn't just about saying no to sex; it's about saying yes to a happier, healthier future."

I am proud that H.R. 4 continues this commitment to our children. I urge my colleagues to join me in supporting this legislation to help lift more families out of poverty and protect more teenagers from the dangers of sexual activity outside of marriage.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 4, the welfare reauthorization bill.

H.R. 4 is much the same as the legislation opposed by 197 Members last year. It imposes enormous unfunded mandates on State governments, while requiring States to make fundamental changes to their welfare systems. It caps the amount of rehabilitative services a State can provide and imposes inflexible work requirements that restrict States' ability to respond effectively to their populations.

A little known fact about TANF is that 44 percent of families in the program include a person with a physical or mental impairment. Not surprisingly, studies show that families including a person with a disability disproportionately lose TANF assistance through sanctions. Increased demands on States and families of the disabled heighten their already extraordinary risk of inappropriate sanctions.

It is our responsibility to incorporate safeguards for families caring for individuals with special needs. I urge my colleagues to act responsibly by supporting the alternative, Democratic substitute, which allows for State flexibility in meeting the needs of people with disabilities by leaving in place mechanisms for a real chance at rehabilitation.

Mr. STARK. Mr. Chairman, I rise today to insert into the CONGRESSIONAL RECORD this letter from the Consortium for Citizens with Disabilities.

I urge my colleagues to read this letter, which provides important reasons why they should vote against H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

This letter suggests needed changes to the TANF law that would help many welfare recipients with barriers to work to get and maintain employment.

I urge my colleagues to vote for the Democratic alternative welfare reauthorization that includes many of these important changes.

CONSORTIUM FOR CITIZENS
WITH DISABILITIES,
February 11, 2003.

DEAR REPRESENTATIVE: The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the Temporary Assistance for Needy Families block grant. We are very concerned that the provisions in H.R. 4 will greatly harm, rather than help, families in which there is an adult or a child with disabilities. We are writing to urge you to vote "no" on H.R. 4, the "Personal Responsibility, Work, and Family Promotion Act of 2003."

Some argue that those who are concerned about the needs of people with disabilities should welcome the emphasis in H.R. 4 upon higher work participation rates and increased hours of work, because then states will be required to work with parents with disabilities. Unfortunately, the exact opposite is true. It is important to understand that, without some flexibility, higher work requirements for states and for families will prevent states from helping move families with disabilities from welfare to work—at a pace that works best for the individual family and will have long-term benefits. If states face more rigid rules on rates and hours of participation, sanction rates will climb and people with disabilities and their families will continue to be heavily represented in their numbers.

Over 40 percent of TANF recipients have a disability, yet this important fact is largely unknown. In July 2002, GAO reported that overall, 44 percent of TANF recipients have impairments or are caring for a child with impairments, compared with 15 percent of the non-TANF population. Many face multiple barriers. GAO also reported that, in eight percent of TANF families, there is both a parent and a child with disabilities, compared to only one percent in non-TANF families. Also in July 2002, the HHS Office of the Inspector General agreed with GAO's findings.

What should this mean for TANF reauthorization? The problems facing TANF parents with disabilities are significant. But, just because a person has a disability which may be a barrier to work, this does not mean that she cannot work. With appropriate services and supports, including accommodations in state policies and procedures and in the work place, most parents with disabilities should be able to work and would very much like the opportunity to so. While their policies vary, many states have taken some steps to help families with disabilities. Comgress must encourage states to continue to develop their programs to serve people with disabilities—both adults and children—on TANF. We are very concerned that H.R. 4 does not do this.

Listed below are the key components that people with disabilities need in TANF reauthorization.

1. Permit states to determine how long a family will need rehab services and allow participation in rehab services to meet the full weekly work requirement for as long as the state determines the family needs. HR 4 provides that only three months of rehabilitative services can be counted as work activity. After three months, a person with a disability must climb a steep mountain of 24 hours of work before the state will get credit for providing her with any additional rehabilitative services. This is a formula for failure. To suggest that this will work because 16 hours of rehabilitative services can still be provided misses the point: people with disabilities and other barriers often are going to need intensive help—including mental health treatment, training that accommodates their learning disabilities, substance abuse treatment, services that address other barriers—before any other work activity will be appropriate. Many times, this help will take in excess of a year to result in good, long-lasting outcomes. This will not be possible under H.R. 4.

2. Protect families with barriers from unnecessary and inappropriate sanctioning. The 1996 law requires states to impose sanctions where a parent "refuses" to comply with a state work requirement. Unfortunately, many of those who are being sanctioned cannot comply—they are not refusing to comply, they simply cannot because of a disability or other barrier, or may not even understand what is being required of them. Efforts to increase the number of hours of required work activity and states' overall work participation rates are likely to harm these same families. Without strong protections against inappropriate sanctioning, it is likely that the number of inappropriate sanctions will increase. States should be required to have procedures that review a family's circumstances prior to the imposition of a sanction and determine whether modifications are needed to the requirements so that the family is better able to comply. Fairness dictates that all states have such basic policies. H.R. 4 does not include this protection.

3. Permit states to exempt parents caring for a child with a disability from the work requirement and time limit. States should have the option to exempt from the work requirement and time limit parents caring for a child with a disability if caring for the child prevents the parent from meeting the state's work requirement. Some states already do this. Appropriate, safe child care for children with disabilities is very difficult to find. In many areas, it is non-existent. The medical needs of some children require frequent medical visits and care. If the need for such care becomes unnecessary, parents then can be brought more fully into the program with their allotted time for receipt of benefits still intact.

4. For the previous provisions to be effective in helping families move from welfare to work and avoid inappropriate sanctioning, states must have screening and assessment policies and procedures that identify a family's barriers and the steps needed to assist the family to move to greater independence. Assessments should be done by qualified personnel. Because all later decisions hinge on the quality of the assessments, it is important that they be done by qualified personnel. Family self-sufficiency plans developed without meaningful assessments are all too likely to be ineffective, wasting state and federal resources and preventing families from receiving the assistance needed to move successfully from welfare to work.

As a result of all of the concerns raised above, we urge you to vote "NO" on H.R. 4. We also urge you to raise concerns about how families with disabilities will fare under this bill and to suggest that changes be made before the bill leaves conference.

For further information, please contact members of the Consortium for Citizens with Disabilities (CCD) TANF Task Force, including any of the co-chairs: Laurel Stine, Bazelon Center for Mental Health Law, 202–467–5730, *laurels@bazelon.org*; Donna Meltzer, Association of University Centers on Disability, 301–593–8549, *dlmeltzer@aucd.org*; and Sharon McDonald, National Alliance to End Homelessness, 202–638–1526, ext. 109, *smcdonald@naeh.org*.

Thank you for considering our concerns.

Sincerely,

Adapted Physical Activity Council.
American Association on Mental Retardation.
American Association of People with Disabilities.
American Network of Community Options and Resources.
Association of Maternal and Child Health Programs.
Association for Persons in Supported Employment.
Association of University Centers on Disabilities.
Bazelon Center for Mental Health Law.
Brain Injury Association of America.
Council for Exceptional Children.
Council of State Administrators of Vocational Rehabilitation.
Learning Disabilities Association of America.
National Alliance to End Homelessness.
National Association of Developmental Disabilities Councils.
National Association of Protection and Advocacy Systems.
National Association of School Psychologists.
National Association of Social Workers.
National Mental Health Association.
National Respite Coalition.
NISH—creating employment opportunities for people with severe disabilities.
Research Institute for Independent Living.
Spina Bifida Association of America.
The Arc of the United States.
United Cerebral Palsy.

Mr. SPRATT. Mr. Chairman, I rise today to voice grave concerns about this bill. This bill reflects a steady erosion of the federal government's commitment to provide a safety net for low-income working families.

States now face a severe fiscal crisis due to the slack economy. This bill imposes expensive new requirements on states, without providing sufficient funding to help states meet these requirements. The Congressional Budget Office estimated that the additional costs to states of meeting the increased work requirements in this bill are between eight billion and eleven billion dollars over five years.

This bill largely mirrors the welfare plan that President Bush first put forth last year and proposed again this year. The President's 2004 budget makes clear that the President's welfare plan is just one part of a larger drive to abandon the Federal government's traditional role of providing a safety net for society's most vulnerable members. The budget also includes plans to recast several other major federal programs for low-income individuals and families as block grants to states. The President offers states increased program flexibility and administrative streamlining, but requires in exchange that states give up the traditional assurance that future federal funding will keep pace with the estimated need for these programs. The programs affected by these policies provide health care and housing to low-income children, elderly, persons with disabilities, and low-wage workers.

If the President's proposal for welfare reform is any indication, these other block grant proposals point the way toward a shrinking federal financial commitment to the poor. States will be left to figure out how to fill the fiscal hole. This raises very serious concerns that I encourage my colleagues to consider long and hard before heading down this path.

The President's block grant proposals are likely to lead to enormous inequities across states as to who gets assistance and who does not. A major role of federal income security policy is to provide a level playing field by offering a safety net to all citizens. Under the president's plan, low-income individuals and families will be at the mercy of geography.

Income security programs are sensitive to economic conditions. Need increases disproportionately when the economy is slack and state budgets are tight. Only the federal government has the ability to borrow when times are bad. Block grant funding will give states the incentive to respond to hard times by cutting low-income benefits more than they would choose to do otherwise.

I voted for welfare reform, and I along with Members of both parties have cheered the progress of former AFDC beneficiaries into work during the prosperous 1990s. But that progress requires support in the form of child care and other vital services. Penny-wise but pound-foolish policies now threaten that vital underpinning and they risk all our recent progress against dependence.

Finally, I believe the President's overall priorities deserve serious questioning. At the same time he proposes to shrink the federal commitment to the poor, he proposes $1.5 trillion in new tax cuts that largely benefit our nation's most prosperous, create record deficits, and burden working families with a growing debt tax. The Administration now argues that its tax-cut plan is really an anti-poverty plan because it will stimulate growth and create jobs. This is the old theory of trickle-down economics that has been discredited time and time again. Tax policy does not exist in a vacuum. The point of safety-net programs is to support people when the economy falters, or when circumstances in their own lives make it difficult or impossible for them to participate fully in the economy.

Mr. DINGELL. Mr. Chairman, today, we are debating the re-authorization of the welfare program. It is a repeat of the debate we had last Congress, when Republican ideology prevented a common-sense reauthorization. I believe that we have a responsibility to help families transition into the workforce and provide essential support to make work pay. The Cardin substitute will do that. Regrettably, the Republican bill will not.

Two provisions within this re-authorization are in the jurisdiction of the Committee on Energy and Commerce: transitional medical assistance (TMA) and abstinence-only education. The Republican versions are inadequate; the Cardin substitute fixes both.

First, TMA is a program that provides health insurance coverage for families leaving welfare to go back to work. It is a program that makes good sense. Individuals moving off welfare often wind up in jobs that do not offer health insurance coverage or find that employer-sponsored coverage is too costly on the family's limited budget. TMA allows these families to keep their health insurance coverage in Medicaid so that getting a job doesn't mean losing health coverage. The Republican bill, however, only extends this program for one year; many of us prefer making this common-sense program permanent, as the Cardin substitute provides. In addition, the Republican bill does not include the simplifications that would help families get coverage and keep coverage. These provisions were in the President's budget this year, and are in the Cardin substitute. They should also be in H.R. 4, but they are not.

Of added concern, Republicans would cut other parts of the Medicaid program in order to pay for this extension. For some reason, Republicans believe the only way they can afford to help working families is if they cut other parts of safety net programs that truly allow the poor to work. This is illogical and I oppose it.

Second, the bill extends the Title V abstinence-only sex education program, but locks states into an inflexible curriculum; it is controversial, and rightly so. The Cardin substitute to this bill provides states with the flexibility to offer programs that are best suited to the needs and desires of their citizens and to ensure that Federal funds are spent on effective programs that provide medically accurate information. State flexibility allows each state to use Federal funds to support the abstinence-based comprehensive sex education program it determines will be most effective in protecting its young people's health. Many leading public and private sector health experts, including the National Institutes of Health, the American Medical Association, the American Academy of Pediatrics, and the American Public Health Association, recommend school-based comprehensive sex education programs, yet states are unable to fund these types of programs with Federal dollars.

The Cardin substitute also contains a requirement that Title V programs provide information that is determined to be "medically accurate" by leading medical, psychological, psychiatric, and public health organizations. Some abstinence-only programs are actually harmful to teenagers because they provide incomplete, inaccurate, and misleading information with regard to contraceptives, pregnancy, and sexually transmitted diseases. Depriving teens of medically accurate information will not protect them; it will only make them more vulnerable.

The Cardin substitute also requires Title V programs be based on models that have demonstrated effectiveness in reducing teen pregnancies or the transmission of sexually transmitted diseases or HIV/AIDS, and calls for a comparative evaluation of programs so policymakers can determine the relative merits of abstinence-only programs versus comprehensive school-based, age-appropriate, sex education curricula. Advocates of abstinence-only programs oppose any realistic and objective look at those programs, apparently content to waste Federal dollars in the name of ideology.

The Cardin substitute maintains state flexibility, helps welfare recipients to find real work, helps families escape poverty, removes the sunset on TMA, and makes important changes in the abstinence education provisions. I support it.

Mr. PETRI. Mr. Chairman, I rise today in support of this bill, which will build upon the tremendous successes of the 1996 welfare reforms. When those reforms were enacted, opponents predicted apocalyptic scenes of poverty and suffering among America's low-income families. Time has proven, however, that those reforms were right. Child poverty is at its lowest level in 25 years and poverty among African-American children is at its lowest level in history. By requiring welfare beneficiaries to work and engage in productive activities, Congress helped change society. Former welfare beneficiaries now testify that by being pushed into work activities, they are now better members of society and better parents to their children.

Although we have moved millions of families off welfare and into work, the road to advancement and self-sufficiency remains a difficult challenge. For a long time I have been concerned by the disincentives to working hard, earning more money, and getting married that we have created over time. The lack of coordination between federal programs directed toward low-income families has resulted in what I call the "Poverty Trap." As the earnings of low-income families increase, most of their benefits, such as housing, food stamps, childcare co-payments, and the Earned Income Tax Credit, phase-out in a manner that discourages working harder and advancing in a job. In some cases a pay raise of a dollar an hour can mean the loss of benefits at a rate that exceeds that raise. This effective marginal tax can exceed 100 percent and trap families in poverty. I am pleased that this bill requires the General Accounting Office to undertake a comprehensive study of the obstacles created by the combined phase-outs of low-income support programs and recommend ways to coordinate and reform these programs.

Because of this "Poverty Trap," I also enthusiastically support provisions within this bill which provide states and local governments with the flexibility to implement demonstration projects that coordinate multiple low-income support programs. Under these provisions states can integrate eligible programs as long as those projects serve the populations and achieve the purposes of the underlying programs. This requirement further ensures that beneficiaries of these underlying programs are going to gain, not lose, as a result of these demonstration projects. While I wish these flexibility provisions went further, they are an important step that will enable needed innovation at the state and local level to help families escape poverty. The states have proven to be laboratories for successful change in our welfare system, and this flexibility will enhance their capabilities.

I urge all my colleagues who want to help low-income families leave welfare and achieve self-sufficiency to support this bill and the state and local flexibility provisions within it.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, this bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4 is as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility, Work, and Family Promotion Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—TANF

Sec. 101. Purposes.
Sec. 102. Family assistance grants.
Sec. 103. Promotion of family formation and healthy marriage.
Sec. 104. Supplemental grant for population increases in certain States.
Sec. 105. Bonus to reward employment achievement.
Sec. 106. Contingency fund.
Sec. 107. Use of funds.
Sec. 108. Repeal of Federal loan for State welfare programs.
Sec. 109. Universal engagement and family self-sufficiency plan requirements.
Sec. 110. Work participation requirements.
Sec. 111. Maintenance of effort.
Sec. 112. Performance improvement.
Sec. 113. Data collection and reporting.
Sec. 114. Direct funding and administration by Indian tribes.
Sec. 115. Research, evaluations, and national studies.
Sec. 116. Studies by the Census Bureau and the General Accounting Office.
Sec. 117. Definition of assistance.
Sec. 118. Technical corrections.
Sec. 119. Fatherhood program.
Sec. 120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 121. Sense of the Congress.
Sec. 122. Extension through fiscal year 2003.

TITLE II—CHILD CARE

Sec. 201. Short title.
Sec. 202. Goals.
Sec. 203. Authorization of appropriations.
Sec. 204. Application and plan.
Sec. 205. Activities to improve the quality of child care.
Sec. 206. Report by secretary.
Sec. 207. Definitions.
Sec. 208. Entitlement funding.

TITLE III—CHILD SUPPORT

Sec. 301. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 302. State option to pass through all child support payments to families that formerly received TANF.
Sec. 303. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 304. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 305. Report on undistributed child support payments.
Sec. 306. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 307. Decrease in amount of child support arrearage triggering passport denial.
Sec. 308. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 309. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 310. Improving Federal debt collection practices.
Sec. 311. Maintenance of technical assistance funding.
Sec. 312. Maintenance of Federal Parent Locator Service funding.

TITLE IV—CHILD WELFARE

Sec. 401. Extension of authority to approve demonstration projects.
Sec. 402. Elimination of limitation on number of waivers.
Sec. 403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
Sec. 405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 406. Availability of reports.
Sec. 407. Technical correction.

TITLE V—SUPPLEMENTAL SECURITY INCOME

Sec. 501. Review of State agency blindness and disability determinations.

TITLE VI—STATE AND LOCAL FLEXIBILITY

Sec. 601. Program coordination demonstration projects.
Sec. 602. State food assistance block grant demonstration project.

TITLE VII—ABSTINENCE EDUCATION

Sec. 701. Extension of abstinence education program.

TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

Sec. 801. Extension of medicaid transitional medical assistance program through fiscal year 2004.

Sec. 802. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund extension of transitional medical assistance.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal year 1999 and continued steady in fiscal years 2000 and 2001. In fiscal year 2001, 33 percent of adult recipients were working, compared to less than 7 percent in fiscal year 1992, and 11 percent in fiscal year 1996. All States met the overall participation rate standard in fiscal year 2001, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of June 2002, 2,025,000 families and 5,008,000 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 54 percent and 58 percent, respectively, since the enactment of TANF. These declines have persisted even as unemployment rates have increased: unemployment rates nationwide rose 50 percent, from 3.9 percent in September 2000 to 6 percent in November 2002, while welfare caseloads continued to decline.

(D) The child poverty rate continued to decline between 1996 and 2001, falling 20 percent from 20.5 to 16.3 percent. The 2001 child poverty rate remains at the lowest level since 1979. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 6 years. African-American child poverty is at the lowest rate on record and Hispanic child poverty is at the lowest level reported in over 20 years.

(E) Despite these gains, States have had mixed success in fully engaging welfare recipients in work activities. While all States have met the overall work participation rates required by law, in 2001, in an average month, only just over ⅓ of all families with an adult participated in work activities that were countable toward the State's participation rate. Five jurisdictions failed to meet the more rigorous 2-parent work requirements, and 19 jurisdictions (States and territories) are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The teen birth rate has fallen continuously since 1991, down a dramatic 22 percent by 2000. During the period of 1991-2000, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15-17 years of age is down 29 percent since 1991, and the rate for those 18 and 19 is down 16 percent. Between 1991 and 2000, teen birth rates declined for all women ages 15-19—white, African American, American Indian, Asian or Pacific Islander, and Hispanic women ages 15-19. The rate for African American teens—until recently the highest—experienced the largest decline, down 31 percent from 1991 to 2000, to reach the lowest rate ever reported for this group. Most births to teens are nonmarital; in 2000, about 73 percent of the births to teens aged 15-19 occurred outside of marriage.

(B) Nonmarital childbearing continued to increase slightly in 2001, however not at the sharp rates of increase seen in recent decades. The birth rate among unmarried women in 2001 was 4 percent lower than its peak reached in 1994, while the proportion of births occurring outside of marriage has remained at approximately 33 percent since 1998.

(C) The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(D) An estimated 24,500,000 children do not live with their biological fathers, and 7,100,000 children do not live with their biological mothers. These facts are attributable largely to declining marriage rates, increasing divorce rates, and increasing rates of nonmarital births during the latter part of the 20th century.

(E) There has been a dramatic rise in cohabitation as marriages have declined. Only 40 percent of children of cohabiting couples will see their parents marry. Those who do marry experience a 50 percent higher divorce rate. Children in single-parent households and cohabiting households are at much higher risk of child abuse than children in intact married and stepparent families.

(F) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living in a single-parent family is nearly 5 times as likely to be poor as a child living in a married-couple family. In 2001, in married-couple families, the child poverty rate was 8 percent, and in households headed by a single mother, the poverty rate was 39.3 percent.

(G) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to nearly $19,000,000,000 in fiscal year 2001. The number of paternities established or acknowledged in fiscal year 2002 reached an historic high of over 1,500,000—which includes more than a 100 percent increase through in-hospital acknowledgement programs to 790,595 in 2001 from 324,652 in 1996. Child support collections were made in well over 7,000,000 cases in fiscal year 2000, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2001 were $25,500,000,000, up from $24,000,000,000 in fiscal year 2000 and $22,600,000,000 in fiscal year 1999. This increased spending is attributable to significant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and father involvement. Over half the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this Act) is intended to serve these ends.

TITLE I—TANF

SEC. 101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "increase" and inserting "improve child well-being by increasing";

(2) in paragraph (1), by inserting "and services" after "assistance";

(3) in paragraph (2), by striking "parents on government benefits" and inserting "families on government benefits and reduce poverty"; and

(4) in paragraph (4), by striking "two-parent families" and inserting "healthy, 2-parent married families, and encourage responsible fatherhood".

SEC. 102. FAMILY ASSISTANCE GRANTS.

(a) EXTENSION OF AUTHORITY.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking "1996, 1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2004 through 2008"; and

(2) by inserting "payable to the State for the fiscal year" before the period.

(b) State Family Assistance Grant.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended by striking subparagraphs (B) through (E) and inserting the following:

"(B) State family assistance grant.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 409 or 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002 (as so determined).

"(C) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $16,566,542,000 for grants under this paragraph.".

(c) Matching Grants for the Territories.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking "1997 through 2002" and inserting "2004 through 2008".

SEC. 103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) State Plans.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).".

(b) Healthy Marriage Promotion Grants; Repeal of Bonus for Reduction of Illegitimacy Ratio.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Healthy marriage promotion grants.—

"(A) Authority.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

"(B) Healthy marriage promotion activities.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

"(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

"(C) Appropriation.—

"(i) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2008 $100,000,000 for grants under this paragraph.

"(ii) Extended availability of FY2003 funds.—Funds appropriated under clause (i) for fiscal year 2003 shall remain available to the Secretary through fiscal year 2004, for grants under this paragraph for fiscal year 2003.".

(c) Counting of Spending on Non-Eligible Families to Prevent and Reduce Incidence of Out-of-Wedlock Births, Encourage Formation and Maintenance of Healthy, 2-Parent Married Families, or Encourage Responsible Fatherhood.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) Counting of spending on non-eligible families to prevent and reduce incidence of out-of-wedlock births, encourage formation and maintenance of healthy, 2-parent married families, or encourage responsible fatherhood.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking "OF GRANTS FOR FISCAL YEAR 2002";

(2) in clause (i), by striking "fiscal year 2002" and inserting "each of fiscal years 2004 through 2007";

(3) in clause (ii), by striking "2002" and inserting "2007"; and

(4) in clause (iii), by striking "fiscal year 2002" and inserting "each of fiscal years 2004 through 2007".

SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.

(a) Reallocation of Funding.—

(1) In general.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(A) in the paragraph heading, by striking "HIGH PERFORMANCE STATES" and inserting "EMPLOYMENT ACHIEVEMENT";

(B) in subparagraph (D)(ii)—

(i) in subclause (I), by striking "equals $200,000,000" and inserting "(other than 2003) equals $200,000,000, and for bonus year 2003 equals $100,000,000"; and

(ii) in subclause (II), by striking "$1,000,000,000" and inserting "$900,000,000"; and

(C) in subparagraph (F), by striking "$1,000,000,000" and inserting "$900,000,000".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, or September 30, 2003, whichever is earlier.

(b) Bonus to Reward Employment Achievement.—

(1) In general.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) In general.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is an employment achievement State.

"(B) Amount of grant.—

"(i) In general.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to an employment achievement State for a bonus year, which shall be based on the performance of the State as determined under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

"(ii) Limitation.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

"(C) Formula for measuring State performance.—

"(i) In general.—Subject to clause (ii), not later than October 1, 2003, the Secretary, in consultation with the States, shall develop a formula for measuring State performance in operating the State program funded under this part so as to achieve the goals of employment entry, job retention, and increased earnings from employment for families receiving assistance under the program, as measured on an absolute basis and on the basis of improvement in State performance.

"(ii) Special rule for bonus year 2004.—For the purposes of awarding a bonus under this paragraph for bonus year 2004, the Secretary may measure the performance of a State in fiscal year 2003 using the job entry rate, job retention rate, and earnings gain rate components of the formula developed under section 403(a)(4)(C) as in effect immediately before the effective date of this paragraph.

"(D) Determination of State performance.—For each bonus year, the Secretary shall—

"(i) use the formula developed under subparagraph (C) to determine the performance of each eligible State for the fiscal year that precedes the bonus year; and

"(ii) prescribe performance standards in such a manner so as to ensure that—

"(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $100,000,000; and

"(II) the total amount of grants to be made under this paragraph for all bonus years equals $600,000,000.

"(E) Definitions.—In this paragraph:

"(i) Bonus year.—The term 'bonus year' means each of fiscal years 2004 through 2009.

"(ii) Employment achievement State.—The term 'employment achievement State' means, with respect to a bonus year, an eligible State whose performance determined pursuant to subparagraph (D)(i) for the fiscal year preceding the bonus year equals or exceeds the performance standards prescribed under subparagraph (D)(ii) for such preceding fiscal year.

"(F) Appropriation.—

"(i) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2004 through 2009 $600,000,000 for grants under this paragraph.

"(ii) Extended availability of prior appropriation.—Amounts appropriated under section 403(a)(4)(F) of the Social Security Act (as in effect before the date of the enactment of this clause) that have not been expended as of such date of enactment shall remain available through fiscal year 2004 for grants under section 403(a)(4) of such Act (as in effect before such date of enactment) for bonus year 2003.

"(G) Grants for tribal organizations.—This paragraph shall apply with respect to tribal organizations in the same manner in which this paragraph applies with respect to States. In determining the criteria under which to make grants to tribal organizations under this paragraph, the Secretary shall consult with tribal organizations.".

(2) Effective date.—The amendment made by paragraph (1), except for section

403(a)(4)(F)(ii) of the Social Security Act as inserted by the amendment, shall take effect on October 1, 2003.

SEC. 106. CONTINGENCY FUND.

(a) Deposits Into Fund.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking “1997, 1998, 1999, 2000, 2001, and 2002” and inserting “2004 through 2008”; and

(2) by striking all that follows “$2,000,000,000” and inserting a period.

(b) Grants.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking “fiscal years 1997 through 2002” and inserting “fiscal years 2004 through 2008”.

(c) Definition of Needy State.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after “1996” the following: “, and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period,”.

(d) Annual Reconciliation: Federal Matching of State Expenditures Above “Maintenance of Effort” Level.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding “and” at the end of subclause (I);

(B) by striking “; and” at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows “section 409(a)(7)(B)(iii))” and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

“(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus”; and

(4) by striking subparagraph (C).

(e) Consideration of Certain Child Care Expenditures in Determining State Compliance With Contingency Fund Maintenance of Effort Requirement.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking “(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part” and inserting a close parenthesis; and

(2) by striking “excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,”.

(f) Effective Date.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 107. USE OF FUNDS.

(a) General Rules.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking “in any manner that” and inserting “for any purposes or activities for which”.

(b) Treatment of Interstate Immigrants.—

(1) State plan provision.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) Use of funds.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) Increase in Amount Transferable to Child Care.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking “30” and inserting “50”.

(d) Increase in Amount Transferable to Title XX Programs.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

“(B) Applicable percent.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2004 and each succeeding fiscal year.”.

(e) Clarification of Authority of States To Use TANF Funds Carried Over From Prior Years To Provide TANF Benefits and Services.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

“(e) Authority To Carryover or Reserve Certain Amounts for Benefits or Services or for Future Contingencies.—

“(1) Carryover.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

“(2) Contingency reserve.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.”.

SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) Repeal.—Section 406 (42 U.S.C. 606) is repealed.

(b) Conforming Amendments.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking “406,”.

SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) Modification of State Plan Requirements.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

“(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

“(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).”.

(b) Establishment of Family Self-Sufficiency Plans.—

(1) In general.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

“(b) Family Self-Sufficiency Plans.—

“(1) In general.—A State to which a grant is made under section 403 shall—

“(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

“(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

“(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

“(D) monitor the participation of each such individual in the activities specified in the self sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

“(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

“(2) Timing.—The State shall comply with paragraph (1) with respect to a family—

“(A) in the case of a family that, as of October 1, 2003, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

“(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

“(3) State discretion.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

“(4) Rule of interpretation.—Nothing in this part shall preclude a State from requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being.”.

(2) Penalty for failure to establish family self-sufficiency plan.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting “OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN” after “RATES”; and

(B) in subparagraph (A), by inserting “or 408(b)” after “407(a)”.

SEC. 110. WORK PARTICIPATION REQUIREMENTS.

(a) Elimination of Separate Participation Rate Requirements for 2-Parent Families.—

(1) In general.—

(A) Section 407 (42 U.S.C. 607) is amended in each of subsections (a) and (b) by striking paragraph (2).

(B) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraph (1)(B)”.

(C) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking subparagraph (B).

(D) Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended by striking “paragraphs (1)(B)(i) and (2)(B) of subsection (b)” and inserting “subsection (b)(1)(B)(i)”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on October 1, 2002.

(b) Work Participation Requirements.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

“SEC. 407. WORK PARTICIPATION REQUIREMENTS.

“(a) Participation Rate Requirements.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

“(1) 50 percent for fiscal year 2004;

“(2) 55 percent for fiscal year 2005;

“(3) 60 percent for fiscal year 2006;

“(4) 65 percent for fiscal year 2007; and

“(5) 70 percent for fiscal year 2008 and each succeeding fiscal year.

“(b) Calculation of Participation Rates.—

“(1) Average monthly rate.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

"(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

"(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

"(ii) 160 multiplied by the number of counted families for the State for the month.

"(B) COUNTED FAMILIES DEFINED.—

"(i) IN GENERAL.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

"(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term 'counted family' shall not include—

"(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance; or

"(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age.

"(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term 'counted family' may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

"(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term 'work-eligible individual' means an individual—

"(i) who is married or a single head of household; and

"(ii) whose needs are (or, but for sanctions under this part that have been in effect for more than 3 months (whether or not consecutive) in the preceding 12 months or under part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.".

(c) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

"(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.".

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking "and eligibility criteria" and all that follows through the close parenthesis and inserting "and the eligibility criteria in effect during the then applicable base year".

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

"(C) BASE YEAR DEFINED.—In this paragraph, the term 'base year' means, with respect to a fiscal year—

"(I) if the fiscal year is fiscal year 2004, fiscal year 1996;

"(II) if the fiscal year is fiscal year 2005, fiscal year 1998;

"(III) if the fiscal year is fiscal year 2006, fiscal year 2001; or

"(IV) if the fiscal year is fiscal year 2007 or any succeeding fiscal year, the then 4th preceding fiscal year.".

(d) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

"(4) SUPERACHIEVER CREDIT.—

"(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

"(i) the amount (if any) of the superachiever credit applicable to the State; or

"(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

"(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

"(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

"(D) DEFINITIONS.—In this paragraph:

"(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term 'State caseload for fiscal year 2001' means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

"(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term 'State caseload for fiscal year 1995' means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.".

(e) COUNTABLE HOURS.—Section 407 of such Act (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

"(c) COUNTABLE HOURS.—

"(1) DEFINITION.—In subsection (b)(2), the term 'countable hours' means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

"(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

"(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

"(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

"(3) SPECIAL RULES.—For purposes of paragraph (1):

"(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

"(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

"(ii) QUALIFIED ACTIVITY DEFINED.—The term 'qualified activity' means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

"(I) substance abuse counseling or treatment;

"(II) rehabilitation treatment and services;

"(III) work-related education or training directed at enabling the family member to work;

"(IV) job search or job readiness assistance; and

"(V) any other activity that addresses a purpose specified in section 401(a).

"(iii) LIMITATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

"(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

"(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

"(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

"(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

"(d) DIRECT WORK ACTIVITY.—In this section, the term 'direct work activity' means—

"(1) unsubsidized employment;

"(2) subsidized private sector employment;

"(3) subsidized public sector employment;

"(4) on-the-job training;

"(5) supervised work experience; or

"(6) supervised community service.".

(f) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

"(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

"(i) if the failure is partial or persists for not more than 1 month—

"(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

"(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

"(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section

409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

"(B) SPECIAL RULE.—

"(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

"(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.".

(g) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking "work activity described in subsection (d)" and inserting "direct work activity".

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting "OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN" after "WORK".

(h) EFFECTIVE DATE.—The amendments made by this section (other than subsection (a)) shall take effect on October 1, 2003.

SEC. 111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking "fiscal year 1998, 1999, 2000, 2001, 2002, or 2003" and inserting "fiscal year 2003, 2004, 2005, 2006, 2007, 2008, or 2009"; and

(2) in subparagraph (B)(ii)—

(A) by inserting "preceding" before "fiscal year"; and

(B) by striking "for fiscal years 1997 through 2002,".

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

"(l) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribal organization under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).".

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 103(c) of this Act, is amended by adding at the end the following:

"(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.".

SEC. 112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

"(v) The document shall—

"(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

"(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

"(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II), and with respect to subclause (I), include objectives consistent with the criteria used by the Secretary in establishing performance targets under section 403(a)(4)(B) if available; and

"(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

"(vi) Describe any strategies and programs the State may be undertaking to address—

"(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

"(II) efforts to reduce teen pregnancy;

"(III) services for struggling and noncompliant families, and for clients with special problems; and

"(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act."; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 107(b)(1) of this Act) and inserting the following:

"(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"(iv) The document shall describe strategies to improve program management and performance."; and

(2) in paragraph (4), by inserting "and tribal" after "that local".

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.".

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

"(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.".

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking "long-term private sector jobs" and inserting "private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages".

SEC. 113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting "and on families receiving assistance under State programs funded with other qualified State expenditures (as defined in section 409(a)(7)(B))" before the colon;

(2) in clause (vii), by inserting "and minor parent" after "of each adult";

(3) in clause (viii), by striking "and educational level";

(4) in clause (ix), by striking ", and if the latter 2, the amount received";

(5) in clause (x)—

(A) by striking "each type of"; and

(B) by inserting before the period "and, if applicable, the reason for receipt of the assistance for a total of more than 60 months";

(6) in clause (xi), by striking the subclauses and inserting the following:

"(I) Subsidized private sector employment.

"(II) Unsubsidized employment.

"(III) Public sector employment, supervised work experience, or supervised community service.

"(IV) On-the-job training.

"(V) Job search and placement.

"(VI) Training.

"(VII) Education.

"(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.";

(7) in clause (xii), by inserting "and progress toward universal engagement" after "participation rates";

(8) in clause (xiii), by striking "type and" before "amount of assistance";

(9) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(10) by adding at the end the following:

"(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

"(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

"(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.".

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking "a sample" and inserting "samples"; and

(B) by inserting before the period ", except that the Secretary may designate core data elements that must be reported on all families"; and

(2) in clause (ii), by striking "funded under this part" and inserting "described in subparagraph (A)".

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

"(6) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).".

(d) Regulations.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting "and to collect the necessary data" before "with respect to which reports";

(2) by striking "subsection" and inserting "section"; and

(3) by striking "in defining the data elements" and all that follows and inserting ", the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.".

(e) Additional Reports by States.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

"(b) Annual Reports on Program Characteristics.—Not later than 90 days after the end of fiscal year 2004 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

"(c) Monthly Reports on Caseload.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary a report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

"(d) Annual Report on Performance Improvement.—Beginning with fiscal year 2005, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).".

(f) Annual Reports to Congress by the Secretary.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking "and each fiscal year thereafter" and inserting "and by July 1 of each fiscal year thereafter";

(2) in paragraph (2), by striking "families applying for assistance," and by striking the last comma; and

(3) in paragraph (3), by inserting "and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))" before the semicolon.

(g) Increased Analysis of State Single Audit Reports.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(f) Increased Analysis of State Single Audit Reports.—

"(1) In general.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

"(2) Inclusion of program oversight section in annual report to the congress.—The Secretary shall include in each report under subsection (e) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.".

SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Tribal Family Assistance Grant.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2004 through 2008".

(b) Grants for Indian Tribes That Received JOBS Funds.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2004 through 2008".

SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) Secretary's Fund for Research, Demonstrations, and Technical Assistance.—Section 413 (42 U.S.C. 613), as amended by section 112(c) of this Act, is further amended by adding at the end the following:

"(l) Funding for Research, Demonstrations, and Technical Assistance.—

"(1) Appropriation.—

"(A) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2003 through 2008, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part.

"(B) Extended availability of FY 2003 funds.—Funds appropriated under this paragraph for fiscal year 2003 shall remain available to the Secretary through fiscal year 2004, for use in accordance with this paragraph for fiscal year 2003.

"(2) Set aside for demonstration projects for coordination of provision of child welfare and TANF services to tribal families at risk of child abuse or neglect.—

"(A) In general.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

"(B) Use of funds.—A grant made to such a project shall be used—

"(i) to improve case management for families eligible for assistance from such a tribal program;

"(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

"(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

"(C) Reports.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.".

(b) Funding of Studies and Demonstrations.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking "1997 through 2002" and inserting "2004 through 2008".

(c) Report on Enforcement of Certain Affidavits of Support and Sponsor Deeming.—Not later than March 31, 2004, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) Report on Coordination.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GENERAL ACCOUNTING OFFICE.

(a) Census Bureau Study.—

(1) In general.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) In General.—The Bureau of the Census shall implement or enhance a longitudinal survey of program participation, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.".

(2) Appropriation.—Section 414(b) (42 U.S.C. 614(b)) is amended—

(A) by striking "1996," and all that follows through "2002" and inserting "2004 through 2008"; and

(B) by adding at the end the following: "Funds appropriated under this subsection shall remain available through fiscal year 2008 to carry out subsection (a).".

(b) GAO Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study to determine the combined effect of the phase-out rates for Federal programs and policies which provide support to low-income families and individuals as they move from welfare to work, at all earning levels up to

$35,000 per year, for at least 5 States including Wisconsin and California, and any potential disincentives the combined phase-out rates create for families to achieve independence or to marry.

(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Comptroller General shall submit a report to Congress containing the results of the study conducted under this section and, as appropriate, any recommendations consistent with the results.

SEC. 117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

“(6) ASSISTANCE.—

“(A) IN GENERAL.—The term ‘assistance’ means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

“(B) EXCEPTION.—The term ‘assistance’ does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking “assistance” and inserting “aid”.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking “assistance” and inserting “benefits or services”.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking “ASSISTANCE” and inserting “AID”.

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking “assistance” and inserting “aid”.

SEC. 118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after “appropriate”.

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking “section” and inserting “sections”.

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 112(c) and 115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking “413(j)” and inserting “413(i)”:

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2003”.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

“SEC. 117. FATHERHOOD PROGRAM.

“(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

“‘PART C—FATHERHOOD PROGRAM

“‘SEC. 441. FINDINGS AND PURPOSES.

“‘(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

“‘(1) In approximately 90 percent of cases where a parent is absent, that parent is the father.

“‘(2) By some estimates, 60 percent of children born in the 1990's will spend a significant portion of their childhood in a home without a father.

“‘(3) Nearly 75 percent of children in single-parent homes will experience poverty before they are 11 years old, compared with only 20 percent of children in 2-parent families.

“‘(4) Low income is positively correlated with children's difficulties with education, social adjustment, and delinquency, and single-parent households constitute a disproportionate share of low-income households.

“‘(5) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

“‘(6) Children raised in 2-parent married families, on average, fare better as a group in key areas, including better school performance, reduced rates of substance abuse, crime, and delinquency, fewer health, emotional, and behavioral problems, lower rates of teenage sexual activity, less risk of abuse or neglect, and lower risk of teen suicide.

“‘(7) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

“‘(8) An estimated 24,000,000 children (33.5 percent) live apart from their biological father.

“‘(9) A recent national survey indicates that of children under age 18 not living with their biological father, 37 percent had not seen their father even once in the last 12 months.

“‘(b) PURPOSES.—The purposes of this part are:

“‘(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

“‘(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

“‘(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

“‘(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

“‘(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

“‘(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

“‘(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

“‘SEC. 442. DEFINITIONS.

“‘In this part, the terms “Indian tribe” and “tribal organization” have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

“‘SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

“‘(a) IN GENERAL.—The Secretary may make grants for fiscal years 2004 through 2008 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

“‘(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

“‘(1) PROJECT DESCRIPTION.—A statement including—

“‘(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

“‘(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

“‘(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

"'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

"'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

"'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

"'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

"'(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

"'(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

"'(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

"'(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

"'(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

"'(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

"'(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

"'(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

"'(d) CONSIDERATIONS IN AWARDING GRANTS.—

"'(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

"'(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

"'(e) FEDERAL SHARE.—

"'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

"'(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

"'(B) up to 100 percent, in the case of a project under subsection (c).

"'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

"'SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

"'(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2004 through 2008 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

"'(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

"'(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

"'(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

"'(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

"'(1) QUALIFICATIONS.—

"'(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

"'(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

"'(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

"'(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

"'(i) provide for the project to be conducted in at least 3 major metropolitan areas;

"'(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

"'(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

"'(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

"'(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

"'(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for midcourse adjustments in project design indicated by interim evaluations;

"'(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

"'(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

"'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

"'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

"'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

“‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“‘(d) FEDERAL SHARE.—

“‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

“‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

“‘SEC. 445. EVALUATION.

“‘(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

“‘(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

“‘(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

“‘(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

“‘(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

“‘(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

“‘(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

“‘(2) A final report on the evaluation to be completed by September 30, 2011.

“‘SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

“‘The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

“‘(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

“‘(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

“‘(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

“‘(4) RESEARCH.—Conducting research related to the purposes of this part.

“‘SEC. 447. NONDISCRIMINATION.

“‘The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

“‘SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

“‘(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 to carry out the provisions of this part.

“‘(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.’.

“(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.”.

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

“Sec. 117. Fatherhood program.”.

SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

“(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.”.

SEC. 121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 122. EXTENSION THROUGH FISCAL YEAR 2003.

Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of the Social Security Act, shall continue through September 30, 2003, in the manner authorized, and at the level provided, for fiscal year 2002.

TITLE II—CHILD CARE

SEC. 201. SHORT TITLE.

This title may be cited as the “Caring for Children Act of 2003”.

SEC. 202. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking “encourage” and inserting “assist”,

(2) by amending paragraph (4) to read as follows:

“(4) to assist States to provide child care to low-income parents;”,

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

“(5) to encourage States to improve the quality of child care available to families;

“(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and”.

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking “through (5)” and inserting “through (7)”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking “is” and inserting “are”, and

(2) by striking “$1,000,000,000 for each of the fiscal years 1996 through 2002” and inserting “$2,100,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, $2,500,000,000 for fiscal year 2005, $2,700,000,000 for fiscal year 2006, $2,900,000,000 for fiscal year 2007, and $3,100,000,000 for fiscal year 2008”.

SEC. 204. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

“(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

“(i) the promotion of informed child care choices, including information about the quality and availability of child care services;

“(ii) research and best practices on children's development, including early cognitive development;

“(iii) the availability of assistance to obtain child care services; and

“(iv) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, and the medicaid and SCHIP programs under titles XIX and XXI of the Social Security Act.”, and

(2) by inserting after subparagraph (H) the following:

“(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start, Early Reading First, Even Start, Ready-To-Learn Television, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education without displacing services provided by the current early care and education delivery system.

"(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

"(K) CHILD CARE SERVICE QUALITY.—

"(i) CERTIFICATION.—For each fiscal year after fiscal year 2004, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

"(ii) STRATEGY.—For each fiscal year after fiscal year 2004, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in the State available to low-income parents from eligible child care providers, and include in such strategy—

"(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

"(II) a description of quantifiable, objective measures for evaluating the quality of child care services separately with respect to the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

"(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

"(IV) for each fiscal year after fiscal year 2004, a report on the progress made to achieve such targets during the then preceding fiscal year.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

"(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, work nontraditional hours, or require child care services for infants or toddlers.".

SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

"SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

"A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services or other means, that are designed to improve the quality of child care services in the State available to low-income parents from eligible child care providers. Such activities include—

"(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

"(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

"(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

"(4) other activities deemed by the State to improve the quality of child care services provided in such State.".

SEC. 206. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

"SEC. 658L. REPORT BY SECRETARY.

"(a) REPORT REQUIRED.—Not later than October 1, 2005, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

"(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

"(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

"(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

"(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).

SEC. 207. DEFINITIONS.

Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking "85 percent of the State median income" and inserting "income levels as established by the State, prioritized by need,".

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) $2,917,000,000 for each of fiscal years 2004 through 2008.".

TITLE III—CHILD SUPPORT

SEC. 301. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (7)" before the semicolon; and

(2) by adding at the end the following:

"(7) FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

"(A) the State distributes the amount to the family;

"(B) the total of the amounts so distributed to the family during the month—

"(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

"(ii) does not exceed the greater of—

"(I) $100; or

"(II) $50 plus the amount described in clause (i); and

"(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2005.

SEC. 302. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 301(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting ", except as provided in paragraph (8)," after "shall"; and

(2) by adding at the end the following:

"(8) STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2005.

SEC. 303. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "parent, or," and inserting "parent or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 304. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) IN GENERAL.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding "and" after the semicolon; and

(4) by adding after and below the end the following new clause:

"(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and such fees shall be considered income to the program);".

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

"(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 305. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of undistributed child support and the average length of time it takes undistributed child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 306. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) In General.—Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

"(7) Information comparisons and disclosure to assist in administration of unemployment compensation programs.—

"(A) In general.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

"(B) Condition on disclosure.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) Use of information.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 307. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) In General.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking "$5,000" and inserting "$2,500".

(b) Conforming Amendment.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking "$5,000" and inserting "$2,500".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 308. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) In General.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 309. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) In General.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows "Armed Forces" and inserting a semicolon; and

(2) by adding at the end the following:

"(3) Limitations with respect to compensation paid to veterans for service-connected disabilities.—Notwithstanding any other provision of this section:

"(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

"(i) for payment of alimony; or

"(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

"(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 310. IMPROVING FEDERAL DEBT COLLECTION PRACTICES.

(a) In General.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply. Subsection (c)(3)(A) shall apply with respect to past due support being enforced by the State notwithstanding any other provision of law, including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 311. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available".

SEC. 312. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available"; and

(2) in the 2nd sentence, by striking "for each of fiscal years 1997 through 2001".

TITLE IV—CHILD WELFARE

SEC. 401. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking "2002" and inserting "2008".

SEC. 402. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking "not more than 10".

SEC. 403. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a–9) is amended by adding at the end the following:

"(h) No Limit on Number of States That May Be Granted Waivers To Conduct Same or Similar Demonstration Projects.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.".

SEC. 404. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(i) No Limit on Number of Waivers Granted to, or Demonstration Projects That May Be Conducted by, a Single State.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.".

SEC. 405. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(j) Streamlined Process for Consideration of Amendments and Extensions.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.".

SEC. 406. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(k) Availability of Reports.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.".

SEC. 407. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a–9(b)(1)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

TITLE V—SUPPLEMENTAL SECURITY INCOME

SEC. 501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004;

"(ii) at least 40 percent of all such determinations that are made in fiscal year 2005; and "(iii) at least 50 percent of all such determinations that are made in fiscal year 2006 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

TITLE VI—STATE AND LOCAL FLEXIBILITY

SEC. 601. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term "qualified program" means—

(A) a program under part A of title IV of the Social Security Act;

(B) the program under title XX of such Act;

(C) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(D) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(E) activities funded under the Wagner-Peyser Act;

(F) activities funded under the Adult Education and Family Literacy Act;

(G) activities funded under the Child Care and Development Block Grant Act of 1990;

(H) activities funded under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), except that such term shall not include—

(i) any program for rental assistance under section 8 of such Act (42 U.S.C. 1437f); and

(ii) the program under section 7 of such Act (42 U.S.C. 1437e) for designating public housing for occupancy by certain populations;

(I) activities funded under title I, II, III, or IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); or

(J) the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) PUBLIC HOUSING AGENCY PLAN.—In the case of an application proposing a demonstration project that includes activities referred to in subsection (b)(2)(H) of this section—

(A) a certification that the applicable annual public housing agency plan of any agency affected by the project that is approved under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) by the Secretary includes the information specified in paragraphs (1) through (4) of this subsection; and

(B) any resident advisory board recommendations, and other information, relating to the project that, pursuant to section 5A(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(e)(2), is required to be included in the public housing agency plan of any public housing agency affected by the project.

(8) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), with respect to any requirement under section 5A of such Act (42 U.S.C. 1437c-1; relating to public housing agency plans and resident advisory boards);

(D) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(E) in the case of the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), with respect to any requirement under—

(i) section 6 (if waiving a requirement under such section would have the effect of expanding eligibility for the program), 7(b) or 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.);

(F) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(G) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(H) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

(g) AMENDMENT TO UNITED STATES HOUSING ACT OF 1937.—Section 5A(d) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(d)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph:

"(18) PROGRAM COORDINATION DEMONSTRATION PROJECTS.—In the case of an agency that administers an activity referred to in section 701(b)(2)(H) of the Personal Responsibility, Work, and Family Promotion Act of 2003 that, during such fiscal year, will be included in a demonstration project under section 701 of such Act, the information that is required to be included in the application for the project pursuant to paragraphs (1) through (4) of section 701(b) of such Act.".

SEC. 602. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to States in accordance with this section to provide—

"(1) food assistance to needy individuals and families residing in the State;

"(2) funds to operate an employment and training program under subsection (g) for needy individuals under the program; and

"(3) funds for administrative costs incurred in providing the assistance.

"(b) ELECTION.—

"(1) IN GENERAL.—A State may elect to participate in the program established under subsection (a).

"(2) ELECTION REVOCABLE.—A State that elects to participate in the program established under subsection (a) may subsequently reverse the election of the State only once thereafter. Following the reversal, the State shall only be eligible to participate in the food stamp program in accordance with the other sections of this Act and shall not receive a block grant under this section.

"(3) PROGRAM EXCLUSIVE.—A State that is participating in the program established under subsection (a) shall not be subject to, or receive any benefit under, this Act except as provided in this section.

"(c) LEAD AGENCY.—

"(1) DESIGNATION.—A State desiring to participate in the program established under subsection (a) shall designate, in an application submitted to the Secretary under subsection (d)(1), an appropriate State agency that complies with paragraph (2) to act as the lead agency for the State.

"(2) DUTIES.—The lead agency shall—

"(A) administer, either directly, through other State agencies, or through local agencies, the assistance received under this section by the State;

"(B) develop the State plan to be submitted to the Secretary under subsection (d)(1); and

"(C) coordinate the provision of food assistance under this section with other Federal, State, and local programs.

"(d) APPLICATION AND PLAN.—

"(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by regulation require, including—

"(A) an assurance that the State will comply with the requirements of this section;

"(B) a State plan that meets the requirements of paragraph (2); and

"(C) an assurance that the State will comply with the requirements of the State plan under paragraph (2).

"(2) REQUIREMENTS OF PLAN.—

"(A) LEAD AGENCY.—The State plan shall identify the lead agency.

"(B) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this section—

"(i) to provide food assistance to needy individuals and families residing in the State, other than residents of institutions who are ineligible for food stamps under section 3(i);

"(ii) to administer an employment and training program under subsection (g) for needy individuals under the program and to provide reimbursements to needy individuals and families as would be allowed under section 16(h)(3); and

"(iii) to pay administrative costs incurred in providing the assistance.

"(C) ASSISTANCE FOR ENTIRE STATE.—The State plan shall provide that benefits under this section shall be available throughout the entire State.

"(D) NOTICE AND HEARINGS.—The State plan shall provide that an individual or family who applies for, or receives, assistance under this section shall be provided with notice of, and an opportunity for a hearing on, any action under this section that adversely affects the individual or family.

"(E) OTHER ASSISTANCE.—

"(i) COORDINATION.—The State plan may coordinate assistance received under this section with assistance provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(ii) PENALTIES.—If an individual or family is penalized for violating part A of title IV of the Act, the State plan may reduce the amount of assistance provided under this section or otherwise penalize the individual or family.

"(F) ELIGIBILITY LIMITATIONS.—The State plan shall describe the income and resource eligibility limitations that are established for the receipt of assistance under this section.

"(G) RECEIVING BENEFITS IN MORE THAN 1 JURISDICTION.—The State plan shall establish a system to verify and otherwise ensure that no individual or family shall receive benefits under this section in more than 1 jurisdiction within the State.

"(H) PRIVACY.—The State plan shall provide for safeguarding and restricting the use and disclosure of information about any individual or family receiving assistance under this section.

"(I) OTHER INFORMATION.—The State plan shall contain such other information as may be required by the Secretary.

"(3) APPROVAL OF APPLICATION AND PLAN.—During fiscal years 2004 through 2008, the Secretary may approve the applications and State plans that satisfy the requirements of this section of not more than 5 States for a term of not more than 5 years.

"(e) CONSTRUCTION OF FACILITIES.—No funds made available under this section shall be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement of any building or facility.

"(f) BENEFITS FOR ALIENS.—No individual shall be eligible to receive benefits under a State plan approved under subsection (d)(3) if the individual is not eligible to participate in the food stamp program under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).

"(g) EMPLOYMENT AND TRAINING.—Each State shall implement an employment and training program for needy individuals under the program.

"(h) ENFORCEMENT.—

"(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the State plan approved under subsection (d)(3).

"(2) NONCOMPLIANCE.—

"(A) IN GENERAL.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

"(i) there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan approved under subsection (d)(3); or

"(ii) in the operation of any program or activity for which assistance is provided under this section, there is a failure by the State to comply substantially with any provision of this section, the Secretary shall notify the State of the finding and that no further payments will be made to the State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

"(B) OTHER SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

"(C) NOTICE.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under subparagraph (B).

"(3) ISSUANCE OF REGULATIONS.—The Secretary shall establish by regulation procedures for—

"(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

"(B) imposing sanctions under this section.

"(i) PAYMENTS.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall pay to a State that has an application approved by the Secretary under subsection (d)(3) an amount that is equal to the allotment of the State under subsection (l)(2) for the fiscal year.

"(2) METHOD OF PAYMENT.—The Secretary shall make payments to a State for a fiscal year under this section by issuing 1 or more letters of credit for the fiscal year, with necessary adjustments on account of overpayments or underpayments, as determined by the Secretary.

"(3) SPENDING OF FUNDS BY STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), payments to a State from an allotment under subsection (l)(2) for a fiscal year may be expended by the State only in the fiscal year.

"(B) CARRYOVER.—The State may reserve up to 10 percent of an allotment under subsection (l)(2) for a fiscal year to provide assistance under this section in subsequent fiscal years, except that the reserved funds may not exceed 30 percent of the total allotment received under this section for a fiscal year.

"(4) PROVISION OF FOOD ASSISTANCE.—A State may provide food assistance under this section in any manner determined appropriate by the State to provide food assistance to needy individuals and families in the State, such as electronic benefits transfer limited to food purchases, coupons limited to food purchases, or direct provision of commodities.

"(5) DEFINITION OF FOOD ASSISTANCE.—In this section, the term 'food assistance' means assistance that may be used only to obtain food, as defined in section 3(g).

"(j) AUDITS.—

"(1) REQUIREMENT.—After the close of each fiscal year, a State shall arrange for an audit of the expenditures of the State during the program period from amounts received under this section.

"(2) INDEPENDENT AUDITOR.—An audit under this section shall be conducted by an entity that is independent of any agency administering activities that receive assistance under this section and be in accordance with generally accepted auditing principles.

"(3) PAYMENT ACCURACY.—Each annual audit under this section shall include an audit of payment accuracy under this section that shall be based on a statistically valid sample of the caseload in the State.

"(4) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

"(5) REPAYMENT OF AMOUNTS.—Each State shall repay to the United States any amounts determined through an audit under this section to have not been expended in accordance with this section or to have not been expended in accordance with the State plan, or the Secretary may offset the amounts against any other amount paid to the State under this section.

"(k) NONDISCRIMINATION.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance for any program, project, or activity under this section if any person with responsibilities for the operation of the program, project, or activity discriminates with respect to the program, project, or activity because of race, religion, color, national origin, sex, or disability.

"(2) ENFORCEMENT.—The powers, remedies, and procedures set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) may be used by the Secretary to enforce paragraph (1).

"(l) ALLOTMENTS.—

"(1) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States, the District of Columbia, Guam, and the Virgin Islands of the United States.

"(2) STATE ALLOTMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), from the amounts made available under section 18 of this Act for each fiscal year, the Secretary shall allot to each State participating in the program established under subsection (a) an amount that is equal to the sum of—

"(i) the greater of, as determined by the Secretary—

"(I) the total dollar value of all benefits issued under the food stamp program established under this Act by the State during fiscal year 2003; or

"(II) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during each of fiscal years 2001 through 2003; and

"(ii) the greater of, as determined by the Secretary—

"(I) the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for fiscal year 2003; or

"(II) the average per fiscal year of the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for each of fiscal years 2001 through 2003.

"(B) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subparagraph (A) will exceed the amount of funds that will be made available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.".

TITLE VII—ABSTINENCE EDUCATION

SEC. 701. EXTENSION OF ABSTINENCE EDUCATION PROGRAM.

(a) EXTENSION OF APPROPRIATIONS.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking "2002" and inserting "2008".

(b) ALLOTMENT OF FUNDS.—Section 510(a) (42 U.S.C. 710(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "an application for the fiscal year under section 505(a)" and inserting ", for the fiscal year, an application under section 505(a), and an application under this section (in such form and meeting such terms and conditions as determined appropriate by the Secretary),"; and

(2) in paragraph (2), to read as follows:

"(2) the percentage that would be determined for the State under section 502(c)(1)(B)(ii) if the calculation under such section took into consideration only those States that transmitted both such applications for such fiscal year.".

(c) REALLOTMENT OF FUNDS.—Section 510 (42 U.S.C. 710(a)) is amended by adding at the end the following new subsection:

"(e)(1) With respect to allotments under subsection (a) for fiscal year 2004 and subsequent fiscal years, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be required to carry out a program under this section during such fiscal year or the succeeding fiscal year shall be available for reallotment from time to time during such fiscal years on such dates as the Secretary may fix, to other States that the Secretary determines—

"(A) require amounts in excess of amounts previously allotted under subsection (a) to carry out a program under this section; and

"(B) will use such excess amounts during such fiscal years.

"(2) Reallotments under paragraph (1) shall be made on the basis of such States' applications under this section, after taking into consideration the population of low-income children in each such State as compared with the population of low-income children in all such States with respect to which a determination under paragraph (1) has been made by the Secretary.

"(3) Any amount reallotted under paragraph (1) to a State is deemed to be part of its allotment under subsection (a).".

(d) Effective Date.—The amendments made by this section shall be effective with respect to the program under section 510 for fiscal years 2004 and succeeding fiscal years.

TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

SEC. 801. EXTENSION OF MEDICAID TRANSITIONAL MEDICAL ASSISTANCE PROGRAM THROUGH FISCAL YEAR 2004.

(a) In General.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking "2002" and inserting "2004".

(b) Conforming Amendment.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking "September 30, 2002" and inserting "the last date (if any) on which section 1925 applies under subsection (f) of that section".

(c) Effective Date.—The amendments made by this section shall take effect October 1, 2003.

SEC. 802. ADJUSTMENT TO PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATIVE PAYMENTS AND TO FUND EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.

Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x) Adjustments to Payments for Administrative Costs To Fund Extension of Transitional Medical Assistance.—

"(1) Reductions in payments for administrative costs.—Effective for each calendar quarter in fiscal year 2004 and fiscal year 2005, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to 45 percent for fiscal year 2004, and 80 percent for fiscal year 2005, of one-quarter of the annualized amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).

"(2) Allocation of administrative costs.—None of the funds or expenditures described in section 16(k)(5)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used to pay for costs—

"(A) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

"(B) allocated for reimbursement to the program under this title under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs;

except that, for purposes of subparagraph (A), the reference in clause (iii) of that section to 'subsection (a)' is deemed a reference to subsection (a)(7) and clause (iv)(II) of that section shall be applied as if 'medicaid program' were substituted for 'food stamp program'.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided, the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Exception.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The CHAIRMAN pro tempore. No amendment to the bill shall be in order except those printed in House Report 108–9. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

It is now in order to consider amendment No. 1 printed in House Report 108–9.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. Kucinich:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patsy Mink Memorial TANF Reauthorization Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Amendment of Social Security Act.

TITLE I—GENERAL PROVISIONS

Sec. 101. Purposes.
Sec. 102. State plan.
Sec. 103. Funding.
Sec. 104. Use of funds.

TITLE II—WORK REQUIREMENTS

Sec. 201. Reduced work requirement for parents of school-age children who cannot find adequate child care.
Sec. 202. Conforming the number of weeks to the unemployment insurance compensation standard.
Sec. 203. Revision of work activities.
Sec. 204. Penalties against individuals for unjustified refusal to work; additional justifications.
Sec. 205. Elimination of miscellaneous provisions.

TITLE III—PROHIBITIONS; REQUIREMENTS

Sec. 301. Replacement of requirement to sanction individual for noncooperation in establishing paternity or obtaining child support with prohibition on requiring such cooperation.
Sec. 302. Prohibition on requiring assignment of support rights to the State; return of support rights assigned to the State.
Sec. 303. Elimination of sanction against teenage parents not attending high school or other equivalent training program.
Sec. 304. Requirements relating to disregard of child support.
Sec. 305. Elimination of sanction against teenage parents not living in adult-supervised settings.
Sec. 306. Protection for children.
Sec. 307. 5-year time limit.
Sec. 308. Requirement to provide notice of rights of recipients, and train program personnel in carrying out program consistent with the rights.
Sec. 309. Requirement to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 310. Ban on counting income, scholarship, or gift received by dependent minors.
Sec. 311. Ban on diversion of potential applicants for assistance.
Sec. 312. Prohibition on requiring recipients to respond to surveys conducted to obtain information for quarterly reports.
Sec. 313. Confidentiality of program information.
Sec. 314. Nondiscrimination.
Sec. 315. Requirement to provide opportunity to appeal adverse decision.
Sec. 316. Clarification of penalty for failure to comply with individual responsibility plan.
Sec. 317. Applicability of civil rights laws.
Sec. 318. Elimination of special rules relating to treatment of aliens.

TITLE IV—PENALTIES

Sec. 401. Increase in penalty for failure to submit required report.
Sec. 402. Replacement of penalty against State for failure to comply with paternity establishment and child support enforcement requirements with penalty for requiring cooperation in establishing paternity or obtaining child support (including assigning support rights to the State).
Sec. 403. Extension of maintenance of effort requirement.
Sec. 404. Penalty for failure of State to comply with child support disregard requirements.
Sec. 405. Penalty for penalizing birth of child.
Sec. 406. Penalty for failure to notify recipients of rights, or train program personnel in respecting rights of recipients.
Sec. 407. Penalty for failure to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 408. Penalty for counting income, scholarship, or gift received by dependent minor.
Sec. 409. Penalty for diverting potential applicant for assistance.
Sec. 410. Penalty for requiring recipient to respond to survey conducted to obtain information for quarterly report.
Sec. 411. Penalty for unauthorized disclosure of information provided by recipient.
Sec. 412. Penalty for discrimination.
Sec. 413. Penalty for failure to provide opportunity to appeal adverse decision.
Sec. 414. Penalty for failure to comply with minimum benefit rules.

Sec. 415. Penalty for failure to provide individual child care entitlement.
Sec. 416. Failure to submit report on welfare access and outcomes.
Sec. 417. Elimination of reasonable cause exception.
Sec. 418. Modification of availability of corrective compliance plan option.
Sec. 419. Repeal of ban on assistance for persons convicted of a drug felony.

TITLE V—STUDIES AND REPORTS

Sec. 501. Additional information to be included in quarterly State reports.
Sec. 502. Elimination from secretarial report to the Congress of information on out-of-wedlock pregnancies.
Sec. 503. Access to welfare; welfare outcomes.
Sec. 504. Assessment of regional economies to identify higher entry level wage opportunities in industries experiencing labor shortages.
Sec. 505. Research, evaluations, and national studies.
Sec. 506. Study by the Census Bureau.

TITLE VI—WAIVERS

Sec. 601. Waivers.

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY

Sec. 701. Repeal of limitation on Federal authority.

TITLE VIII—MINIMUM BENEFIT RULES

Sec. 801. Minimum benefit rules.

TITLE IX—CHILD CARE

Sec. 901. Individual entitlement to child care.

TITLE X—DEFINITION OF POVERTY LINE

Sec. 1001. Definition of poverty line.

TITLE XI—SERVICE PROVIDERS

Sec. 1101. Protection for beneficiaries.

TITLE XII—EFFECTIVE DATE

Sec. 1201. Effective date.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Welfare reform has reduced the welfare caseload but has failed to move families out of poverty. More than 40 percent of former welfare recipients continued to live below the poverty line in 1999. Employed former recipients earn a median hourly wage of $7.15. Because challenges to economic opportunity and well-being are not adequately addressed by current welfare programs, existing law must be changed to ensure that welfare policy effectively promotes the reduction of poverty.

(2) Between 1995 and 1999, a strong economy reduced poverty by about 2 percent. Reductions in Government transfer payments during this period, however, eliminated almost all of the antipoverty effectiveness of economic growth. Prior to welfare reform, between 1993 and 1995, Government transfer payments had produced the opposite effect, reducing poverty among American families.

(3) About ⅓ of people who have left welfare say they have had to cut the size of meals or skip meals because they did not have enough food in the house.

(4) Over 40 percent of welfare leavers report that they have had trouble paying housing and utility bills since leaving welfare.

(5) Since welfare reform was enacted in 1996, and despite a strong economy, there have been sharp increases in the rates at which single mothers with children have had to rely on food pantries and homeless shelters.

(6) An estimated ⅓ to ½ of all families leaving welfare for work do not receive medical assistance, food stamps, or child care to which they are entitled.

(7) Only 1,500,000 of the 9,900,000 children who are eligible for child care subsidies under their States' eligibility guidelines receive child care assistance.

(8) Between 1997 and 1999, over 500,000 families were sanctioned off welfare and these families have been more likely to experience poverty than have other families leaving welfare. On a variety of measures, families who have been sanctioned off welfare tend to fare worse than other leavers.

(9) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt full-family sanctions. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs full-family sanctions. African-American families have, in fact, been sanctioned more frequently than their white counterparts.

(10) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt family cap policies. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs a family cap policy.

(11) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt time limits shorter than the Federal Government requires. Approximately ⅔ of all families that will exhaust their allowable time on welfare are families of color.

(12) Overall, 78 percent of children with immigrant parents are themselves born in the United States and are therefore eligible for services if poor. Nearly ¼ of all children of immigrants live in poor families and 23 percent of all poor children in the United States are either first- or second-generation immigrants. Immigrants whose children are eligible for public benefits often don't know about the services, are afraid to access them, or are incorrectly turned away.

(13) About 25 percent of former welfare recipients have no paid employment and have either no partner or a partner who is unemployed.

(14) Under welfare reform, single mothers have been forced to work at unsafe and hazardous job sites and to be subject to sexual harassment and racial discrimination.

(15) Most single mothers who leave welfare for work do not earn enough in wages to lift their families out of poverty, even several years after leaving welfare. 55 percent remain poor 1 year after leaving welfare; 49 percent 3 years after and 42 percent 5 years after. Only about ⅓ of all leavers have incomes above 150 percent of the poverty line years after going off welfare.

(16) Adolescent children of single mothers who have left welfare for work have school performance rates below those of other low-income children. Early studies of families in welfare-to-work programs in Florida, Minnesota, and Canada have found unexpected evidence that their adolescent children have lower academic achievement and more behavioral problems than the children of other welfare households. The researchers hypothesized that parents in the programs might have less time and energy to monitor their adolescents' behavior once they were employed; that under the stress of working, they might adopt harsher parenting styles; or that the adolescents' assuming more responsibilities at home when parents got jobs was creating too great a burden.

(17) Under welfare reform, when families lost income regardless of the reason, children were more likely to experience bad outcomes such as increased school suspensions, behavior and mental health problems including symptoms of depression, an increase in the number of children removed from their mother's care, increased enrollment in special classes for behavioral or emotional problems, and health problems such as increased trips to the emergency room. In programs where both employment and income were increased, the impact on children was more positive.

(18) Most single mothers on welfare who are eligible for the exemption from cooperating in establishing paternity are not made aware of this option.

(19) 35 percent of low-income families reported mental health problems according to a 1999 study. Similar rates of mental health problems have been found among welfare recipients. Among California welfare program participants, more than ⅓ had at least 1 diagnosable mental health problem in the previous 12 months, and about 20 percent had 2 or more. Nationally, between 70 and 90 percent of working-age adults with serious mental health problems are unemployed. According to a 2001 study, major depression significantly decreases the likelihood that a woman receiving welfare will be employed and the presence of 1 or more of 4 psychiatric disorders increases the likelihood of receiving cash assistance by 32 percent.

(20) Over half of women receiving welfare have been victims of domestic violence as adults. According to several studies, a quarter to a third of welfare recipients report having been abused within the last year. Abusive partners often interfere with women's attempts to work or to obtain education.

SEC. 4. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. PURPOSES.

Section 401(a)(1) (42 U.S.C. 601(a)(1)) is amended to read as follows:

"(1) IN GENERAL.—The purpose of this part is to end child and family poverty by—

"(A) supporting caregivers so that children may be cared for in their own homes;

"(B) promoting education, training, work supports, and access to jobs that pay a living wage;

"(C) assuring access to Medicaid, Food Stamps, child care, and such other assistance for which the family is eligible;

"(D) providing access to services to address barriers to leaving poverty, including mental health, disability, substance abuse, domestic violence, and sexual assault; and

"(E) reducing poverty of families with children.".

SEC. 102. STATE PLAN.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(ii) by striking clauses (v) and (vi); and

(B) in subparagraph (B)—

(i) in clause (iii), by inserting "and will notify recipients of assistance under the program of the rights of individuals under all laws applicable to program activities" before the period;

(ii) by striking clauses (i) and (iv) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively;

(2) in paragraph (7), by striking subparagraph (B) and inserting the following:

"(B) Domestic or sexual violence defined.—In this title, the term 'domestic or sexual violence' has the same meaning as 'battered or subject to extreme cruelty' in section 402(a)(7)(C)(ii)."; and

(3) by adding at the end the following:

"(7) Certifications regarding domestic and sexual violence, mental illness, disability, and substance abuse.—

"(A) Standards and procedures.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure that the State will do the following:

"(i) Address recipient's barriers to leaving poverty.—Address the needs of a recipient who has a mental health problem, disability, or substance abuse addiction, or who is dealing with domestic or sexual violence, including how the State will, at the time of application, at a recipient's request, and before imposing any sanction or penalty for noncompliance—

"(I) have trained caseworkers screen, and, at the option of the recipient, qualified professionals assess and identify individuals who are dealing with a mental health problem, disability, substance abuse addiction, or domestic or sexual violence;

"(II) in the case of an individual who is so identified, at the option of the individual, refer the individual and affected children or other close family members for appropriate treatment, counseling, vocational rehabilitation, job training, and other services;

"(III) coordinate, contract, or hire appropriate licensed qualified professionals, including licensed qualified mental health service providers, licensed qualified physicians or medical service providers, licensed qualified substance abuse professionals, domestic violence coalitions, sexual assault coalitions, or victim services organizations;

"(IV) ensure the strict confidentiality of such information; and

"(V) pursuant to a determination of good cause, waive, without time limit, any State or Federal program requirement for so long as necessary in every case in which the requirement—

"(aa) makes it more difficult for the individual to manage his or her mental health problem, disability, substance abuse addiction, or domestic or sexual violence situation;

"(bb) unfairly penalizes the individual; or

"(cc) makes the individual unsafe.

"(ii) Use of qualified professionals.—Enter into contracts with or employ qualified professionals for the provision of services in each of the fields of mental health, substance abuse, disability, and domestic or sexual violence, and that the contracts will require that, in the case of an individual who has multiple such barriers, the qualified professionals assigned to the case will collaborate to provide the individual with integrated, comprehensive services.

"(B) Definitions.—In this paragraph:

"(i) Domestic violence coalition.—The term 'domestic violence coalition' means a nonprofit, nongovernmental membership organization that—

"(I) consists of the entities carrying out a majority of the domestic violence programs carried out in a State;

"(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

"(III) among other activities, provides training and technical assistance to entities carrying out domestic violence programs in a State, territory, political subdivision, or area under Federal authority.

"(ii) Sexual assault coalition.—The term 'sexual assault coalition' means a nonprofit, nongovernmental membership organization that—

"(I) consists of the entities carrying out a majority of the sexual assault programs carried out in a State;

"(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

"(III) among other activities, provides training and technical assistance to entities carrying out sexual assault programs in a State, territory, political subdivision, or area under Federal authority.

"(iii) Victim services organization.—The term 'victim services organization' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

"(iv) Licensed qualified mental health service provider.—The term 'licensed qualified mental health service provider' means a psychiatrist, clinical psychologist, clinical social worker, community mental health counselor, or other licensed individual who has appropriate training in the diagnosis and treatment of mental illness in children, adolescents, and adults or provides mental health services reimbursed under title XVIII or a State plan approved under title XIX.

"(v) Qualified professional.—The term 'qualified professional' means—

"(I) with respect to a disability, a physician or other licensed medical provider;

"(II) with respect to substance abuse, a licensed drug counselor or clinician with expertise in the assessment and treatment of parents with drug addiction issues, who may be affiliated with an out-patient or residential family drug or alcohol treatment program; or

"(III) with respect to domestic or sexual violence—

"(aa) a State or tribal domestic violence coalition or sexual assault coalition; or

"(bb) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program.

"(8) Certification regarding assessment of regional economies and informing localities of sectoral labor shortages.—A certification by the chief executive officer of the State that, during the fiscal year, the State will assess its regional economies and provide information to political subdivisions of the State about the industrial sectors that are experiencing a labor shortage and that provide higher entry-level wage opportunities for unemployed and underemployed job seekers.".

SEC. 103. FUNDING.

(a) Family Assistance Grant.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended in each of subparagraphs (A) and (E) by striking "1996, 1997, 1998, 1999, 2000, 2001, and 2002" and inserting "1996 through 2008".

(b) Inflation Adjustment.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "means the greatest of—" and inserting "means, with respect to a fiscal year specified in subparagraph (A) of this paragraph—

"(i) the greatest of—";

(B) by redesignating each of clauses (i), (ii)(I), (ii)(II), and (iii) as subclauses (I), (II)(aa), (II)(bb), and (III), respectively;

(C) by indenting each of the provisions specified in subparagraph (B) of this paragraph 2 additional ems to the right;

(D) by striking the period and inserting "; multiplied by"; and

(E) by adding at the end the following:

"(ii) 1.00, plus the inflation percentage (as defined in subparagraph (F) of this paragraph) in effect for the fiscal year specified in subparagraph (A) of this paragraph."; and

(2) by adding at the end the following:

"(F) Inflation percentage.—For purposes of subparagraph (B) of this paragraph:

"(i) In general.—Except as provided in clause (ii), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(I) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on September 30 of the immediately preceding fiscal year; exceeds

"(II) the average of the Consumer Price Index (as so defined) for the 12-month period ending on September 30, 2001.

"(ii) Special rule for fiscal year 2003.—The inflation percentage applicable to fiscal year 2003 is ½ of the inflation percentage determined under clause (i) for fiscal year 2003.".

(c) Replacement of Bonus To Reward Decrease in Illegitimacy Ratio With Child Poverty Reduction Bonus.—Section 403(a)(2) (42 U.S.C. 603(a)) is amended to read as follows:

"(2) Bonus to reward states that reduce child poverty.—

"(A) In general.—Beginning with fiscal year 2003, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

"(B) Amount of grant.—

"(i) In general.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

"(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

"(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

"(ii) Limitations.—

"(I) Minimum grant.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

"(II) Maximum grant.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

"(iii) Pro rata increase.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(v) SPECIAL RULE FOR FISCAL YEAR 2003.—The amount payable to a State under this paragraph for fiscal year 2003 shall be ½ of the amount otherwise so payable.

"(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

"(D) DEFINITIONS.—In this paragraph:

"(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

"(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

"(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

"(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

"(I) begins with the calendar year that, as of October 1, 2002, precedes the then most recently completed calendar year for which such information is available; and

"(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

"(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

"(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

"(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

"(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

"(F) APPROPRIATIONS.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

"(I) for fiscal year 2003, $75,000,000 for grants under this paragraph; and

"(II) for fiscal year 2004 and each fiscal year thereafter $150,000,000 for grants under this paragraph.

"(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.".

(d) SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3) (42 U.S.C. 603(a)) is amended—

(1) in subparagraph (A)(ii), by striking ", 2000, and 2001" and inserting "through 2008";

(2) by striking subparagraphs (C) and (D) and inserting the following:

"(C) QUALIFYING STATE.—For purposes of this paragraph, a State is a qualifying State for a fiscal year if rate at which the population of the State with income less than 200 percent of the poverty line has increased (as determined by the Bureau of the Census) for the most recent fiscal year for which information is available exceeds the such rate for all States (as so determined) for such most recent fiscal year.

"(D) STATE DEFINED.—In this paragraph, the term 'State' means each of the 50 States of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam."; and

(3) in subparagraph (E)—

(A) by striking "1998, 1999, 2000, and 2001" and inserting "2003 through 2008"; and

(B) by striking "$800,000,000" and inserting "$2,000,000,000".

(e) AMENDMENT OF BONUS TO REWARD HIGH PERFORMANCE STATES.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended to read as follows:

"(4) BONUS TO REWARD HIGH PERFORMANCE STATES.—

"(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is a high performing State with respect to a category described in subparagraph (C).

"(B) AMOUNT OF GRANT.—

"(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to a high performing State for a bonus year with respect to a category, which shall be based on the score assigned to the State under subparagraph (D)(i) with respect to the category for the fiscal year that immediately precedes the bonus year.

"(ii) LIMITATION.—The total of the amounts payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

"(C) FORMULA FOR MEASURING STATE PERFORMANCE.—Not later than October 1, 2003, the Secretary shall, in consultation with affected groups, including recipient groups and State governors, issue regulations implementing criteria for awarding of bonuses under this paragraph in the following categories:

"(i) PREPARATION AND PLACEMENT OF RECIPIENTS IN EMPLOYMENT THAT WILL MOVE FAMILIES OUT OF POVERTY.—The degree of success in implementing employment-related measures, including job entry, job retention and earnings gain rates, improvement in each of such measures, and the success of States in—

"(I) meeting self-sufficiency needs for welfare leavers;

"(II) training, placing and retaining welfare leavers in higher-waged jobs identified in the assessment most recently submitted by the State pursuant to section 411(d);

"(III) training, placing and retaining welfare leavers in technical, professional, or nontraditional occupations for women;

"(IV) providing career development assistance related to higher-waged jobs including reliable, up-to-date career counseling services, employability assessments on available employment that pays a sustainable wage, nontraditional training and education options, and employment opportunities;

"(V) encouraging participation in post-secondary educational programs;

"(VI) encouraging use of effective literacy programs that strengthen basic skills in the context of employment; and

"(VII) encouraging participation in vocational education programs for occupations identified in the assessment most recently submitted by the State pursuant to section 411(d).

"(ii) REMOVAL OF BARRIERS TO SELF SUFFICIENCY.—The degree of success in removing mental health, substance abuse, disability, or domestic or sexual violence barriers to escaping poverty, which shall be based on an equal weighting of the following:

"(I) NOTIFICATION.—The percentage of individuals receiving assistance under this part who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 75 percent of the individuals surveyed by the State respond in the affirmative to the question of whether the individual has received the notification.

"(II) TRAINING.—The percentage of caseworkers, supervisors, and new employees who have been trained in a curriculum developed by or in collaboration with qualified professionals in each of mental health, substance abuse, disability, or domestic or sexual violence services. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 80 percent of the caseworkers, supervisors, and employees administering the State program funded under this part have been trained in the curriculum.

"(III) ASSESSMENT AND SERVICES.—The State must certify that the State has contracts with or employs qualified professionals in mental health, substance abuse, disability, or domestic or sexual violence services, and that the contract requires that where an individual has multiple barriers the professional service providers will collaborate to provide the individual holistic services.

"(iii) PROVISION OF WORK SUPPORTS.—The extent to which the State has increased the percentages described to in the following subclauses in comparison to the percentages achieved in fiscal year 2001:

"(I) FOOD STAMPS MEASURES.—Of the number of families with children in the State who are eligible to receive food stamp benefits under the Food Stamp Act of 1977, the percentage who receive such benefits.

"(II) MEDICAID AND SCHIP MEASURES.—Of the individuals who have ceased receiving assistance under the State program funded under this part for 4 or more months, and are eligible to receive medical assistance under a State plan approved under title XIX or the child health assistance under a State plan approved under title XXI, the percentage who receive such medical or child health assistance.

“(III) Child care measures.—Of the children in the State who meet the maximum allowable Federal eligibility requirements for benefits under the Child Care and Development Block Grant Act of 1990, the percentage who receive such benefits, including any such children who receive child care benefits provided with additional State or Federal funds, including Head Start Funds. In taking the percentage into account for purposes of this clause, the Secretary shall also consider (aa) the affordability of child care subsidies by including a comparison of co-payment rates charged to eligible families, and (bb) the proportion of market rates paid to providers of subsidized child care as determined by a market rate survey that was taken not more than 2 years earlier.

“(D) Scoring of state performance; setting of performance thresholds.—For each bonus year, the Secretary shall—

“(i) use the formula developed under subparagraph (C) for a measure to assign a score to each eligible State with respect to the measure for the fiscal year that immediately precedes the bonus year; and

“(ii) prescribe a performance threshold for each such measure in such a manner so as to ensure that—

“(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $278,333,333; and

“(II) the total amount of grants to be made under this paragraph for all bonus years equals $1,670,000,000.

“(E) Definitions.—In this paragraph:

“(i) Bonus year.—The term ‘bonus year’ means fiscal years 2003 through 2008.

“(ii) High performing state.—The term ‘high performing State’ means, with respect to a measure and a bonus year, an eligible State whose score assigned pursuant to subparagraph (D)(i) with respect to the measure for the fiscal year immediately preceding the bonus year equals or exceeds the performance threshold prescribed under subparagraph (D)(ii) with respect to the measure for such preceding fiscal year.

“(F) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2003 through 2008 $1,670,000,000 for grants under this paragraph.”.

(f) Elimination of Welfare-to-Work Grants.—

(1) In general.—

(A) Grants to states.—Section 403(a) (42 U.S.C. 603(a)) is amended by striking paragraph (5).

(B) Grants to indian tribes.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (3).

(2) Conforming amendments.—

(A) Section 413 (42 U.S.C. 613) is amended by striking subsection (j).

(B) Section 510 (42 U.S.C. 710) is repealed.

(C) Section 404(k)(1)(C) (42 U.S.C. 604(k)(1)(C)) is amended—

(i) by adding “and” at the end of clause (ii);

(ii) by striking clause (iii); and

(iii) by redesignating clause (iv) as clause (iii).

(g) 50 Percent Federal Match for State Funding in Excess of Required Maintenance of Effort Level.—Section 403(a) (42 U.S.C. 603(a)), as amended by subsection (e)(1)(A) of this section, is amended by adding at the end the following:

“(5) Matching grants for state expenditures exceeding required maintenance of effort level.—

“(A) In general.—Each eligible State shall be entitled to receive from the Secretary for a fiscal year a grant in an amount equal to the amount (if any) by which the total of the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year exceeds the applicable percentage (as defined in section 409(a)(7)(B)(ii)) of historic State expenditures (as defined in section 409(a)(7)(B)(iii)) with respect to the fiscal year.

“(B) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as are necessary for grants under this section for fiscal years 2003 through 2008.”.

(h) Contingency Fund.—

(1) In general.—Section 403(b) (42 U.S.C. 603(b)) is amended by striking paragraphs (2) through (7) and inserting the following:

“(2) Deposits into fund.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 1997 through 2008 such sums as are necessary for grants under this section for the fiscal year.

“(3) Grants.—The Secretary shall make a grant to a needy State, for each eligible month with respect to the State, in an amount equal to the amount described in paragraph (6).

“(4) Needy state.—A State is a needy State for purposes of this paragraph if—

“(A) the rate of total unemployment in the State (seasonally adjusted) for the most recent month for which such information is available—

“(i) is at least 5.5 percent; or

“(ii) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or such average rate for the 2nd preceding fiscal year; or

“(B) the number of families participating in eligible State programs is at least 10 percent greater than the average monthly number of families who participated in the programs during the 2 consecutive calendar quarters of the then most recent 8 such quarters in which such average monthly number was the least.

“(5) Eligible month.—In paragraph (3), the term ‘eligible month’ means, with respect to a State, any month for which the State is a needy State, and each subsequent month until—

“(A) 3 months has elapsed since the end of the most recent month in which the 3-month moving average of the rate of total unemployment in the State (seasonally adjusted) was less than the monthly unemployment rate in the State in the most recent month in which the State became (or, in the absence of paragraph (4)(B), would have become) a needy State by reason of paragraph (4)(A); and

“(B) 4 months has elapsed since the end of the most recent month in which the number of families participating in eligible State programs was at least as great as the number of families so participating in the most recent month in which the State became (or, in the absence of paragraph (4)(A), would have become) a needy State by reason of paragraph (4)(B).

“(6) Grant amount.—The amount described in this paragraph with respect to a State is an amount equal to 110 percent of—

“(A) 80 percent of the average total amount expended by the State under all eligible State programs in the 2 consecutive calendar quarters of the then most recent 8 such quarters in which the average monthly number of families participating in the programs was the least; multiplied by

“(B) the percentage by which the monthly number of families participating in eligible State programs has increased over the average monthly number of families so participating during the 2 consecutive quarters referred to in subparagraph (A).

“(7) Eligible state program defined.—In this subsection, the term ‘eligible State program’ means, with respect to a State, any program under which a State expenditure could be considered a qualified State expenditure (as defined in section 409(a)(7)(B)(i)).”.

(2) Easing of related maintenance of effort requirement.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking “100 percent” and inserting “the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection)”.

(i) Federal Loans for State Welfare Programs.—Section 406 (42 U.S.C. 606) is amended—

(1) in subsection (d), by striking “10” and inserting “20”; and

(2) in subsection (e), by striking “$1,700,000,000” and inserting “$2,000,000,000”.

(j) Grants for Indian Tribes.—Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)(1)(A), (2)(A)) are each amended by striking “1997, 1998, 1999; 2000, 2001, and 2002” and inserting “1997 through 2008”.

(k) Studies and Demonstrations.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking “2002” and inserting “2008”.

(l) Study by the Census Bureau.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking “1996, 1997, 1998, 1999, 2000, 2001, and 2002” and inserting “1996 through 2008”.

(m) Child Care Entitlement.—Section 418(a)(3) (42 U.S.C. 618(a)(3) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(G) $5,300,333,333 for fiscal year 2003;

“(H) $5,400,333,333 for fiscal year 2004;

“(I) $5,500,333,333 for fiscal year 2005;

“(J) $5,700,333,333 for fiscal year 2006;

“(K) $5,900,333,333 for fiscal year 2007; and

“(L) $6,050,333,333 for fiscal year 2008.”.

SEC. 104. USE OF FUNDS.

(a) Elimination of Authority to Treat Interstate Immigrants Under Rules of Former State.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(b) Modifications to Individual Development Accounts.—Section 404(h) (42 U.S.C. 604(h)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (5)(A), by adding at the end the following:

“(iii) An institution that offers a course of study leading to adult literacy, in English as a second language, or a certificate of high school equivalency.”; and

(3) in paragraph (5)(F), by striking “and inventory” and inserting “inventory, and transportation”.

(c) Conforming Amendments.—Section 404 (42 U.S.C. 404) is amended by striking subsections (i) and (j) and redesignating subsection (k) as subsection (i).

TITLE II—WORK REQUIREMENTS

SEC. 201. REDUCED WORK REQUIREMENT FOR PARENTS OF SCHOOL-AGE CHILDREN WHO CANNOT FIND ADEQUATE CHILD CARE.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following:

"Notwithstanding the preceding sentence, the maximum average number of hours per week shall be 20 for any week in which the recipient is the parent or caretaker relative of a child who has attained 6 years of age and does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.".

SEC. 202. CONFORMING THE NUMBER OF WEEKS TO THE UNEMPLOYMENT INSURANCE COMPENSATION STANDARD.

Section 407(c)(2)(A)(i) (42 U.S.C. 607(c)(2)(A)(i)) is amended by striking "6 weeks" and inserting "12 weeks".

SEC. 203. REVISION OF WORK ACTIVITIES.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) transitional work experience leading to jobs that provide an income of not less than 250 percent of the poverty line;";

(2) by striking paragraph (7) and inserting the following:

"(7) voluntary participation in a community service program;";

(3) in paragraph (8), by striking "(not to exceed 12 months with respect to any individual)"; and

(4) by striking paragraphs (10) through (12) and inserting the following:

"(10) participation in a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965;";

"(11) education, including not more than 6 hours of home study per week, in the case of a recipient who is enrolled—

"(A) at an elementary or secondary school (as defined in the Elementary and Secondary Education Act of 1965);

"(B) in a course of study leading to adult literacy, English as a second language, or a certificate of high school equivalency; or

"(C) at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), regardless of the content of the course of study;

"(12) the provision of appropriate care to a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act) or has not attained 6 years of age, by a recipient who is a parent or caretaker relative of the child; and

"(13) participation in treatment or an educational activity designed to address a mental health problem, disability, substance abuse, or domestic or sexual violence.".

(b) CONFORMING AMENDMENTS.—Section 407 of such Act (42 U.S.C. 607) is amended—

(1) in subsection (b), by striking paragraph (5); and

(2) in subsection (c)—

(A) in each of subparagraphs (A) and (B)(i) of paragraph (1), by striking "not fewer than" and all that follows through "subsection (d),";

(B) in paragraph (1)(B)(ii), by striking "not fewer than" and all that follows through "subsection (d)"; and

(C) in paragraph (2), by striking subparagraph (D).

SEC. 204. PENALTIES AGAINST INDIVIDUALS FOR UNJUSTIFIED REFUSAL TO WORK; ADDITIONAL JUSTIFICATIONS.

(a) IN GENERAL.—Section 407(e) (42 U.S.C. 607(e)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if an individual in a family receiving assistance under the State program funded under this part refuses to engage in work required in accordance with this section, the State shall, subject to such good cause and other exceptions as the State may establish, reduce the amount of assistance otherwise payable to the family on a pro rata basis, but to not less than the amount that would be payable to a family with the same number of children but with no adults, with respect to any period during a month in which the individual so refuses.";

(2) in paragraph (2)—

(A) by striking "EXCEPTION" and inserting "CHILD CARE EXCEPTION"; and

(B) by striking "proves that the individual has a demonstrated inability (as determined by the State)" and inserting "certifies that the individual is unable"; and

(3) by adding at the end the following:

"(3) ADDITIONAL CHILD CARE EXCEPTIONS.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on a refusal of an individual to engage in work required in accordance with this section if the individual is a custodial parent or caretaker relative caring for—

"(A) a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act), and the individual does not have meaningful access to safe, appropriate, affordable, and quality care for the child; or

"(B) a child who has attained 6 years of age, and the individual does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.

"(4) MENTAL HEALTH PROBLEM, DISABILITY, SUBSTANCE ABUSE, OR DOMESTIC OR SEXUAL VIOLENCE EXCEPTION.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual who has a mental health problem, disability, or substance abuse problem, or who is a victim of sexual or domestic violence to engage in work required in accordance with this section if—

"(A) the individual is in the process of being screened or assessed for the mental health problem, disability, substance abuse problem, or sexual or domestic violence situation but the screening or assessment has not been completed;

"(B) the individual has not been offered treatment to address the problem or disability; or

"(C) the individual cannot comply because of the need to seek medical, legal, or other services in relation to the mental health problem, disability, or sexual or domestic violence situation.

"(5) MINIMUM WAGE EXCEPTION.—Notwithstanding paragraph (1), a State may not impose a sanction under the State program funded under this part on the basis of the refusal of an individual to accept any employment (including any employment offered under the program), if the wage rate for the employment does not equal or exceed the greater of—

"(A) the minimum wage rate then in effect under section 6 of the Fair Labor Standards Act of 1938; or

"(B) any minimum wage rate prescribed by or under the law of the State.

"(6) DISCRIMINATION EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual to engage in work required in accordance with this section if the individual certifies in a manner described in subparagraph (B) that the individual has left or refused work based on discrimination.

"(B) CERTIFICATION.—An individual may provide a certification required by subparagraph (A) by sworn written statement or by providing other documentation, including a police or court record or documentation by a shelter worker, an employee of a victim assistance program, an attorney, a member of the clergy, or a medical or other professional from whom the individual has sought assistance as a victim.".

(b) CONFORMING AMENDMENTS.—Section 409(a)(11) (42 U.S.C 609(a)(11)) is amended—

(1) in the paragraph heading, by striking "WHO CANNOT OBTAIN CHILD CARE FOR CHILD UNDER AGE 6" and inserting "WITH JUSTIFIED REFUSAL TO WORK"; and

(2) in subparagraph (A), by striking "407(e)(2)" and inserting "407(e)".

SEC. 205. ELIMINATION OF MISCELLANEOUS PROVISIONS.

Section 407 (42 U.S.C. 607) is amended by striking subsections (g), (h), and (i).

SEC. 206. ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.

Section 407 (42 U.S.C. 607), as amended by section 205 of this Act, is amended by adding at the end the following:

"(g) ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.—At the option of a recipient of assistance under a State program funded under this part, the State shall, before assigning the recipient to a work activity under the program, perform an individual assessment for the preparation that is needed for the recipient to obtain and maintain a job at a monthly wage that is at least 200 percent of the poverty line applicable to the family of the recipient.".

TITLE III—PROHIBITIONS; REQUIREMENTS

SEC. 301. REPLACEMENT OF REQUIREMENT TO SANCTION INDIVIDUAL FOR NONCOOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT WITH PROHIBITION ON REQUIRING SUCH COOPERATION.

(a) IN GENERAL.—Section 408(a)(2) (42 U.S.C. 608(a)(2)) is amended to read as follows:

"(2) PROHIBITION ON REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to cooperate in establishing paternity or establishing, modifying, or enforcing a child support order with respect to a child of the recipient.".

(b) CONFORMING AMENDMENTS.—Section 454(29) (42 U.S.C. 654(29)) is amended—

(1) by striking "the State program funded under part A," each place it appears; and

(2) in subparagraph (A)(i), by striking "E," and inserting "E".

SEC. 302. PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; RETURN OF SUPPORT RIGHTS ASSIGNED TO THE STATE.

(a) IN GENERAL.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; REQUIREMENT TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—A State to which a grant is made under section 403 shall not penalize an individual or family under the State program funded under this part by reason of the failure of the individual to assign to the State any rights any person may have (on behalf of the person or of any other person for whom the individual has applied for or is receiving assistance) to support from any other person. If any person has assigned any such rights to the State, the State shall assign such rights back to the person.".

(b) CONFORMING AMENDMENTS.—

(1) Section 452 (42 U.S.C. 652) is amended—

(A) in subsection (a)(10)(C), by striking "pursuant to section 408(a)(3) or"; and

(B) in subsection (h), by striking "or with respect to whom an assignment pursuant to section 408(a)(3) is in effect".

(2) Section 454(5) (42 U.S.C. 654(5)) is amended by striking "(A)" and all that follows through "(B)".

(3) Section 456(a)(1) (42 U.S.C. 656(a)(1)) is amended by striking "assigned to the State pursuant to section 408(a)(3) or".

(4) Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amended by striking "section 408(a)(3) or".

(5) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking "section 408(a)(3) or".

SEC. 303. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT ATTENDING HIGH SCHOOL OR OTHER EQUIVALENT TRAINING PROGRAM.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (4).

SEC. 304. REQUIREMENTS RELATING TO DISREGARD OF CHILD SUPPORT.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 303 of this Act, is amended by inserting after paragraph (3) the following:

"(4) LIMITED DISREGARD OF CHILD SUPPORT.—In determining the amount and type of assistance for which a family is eligible under the State program funded under this part, a State to which a grant is made under section 403 shall disregard—

"(A) the first $200 (or, if the family includes 2 or more children, $400) per month distributed to any family member by the State under section 457; and

"(B) all child support (as defined in section 459(i)(2)) received by any family member from any other source.".

(b) REQUIREMENT TO PASS THROUGH ALL CHILD SUPPORT.—

(1) IN GENERAL.—Section 457 (42 U.S.C. 657) is amended to read as follows:

"SEC. 457. DISTRIBUTION OF COLLECTED CHILD SUPPORT.

"(a) IN GENERAL.—Except as provided in subsection (b), all amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed to the family.

"(b) EXCEPTION.—In the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount pursuant to the agreement.".

(2) CONFORMING AMENDMENTS.—

(A) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking "457(a)(1)(B)" and inserting "457".

(B) Section 454B(c)(1) (42 U.S.C. 654b(c)(1)) is amended by striking "457(a)" and inserting "457".

SEC. 305. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT LIVING IN ADULT-SUPERVISED SETTINGS.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (5).

SEC. 306. PROTECTION FOR CHILDREN BORN INTO POVERTY.

Section 408(a) (42 U.S.C. 608(a)), as amended by section 305 of this Act, is amended by inserting after paragraph (4) the following:

"(5) PROTECTION FOR CHILDREN.—A State to which a grant is made under section 403 shall not deny or limit assistance to a child born into a family receiving assistance under the State program funded under this part.".

SEC. 307. 5-YEAR TIME LIMIT.

(a) REMOVAL OF LIMITATIONS.—

(1) ELIMINATION OF LIMITATION ON HARDSHIP EXCEPTION.—Section 408(a)(7)(C) (42 U.S.C. 608(a)(7)(C)) is amended by striking clause (ii) and redesignating clause (iii) as clause (ii).

(2) COMPLIANCE EXCEPTION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) COMPLIANCE EXCEPTION.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month throughout which the individual is in compliance with all applicable requirements of the State program.".

(b) UNIFORM DURATION OF ASSISTANCE.—Section 408(a)(7)(E) (42 U.S.C. 608(a)(7)(E)) is amended to read as follows:

"(E) REQUIREMENT TO PROVIDE ASSISTANCE FOR 5 YEARS.—Notwithstanding section 407(e), a State to which a grant is made under section 403 shall not impose a limitation of fewer than 60 months on the period for which a recipient is eligible for assistance under the State program funded under this part.".

(c) PROTECTION AGAINST RECESSION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)), as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

"(I) SPECIAL RULES RELATING TO MONTH IN WHICH UNEMPLOYMENT IS HIGH OR HAS INCREASED SHARPLY OVER PRIOR 2 YEARS.—

"(i) CLOCK STOPPED FOR CURRENT RECIPIENTS.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month that is a trigger month.

"(ii) TREATMENT OF FORMER RECIPIENTS WHO REACHED TIME LIMIT.—

"(I) NOTICE; DETERMINATION OF ELIGIBILITY.—On the occurrence of a trigger month, the State shall—

"(aa) issue a public notice that a trigger month has occurred; and

"(bb) on request of an individual who had become ineligible for assistance under the State program funded under this part by reason of this paragraph, determine the eligibility of the individual for such assistance as if the individual had received such assistance for 59 months.

"(II) ADDITIONAL MONTH OF ASSISTANCE FOR OTHERWISE ELIGIBLE FORMER RECIPIENTS.—If the individual is so determined to be eligible for such assistance, the State shall, notwithstanding subparagraph (A), provide such assistance to the individual for any month that is a trigger month, but shall not provide such assistance to the individual for any month that is not a trigger month.

"(iii) TRIGGER MONTH.—In this subparagraph, the term 'trigger month' means, with respect to a State, any month for which the unemployment rate of the State—

"(I) is at least 5.5 percent; or

"(II) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or the average unemployment rate of the State for the 2nd preceding fiscal year.".

SEC. 308. REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL IN CARRYING OUT PROGRAM CONSISTENT WITH THE RIGHTS.

Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL TO CARRY OUT PROGRAM CONSISTENT WITH THE RIGHTS.—A State to which a grant is made under section 403 shall—

"(A) notify each recipient of assistance under the program of the rights of recipients under all laws applicable to the activities of the State program funded under this part, and shall provide the notice—

"(i) to a recipient when the recipient enters the program;

"(ii) to all such recipients on a semiannual basis; and

"(iii) orally and in writing, in the native language of the recipient and at a 6th grade level, and if the native language is not English, a culturally competent translation shall be provided; and

"(B) train all program personnel on a regular basis in how to carry out the program consistent with the rights.".

SEC. 309. REQUIREMENT TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(13) STATE REQUIRED TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—A State to which a grant is made under section 403 shall provide to any individual who has been, or is at risk of being, sanctioned under the State program funded under this part, orally and in writing, at not more than a 6th grade level in the native language of the individual (and if the native language is not English, a culturally competent translation shall be provided), that—

"(A) program requirements may be waived for people dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue;

"(B) an individual dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue may request (or if the individual has left or been removed from the program, may return to the program and request) to be assessed under the program for services to address those issues, including appropriate treatment, counseling, vocational rehabilitation, job training, or other services; and

"(C) the State is required to keep any such information strictly confidential.".

SEC. 310. BAN ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINORS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(14) PROHIBITION ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—In determining the eligibility of a family for, and the amount and type of assistance to be provided to a family under, a State program funded under this part, the State shall disregard any income, scholarship, or gift received by a dependent minor child in the family.".

SEC. 311. BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(15) BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.—A State may not refuse to accept, at the time of application, an application for assistance from the State program funded under this part, or give an individual reason to believe that, at the time of application, the State will not unconditionally accept such an application from any individual.''.

SEC. 312. PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(16) PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to respond to a survey conducted to obtain information for use in a report required by section 411(a).''.

SEC. 313. CONFIDENTIALITY OF PROGRAM INFORMATION.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(17) CONFIDENTIALITY OF PROGRAM INFORMATION.—A State to which a grant is made under section 403 shall ensure that any information provided by an individual to a State officer or employee for use by the State program funded under this part shall not be disclosed to any other person, except to the extent that the disclosure is necessary to administer the program or is consented to by the individual.''.

SEC. 314. NONDISCRIMINATION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(18) NONDISCRIMINATION.—A State to which a grant is made under section 403 shall ensure equitable treatment of needy families in the State, and shall not discriminate among families based on marital status or applicant or recipient status.''.

SEC. 315. REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(19) REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—A State to which a grant is made under section 403 shall provide a recipient of assistance under the State program funded under this part with the opportunity to appeal any adverse decision made with respect to the recipient under the program.''.

SEC. 316. CLARIFICATION OF PENALTY FOR FAILURE TO COMPLY WITH INDIVIDUAL RESPONSIBILITY PLAN.

Section 408(b)(3) (42 U.S.C. 608(b)(3)) is amended by striking ''a family that includes''.

SEC. 317. APPLICABILITY OF CIVIL RIGHTS LAWS.

Section 408(d) (42 U.S.C. 608(d)) is amended—

(1) in paragraph (3), by inserting '', or any provision of State law relating to individuals with physical or mental disabilities'' before the 2nd period; and

(2) by adding at the end the following:

''(5) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or any provision of State law relating to discrimination on the basis of race, color, national origin, religion, gender, sex, parental or marital status, or sexual orientation.

''(6) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634), or any provision of State law relating to age discrimination.

''(7) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or any provision of State law relating to discrimination in education.

''(8) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or any provision of State law relating to labor or to a term or condition of employment.

''(9) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq).

''(10) The National Labor Relations Act (29 U.S.C. 151 et seq.).

''(11) The Railway Labor Act (45 U.S.C. 151 et seq.).

''(12) Any Federal law providing employee protections against discrimination for union activity.

''(13) Any other provision of Federal or State law the purpose of which is to provide or protect a civil right.''.

SEC. 318. ELIMINATION OF SPECIAL RULES RELATING TO TREATMENT OF ALIENS.

(a) AMENDMENTS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(1) Section 401(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)) is amended—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) to any assistance provided under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(2)(A) Section 402(b)(3) of such Act (8 U.S.C. 1612(b)(3)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(B) Section 402(b)(2)(A)(ii) of such Act (8 U.S.C. 1612(b)(2)(A)(ii)) is amended by striking ''(C)'' and inserting ''(B)''.

(3) Section 403(c)(2) of such Act (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(4) Section 423(d) of such Act (8 U.S.C. 1183a note) is amended by adding at the end the following:

''(12) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 408 (42 U.S.C. 608) is amended by striking subsections (e) and (f) and by redesignating subsection (g) as subsection (e).

(2) Section 409(a)(7)(B)(i)(IV) (42 U.S.C. 609(a)(7)(B)(i)(IV)) is amended—

(A) by striking ''part,'' and inserting ''part and''; and

(B) by striking '', and families of aliens lawfully present in the United States that would be eligible for such assistance but for the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996''.

TITLE IV—PENALTIES

SEC. 401. INCREASE IN PENALTY FOR FAILURE TO SUBMIT REQUIRED REPORT.

Section 409(a)(2)(A) (42 U.S.C. 609(a)(2)(A)) is amended by striking ''4'' and inserting ''5''.

SEC. 402. REPLACEMENT OF PENALTY AGAINST STATE FOR FAILURE TO COMPLY WITH PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT REQUIREMENTS WITH PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.

Section 409(a)(5) (42 U.S.C. 609(a)(5)) is amended to read as follows:

''(5) PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated paragraph (2) or (3) of section 408(a) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 403. EXTENSION OF MAINTENANCE OF EFFORT REQUIREMENT.

Section 409(a)(7)(A) (42 U.S.C. 609(a)(7)(A)) is amended by striking ''or 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, or 2008''.

SEC. 404. PENALTY FOR FAILURE OF STATE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.

Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(4) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 405. PENALTY FOR PENALIZING BIRTH OF CHILD.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR PENALIZING BIRTH OF CHILD.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(5) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 406. PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 407. PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(18) PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 408. PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.

Section 409(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(19) PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 409. PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(20) PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(15) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 410. PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(21) PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(16) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 411. PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(22) PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(17) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 412. PENALTY FOR DISCRIMINATION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(23) PENALTY FOR DISCRIMINATION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(18) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 413. PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(24) PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(19) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 414. PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(25) PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 417 during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 415. PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(26) PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.—Effective January 1, 2005, if the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 418(b) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 416. FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(27) FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.—If the Secretary determines that a State has not, within 45 days after the end of a fiscal year, submitted the report required by section 411(c) for the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.".

SEC. 417. ELIMINATION OF REASONABLE CAUSE EXCEPTION.

Section 409 (42 U.S.C. 609) is amended by striking subsection (b).

SEC. 418. MODIFICATION OF AVAILABILITY OF CORRECTIVE COMPLIANCE PLAN OPTION.

Section 409(c)(4) (42 U.S.C. 609(c)(4)) is amended to read as follows:

"(4) LIMITATION ON OPPORTUNITY TO SUBMIT CORRECTIVE COMPLIANCE PLAN.—The preceding provisions of this subsection shall not apply with respect to a violation of a provision of this part by a State if the State has violated the provision on 2 or more prior occasions.".

SEC. 419. REPEAL OF BAN ON ASSISTANCE FOR PERSONS CONVICTED OF A DRUG FELONY.

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 862a) is repealed.

TITLE V—STUDIES AND REPORTS

SEC. 501. ADDITIONAL INFORMATION TO BE INCLUDED IN QUARTERLY STATE REPORTS.

Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) in paragraph (1)(A)—

(A) in each of clauses (vii) and (viii) by striking "race" and inserting "race, gender,";

(B) in clause (xi)(I), by inserting ", broken down by education level";

(C) by striking clause (xvi) and redesignating clause (xvii) and clause (xvi); and

(D) by adding at the end the following:

"(xvii) The amount (if any) of child support collected on behalf of any individual in the family, the amount (if any) of any such collected support that has been distributed to any such individual, and the amount (if any) of such distributed support that has been disregarded pursuant to section 408(a)(4).

"(xviii) The number of families receiving child care assistance under section 418.

"(xix) With respect to sanctions imposed under the program, the following information broken down by race and gender:

"(I) The number of families against whom a sanction is in effect.

"(II) The number of times sanctions have been imposed.

"(III) The reasons for imposition of sanctions.

"(IV) The percentage of sanction determinations that have been reviewed.

"(V) The percentage of reviewed sanction determinations that have been reversed.

"(VI) The number of families leaving the program as a result of sanctions.

"(xx) The number of families who have returned to the program after having left the program, and the length of the intervening period.

"(xxi) The percentage of families who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty."; and

(2) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7) REPORT ON TRAINING.—The report required by paragraph (1) for a fiscal quarter shall include a statement of the percentage of caseworkers, supervisors, and new employees who received training to carry out the State program funded under this part during the quarter.".

SEC. 502. ELIMINATION FROM SECRETARIAL REPORT TO THE CONGRESS OF INFORMATION ON OUT-OF-WEDLOCK PREGNANCIES.

Section 411(b)(1)(B)(ii) (42 U.S.C. 611(b)(1)(B)(ii)) is amended by striking "out-of-wedlock pregnancies and".

SEC. 503. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

"(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

"(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

"(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

"(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

"(D) The incidence of homelessness, of the use of food pantries and soup kitchens, and of the use of shelters among recipients of assistance from the State program funded under this part and among individuals to whom assistance under the State programs funded are this part has ended within the past 12 months. The information described in this subparagraph may be provided by submitting disaggregated case record information on a sample of families.

"(E) The number of individuals to whom assistance under the State program funded under this part has ended during the year, broken down by the reasons why the assistance has ended (including employment, marriage, sanction, time limit, or State policy.

"(F) The economic conditions of individuals to whom assistance under the State programs funded are this part has ended, including the types of occupations of, the duration of employment of, the income of, the benefits provided to, the types of job training received by, the types and levels of educational attainment of, and the incidence of homelessness, of the use of food pantries or soup kitchens, and of the use of shelters among, such individuals, broken down by gender and race.

"(G) The effects of applying the 5-year time limit to individuals who, in the absence of the limit, would continue to be eligible for assistance from the State program funded under this part, including the economic and social circumstances of the individuals, including income, employment, homelessness, use of food pantries or soup kitchens, and change in child custody arrangements.

"(2) Use of sampling.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

"(3) Report to the congress.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.".

SEC. 504. ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.

Section 411 (42 U.S.C. 611) is further amended by adding at the end the following:

"(d) Assessment of Regional Economies to Identify Higher Entry Level Wage Opportunities in Industries Experiencing Labor Shortages.—

"(1) In general.—An eligible State shall conduct annually an assessment of its regional economies that are experiencing a labor shortage and that provide higher entry-level wage opportunities for job seekers pursuant to section 402(a)(8).

"(2) Matters to be assessed.—

"(A) Labor market.—The assessment shall—

"(i) identify industries or occupations that have or expect to grow, that have or expect a loss of skilled workers, or that have a need for workers;

"(ii) identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers; and

"(iii) analyze the entry-level wages and benefits in identified industries or occupations.

"(B) Job seekers.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs, and access to needed support services.

"(C) Education and training infrastructure.—The assessment shall create a profile of the education, training, and support services in place in the State to prepare workers for the industries or occupations identified pursuant to subparagraph (A).

"(D) Aligning industries and job seekers.—The assessment shall compare the characteristics of the industries or occupations identified pursuant to subparagraph (A) to the profile of the job seekers in the State and the profile of the education and training infrastructure in the State.

"(3) Sharing of information with localities.—The State shall share with the political subdivisions of the State information obtained pursuant to this subsection regarding higher entry-wage job opportunities in industries experiencing labor shortages, and information regarding opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

"(4) Reports of assessment of regional economies.—Each eligible state shall submit to the Secretary annually a report hat contains the annual assessment conducted pursuant to this subsection.".

SEC. 505. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (a), by striking the 2nd sentence;

(2) in subsection (b)—

(A) in the subsection heading by striking "Welfare Dependency" and inserting "Poverty"; and

(B) in paragraph (1), by striking "welfare dependency" and inserting "poverty";

(3) by striking subsections (d), (e), (g), and (j);

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking welfare dependency" and inserting "poverty"; and

(ii) in subparagraph (C), by striking "(f)" and inserting "(d)"; and

(B) by adding at the end the following:

"(4) Technical assistance in assessing regional economies.—

"(A) In general.—The Secretary may provide technical assistance to an eligible State to enable the State to conduct the assessments required by section 411(d).

"(B) Limitations on authorization of appropriations.—For the cost of providing technical assistance under subparagraph (A), there are authorized to be appropriated to the Secretary not more than $1,500,000 for each of fiscal years 2003 through 2008.";

(5) in subsection (i)—

(A) in paragraph (1), by adding at the end the following: "The statement shall include detailed information on the depth of child poverty in the State."; and

(B) in paragraph (5), by inserting "and the depth of child poverty" before "in the State"; and

(6) by redesignating subsections (f), (h), and (i) as subsections (d) through (f), respectively.

SEC. 506. STUDY BY THE CENSUS BUREAU.

Section 414(a) (42 U.S.C. 614(a)) is amended by striking all that follows "low-income families" and inserting a period.

TITLE VI—WAIVERS

SEC. 601. WAIVERS.

Section 415(a) (42 U.S.C. 615(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking "(determined without regard to any extensions)".

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

SEC. 701. REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

Section 417 (42 U.S.C. 617) is repealed.

TITLE VIII—MINIMUM BENEFIT RULES

SEC. 801. MINIMUM BENEFIT RULES.

Part A of title IV (42 U.S.C. 601-619), as amended by section 701 of this Act, is amended by inserting after section 416 the following:

"SEC. 417. MINIMUM BENEFIT RULES.

"(a) In General.—After taking into account all costs of living and family size in each State with a program funded under this part, the Secretary shall, by regulation, prescribe a minimum cash benefit in accordance with subsection (b), which shall be payable by the State to each recipient of assistance under the program.

"(b) Limitation.—The minimum cash benefit prescribed for a family under subsection (a) shall be an amount that is not less than the sum of the poverty line applicable to the family, plus the amount (if any) by which the housing costs of the family exceeds 30 percent of the poverty line applicable to the family.".

TITLE IX—CHILD CARE

SEC. 901. INDIVIDUAL ENTITLEMENT TO CHILD CARE.

Section 418 (42 U.S.C. 618) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Use of Funds to Provide Individual Entitlement to Child Care.—A State to which a grant is made under this section shall use the grant, without fiscal year limitation, only to guarantee safe, appropriate, affordable, and quality care for any child of (or with respect to whom any of the following is acting as a caretaker relative)—

"(1) any recipient of assistance under the State program funded under this part who is employed or participating in a work activity required pursuant to this part (except for full-time participation in a work activity described in section 407(d)(12)); and

"(2) any other employed individual who is a member of a family whose income is less than 250 percent of the poverty line and who, during the past 24 months, ceased to receive assistance under any State program funded under this part."; and

(2) in subsection (c), by inserting ", but subject to subsection (b) of this section" after the 1st comma.

TITLE X—DEFINITION OF POVERTY LINE

SEC. 1001. DEFINITION OF POVERTY LINE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) Poverty line.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.".

TITLE XI—SERVICE PROVIDERS

SEC. 1101. PROTECTION FOR BENEFICIARIES.

Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended—

(1) in subsection (e), by striking "RIGHTS OF BENEFICIARIES OF ASSISTANCE" and inserting "PROTECTION FOR BENEFICIARIES"; and

(2) by adding at the end the following:

"(l) NO DISCRIMINATION IN HIRING WITH TAXPAYER DOLLARS.—Sections 702 and 703(e)(2) of the Civil Rights Act of 1964 shall not apply to a nongovernmental organization that receives funds under a program described in subsection (a)(2) of this section with respect to an individual who provides, or would provide, services funded in whole or in part under such a program, or individuals whose employment is, or would be, funded in whole or in part under such a program.

"(m) BENEFICIARY RIGHTS.—A nongovernmental organization that receives funds under a program funded under subsection (a)(2) may not, in providing services funded in whole or in part under such a program or engaging in outreach activities for services funded in whole or in part under such a program—

"(1) discriminate against a program beneficiary or prospective beneficiary on the basis of religion or religious belief; or

"(2) include sectarian worship, instruction or proselytization in such a program, or require or coerce a beneficiary to participate in, or be present for, sectarian worship, instruction or proselytization.".

TITLE XII—EFFECTIVE DATE

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on April 1, 2003.

The CHAIRMAN pro tempore. Pursuant to House Resolution 69, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 20 minutes.

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BOEHNER) will be recognized for the time in opposition and will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am here to offer an amendment in the form of a substitute to H.R. 4. I am offering the Patsy Mink Memorial TANF Reauthorization Act with my colleagues, the gentlewoman from California (Ms. LEE), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from California (Mr. LANTOS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Illinois (Mr. DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from Michigan (Ms. KILPATRICK), the gentleman from New York (Mr. OWENS), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Throughout her life, Patsy Mink was a dedicated advocate for women, children and families everywhere. She was a seasoned policymaker who targeted failings in the status quo with real solutions.

As a speaker at a conference on poverty, Patsy criticized TANF restrictions on education saying, "Right now we cut welfare recipients off from education and job training after only 1 year. It is like saying that all poor mothers are worth are minimal schooling and skills and minimal wages." Patsy Mink said, "We need to treat women on welfare the same way we treat all women, with respect, dignity and rights we all cherish for ourselves."

Well, the Mink substitute does just that. It provides real opportunities for families in poverty and backs every provision with adequate time and funding. TANF's current work requirements tell the poor, get a job, any job, regardless of what it pays.

The Mink substitute allows recipients to prepare themselves and earn the qualifications so that they can get a living-wage job and permanently move out of poverty. It ensures that recipients are screened by trained professionals and have access to treatment for domestic violence, substance abuse or disabilities.

The Mink substitute lifts the time limits on education and removes State caps on the number of people pursuing education. This will mean that people can earn a degree instead of taking a couple of classes. It expands the definition of work to include all kinds of education. This ensures recipients can build the qualifications they need. In the last year, industries that have placed more than half of TANF recipients have reduced job openings, and this is in areas like retail and service industries, for example, by 20 percent.

Low-income women face an unemployment rate of 12.3 percent. TANF recipients need the time and opportunity to build new skills; otherwise, there will not be a job for them to go to.

When people find a job, they need adequate work supports so they can continue working. The Mink substitute guarantees child care to TANF recipients who are engaged in a work activity and for 2 years to those who leave TANF if their income is below 250 percent of poverty. It also provides $20 billion in mandatory child care funding which will provide child care for an additional 2 million children. There is no reason to support anything less than the necessary amount. If we demand that all mothers go to work, we must provide them with the same opportunities to do so.

Today, on the floor, I have heard a lot of my colleagues say that TANF is successful and that it is working. I hope that for the sake of this country my colleagues would understand that this is 2003, not 2000, and that the people of this Nation are experiencing a serious recession.

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Our government from the Census Bureau to the Department of Labor has reported increasing figures of poverty, unemployment, TANF caseloads, and requests for emergency food and shelter for the last 2 years. We cannot bury our heads in the sand and call it compassion.

The truth is TANF, as a safety net program, is not working. The economy was working a few years ago; now it is not. Now we need a safety net, and those in poverty need better opportunities. The Mink bill recognizes this reality.

In talking about her life and legacy, Patsy Mink once said, "My career in politics has been a crucible of challenges and crises where in the end the principles to which I was committed prevailed." It is my hope that Patsy is right and that the principles of equality, justice, and opportunity prevail with the passage of this legislation.

Support the Mink substitute. Celebrate her life and her purpose by supporting the Mink substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

For our colleagues who have listened to the debate today on the reauthorization of H.R. 4, the welfare reform law, I probably do not have to remind my colleagues that the sounds of the debate, the points that have been made, were all made in 1996. Members on our side of the aisle and, frankly, half the Members on the Democrat side of the aisle who supported the 1996 welfare reform law were confident that we could help move people from a life of dependency, despair and hopelessness to a life where they do have hope, they do have opportunity and can move into the mainstream of American society.

As my colleagues have seen over the course of this debate, the 1996 welfare reform law has been a tremendous success, even to the point where the New York Times called it an obvious success.

The substitute that is before us today undermines every major 1996 welfare reform law improvement, reversing recent historic gains in work, independence, family flexibility and in funding. I think it hurts our most vulnerable recipients. I think we create a costly new entitlement with the substitute that we have before us. It undermines work requirements and goes back and creates the same kind of dependency that we saw prior to 1996.

Yes, work is not something that most people would prefer to do, but the most important thing we did in 1996 was to encourage people to work, to encourage them to put their foot on the first rung of the economic ladder, and we agreed that we would provide assistance to help them up that ladder, whether it was transportation, whether it was child care, education, training to help them along while allowing them to keep their government-paid medical insurance; and what the program being offered here as a substitute to our bill would do would be to create the same kind of dependency.

People would leave work and go back to welfare under the proposal that we have before us because one of the provisions in the substitute says that if a person is not earning at least 250 percent above the average poverty rate, they are entitled to go back on to TANF. There are a lot of working Americans and hard-working Americans who do not earn 250 percent above the poverty rate.

We do not want to create the kind of dependency that we had before. We have a great success. There is no reason to turn tail and throw in the towel when, in fact, we have helped 9 million American families move from welfare to work, increased their dignity and gave them the hope of a lifetime to be in the mainstream of American society.

We should reject the substitute offered by my colleague from Ohio.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE) because she understands that the poor depend on Members of Congress to reduce poverty and reduce unemployment.

Ms. LEE. Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for his leadership and for his sponsorship and cosponsorship of this amendment.

First, Mr. Chairman, let me just say today we are offering this Mink substitute amendment not only as a tribute to our dear friend and former colleague, Congresswoman Patsy Mink, but also as the real comprehensive reauthorization alternative to the underlying Republican bill before us today.

I want to first send a special hello and a thank you to Patsy Mink's daughter Wendy who really helped craft the legislation; and I am delighted, as I know Patsy would be, that so many of her colleagues, I believe we have, what, close to a hundred, 105 colleagues have cosponsored this amendment today and are here to support it.

Mr. Chairman, Patsy Mink recognized that the real way we measure the success of welfare reform is to look at the quality of a family's life after they have left welfare. Patsy would ask, Are the families earning sufficient funds to really take their families out of poverty? Are they becoming self-sufficient? Today, the answer to that question is no, but we have the chance with this amendment to change the answer to that question by adopting the Mink substitute. In doing so, we would provide people on welfare the chance to get the education and the training they need, the child care that they need, and the time that they need to pull their families out of poverty.

Mr. Chairman, the Mink substitute provides strong poverty-alleviation provisions that would also take the country, our country, in the right direction in eliminating the racial and economic disparities that plague the current system.

A recent study conducted by the National Association of Social Workers found that black applicants were more likely than white applicants to be subjected to preemployment tests, that 55 percent of African American applicants were interviewed for 5 minutes or less while white applicants had interviews of 10 minutes or longer. Former white recipients earned significantly higher wages than African Americans and Hispanics. So this bill puts us in the right direction to end those outrageous economic and racial disparities.

Mr. Chairman, I have some personal experience with what we are talking about. I know education must be counted toward the work requirement, as this bill does. Had I been forced to drop out of college while on public assistance, I probably would not be here today. So I feel very responsible for protecting that same chance for other people who are striving toward the same goal.

That is why I urge all of my colleagues to support this amendment. The vital changes to the law that it contains have, really, the very awesome power to lift many out of poverty so that they can succeed at whatever careers they choose, even the United States Congress.

Specifically, this amendment adjusts the current block grant amount for inflation for future years and increases the child care development block grant by $20 billion over the next 5 years. It retains the current work requirement at 30 hours a week while removing the 12-month time limit for education, which is so important.

Also, the Mink amendment includes legal, mind you legal, immigrants who currently go off and fight for our country but cannot receive these vital benefits. That is wrong. That is wrong. We must correct that, Mr. Chairman.

Patsy Mink said it has always been the high principle of Congress to say families count first, the responsibilities of families to nurture their own children. She said, We want to put them at the top, as the emphasis of this new authorization should be, caring for children, allowing parents to stay home to care for their small children and giving them support to build their families' economic future through education. Patsy said that education must count and be equivalent to work.

I want to close by remembering our beloved Congresswoman Patsy Mink. She had a vision and we must remember her vision today. She had a real vision that is detailed in this legislation. This amendment does provide a voice for the voiceless, empowerment and self-sufficiency for the poor, and a chance at education, building strong families and a better life. It is truly about family values, Mr. Chairman.

So I urge a "yes" on the Mink substitute, which is the Kucinich-Lee-McGovern and Lantos amendment.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), one of the real promoters of the original 1996 welfare reform law.

Mr. ENGLISH. Mr. Chairman, I want to thank the chairman for giving me the time.

Today, I stand in support of H.R. 4, which is a clear and consistent effort to improve upon the landmark welfare reform law that we enacted when I was a freshman in 1996. As I have stood here listening to this debate, the arguments I have heard have oddly echoed those arguments, and yet the matter is settled. Clearly welfare reform has been successful.

Since we overhauled this country's failed welfare system, some 3 million children have risen out of poverty. That is pro-family. According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half of its number in 1995. In all, 3.5 million fewer Americans live their lives in poverty than in 1995.

This is the most successful social experiment of the 20th century, and yet here we are today listening to the left arguing still against welfare reform. They are attempting to turn back the clock, and I urge my colleagues to vote against this awful amendment in the nature of a substitute.

These critics argue that welfare reform is not responsible for the decrease in poverty today, that instead the economy is solely responsible for these changes. Yet they ignore the fact that in the past the economy has risen but welfare rolls had risen before welfare reform; and since welfare reform, despite the Clinton recession starting in the last two quarters of that administration, welfare rolls have continued to drop. Yet some 2 million recipients remain dependent on welfare assistance, and many still do not participate in worker-training programs.

In response, we are poised today to pass a reauthorization of welfare reform boosted by tougher work requirements and reinvigorated work incentives for States and welfare recipients.

I want to draw my colleagues' attention to one specific provision called "full-check sanction." This provision establishes a tough, consistent penalty for those welfare recipients who decline to participate steadily in the workforce. Contrary to the negative predictions of welfare reform's opponents, this provision, where it has been tried, has worked exceptionally well.

A study by former Clinton administration economist Rebecca Blank reveals that these States "show consistently higher income gains among poor children throughout the income distribution than do States with lenient penalties."

I am proud to note that by including this provision in today's bill we will soon apply full-check sanctions to welfare recipients throughout America. Full-check sanctions, marriage promotion, and other enhancements will only make welfare reform more effective. Stronger welfare reform means less dependence and more economic independence for the poor of America.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from California (Ms. LEE) for purposes of continuing this debate.

The CHAIRMAN pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. LEE. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ), a great leader on many issues, our ranking member on the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to congratulate both the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from California (Ms. LEE) on this important amendment.

I rise today in strong opposition to H.R. 4. In 1996, we passed what was wrongly termed "landmark legislation" that would end welfare as we know it. Over the past several years, our Nation's poor and working families have survived, not because of the strong safety net, but because of a strong economy.

With the economy in recession and States facing record deficits, we need welfare reform now more than ever.

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To hear the President speak, you think he would agree.

Recently the President said, "Welfare reform, to me, means liberation from dependency. It means we realize each person matters, and if we can help people find work, it means dignity." Great rhetoric. I do not know what proposal he has been looking at, because today's proposal does nothing to promote dignity.

This proposal is about victimizing the poor. This bill is so bad in so many ways I do not even know where to start: lack of funding for child care, increased work requirements, discrimination against immigrants. But what it is most about, unfortunately, is a lost opportunity.

A major shortcoming of the welfare reform system is that it fails to effectively and creatively use our number one job creator, small business. The current system is so confusing and bureaucratic that both small businesses and welfare recipients simply give up out of sheer frustration. This leaves welfare recipients without jobs and small businesses without employees.

But today's vote is also about mixed-up priorities. Just imagine if we had taken the more than $300 billion for the Bush dividend tax cut and instead put it towards training and tax credits for small businesses that give welfare recipients jobs. Think of the economic power as small businesses expand and we gain a whole new group of consumers.

Once again, tax breaks for the wealthy is more important than dignity for the poor. That is a real shame. Vote "no" on H.R. 4 and support the Lee-Kucinich amendment.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, it is a pleasure to rise in support of H.R. 4 and the wonderful work that has been done in welfare reform over the past several years.

Coming from a State legislative body and working on this issue in my State, I know how difficult it has been for us to get relief from some of the Federal rules, and I really commend our chairmen and those who have worked tirelessly to loosen those rules so that we can continue to pull more children from poverty and create environments where those children and their families can dream big dreams and have wonderful adventures in life.

I also want to commend the chairman and the committee that has worked on this. What we are doing in the bill we have before us is to address the needs in alternative child care, making it easier for us to provide child care for second- and third-shift workers so that those moms and dads can go and work and be productive in their jobs knowing that their children have a safe environment.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS), a great educator and Mr. Education, as we call him.

Mr. OWENS. Mr. Chairman, I rise in support of what we call the Mink substitute.

I miss the voice of Patsy Mink ringing in my ears. I used to be reminded when she talked of the quote from Shakespeare's King Lear, "Fool me not to bear it tamely; touch me with noble anger." She was always full of anger about the great swindle of this welfare reform bill, about the denial of education opportunities, about the insistence that we pay the lowest rates and we allow the States to squirrel away whatever they save.

There is a standard that compassionate America has already created. If we look at the amount of money received per child in the survivor's benefits program when a Social Security recipient dies and their children receive benefits, it averages out to a child receiving $558 a month. One child receives $558 a month, or $6,706 a year.

In the welfare programs, we have pushed it down to that of the great model, which was Wisconsin, which was giving a family of three less than $500 a month. A family of three was receiving less than $500 a month. This, they say, is progress.

We are taking the children, and it is for our children, and giving them the minimum. And I do not understand why we declare it such a great success.

The food pantries, the soup kitchens in my district and in New York in general are overwhelmed with the number of people who are there now. Homelessness is greater than ever before. Half the people eligible for food stamps are not receiving them because of the hostility in the way the program was administered under Giuliani. In an attempt to save money they have thrown the whole thing out of kilter. And those who could qualify are not even bothering to try anymore.

So here we are in a situation that, despite all this emphasis on not a welfare check, but get a job, it is a situation where the only subsidy the U.S. approves of are farm subsidies, where a farm or agriculture business is eligible for as much as $270,000 per year in subsidies, which is a handout. It is a handout. Yet we want to reduce the family of three down to less than $500 a month and then call that a success. And then we will not allow them to get an education in order to be able to fill the jobs that are available.

There is a nursing shortage in America. If my colleagues have not heard about it, I do not know where they have been. There is a nursing shortage. Many of the women whose children are on welfare, if they had the opportunity to get the proper education, would qualify for those jobs. But we do not allow that. We do not allow them to go to junior college or college, and accept that as legitimate. It is an easy way, and anybody with common sense would realize, that the easiest way to move a person off welfare and into a decent job would be through the education system. But that is not allowed.

Mrs. Mink said this is part of a great swindle. The governors are able to take the money they save and put it into a slush fund, in their petty cash drawers. We are swindling from the poor in order to take care of the local budget-balancing problems.

Mr. ISAKSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank my friend from Georgia for yielding me this time, and I want to commend the gentleman from Ohio (Mr. BOEHNER) in his efforts with this.

And I rise completely opposed to this amendment, which is basically a masquerade to go back to the days of old when you could stay in school forever. You could not take a job unless it paid just the amount you wanted, even though many people take jobs right at the poverty line or just above. They work hard and they pay their taxes. But, no, this bill would enable them to stay and say, oh, I do not want that job, it does not pay quite enough. The way an individual moves up in the workplace is to get an entry level job and ask, how do I move to the next level, get training to move to the next level? It is not going to college forever; it is focused.

But I rise as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform to object to another provision of this. This goes back to the old days again, where we say people who take tax dollars from hard-working Americans, many who are struggling along the poverty line, who chose to work rather than take welfare and follow the laws, that this bill would say, if you are convicted of a drug crime, you are still entitled to the money from those who have been working, from those who have been following the laws.

We made a change, partly because countries around the world say, America, you are not focused. They say, America, you are not really trying to get rid of drug use in your country. You are letting it spread around the world and cause problems elsewhere.

Here is a bill where we were making progress, just like in other areas, and this amendment would repeal it. It would say, hard-working taxpayers, follow the law, but you do not have to if you are on welfare.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in opposition to the Kucinich amendment in the nature of a substitute and in support of H.R. 4.

Mr. Chairman, quality of life is much more than having food and shelter. The amendment would simply provide food and shelter. It would provide some assistance similar to what we provide in H.R. 4; however, it does not provide the incentive that people need, the incentive to move from welfare to a productive and free life.

The American dream, Mr. Chairman, is that dream to be able to provide for one's family, to be able to dream and achieve dreams of success in the future, to raise one's children, to be able to achieve the next step on the economic ladder. H.R. 4 provides this.

We have helped so many already. This reauthorization is necessary to continue to help those who have been dependent. They have secured more than the basics of life. They have been educated. They have achieved. Children have now seen a wonderful example to move forward in the United States and achieve a higher standard of living, that sense of accomplishment. They have received education.

We provide in H.R. 4 more child care at different kinds of times so that those who are working and who have that grit and want to succeed will be assisted in doing so. It also provides them with health care for that first year where they may not be able to get a job that provides health care. Our goal here, Mr. Chairman, is to raise people from poverty. We have succeeded with 3 million children already.

We need to reauthorize welfare reform, as H.R. 4 does, and reject the Kucinich amendment.

Ms. LEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN.)

Mr. MCGOVERN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in support of the Kucinich-Lee-McGovern-Lantos substitute and remind my colleagues that welfare reform is about lifting people out of poverty.

Mr. Chairman, I rise in support of the Kucinich-Lee-McGovern-Lantos amendment. This amendment, dedicated to the late Congresswoman Patsy Mink, is a strong substitute that will change the course of welfare as we know it, and, in the process, help millions of Americans leave welfare for good.

The 1996 welfare reform bill did what it was designed to do—trim the welfare rolls. Low-income people who received cash assistance left welfare because they were able to find jobs and because the economy was good.

Others left welfare because their benefits expired. But the goal of trimming the welfare rolls was reached, allowing some to claim welfare reform has been fully successful.

But I believe this law should do more than just trim the welfare rolls. The goal of the welfare program should be to help low-income individuals achieve true self-sufficiency. Welfare should enable low-income individuals and families to pursue the training and education they need to get good jobs so they can leave public assistance permanently and provide economic security for their families.

The Kucinich-Lee-McGovern-Lantos amendment will achieve this goal.

Look at the details. The extra $2 billion for child care included in the Republican bill is simply not enough to provide for adequate child care for parents. Our amendment would provide $20 billion more for child care—an increase of $18 billion over the Republican proposal.

Additionally, the current work requirements would be maintained, so people could continue to receive assistance while they train for a job that will keep them off welfare. And under this substitute, legal immigrants—people who pay taxes and fight in our armed forces—would be eligible for help.

This body has the moral obligation to provide a safety net for the people of this country who need one. We cannot forget about the low-income people in this country, especially in this time of economic uncertainty.

States across the country are facing record budget deficits, and in the process are slashing programs like Medicaid and other social services. Now, more than ever, the Federal Government must provide for those people who need help.

Members of this body only have to look to the gentlewoman from California, Ms. WOOLSEY, to see what happens when a mother on welfare can get the child care she needs. Yesterday, Ms. WOOLSEY testified before the Rules Committee.

She told the Committee that she wouldn't be here today as a member of this House if it weren't for welfare and for her mother, who took care of her children while she was working.

The gentlewoman from California made the point that people on welfare—women in particular—will not be able to focus on job training and, ultimately, self-sufficiency, if they can't find safe, affordable places for their kids. Ms. WOOLSEY was able to concentrate on her job, move off welfare and become a successful, self-sufficient woman. We can duplicate her success story with the passage of this amendment.

Mr. Chairman, nobody wants to be on welfare. People want to earn a paycheck, not a welfare check. but we have a moral responsibility to help people move off of welfare into productive work.

Our substitute does just that.

I urge my colleagues to support our effort to change the goal of this program to one of self-sufficiency. It's the right thing to do.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), the Chair of the Congressional Black Caucus and a great leader.

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I come in support of the substitute.

Mr. Chairman, unemployment rates are on the rise at a record level of 6 percent, and in my district, some parts, as much as 12 percent. The Republican bill forces States to shift funds away from successful programs that are critical to working families in order to implement rigid new requirements under their bill. Meanwhile, there is no evidence that these rigid requirements would increase the effectiveness of these programs.

In my State of Maryland, we would need an additional $144 million over 5 years to implement the work participation requirements in H.R. 4. On one hand, President Bush praises the 1996 welfare law, but on the other hand he wants to deny States the flexibility they were provided by that law.

The Republicans' approach to welfare reform represents a study in contradictions. While they talk about sufficient resources, their proposal fails to increase welfare and child care funding for even inflation. The administration says that it wants to help educate people, but their proposal actually restricts the States' discretion to provide training and education to welfare participants.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a valued member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Chairman, I wish to thank the chairman and commend him on all the efforts last year and the hearings and the investigations and the promotion that he did to bring us to this point today, and I rise in support of H.R. 4 and in opposition to the Kucinich substitute.

I want to make my comparison as simple as I can. H.R. 4 extends a program that raised expectations and turned a safety net into a springboard to independence. The unintended consequence of the substitute of the gentleman from Ohio (Mr. KUCINICH) is to turn a safety net into a dependency trap.

Mr. Chairman, if we listen to those arguing against the underlying bill, H.R. 4, one would think there is no money for child care and no money for health care, that in fact it is a cutback. In fact, this bill recognizes that those that remain on welfare will be the hardest to train and harder to employ, that their difficulties are they have young children at home, that they need health care, that they need transportation. And on each and every point: H.R. 4 provides child care, a transition in terms of medical help when they go from going off of Medicaid and on to work for a transition period of 1 year, encourages education and counts education and other programs toward the employment period work requirements.

Mr. Chairman, this is a very simple proposition. Congress passed an overwhelming success in 1996. It changed the lives of millions of Americans who had no expectations. For us to take a success and turn it into a failure by verbally abusing that which has really worked would be a shame. The consequences would be a dependency trap for millions of Americans who now will have hope because of this extension to realize the benefits of independence, of work, of employment and, most important of all, of the high expectations that this great country offers to every one of its citizens.

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Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to join in strong support of this amendment in tribute to Patsy Mink. But more importantly, I support this amendment because it speaks more directly to the needs of needy families than H.R. 4, families who need opportunities for education and training, families who need access to jobs.

Mr. Chairman, 75 percent of all new jobs in this country are found in areas where most people needing assistance do not live. They must have access. We all know how effective early childhood education has been. And yet while we have money for early childhood education, it is not nearly enough. We need to increase that part of it so no child is left behind. I support the Kucinich-Lee amendment.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, the Bible says the poor shall always be with us; but our job in this Congress is to help raise the standard. I know most Republicans think that only means the rich, but it also means the poor and the working people in this country.

What happened to "leave no child behind"? As we all know, mothers newly off the welfare rolls struggle every day to find affordable, reliable, and safe care for their children while they work. The situation is even more desperate for nearly half of the mothers getting off welfare who can only find work in the evenings or late at night.

Yet we are faced with a Republican bill which demands that mothers work more hours, while actually taking money away from mothers to care for their children. Leave No Child Behind just proves that the Republicans can come up with great slogans. This is a perfect example of Republicans knowing how to talk the talk; but when it comes to walking the walk, there is nothing whatsoever compassionate about this Republican conservativeness. This Republican bill is a shameful attack on our Nation's poorest working mothers and their children. I urge support of the Kucinich substitute in the name of Patsy Mink.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentlewoman from Florida (Ms. CORRINE BROWN) invoked the No Child Left Behind bill, the education reform plan which aims to educate every American child. We have increased funding for education over 200 percent over the last 5 years, including 30 percent in the last 18 months. But the issue in education is not about more money; it is about attitude, and it is about whether we as a Nation want to insist that all of our children get an education.

I will tell the gentlewoman that we have worked hard to increase funding and we are continuing to work hard to increase funding to help make this plan real in every American school. But let us leave no doubt about it: if money alone would solve the problems in our Nation's schools, they would have been solved decades ago. This is not about money. It is about whether we as a Nation are going to demand that all of our children get a chance at a good education.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I rise in favor of H.R. 4 and opposed to the Kucinich substitute.

Specifically, what I am concerned about in the substitute is that it would undermine the current reduction of dependence that we have achieved through welfare reform. Welfare reform has been a phenomenal success beginning in 1996 and has resulted in great opportunities, jobs created, education, training for people. And in particular, in the most recent report by Dr. Robert Rector of the Heritage Foundation, he indicates that the decrease in poverty has been greatest among black children. The poverty rate for black children has fallen to the lowest point in U.S. history. There are 1.2 million fewer black children in poverty today than there were in the mid-1990s.

Mr. Chairman, I would like to point out who made it possible. It was not we as Members of Congress. I have visited the DSS offices throughout the district that I represent. I have visited the social workers who have made a difference in people's lives, and I have thanked them. I have been to every office to thank them for the difference they have made helping people get jobs and create great new opportunities.

The article referencing the aforementioned report is as follows:

[From the Heritage Foundation Backgrounder, Feb. 6, 2003]

THE CONTINUING GOOD NEWS ABOUT WELFARE REFORM

(By Robert Rector and Patrick F. Fagan)

Six years ago, President Bill Clinton signed legislation overhauling part of the nation's welfare system. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) replaced the failed Aid to Families with Dependent Children (AFDC) program with a new program called Temporary Assistance to Needy Families (TANF). The reform legislation had three goals: (1) to reduce welfare dependence and increase employment; (2) to reduce child poverty; and (3) to reduce illegitimacy and strengthen marriage.

At the time of its enactment, liberal groups passionately denounced the bill, predicting that it would result in substantial increases in poverty, hunger, and other social ills. Contrary to these alarming forecasts, welfare reform has been effective in meeting each of its goals.

Poverty has dropped substantially. Although liberals predicted that welfare reform would push an additional 2.6 million persons into poverty, 3.5 million fewer people live in poverty today than in 1995, according to Census Bureau figures.

Some 2.9 million fewer children live in poverty today than in 1995.

Decreases in poverty have been greatest among black children. In fact, the poverty rate for black children has fallen to the lowest point in U.S. history. There are 1.2 million fewer black children in poverty today than there were in the mid-1990s.

The poverty rate of children living with single mothers is at the lowest point in U.S. history, having fallen substantially since the onset of welfare reform.

The poverty rate of black children and children in single-mother families has continued to fall even during the current recession. Historically, poverty among these groups has risen sharply during recessions; the continuing decline of child poverty among black and single-mother families is an unprecedented departure from past poverty trends.

Hunger among children has been cut roughly in half. According to the U.S. Department of Agriculture, in 1995, before welfare reform was enacted, 1.3 percent of children experienced hunger; by 2001, the number had fallen to 0.6 percent.

The AFDC/TANF caseload has been more than cut in half. The decreases in welfare have been greatest among disadvantaged groups with the greatest propensity for long-term intergenerational dependence: for example, younger never-married mothers with young children.

Employment of single mothers has increased greatly. The largest increases in employment have been among the most disadvantaged mothers with the greatest barriers to obtaining work. Employment of young single mothers (ages 18 to 24) has nearly doubled. Employment of single mothers who are high-school dropouts has risen by two-thirds.

The explosive growth of out-of-wedlock childbearing has come to a virtual halt. Since the beginning of the War on Poverty, the share of births that are outside marriage had increased relentlessly at nearly one percentage point per year. Overall, the percentage of births that were out-of-wedlock rose from 7.7 in 1965 to an astonishing 32.6 percent in 1994. However, since welfare reform, the growth in illegitimacy has slowed to a near halt. The out-of-wedlock birth rate has remained almost flat for the past five years, and among blacks it has actually dropped.

Marriage has been strengthened. The share of children living in single-mother families has fallen, and the share living in married-couple families has increased, especially among black families.

Some incorrectly attribute these positive trends to the strong economy in the late 1990s. Although a strong economy contributed to some of these trends, most of the positive changes greatly exceed shifts that occurred during prior economic expansions. The difference is due to welfare reform. A recent analysis by former Congressional Budget Office Director June O'Neill finds that welfare reform has been responsible for three-quarters of the increase in employment of single mothers and three-quarters of the drop in welfare caseload. By contrast, good economic conditions were responsible for only one-quarter of the changes in these variables. The increase in employment of single mothers, in turn, is a major factor behind the drop in child poverty.

The Future of Reform. Notwithstanding this record of accomplishment, far more needs to be done. When TANF is reauthorized this year, federal work requirements should be strengthened to ensure that all able-bodied parents engage in supervised job search, community service work, or skills training as a condition of receiving aid. Even more important, Congress must recognize that the most effective way to reduce child poverty and increase child well-being is to increase the number of stable, productive marriages. In reauthorizing TANF, Congress must greatly strengthen the pro-marriage aspects of welfare reform.

The 1996 TANF law established the formal goals of reducing out-of-wedlock childbearing and increasing marriage; but despite nearly $100 billion in TANF spending over the past five years, the states have spent virtually nothing on specific pro-marriage programs. The slowdown in the growth of illegitimacy and the increases in marriage, noted above, have occurred as the incidental byproduct of work-related reforms and not as the result of positive pro-marriage initiatives.

This neglect of marriage by state welfare bureaucracies is scandalous and deeply injurious to the well-being of children. Current welfare policy sharply penalizes marriage between low-income men and women. In future years, welfare's disincentives to marriage should be significantly reduced. In addition, at least $300 million per year in future TANF funds should be earmarked for pro-marriage initiatives.

Ms. LEE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Indiana (Ms. CARSON), who is an expert on this subject, former director of welfare.

Ms. CARSON of Indiana. Mr. Chairman, if Members would excuse my arrogance, I do not think anybody in this House knows more about running a welfare program than I do. I took over an agency that had a $20 million deficit, and left it with $7 million in the black when I came to Congress. We did not leave any child behind.

In order to get people out of poverty, they do not just need a hand out; they have to get a hand up. They need an opportunity to become self-sufficient.

Mr. Chairman, I support the Kucinich amendment because it is the make-sense amendment that is on the floor.

Ms. LEE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to H.R. 4 and in support of the Kucinich amendment.

Mr. Chairman, I rise in strong opposition to the Welfare Reform Bill on the floor today, and in support of the Kucinich amendment.

First I object to the process, and will object every time the Republican leadership brings a bill to the floor without committee hearings, mark-ups and outside of the regular order. This is an affront not just to those of us who serve on this side of the aisle, it is a denial of the rights of those who sent us here to represent their interests, and it is a repudiation of the Democratic process. The process does a disservice to all of us.

Second, I oppose it because of what it contains. I would imagine that is why it is being forced to the floor in this manner. It could not be brought into the daylight.

This bill forces persons out of a system that helps them to care for themselves and their families, into an economy that has no jobs to go to, and without the benefit of childcare or other supportive services. Not only would this force women and children further into poverty and all the ills that it brings, it would further tax the states who are already feeling the pressure of Medicaid and other cuts. Why is this body waging a war against poor folks. Where is the compassion in the conservatism.

Why does this bill increase the work requirement. Why does it not allow education and training to count towards this requirement. Why are we not providing for the care of the children of the mothers who are in training or at work. Why does this bill not provide equity for the Americans living in the Territories.

Mr. Chairman, although the U.S. territories, Guam, Puerto Rico and my district, the U.S. Virgin Islands are required to meet all of the TANF requirements, they do not have access to all the tools that other jurisdictions have to successfully move people from welfare to work.

The territories are island jurisdictions where the ability to move from one jurisdiction to another in search of work is prohibitive and as a consequence, in the Virgin Islands, while our welfare rolls have been lowered, our failure to meet the work participation rates have resulted in fines. And this in the face of the fact that we don't receive Supplemental Grant funds even though our average dollars per person is extremely low and we don't receive Contingency Funds even though we have experienced economic downturns and high unemployment.

This is why Ms. MADELEINE BORDALLO of Guam and I have joined Mr. ACEVEDO-VILÁ of Puerto Rico in supporting the Democratic Substitute which makes our territories eligible for the Supplemental, Contingency and Child Care Block Grant programs. This funding is available to the states and gives them more resources to move people from welfare to work.

Again where is the compassion.

The base bill, H.R. 4 is a terrible bill, it hurts those in need and it offers no help. This body should not pass it.

Mr. Chairman and colleagues, people who have needed the help Welfare/TANF offers want to work and they need our help. Mr. Chairman, in honor of the memory of Congresswoman Patsy Mink, and of her years of distinguished service to this body and to mankind, and to really reform Welfare so that it helps to raise people out of poverty, we need to pass the substitute named in her honor.

Ms. LEE. Mr. Chairman, I yield 20 seconds to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Patsy Mink Memorial TANF Reauthorization on the basis that the opportunity for welfare recipients did increase in the 1990s when the Clinton administration created an economic boom. We are now in a deficit with an economy that is in shambles, and the divide between the rich and poor is getting larger.

Mr. Chairman, H.R. 4 is the wrong way to go, the misdirected way to go. I support this legislation because we believe in lifting all boats of poor people around the Nation.

Ms. LEE. Mr. Chairman, I yield 20 seconds to the gentlewoman from California (Ms. WATSON), who is an expert in TANF reauthorization, former Chair of the Health and Human Services Committee in California.

Ms. WATSON. Mr. Chairman, I support this bill because it would maintain current work requirements and increase the block grant by inflation so its value can be retained; and it would allow States to address barriers to work, such as domestic violence, substance abuse, and mental illness. We must improve on a program that has already shown success. This particular substitute would do just that.

Mr. Chairman, I strongly urge my colleagues to support the Kucinich-Lee substitute to H.R. 4. This substitute is almost identical to the TANF Reauthorization Act introduced by the late Congresswoman Patsy Mink last year. I want to thank Representatives KUCINICH and LEE for re-introducing her bill as a substitute amendment so we can all honor and recognize the hard work Patsy Mink has done on behalf of our nation's poor.

The Kucinich-Lee substitute would maintain current work requirements, it would increase the block grant by inflation so its value could be retained. These are resources essential for the states to really address the core issues of poverty and help lift families from dependency to self-sufficiency.

Specifically, the Kucinich-Lee substitute would allow states to address barriers to work, such as domestic violence, substance abuse and mental illness. States would have the resources to train caseworkers so they can properly screen recipients. Recipients with limited education can pursue an opportunity to earn a degree or receive vocational training. These are the tools for self-sufficiency that would last them a life time!

Mr. Chairman, I strongly urge my colleagues to support the Kucinich-Lee substitute and honor the contribution of our dearly missed former colleague Patsy T. Mink.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we said before, the 1996 act has been a huge success in helping 9 million American families move from welfare to work, lifting their spirits, allowing them to participate in the mainstream of American life.

The proposal that is before us, the substitute offered by our colleagues on the other side of the aisle, would literally take us back to the pre-1996 welfare reform bill that trapped people in dependency and never really allowed them the opportunity to be all they could be.

We have the lowest African American child poverty rate in history as a result of the 1996 changes. We believe that we will make more advances in giving States more flexibility, more child care money, stronger work requirements to help move more people from welfare to work. Even though welfare rolls are down 60 percent from where they were in 1996, the States are getting the same amount of money, so Members can argue that they will be able to spend twice as much as they have in helping those on the system. Let us not go back, let us move ahead.

Ms. LEE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, we tell the poor to get a job; and as jobs are drying up, we cut off their benefits. We call for the poor to pull themselves up by their bootstraps, and then deny them boots.

Some of my colleagues think that God loves the poor, he made so many of them. But we must make God's work truly our own. I urge Members to vote for the Mink substitute.

Mr. BOEHNER. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for the hard work that he has performed, not just in bringing this bill to the floor, but the work he has done over the last 6 years, which has had meaningful impact on many Americans' lives. I also want to congratulate the chairmen of the other committees which have participated in this meaningful, historic legislation.

Mr. Chairman, welfare reform is a signal achievement for our House Republican majority. It offers a striking contrast between the core beliefs that inform our political party's appreciation for the proper role of the Federal Government in helping people in need.

We believe that for people in need, it is the job of the Federal Government to empower people mired in dependency to determine their own destiny. Republicans understand that people who need a hand-up still aspire to pursue their American dream.

But Democrats still do not trust people to make this vital transition to independence themselves. They just do not get the downside to dependency. They simply cannot or will not see the unintended negative consequences flowing from programs that raise barriers to work. Instead of requiring Americans to earn a paycheck and to discover the nobility of work, the Democrat approach leaves them mired in perpetual dependency with only the program to cling to.

Even now after all the reforms we put into place during 1996, and the extraordinary successes that these reforms sparked, the vast majority of welfare recipients still do not go to work every day, like the rest of the country. That is really a sad, sad, sad statistic. And the reason that is really a tragedy is because the people who have climbed up out of welfare and stepped up into the workplace are leading fuller, more satisfying lives. They are moving forward with lives of meaning.

Mr. Chairman, in this country we honor any type of work or vocation which is taken seriously and done well. All work is honorable, and we are doing all that we can to get this economy moving forward, so we will create millions of new jobs to inspire the people who are leaving welfare behind. These people are everyday heroes, and they are earning our deepest respect. They are showing their own children a powerful example of perseverance and hard work. They are unleashing their own creativity and seizing control of their own lives to build bright and favorable prospects for their children.

This awful substitute forgets every lesson we have learned over the past 7 years. It would turn back the clock to a fundamentally flawed approach that substitutes access to benefits for work. It is preaching a lie. It is a one-size-fits-all, top-down, big-government, budget-busting boondoggle that forgets every fundamental lesson learned over the last 40 years. It places the institutional appetites of the welfare bureaucracy and the political instincts of the left over the squelched hopes and aspirations of dependent Americans.

It offers false comfort to the needy. It is a bountiful blessing to aspiring bureaucrats.

Mr. Chairman, there is one indelible lesson that should guide all of our actions on this subject.

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Democrats defend their approach with an erroneous syllogism and they are trying to put it over on us with sophistry.

This is what they say: More money on welfare programs universally translates to greater help for needy people. That just is not so, Mr. Chairman.

This primitive, retrograde substitute amendment is a dangerous summons to step back in time. Its approach is fundamentally and inherently flawed. It did not work before. It will not work now. And, for a host of obvious and compelling reasons, it will go down to defeat this afternoon.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 300, not voting 10, as follows:

[Roll No. 27]

AYES—124

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Ballance
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clay

Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
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Lantos
Larson (CT)
Lee
Lewis (GA)
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Lowey
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mollohan
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
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Watson
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Weiner
Wexler
Woolsey
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NOES—300

Aderholt
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Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
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Beauprez
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Berkley
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Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
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Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
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Chocola
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Cole
Collins
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Cramer
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Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
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Emanuel
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English
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Franks (AZ)
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Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
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Hayes
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Herger
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Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
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Otter
Oxley
Paul
Pearce
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Petri
Pickering
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Pombo
Pomeroy
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Price (NC)
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Radanovich
Ramstad
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Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
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Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
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Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
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Snyder
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Spratt
Stearns
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Sullivan
Sweeney
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Taylor (MS)
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Thompson (CA)
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Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Combest
Conyers
Crenshaw
Cubin
Ferguson
Gephardt
Mica
Sanchez, Loretta
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair advises Members that 2 minutes remain in this vote.

□ 1436

Messrs. SHADEGG, MARIO DIAZ-BALART of Florida, GREENWOOD, FORD, JANKLOW, DICKS, TOWNS, DEUTSCH, LANGEVIN, RUPPERSBERGER, Ms. McCARTHY of Missouri, and Mrs. CAPITO changed their vote from "aye" to "no."

Mr. SCOTT of Georgia and Mr. TOWNS changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MICA. Mr. Chairman, I accompanied President Bush to Florida to meet with our military service personnel and business leaders in Jacksonville, and could not vote on rollcall No. 27. Had I been present, I would have voted "no".

The CHAIRMAN pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 2 printed in House Report Number 108-9.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment in the nature of a substitute that was made in order under the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 2 offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Step in Reforming Welfare Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

Sec. 101. Family assistance grants.
Sec. 102. Bonus to reward high performance States.
Sec. 103. Extension of supplemental grants.
Sec. 104. Additional grants for States with low Federal funding per poor child.
Sec. 105. Contingency Fund.
Sec. 106. Eligibility of Puerto Rico, the United States Virgin Islands, and Guam for the supplemental grant for population increases, the Contingency Fund, and mandatory child care funding.
Sec. 107. Direct funding and administration by Indian tribes.
Sec. 108. Extension of TANF program through fiscal year 2003.
Sec. 109. Matching grants for the territories.

TITLE II—POVERTY REDUCTION

Sec. 201. Additional purpose of TANF program.
Sec. 202. Child poverty reduction grants.
Sec. 203. Review and conciliation process.
Sec. 204. Replacement of caseload reduction credit with employment credit.
Sec. 205. States to receive partial credit toward work participation rate for recipients engaged in part-time work.
Sec. 206. TANF recipients who qualify for supplemental security income benefits removed from work participation rate calculation for entire year.
Sec. 207. Effective date.

TITLE III—REQUIRING AND REWARDING WORK

Sec. 301. Effect of wage subsidies on 5-year limit.
Sec. 302. Child care.
Sec. 303. Competitive grants to improve access to various benefit programs.
Sec. 304. Assessments for TANF recipients.
Sec. 305. Applicability of workplace laws.
Sec. 306. Work participation requirements.
Sec. 307. Hours of work-related activities.
Sec. 308. State option to require receipients to engage in work for 40 hours per week.
Sec. 309. Revision and simplification of the transitional medical assistance program (tma).
Sec. 310. Ensuring TANF funds are not used to displace public employees.
Sec. 311. Increase in funding for social services block grant.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

Sec. 401. State plan requirement on employment advancement.

Sec. 402. Employment Advancement Fund.
Sec. 403. Elimination of limit on number of TANF recipients enrolled in vocational education or high school who may be counted towards the work participation requirement.
Sec. 404. Counting of up to 2 years of vocational or educational training (including postsecondary education), work-study, and related internships as work activities.
Sec. 405. Limited counting of certain activities leading to employment as work activity.
Sec. 406. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 407. Definition of assistance.
Sec. 408. Continuation of pre-welfare reform waivers.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

Sec. 501. Family Formation Fund.
Sec. 502. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.
Sec. 503. Elimination of separate work participation rate for 2-parent families.
Sec. 504. Ban on imposition of stricter eligibility criteria for 2-parent families; State opt-out.
Sec. 505. Extension of abstinence education funding under maternal and child health program.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

Sec. 601. Treatment of aliens under the TANF program.
Sec. 602. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 603. Eligibility of disabled children who are qualified aliens for SSI.

TITLE VII—ENSURING STATE ACCOUNTABILITY

Sec. 701. Extension of maintenance-of-effort requirement.
Sec. 702. Ban on using Federal TANF funds to replace State and local spending that does not meet the definition of qualified State expenditures.

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

Sec. 801. Extension of funding of studies and demonstrations.
Sec. 802. Longitudinal studies of employment and earnings of TANF leavers.
Sec. 803. Inclusion of disability status in information States report about TANF families.
Sec. 804. Annual report to the Congress to include greater detail about State programs funded under TANF.
Sec. 805. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 806. Standardized State plans.
Sec. 807. Study by the Census Bureau.
Sec. 808. Access to welfare; welfare outcomes.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.

SEC. 3. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

SEC. 101. FAMILY ASSISTANCE GRANTS.

Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended by striking "1996" and all that follows through "2002" and inserting "2004 through 2008".

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D), by striking "$1,000,000,000" and inserting "$1,800,000,000";

(2) in subparagraph (E), by striking "and 2003" and inserting "2003, 2004, 2005, 2006, 2007, and 2008"; and

(3) in subparagraph (F), by striking "$1,000,000,000" and inserting "$800,000,000, and for fiscal years 2004 through 2008 $1,000,000,000,".

SEC. 103. EXTENSION OF SUPPLEMENTAL GRANTS.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following:

"(iii) for each of fiscal years 2004 through 2008, a grant in an amount equal to the amount required to be paid to the State under this paragraph in fiscal year 2001.";

(2) in subparagraph (E), by striking "1998" and all that follows and inserting "2004 through 2008 $1,597,250,000 for grants under this paragraph."; and

(3) by striking subparagraph (G).

SEC. 104. ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

"(6) Additional grants for states with low federal funding per poor child.—

"(A) In general.—The Secretary shall make a grant pursuant to this paragraph to a State—

"(i) for fiscal year 2004, if the State is an inadequately poverty-funded State for fiscal year 2003; and

"(ii) for any of fiscal years 2005 through 2008, if the State is an inadequately poverty-funded State for any prior fiscal year after fiscal year 2003.

"(B) Inadequately poverty-funded state.—For purposes of this paragraph, a State is an inadequately poverty-funded State for a particular fiscal year if—

"(i) the total amount of the grants made to the State under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the number of children in poverty in the State with respect to the particular fiscal year is less than 75 percent of the total amount of grants made to all eligible States under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the total number of children living in poverty in all eligible States with respect to the particular fiscal year; and

"(ii) the total of the amounts paid to the State under this subsection for all prior fiscal years that have not been expended by the State by the end of the preceding fiscal year is less than 50 percent of State family assistance grant for the particular fiscal year.

"(C) Amount of grant.—The amount of the grant to be made under this paragraph to a State for a particular fiscal year shall be—

"(i) if the particular fiscal year is fiscal year 2004, an amount equal to—

"(I) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

"(II) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year; or

"(ii) if the particular fiscal year is any of fiscal years 2005 through 2008, an amount equal to—

"(I) the amount required to be paid to the State under this paragraph for the then preceding fiscal year; plus

"(II) if the State is an inadequately poverty-funded State for the then preceding fiscal year—

"(aa) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

"(bb) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year.

"(D) Use of grant.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

"(E) Definitions.—In this paragraph:

"(i) Children in poverty.—The term 'children in poverty' means, with respect to a State and a fiscal year, the number of children residing in the State who had not attained 18 years of age and whose family income was less than the poverty line then applicable to the family, as of the end of the fiscal year.

"(ii) Poverty line.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

"(F) Family income determinations.—For purposes of this paragraph, family income includes cash income, except cash benefits from means-tested public programs and child support payments.

"(G) Appropriations.—

"(i) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

"(I) $65,000,000 for fiscal year 2004;

"(II) $130,000,000 for fiscal year 2005;

"(III) $195,000,000 for fiscal year 2006;

"(IV) $260,000,000 for fiscal year 2007; and

"(V) $325,000,000 for fiscal year 2008.

"(ii) Availability.—Amounts made available under clause (i) shall remain available until expended.".

SEC. 105. CONTINGENCY FUND.

(a) In General.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking "1997" and all that follows and inserting "2004 through 2008 such sums as are necessary for payments under this subsection"; and

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C) Limitation on monthly payment to a state.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed 20 percent of the State family assistance grant.".

(b) Application of Regular Maintenance of Effort Requirement.—Section 409(a)(10)

(42 U.S.C. 609(a)(10)) is amended by striking "100 percent of historic State expenditures (as defined in paragraph (7)(B)(iii) of this subsection)" and inserting "the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection) of inflation-adjusted historic State expenditures (as defined in paragraph (7)(B)(vi) of this subsection)".

(c) Modification of Unemployment Test To Become Needy State.—Section 403(b)(5)(A) (42 U.S.C. 603(b)(5)(A)) is amended to read as follows:

"(A) the average rate of total unemployment in the State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in the preceding fiscal year; or".

(d) Modification of Food Stamp Test To Become Needy State.—Section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) is amended to read as follows:

"(B) as determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in the preceding fiscal year.".

(e) Simplification of Reconciliation Formula.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended to read as follows:

"(6) Annual reconciliation.—

"(A) In general.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

"(i) the maintenance of effort level (as defined in subparagraph (B)(i) of this paragraph) for the fiscal year, plus the State contribution (as defined in subparagraph (B)(ii) of this paragraph) in the fiscal year; exceeds

"(ii) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the fiscal year.

"(B) Definitions.—In subparagraph (A):

"(i) Maintenance of effort level.—The term "maintenance of effort level" means, with respect to a State and a fiscal year, an amount equal to the applicable percentage of historic State expenditures (as defined in section 409(a)(7)(B)) for the fiscal year.

"(ii) State contribution.—The term 'State contribution' means, with respect to a fiscal year—

"(I) the total amount paid to the State under this subsection in the fiscal year; multiplied by

"(II) 1 minus the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)), divided by the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)).".

(f) Increase in Number of Months for Which State May Qualify for Payments.—Section 403(b)(4) (42 U.S.C. 603(b)(4)) is amended by striking "2-month" and inserting "3-month".

SEC. 106. ELIGIBILITY OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND GUAM FOR THE SUPPLEMENTAL GRANT FOR POPULATION INCREASES, THE CONTINGENCY FUND, AND MANDATORY CHILD CARE FUNDING.

(a) Supplemental Grant for Population Increases.—

(1) In general.—Section 403(a)(3)(D)(iii) (42 U.S.C. 603(a)(3)(D)(iii)) is amended by striking "and the District of Columbia." and inserting ", the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam. For fiscal years beginning after the effective date of this sentence, this paragraph shall be applied and administered as if the term 'State' included the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 1998 and thereafter.".

(2) Grant payment disregarded for purposes of section 1108 limitation.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by inserting ", or any payment made to the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam under section 403(a)(3)" before the period.

(b) Contingency Fund.—

(1) In general.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended by striking "and the District of Columbia" and inserting ", the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.".

(2) Grant payment disregarded for purposes of section 1108 limitation.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsection (a)(2) of this section, is amended by inserting "or 403(b)" after "403(a)(3)" before the period.

(c) Child Care Entitlement Funds.—

(1) In general.—Section 418(d) (42 U.S.C. 618(d)) is amended by striking "and the District of Columbia" and inserting ", the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam".

(2) Amount of payment.—

(A) General entitlement.—Section 418(a)(1) (42 U.S.C. 618(a)(1)) is amended by striking "the greater of—" and all that follows and inserting the following:

"(A) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, 60 percent of the amount required to be paid to the State for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990; or

"(B) in the case of any other State, the greater of—

"(i) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

"(ii) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in clause (i).";

(B) Allotment of remainder.—Section 418(a)(2)(B) (42 U.S.C. 618(a)(2)(B)) is amended to read as follows:

"(B) Allotments to states.—Of the total amount available for payments to States under this paragraph, as determined under subparagraph (A) of this paragraph—

"(i) an amount equal to 65 percent of the amount required to be paid to each of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990, shall be allotted to the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, respectively; and

"(ii) the remainder shall be allotted among the other States based on the formula used for determining the amount of Federal payments to each State under section 403(n) of this Act (as in effect before October 1, 1995).".

(3) Grant payment disregarded for purposes of section 1108 limitation.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsections (a)(2) and (b)(2) of this section, is amended by striking "or 403(b)" and inserting ", 403(b), or 418".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2003, and shall apply to expenditures for fiscal years beginning with fiscal year 2004.

SEC. 107. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Tribal Family Assistance Grant.—Section 412(a)(1) (42 U.S.C. 612(a)(1)) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "2004 through 2008".

(b) Grants for Indian Tribes That Received JOBS Funds.—Section 412(a)(2) (42 U.S.C. 612(a)(2)) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "2004 through 2008".

SEC. 108. EXTENSION OF TANF PROGRAM THROUGH FISCAL YEAR 2003.

Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of the Social Security Act, shall continue through September 30, 2003, in the manner authorized, and at the level provided, for fiscal year 2002.

SEC. 109. MATCHING GRANTS FOR THE TERRITORIES.

Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking "1997 through 2002" and inserting "2004 through 2008".

TITLE II—POVERTY REDUCTION

SEC. 201. ADDITIONAL PURPOSE OF TANF PROGRAM.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) reduce the extent and severity of poverty and promote self-sufficiency among families with children.".

SEC. 202. CHILD POVERTY REDUCTION GRANTS.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

"(7) Bonus to reward states that reduce child poverty.—

"(A) In general.—Beginning with fiscal year 2004, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

"(B) Amount of grant.—

"(i) In general.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

"(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

"(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

"(ii) LIMITATIONS.—

"(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

"(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

"(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

"(D) DEFINITIONS.—In this paragraph:

"(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

"(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

"(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

"(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

"(I) begins with the calendar year that, as of October 1, 2003, precedes the then most recently completed calendar year for which such information is available; and

"(II) ends with the calendar year that precedes the calendar year referred to in clause (i)(I).

"(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

"(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

"(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

"(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

"(F) APPROPRIATIONS.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.

"(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.".

SEC. 203. REVIEW AND CONCILIATION PROCESS.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) REVIEW AND CONCILIATION PROCESS REQUIREMENTS.—A State to which a grant is made under section 403 shall not impose a sanction against a person under the State program funded under this part, unless the State—

"(A) has attempted at least twice (using at least 2 different methods) to notify the person of the impending imposition of the sanction, the reason for the proposed sanction, the amount of the sanction, the length of time during which the proposed sanction would be in effect, and the steps required to come into compliance or to show good cause for noncompliance;

"(B) has afforded the person an opportunity—

"(i) to meet with the caseworker involved or another individual who has authority to determine whether to impose the sanction; and

"(ii) to explain why the person did not comply with the requirement on the basis of which the sanction is to be imposed;

"(C) has considered and taken any such explanation into account in determining to impose the sanction;

"(D) has specifically considered whether certain conditions exist, such as a physical or mental impairment, domestic violence, or limited proficiency in English, that contributed to the noncompliance of the person; and

"(E) in determining whether to impose the sanction, has used screening tools developed in consultation with individuals or groups with expertise in matters described in subparagraph (D).".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

"(15) PENALTY FOR FAILURE OF STATE TO USE REVIEW AND CONCILIATION PROCESS.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 204. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 503 of this Act, is amended by adding at the end the following:

"(5) EMPLOYMENT CREDIT.—

"(A) IN GENERAL.—The participation rate, determined under paragraph (1), of a State for a fiscal year shall be increased by the lesser of—

"(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

"(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 99 percent.

"(B) CALCULATION OF CREDIT.—

"(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

"(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

"(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

"(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that, in the quarter in which the wage was examined, earned at least 42 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

"(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to the Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this subparagraph using funds made available under this part for research.".

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

"(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(5).".

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—

(A) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(B) CONFORMING AMENDMENT.—Section 453(i)(5) (42 U.S.C. 653(i)(5)), as added by paragraph (2) of this subsection, is amended by striking "407(b)(5)" and inserting "407(b)(4)".

SEC. 205. STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)), as amended by section 307 of this Act, is amended by adding at the end the following flush sentence:

“For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 30 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.”.

SEC. 206. TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.

Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting “who has not become eligible for supplemental security income benefits under title XVI during the fiscal year” before the semicolon; and

(2) in subclause (II), by inserting “, and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year” before the period.

SEC. 207. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by sections 204 through 206 shall take effect on October 1, 2004.

(b) State Option To Phase-in Replacement of Caseload Reduction Credit With Employment Credit and Delay Applicability of Other Provisions.—A State may elect to have the amendments made by sections 204(b), 205, and 206 of this Act not apply to the State program funded under part A of title IV of the Social Security Act until October 1, 2005, and if the State makes the election, then, in determining the participation rate of the State for purposes of sections 407 and 409(a)(3) of the Social Security Act for fiscal year 2005, the State shall be credited with ½ of the reduction in the rate that would otherwise result from applying section 407(b)(5) of the Social Security Act (as added by section 204(a)(1) of this Act) to the State for fiscal year 2005 and ½ of the reduction in the rate that would otherwise result from applying section 407(b)(2) of such Act (as so redesignated by section 503(2)(D) of this Act) to the State for fiscal year 2005.

TITLE III—REQUIRING AND REWARDING WORK

SEC. 301. EFFECT OF WAGE SUBSIDIES ON 5-YEAR LIMIT.

Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

“(H) Limitation on meaning of ‘assistance’ for families with income from employment.—For purposes of this paragraph, at the option of the State, a benefit or service provided to a family during a month under the State program funded under this part shall not be considered assistance under the program if—

“(i) during the month, the family includes an adult or a minor child head of household who has received at least such amount of income from employment as the State may establish; and

“(ii) the average weekly earned income of the family for the month is at least $100.”.

SEC. 302. CHILD CARE.

(a) Increase in Entitlement Funding.—

(1) In general.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “and paragraph (6)” after “paragraph (3)”;

(B) in paragraph (3)—

(i) by striking “and” at the end of subparagraph (E);

(ii) in subparagraph (F), by striking “fiscal year 2002.” and inserting “each of fiscal years 2002 through 2006; and”; and

(iii) by adding at the end the following:

“(G) $3,217,000,000 for fiscal year 2007; and

“(H) $3,717,000,000 for fiscal year 2008.”;

(C) by striking paragraph (4) and inserting the following:

“(4) Amounts reserved for Indian tribes.—

“(A) In general.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

“(B) Use of funds; application of child care and development block grant act of 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.”;

(D) by redesignating paragraph (5) as paragraph (7); and

(E) by inserting after paragraph (4) the following:

“(5) Additional general entitlement grants.—

“(A) Appropriation.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

“(i) $1,250,000,000 for fiscal year 2004;

“(ii) $1,750,000,000 for fiscal year 2005; and

“(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

“(B) Additional grant.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

“(6) Requirement for grant increase.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.”.

(2) Conforming amendment.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking “or 413(f)” and inserting “413(f), or 418(a)(4)(B)”.

(b) Amendments to the Child Care and Development Block Grant Act of 1990.—

(1) Authorization of appropriations.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS; AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.

“(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

“(b) Amounts Available for Incentive Grants To Improve Quality of Child Care Services.—Of the amount made available to carry out this subchapter, $500,000,000 shall be used for each of the fiscal years 2004 through 2008 to make grants under section 658H.”.

(2) State plan requirements.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii) by striking “and” at the end;

(ii) in clause (iii) by adding “and” at the end; and

(iii) by inserting after clause (iii) the following:

“(iv) in order to help ensure that parents have the freedom to choose quality center-based child care services, the State shall make significant effort to develop contracts with accredited child care providers in low-income and rural communities;”;

(B) by amending subparagraph (D) to read as follows:

“(D) Consumer education information.—Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices, and describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other low-income parents about eligibility for assistance under this subchapter.”;

(C) by amending subparagraph (H) to read as follows:

“(H) Meeting the needs of certain populations.—Demonstrate the manner in which the State will meet the specific child care needs of families who are receiving assistance under a State program under part A of title IV of the Social Security Act, families who are attempting through work activities to transition off of such assistance program, families with children with disabilities and other special needs, low-income families not receiving cash assistance under a State program under part A of title IV of the Social Security Act, and families that are at risk of becoming dependent on such assistance.”; and

(D) by adding at the end the following:

“(I) Availability of staff.—Describe how the State will ensure that staff from the lead agency described in section 658D will be available, at the offices of the State program funded under part A of title IV of the Social Security Act, to provide information about eligibility for assistance under this subchapter and to assist individuals in applying for such assistance.

“(J) Eligibility redetermination.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 1 year before the State redetermines the eligibility of the child under this subchapter.

“(K) SUPPLEMENT NOT SUPPLANT.—Provide assurances that the amounts paid to a State under this subchapter shall be used to supplement and not supplant other State or local funds expended or otherwise available to support payments for child care assistance and to increase the quality of available child care for eligible families under this subchapter.”.

(3) PAYMENT RATES.—Section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)) is amended—

(A) by striking “such access” and inserting “equal access to comparable quality and types of services”; and

(B) by adding at the end the following:

“(i) Market rate surveys (that reflect variations in the cost of child care services by locality) shall be conducted by the State not less often than at 2-year intervals, and the results of such surveys shall be used to implement payment rates that ensure equal access to comparable services as required by this subparagraph.

“(ii) Payment rates shall be adjusted at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

“(iii) Payment rates shall reflect variations in the cost of providing child care services for children of different ages and providing different types of care.”.

(4) CHILD CARE ACCOUNTABILITY IMPROVEMENTS.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

“SEC. 658G. CHILD CARE ACCOUNTABILITY IMPROVEMENTS.

“(a) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—A State that receives funds to carry out this subchapter shall reserve and use not less than 12 percent of the funds for improvements in the quality of child care services provided in the State and in political subdivisions of the State.

“(1) Not less than 35 percent of the funds reserved under this subsection shall be used for activities that are designed to increase the quality and supply of child care services for children from birth through 3 years of age.

“(2) Funds reserved under this subsection shall be used for 1 or more activities consisting of—

“(A) providing for the development, establishment, expansion, operation, and coordination of, child care resource and referral services;

“(B) making grants or providing loans to eligible child care providers to assist the providers in meeting applicable State and local child care standards and recognized accreditation standards;

“(C) improving the ability of State or local government, as applicable, to monitor compliance with, and to enforce, State and local licensing and regulatory requirements (including registration requirements) applicable to child care providers;

“(D) providing training and technical assistance in areas relating to the provision of child care services, such as training relating to promotion of health and safety, promotion of good nutrition, provision of first aid, recognition of communicable diseases, child abuse detection and prevention, and care of children with disabilities and other special needs;

“(E) improving salaries and other compensation paid to full-time and part-time staff who provide child care services for which assistance is made available under this subchapter;

“(F) making grants or providing financial assistance to eligible child care providers for training in child development and early education;

“(G) making grants or providing financial assistance to eligible child care providers to support delivery of early education and child development activities;

“(H) making grants or providing financial assistance to eligible child care providers to make minor renovations to such providers' physical environments that enhance the quality of the child care services they provide;

“(I) improving and expanding the supply of child care services for children with disabilities and other special needs;

“(J) increasing the supply of high quality inclusive child care for children with and without disabilities and other special needs;

“(K) supporting the system described in paragraph (2);

“(L) providing technical assistance to family child care providers and center-based child care providers to enable them to provide appropriate child care services for children with disabilities; and

“(M) other activities that can be demonstrated to increase the quality of child care services and parental choice.”.

“(b) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—The State shall use a portion of the funds reserved under subsection (a) to support a system of local child care resource and referral organizations coordinated by a statewide, nonprofit, community-based child care resource and referral organization. The local child care resource and referral system shall—

“(1) provide parents in the State with information and support concerning child care options in their communities;

“(2) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

“(3) develop links with the business community or other organizations involved in providing child care services;

“(4) increase the supply and improve the quality of child care in the State and in political subdivisions in the State;

“(5) provide (or facilitate the provision of) specialists in health, mental health consultation, early literacy services for children with disabilities and other special needs, and infant and toddler care, to support or supplement community child care providers;

“(6) provide training or facilitate connections for training to community child care providers; or

“(7) hire disability specialists, and provide training and technical assistance to child care providers, to effectively meet the needs of children with disabilities.

(5) INCENTIVE GRANTS TO STATES.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

“SEC. 658H. INCENTIVE GRANTS TO STATES.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall use the amount made available under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

“(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

“(b) ELIGIBLE STATES.—

“(1) IN GENERAL.—In this section, the term ‘eligible State’ means a State that—

“(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

“(B) submits an application in accordance with paragraph (2).

“(2) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

“(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

“(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

“(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

“(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

“(iv) describe how rates are set to reflect the variations in the cost of providing care for children of different ages, different types of care, and in different localities in the State; and

“(v) describe how the State will prioritize increasing payment rates for care of higher-than-average quality, such as care by accredited providers, care that includes the provision of comprehensive services, care provided at nonstandard hours, care for children with disabilities and other special needs, care in low-income and rural communities, and care of a type that is in short supply.

“(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

“(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

“(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

“(4) REQUIREMENT OF MATCHING FUNDS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 20 percent of such costs.

“(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

“(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount made available under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

“(d) USE OF FUNDS.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 150th percentile of the market rate survey described in subsection (b)(1)(A).

“(e) EVALUATIONS AND REPORTS.—

“(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

"(2) Reports to congress.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

"(f) Payment Rate.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.".

(6) Administration, enforcement, and evaluation.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(A) in the heading by striking "**AND ENFORCEMENT**" and inserting "**, ENFORCEMENT, AND EVALUATION**";

(B) in subsection (a)(3) by inserting before the period at the end "and including the establishment of a national training and technical assistance center specializing in infant and toddler care and their families"; and

(C) by adding at the end the following:

"(c) Federal Administration and Evaluation Activities.—The Secretary shall—

"(1) establish a national data system through grants, contracts or cooperative agreements to develop statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, including use of data collected through child care resource and referral organizations at the national, State, and local levels; and

"(2) prepare and submit to Congress an annual report on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, using data collected through State and local child care resource and referral organizations and other sources.".

(7) Reports.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(A) in paragraph (1)(B)—

(i) in clause (ix) by striking "and" at the end;

(ii) in clause (x) by adding "and" at the end; and

(iii) by inserting after clause (x) the following:

"(xi) whether the child care provider is accredited by a national or State accrediting body;"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking "aggregate data concerning";

(ii) in subparagraph (D) by striking "and" at the end;

(iii) in subparagraph (E) by adding "and" at the end; and

(iv) by indenting the left margin of subparagraphs (A) through (E) 2 ems to the right and redesignating such subparagraphs as clauses (i) through (v), respectively;

(v) by inserting after clause (v), as so redesignated, the following:

"(vi) findings from market rate surveys, disaggregated by the types of services provided and by the sub-State localities, as appropriate;"; and

(vi) by inserting before clause (i), as so redesignated, the following:

"(A) information on how all of the funds reserved under section 658G were allocated and spent, and information on the effect of those expenditures, to the maximum extent practicable; and

"(B) aggregate date concerning—".

(8) Definitions.—Section 658P(4)(C) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(C)) is amended—

(A) in clause (i) by striking "or" at the end;

(B) in clause (ii) by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(iii) is a foster child.".

(9) Conforming amendments.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(A) in section 658E(c)(3)—

(i) in subparagraph (B) by striking "through (5) of section 658A(b)" and inserting "through (6) of section 658A(c)"; and

(ii) in subparagraph (D) by striking "1997 through 2002" and inserting "2004 through 2008";

(B) in section 658K(a)(2) by striking "1997" and inserting "2003"; and

(C) in section 658L—

(i) by striking "July 31, 1998" and inserting "October 1, 2005";

(ii) by striking "Economic and Educational Opportunities" and inserting "Education and the Workforce"; and

(iii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions".

(c) Applicability of State or Local Health and Safety Standards to Other TANF Child Care Spending.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(8) Certification of procedures to ensure that child care providers comply with applicable state or local health and safety standards.—A certification by the chief executive officer of the State that procedures are in effect to ensure that any child care provider in the State that provides services for which assistance is provided under the State program funded under this part complies with all applicable State or local health and safety requirements as described in section 658E(c)(2)(F) of the Child Care and Development Block Grant Act of 1990.".

(d) Availability of Child Care for Parents Required to Work.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking "6" and inserting "13".

SEC. 303. COMPETITIVE GRANTS TO IMPROVE ACCESS TO VARIOUS BENEFIT PROGRAMS.

(a) Purposes.—The purposes of this section are to—

(1) inform low-income families with children about programs available to families leaving welfare and other programs to support low-income families with children;

(2) provide incentives to States and counties to improve and coordinate application and renewal procedures for low-income family with children support programs; and

(3) track the extent to which low-income families with children receive the benefits and services for which they are eligible.

(b) Definitions.—In this section:

(1) Locality.—The term locality means a municipality that does not administer a temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this section referred to as "TANF").

(2) Low-income family with children support program.—The term "low-income family with children support program" means a program designed to provide low-income families with assistance or benefits to enable the family to become self-sufficient and includes—

(A) TANF;

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) (in this section referred to as "food stamps");

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(K) any other Federal or State funded program designed to provide family and work support to low-income families with children.

(3) Nonprofit.—The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) Authorization of Grants.—

(1) States and counties.—

(A) In general.—The Secretary is authorized to award grants to States and counties to pay the Federal share of the costs involved in improving the administration of low-income family with children support programs, including simplifying application, recertification, reporting, and verification rules, and promoting participation in such programs.

(B) Federal share.—The Federal share shall be 80 percent.

(2) Nonprofits and localities.—The Secretary is authorized to award grants to nonprofits and localities to promote participation in low-income family with children support programs, and distribute information about and develop service centers for low-income family with children support programs.

(d) Grant Approval Criteria.—

(1) In general.—The Secretary, in consultation with the Secretary of Agriculture, shall establish criteria for approval of an application for a grant under this section that include consideration of—

(A) the extent to which the proposal, if funded, is likely to result in improved service and higher participation rates in low-income children's support programs;

(B) an applicant's ability to reach hard-to-serve populations;

(C) the level of innovation in the applicant's grant proposal; and

(D) any partnerships between the public and private sector in the applicant's grant proposal.

(2) SEPARATE CRITERIA.—Separate criteria shall be established for the grants authorized under paragraphs (1) and (2) of subsection (c).

(e) USES OF FUNDS.—

(1) STATES AND COUNTIES.—

(A) IMPROVEMENTS IN PROGRAMS.—Grants awarded to States and counties under subsection (c)(1) shall be used to—

(i) simplify low-income family with children support program application, recertification, reporting, and verification rules;

(ii) create uniformity in eligibility criteria for low-income family with children support programs;

(iii) develop options for families to apply for low-income family with children support programs through the telephone, mail, facsimile, Internet, or electronic mail, and submit any recertifications or reports required for such families through these options;

(iv) co-locate eligibility workers for various low-income family with children support programs at strategically located sites;

(v) develop or enhance one-stop service centers for low-income family with children support programs, including establishing evening and weekend hours at these centers; and

(vi) improve training of staff in low-income families with children support programs to enhance their ability to enroll eligible applicants in low-income family with children support programs, provide case management, and refer eligible applicants to other appropriate programs.

(B) CUSTOMER SURVEYS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to carry out a customer survey.

(ii) MODEL SURVEYS.—The customer survey under clause (i) of this subparagraph shall be modeled after a form developed by the Secretary under subsection (g).

(iii) REPORTS TO SECRETARY.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the results of the customer survey carried out under clause (i) of this subparagraph.

(iv) REPORTS TO PUBLIC.—A State or county receiving a grant under subsection (c)(1) and the Secretary shall make the report required under clause (iii) of this subparagraph available to the public.

(v) PUBLIC COMMENT.—A State or county receiving a grant under subsection (c)(1) shall accept public comments and hold public hearings on the report made available under clause (iv) of this subparagraph.

(C) TRACKING SYSTEMS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to implement a tracking system to determine the level of participation in low-income family with children support programs of the eligible population.

(ii) REPORTS.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the effectiveness of the tracking system implemented under clause (i) of this subparagraph.

(D) IN-PERSON INTERVIEWS.—A State or county awarded a grant under subsection (c)(1) may expend funds made available under the grant to provide for reporting and recertification procedures through the telephone, mail, facsimile, Internet, or electronic mail.

(E) JURISDICTION-WIDE IMPLEMENTATION.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used for activities throughout the jurisdiction.

(ii) EXCEPTION.—A State or county awarded a grant under subsection (c)(1) may use grant funds to develop one-stop service centers and telephone, mail, facsimile, Internet, or electronic mail application and renewal procedures for low-income family with children support programs without regard to the requirements of clause (i) of this subparagraph.

(F) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State or county under a grant awarded under subsection (c)(1) shall be used to supplement and not supplant other State or county public funds expended to provide support services for low-income families.

(2) NONPROFITS AND LOCALITIES.—A grant awarded to a nonprofit or locality under subsection (c)(2) shall be used to—

(A) develop one-stop service centers for low-income family with children support programs in cooperation with States and counties; or

(B) provide information about and referrals to low-income family with children support programs through the dissemination of materials at strategic locations, including schools, clinics, and shopping locations.

(f) APPLICATION.—

(1) IN GENERAL.—Each applicant desiring a grant under paragraph (1) or (2) of subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) STATES AND COUNTIES.—

(A) NON-FEDERAL SHARE.—Each State or county applicant shall provide assurances that the applicant will pay the non-Federal share of the activities for which a grant is sought.

(B) PARTNERSHIPS.—Each State or county applicant shall submit a memorandum of understanding demonstrating that the applicant has entered into a partnership to coordinate its efforts under the grant with the efforts of other State and county agencies that have responsibility for providing low-income families with assistance or benefits.

(g) DUTIES OF THE SECRETARY.—

(1) SURVEY FORM.—The Secretary, in cooperation with other relevant agencies, shall develop a customer survey form to determine whether low-income families—

(A) encounter any impediments in applying for or renewing their participation in low-income family with children support programs; and

(B) are unaware of low-income family with children support programs for which they are eligible.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the uses of grant funds awarded under this section.

(B) RESULTS OF TRACKING SYSTEMS AND SURVEYS.—The Secretary shall submit a report to Congress detailing the results of the tracking systems implemented and customer surveys carried out by States and counties under subsection (e) as the information becomes available.

(h) MISCELLANEOUS.—

(1) MATCHING FUNDS.—Matching funds required from a State or county awarded a grant under subsection (c)(1) of this section may—

(A) include in-kind services and expenditures by municipalities and private entities; and

(B) be considered a qualified State expenditure for purposes of determining whether the State has satisfied the maintenance of effort requirements of the temporary assistance for needy families program under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)).

(2) LIMITATION ON EXPENDITURES.—Subject to paragraph (3) of this subsection, not more than 20 percent of a grant awarded under subsection (c) shall be expended on customer surveys or tracking systems.

(3) REVERSION OF FUNDS.—Any funds not expended by a grantee within 2 years after awarded a grant shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the 2-year time period to expend funds.

(4) NONAPPORTIONMENT.—Notwithstanding any other provision of law, a State, county, locality, or nonprofit awarded a grant under subsection (c) is not required to apportion the costs of providing information about low-income family with children support programs among all low-income family with children support programs.

(5) ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than 5 percent of the funds appropriated to carry out this section shall be expended on administrative costs of the Secretary.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2004 through 2008.

SEC. 304. ASSESSMENTS FOR TANF RECIPIENTS.

Section 408(b) (42 U.S.C. 608(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ASSESSMENT.—The State agency responsible for administering the State program funded under this part shall, for each recipient of assistance under the program who is a head of household, make an initial assessment of the skills, prior work experience, and circumstances related to the employability of the recipient, including physical or mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.";

(2) in paragraph (2)(A), by striking "may develop" and inserting "shall develop"; and

(3) by striking paragraph (4).

SEC. 305. APPLICABILITY OF WORKPLACE LAWS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) No individual engaged in any activity funded in whole or in part by the TANF program shall be subjected to discrimination based on race, color, religion, sex, national origin, age, or disability, nor shall such an individual be denied the benefits or protections of any Federal, State or local employment, civil rights, or health and safety law because of such individual's status as a participant in the TANF program.".

SEC. 306. WORK PARTICIPATION REQUIREMENTS.

Section 407(a)(1) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended to read as follows:

"(1) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(A) 50 percent for fiscal year 2004;

"(B) 55 percent for fiscal year 2005;

"(C) 60 percent for fiscal year 2006;

"(D) 65 percent for fiscal year 2007; and

"(E) 70 percent for fiscal year 2008 and each succeeding fiscal year.".

SEC. 307. HOURS OF WORK-RELATED ACTIVITIES.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by striking "20" and inserting "24".

SEC. 308. STATE OPTION TO REQUIRE RECEIPIENTS TO ENGAGE IN WORK FOR 40 HOURS PER WEEK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following flush sentence:

"At the option of a State, the State may require, a recipient not referred to in paragraph (2)(B) to engage in work for an average of 40 hours per week in each month in a particular fiscal year.".

SEC. 309. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) Option of Continuous Eligibility for 12 Months; Option of Continuing Coverage for Up to an Additional Year.—

(1) Option of continuous eligibility for 12 months by making reporting requirements optional.—Section 1925(b) (42 U.S.C. 1396r-6(b)) is amended—

(A) in paragraph (1), by inserting ", at the option of a State," after "and which";

(B) in paragraph (2)(A), by inserting "Subject to subparagraph (C)—" after "(A) Notices.—";

(C) in paragraph (2)(B), by inserting "Subject to subparagraph (C)—" after "(B) Reporting requirements.—";

(D) by adding at the end the following new subparagraph:

"(C) State option to waive notice and reporting requirements.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement."; and

(E) in paragraph (3)(A)(iii), by inserting "the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if" after "6-month period if".

(2) State option to extend eligibility for low-income individuals for up to 12 additional months.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

"(c) State Option of Up to 12 Months of Additional Eligibility.—

"(1) In general.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

"(2) Income restriction.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(3) Application of extension rules.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

"(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

"(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.".

(b) State Option to Waive Receipt of Medicaid for 3 of Previous 6 Months to Qualify for TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: "A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.".

(c) Elimination of Sunset for TMA.—

(1) Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) (42 U.S.C. 1396a(e)(1)) is amended by striking "(A) Nothwithstanding" and all that follows through "During such period, for" in subparagraph (B) and inserting "For".

(d) CMS Report on Enrollment and Participation Rates under TMA.—Section 1925, as amended by subsections (a)(2) and (c), is amended by adding at the end the following new subsection:

"(g) Additional Provisions.—

"(1) Collection and reporting of participation information.—Each State shall—

"(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

"(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.".

(e) Coordination of Work.—Section 1925(g), as added by subsection (d), is amended by adding at the end the following new paragraph:

"(2) Coordination with administration for children and families.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.".

(f) Elimination of TMA Requirement for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—

(1) In general.—Section 1925 is further amended by adding at the end the following new subsection:

"(h) Provisions Optional for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—A State may (but is not required to) meet the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(2) Conforming amendments.—Such section is further amended, in subsections (a)(1) and (b)(1), by inserting ", but subject to subsection (h)," after "Notwithstanding any other provision of this title," each place it appears.

(g) Extending Use of Outstationed Workers to Accept Applications for Transitional Medical Assistance.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting "and under section 1931" after "(a)(10)(A)(ii)(IX)".

(h) Effective Dates.—(1) Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 310. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES.

(a) Welfare-to-Work Worker Protections.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(1) by striking clauses (i) and (iv);

(2) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(3) by inserting before clause (ii) the following:

"(i) Nondisplacement.—A State shall establish and maintain such procedures as are necessary to do the following with respect to activities funded in whole or in part under this part:

"(I) Prohibit the placement of an individual in a work activity specified in section 407(d) from resulting in the displacement of any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work wages, or employment benefits, or fill any unfilled vacancy, or performing work when any other individual is on layoff from the same or any substantially equivalent job).

"(II) Prohibit the placement of an individual in a work activity specified in section 407(d) which would impair any contract for services, be inconsistent with any employment-related State or local law or regulation, or collective bargaining agreement, or infringe on the recall rights or promotional opportunities of any worker.

"(III) Maintain an impartial grievance procedure to resolve any complaints alleging violations of subclause (I) or (II) within 60 days after receipt of the complaint, and if a decision is adverse to the party who filed such a grievance or no decision has been reached, provided for the completion of an arbitration procedure within 75 days after receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier. The procedures shall include a right to a hearing. The procedures shall include remedies for violations of the requirement that shall include termination or suspension of payments, prohibition of the participant, reinstatemt of an employee, and other appropriate relief. The procedures shall specifiy that if a direct work activity engaged in by a recipient of assistance under the State program funded under this part involves a placement in a State agency or local government agency pursuant to this section and the agency experiences a net reduction in its overall workforce in a given year, there is a rebuttable presumption that the placement has resulted in displacement of the employees of the agency in violation of this subparagraph.".

(b) STATE PLAN REQUIREMENT.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(5) A plan that outlines the resources and procedures that will be used to ensure that the State will establish and maintain the procedures described in section 403(a)(5)(I)(i).".

SEC. 311. INCREASE IN FUNDING FOR SOCIAL SERVICES BLOCK GRANT.

Section 2003(c) (42 U.S.C. 1397b(c)) is amended by adding at the end the following:

"(12) $2,800,000,000 for the fiscal year 2004 and each fiscal year thereafter.".

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

SEC. 401. STATE PLAN REQUIREMENT ON EMPLOYMENT ADVANCEMENT.

(a) IN GENERAL.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Establish goals and take action to improve initial earnings, job advancement, and employment retention for individuals in and individuals leaving the program.".

(b) INCLUSION IN ANNUAL REPORTS OF PROGRESS IN ACHIEVING EMPLOYMENT ADVANCEMENT GOALS.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and" ; and

(3) by adding at the end the following:

"(5) in each report submitted after fiscal year 2004, the progress made by the State in achieving the goals referred to in section 402(a)(1)(A)(vii) in the most recent State plan submitted pursuant to section 402(a).".

SEC. 402. EMPLOYMENT ADVANCEMENT FUND.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

"(8) EMPLOYMENT ADVANCEMENT FUND.—

"(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, evaluation, technical assistance, and demonstration projects that focus on—

"(i) improving wages for low-income workers, regardless of whether such workers are recipients of assistance under a State program funded under this part, through training and other services; and

"(ii) enhancing employment prospects for recipients of such assistance with barriers to employment, such as a physical or mental impairment, a substance abuse problem, or limited proficiency in English.

"(B) ADMINISTRATION.—

"(i) ALLOCATION OF FUNDS.—The Secretary shall allocate at least 40 percent of the funds made available pursuant to this paragraph for projects that focus on the matters described in subparagraph (A)(i), and at least 40 percent of the funds for projects that focus on the matters described in subparagraph (A)(ii).

"(ii) DIVERSITY OF PROJECTS.—The Secretary shall attempt to provide funds under this paragraph for diverse projects from geographically different areas.

"(C) AID UNDER THIS PARAGRAPH NOT 'ASSISTANCE'.—A benefit or service provided with funds made available under this paragraph shall not, for any purpose, be considered assistance under a State program funded under this part.

"(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.".

SEC. 403. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 404. COUNTING OF UP TO 2 YEARS OF VOCATIONAL OR EDUCATIONAL TRAINING (INCLUDING POSTSECONDARY EDUCATION), WORK-STUDY, AND RELATED INTERNSHIPS AS WORK ACTIVITIES.

Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) not more than 24 months of participation by an individual in—

"(A) vocational or educational training (including postsecondary education), at an eligible educational institution (as defined in section 404(h)(5)(A)) leading to attainment of a credential from the institution related to employment or a job skill;

"(B) a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965 or an internship related to vocational or postsecondary education, supervised by an eligible educational institution (as defined in section 404(h)(5)(A)); or

"(C) a course of study leading to adult literacy, in which English is taught as a second language, or leading to a certificate of high school equivalency, if the State considers the activities important to improving the ability of the individual to find and maintain employment.".

SEC. 405. LIMITED COUNTING OF CERTAIN ACTIVITIES LEADING TO EMPLOYMENT AS WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by adding at the end the following:

"(13) Up to 6 months of participation (as determined by the State) in services designed to improve future employment opportunities, including substance abuse treatment services, services to address sexual or domestic violence, and physical rehabilitation and mental health services.".

(b) CONFORMING AMENDMENT.—Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking "and (12)" each place it appears and inserting "(12), and (13)".

SEC. 406. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking "ASSISTANCE" and inserting "BENEFITS OR SERVICES"; and

(2) after the heading, by striking "assistance" and inserting "any benefit or service that may be provided".

SEC. 407. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) ASSISTANCE.—

"(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

"(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State).".

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking "assistance" and inserting "aid".

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking "assistance" and inserting "benefits or services".

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking "ASSISTANCE" and inserting "AID".

SEC. 408. CONTINUATION OF PRE-WELFARE REFORM WAIVERS.

Section 415 (42 U.S.C. 615) is amended by adding at the end the following:

"(c) CONTINUATION OF WAIVERS APPROVED OR SUBMITTED BEFORE DATE OF ENACTMENT OF WELFARE REFORM.—Notwithstanding subsection (a), with respect to any State that is operating under a waiver described in subsection (a) which would otherwise expire on a date that occurs in the period that begins on September 30, 2002, and ends on September 30, 2008, the State may elect to continue to operate under the waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2008.".

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

SEC. 501. FAMILY FORMATION FUND.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) FAMILY FORMATION FUND.—

"(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, technical assistance, and demonstration projects to promote and fund best practices in the following areas:

"(i) Promoting the formation of 2-parent families.

"(ii) Reducing teenage pregnancies.

"(iii) Increasing the ability of noncustodial parents to financially support and be involved with their children.

"(B) ALLOCATION OF FUNDS.—In making grants under this paragraph, the Secretary shall ensure that not less than 30 percent of the funds made available pursuant to this paragraph for a fiscal year are used in each of the areas described in subparagraph (A).

"(C) Consideration of domestic violence impact.—In making grants under this paragraph, the Secretary shall consider the potential impact of a project on the incidence of domestic violence.

"(D) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $100,000,000 for grants under this paragraph.".

SEC. 502. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) Modification of Rule Requiring Assignment of Support Rights as a Condition of Receiving TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) No assistance for families not assigning certain support rights to the state.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance paid to the family under the program, which accrues during the period that the family receives assistance under the program.".

(b) Increasing Child Support Payments to Families and Simplifying Child Support Distribution Rules.—

(1) Distribution rules.—

(A) In general.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

"(a) In General.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) Families receiving assistance.—In the case of a family receiving assistance from the State, the State shall—

"(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

"(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

"(C) pay to the family any remaining amount.

"(2) Families that formerly received assistance.—In the case of a family that formerly received assistance from the State:

"(A) Current support.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

"(B) Arrearages.—To the extent that the amount collected exceeds the current support amount, the State—

"(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

"(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

"(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

"(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

"(iii) shall pay to the family any remaining amount.

"(3) Limitations.—

"(A) Federal reimbursements.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(B) State reimbursements.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(4) Families that never received assistance.—In the case of any other family, the State shall pay the amount collected to the family.

"(5) Families under certain agreements.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

"(6) State financing options.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

"(7) State option to pass through additional support with federal financial participation.—

"(A) In general.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family and disregards the payment for purposes of paying benefits under the State program funded under part A.

"(B) Recipients of tanf for less than 5 years.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that the State pays the amount to the family.".

(B) Approval of estimation procedures.—Not later than October 1, 2003, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) Current support amount defined.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) Current support amount.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.".

(c) Ban on Recovery of Medicaid Costs for Certain Births.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting "; and"; and

(3) by inserting after paragraph (33) the following:

"(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.".

(d) State Option To Discontinue Certain Support Assignments.—Section 457(b) (42 U.S.C. 657(b)) is amended by striking "shall" and inserting "may".

(e) Conforming Amendments.—

(1) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking "457(a)(1)(B)" and inserting "457(a)(1)".

(2) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following:

"(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.".

(3) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) Portions of certain child support payments collected on behalf of and distributed to families no longer receiving assistance.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.".

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2) of this subsection and section 901(b) of this Act, the amendments made by this section shall take effect on October 1, 2007, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) State option to accelerate effective date.—A State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before the effective date provided in paragraph (1).

SEC. 503. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a), by striking paragraph (2); and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraph (1)(B)";

(C) in paragraph (5), by striking "rates" and inserting "rate"; and

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 504. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES; STATE OPT-OUT.

(a) Prohibition.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(13) Ban on imposition of stricter eligibility criteria for 2-parent families.—

"(A) In general.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.

"(B) State opt-out.—Subparagraph (A) shall not apply to a State if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.".

(b) Penalty.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(16) Penalty for imposition of stricter eligibility criteria for 2-parent families.—

"(A) In general.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 505. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

(a) In General.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking "2002" and inserting "2008".

(b) Purpose of Allotments.—For each of the fiscal years 2004 through 2008, section 510(b)(1) of the Social Security Act is deemed to read as follows: "(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State—

"(A) programs that the State defines as an appropriate approach to abstinence education that educates those who are currently sexually active or at risk of sexual activity about methods to reduce unintended pregnancy or other health risks; and

"(B) where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.".

(c) Medically and Scientifically Accurate Information.—For each of the fiscal years 2004 through 2008, there is deemed to appear in the matter preceding subparagraph (A) of section 510(b)(2) of such Act the phrase "a medically and scientifically accurate educational" in lieu of the phrase "an educational", and there is deemed to appear after and below subparagraph (H) of such section the following:

"For purposes of this section, the term 'medically accurate', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.".

(d) Effective Models for Programs.—For each of the fiscal years 2004 through 2008, section 510 of such Act is deemed to have at the end the following subsection:

"(e)(1) None of the funds appropriated in this section shall be expended for a program unless the program is based on a model that has been demonstrated to be effective in reducing unwanted pregnancy, or in reducing the transmission of a sexually transmitted disease or the human immunodeficiency virus.

"(2) The requirement of paragraph (1) shall not apply to programs that have been approved and funded under this section on or before April 19, 2002.".

(e) Comparative Evaluation of Abstinence Education Programs.—

(1) Study.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall, in consultation with an advisory panel of researchers identified by the Board on Children Youth and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement which assesses the relative efficacy of two approaches to abstinence education for adolescents. The study design should enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception. Key outcomes that should be measured in the study include rates of sexual activity, pregnancy, birth, and sexually transmitted diseases.

(2) Report.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress the available findings regarding the comparative analysis.

(3) Funding.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

SEC. 601. TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) Exception to 5-Year Ban for Qualified Aliens.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).".

(b) Benefits Not Subject to Reimbursement.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

"(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.".

(c) Treatment of Aliens.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) Special Rules Relating to the Treatment of 213A Aliens.—

"(1) In general.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

"(2) 213A alien defined.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.".

(d) Effective Date and Applicability.—

(1) Effective date.—The amendments made by this section shall take effect October 1, 2003.

(2) Applicability.—The amendments made by this section shall apply to benefits provided on or after the effective date of this section.

SEC. 602. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) Medicaid Program.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) Pregnant women.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) Children.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) as amended by section 803 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 603. ELIGIBILITY OF DISABLED CHILDREN WHO ARE QUALIFIED ALIENS FOR SSI.

(a) In General.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C.

1612(a)(2)) is amended by inserting after subparagraph (K) the following new subparagraph:

"(L) SSI EXCEPTION FOR DISABLED CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraph (1) shall not apply to a child who is considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2003, and apply to benefits furnished on or after such date.

TITLE VII—ENSURING STATE ACCOUNTABILITY

SEC. 701. EXTENSION OF MAINTENANCE-OF-EFFORT REQUIREMENT.

Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking "fiscal year 1998, 1999, 2000, 2001, 2002, or 2003" and inserting "fiscal year 2003, 2004, 2005, 2006, 2007, 2008, or 2009"; and

(2) in subparagraph (B)(ii)—

(A) by inserting "preceding" before "fiscal year"; and

(B) by striking "for fiscal years 1997 through 2002,".

SEC. 702. BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE AND LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(14) BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—A State to which a grant is made under section 403 and a sub-State entity that receives funds from such a grant shall not expend any part of the grant funds to supplant State or local spending for benefits or services which are not qualified State expenditures (within the meaning of section 409(a)(7)(B)(i)).".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(17) PENALTY FOR USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

SEC. 801. EXTENSION OF FUNDING OF STUDIES AND DEMONSTRATIONS.

Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking "2002" and inserting "2008".

SEC. 802. LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (h)(1)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) the cost of conducting the studies described in subsection (k)."; and

(2) by adding at the end the following:

"(k) LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.—

"(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements shall conduct a study in each eligible State of a statistically relevant cohort of individuals who leave the State program funded under this part during fiscal year 2004 and individuals who leave the program during fiscal year 2006, which uses State unemployment insurance data to track the employment and earnings status of the individuals during the 3-year period beginning at the time the individuals leave the program.

"(2) REPORTS.—The Secretary shall annually publish the findings of the studies conducted pursuant to paragraph (1) of this subsection, and shall annually publish the earnings data used in making determinations under section 407(b).".

SEC. 803. INCLUSION OF DISABILITY STATUS IN INFORMATION STATES REPORT ABOUT TANF FAMILIES.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended by adding at the end the following:

"(xviii) Whether the head of the family has a significant physical or mental impairment.

SEC. 804. ANNUAL REPORT TO THE CONGRESS TO INCLUDE GREATER DETAIL ABOUT STATE PROGRAMS FUNDED UNDER TANF.

Section 411(b)(3) (42 U.S.C. 611(b)(3)), as amended by section 401(b)(1) of this Act, is amended to read as follows:

"(3) the characteristics of each State program funded under this part, including, with respect to each program funded with amounts provided under this part or with amounts the expenditure of which is counted as a qualified State expenditure for purposes of section 409(a)(7)—

"(A) the name of the program;

"(B) whether the program is authorized at a sub-State level (such as at the county level);

"(C) the purpose of the program;

"(D) the main activities of the program;

"(E) the total amount received by the program from amounts provided under this part;

"(F) the total of the amounts received by the program that are amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7);

"(G) the total funding level of the program;

"(H) the total number of individuals served by the program, and the number of such individuals served specifically with funds provided under this part or with amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7); and

"(I) the eligibility criteria for participation in the program;".

SEC. 805. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—The Secretary of Health and Human Services shall develop, in consultation with States and policy experts, a comprehensive list of reasons why individuals leave State programs funded under this part. The list shall be aimed at substantially reducing the number of case closures under the programs for which a reason is not known.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411(a)(1)(A)(xvi) (42 U.S.C. 611(a)(1)(A)(xvi)) is amended—

(1) by striking "or" at the end of subclause (IV);

(2) by striking the period at the end and inserting "; or"; or

(3) by adding at the end the following:

"(VI) a reason specified in the list developed under section 805(a) of the Next Step in Reforming Welfare Act.".

SEC. 806. STANDARDIZED STATE PLANS.

Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after consulting with the States, shall establish a standardized format which States shall use to submit plans under section 402(a) of the Social Security Act for fiscal year 2005 and thereafter.

SEC. 807. STUDY BY THE CENSUS BUREAU.

(a) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) IN GENERAL.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples.".

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking "1996," and all that follows through "2002" and inserting "2004 through 2008".

SEC. 808. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

"(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

"(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

"(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

"(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

"(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

"(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 208 and 502(f) and in subsection (b) of this section, the amendments made by this Act shall take effect on October 1, 2003, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The CHAIRMAN pro tempore. Pursuant to House Resolution 69, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 20 minutes.

Mr. HERGER. Mr. Chairman, I rise in opposition to the substitute and I yield 10 minutes to the gentlewoman from Washington (Ms. DUNN) for purposes of control.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from Washington (Ms. DUNN) will control 10 minutes, the gentleman from California (Mr. HERGER) 10 minutes, and the gentleman from Maryland (Mr. CARDIN) 20 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from California (Ms. WOOLSEY) for joining me in offering this substitute. I want to thank the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. GEORGE MILLER), and many other members of the Democratic Caucus who helped us in bringing forward this substitute.

As I said during general debate, the underlying bill before us is the wrong bill at the wrong time in order to help people that are currently in the welfare system. It is time to take welfare to the next step. Yes, we have been successful in removing individuals from the cash assistance rolls, but we have not been as successful as getting American families and children out of poverty. It is time to take welfare reform to the next step and to help American families escape not only cash assistance in welfare but poverty. There are significant differences between the underlying bill and the substitute. The substitute maintains State flexibility. It allows the States to provide education and training for the people that are on welfare.

Mr. Chairman, we have made a commitment in this Congress to education, leave no child behind. We say it is important for everyone except for someone who is on welfare. That is wrong. Our bill maintains and expands the flexibility to the State in education and training. Under the majority bill, if a State has a person working 20 hours a week in a traditional job and receiving 20 hours of job training, that person does not qualify for TANF assistance. That is wrong. The States should have the flexibility to tailor the program. Our bill, our substitute, allows that to continue. If a State chooses to cover legal immigrants, the State should have that option. There should be State flexibility. The underlying bill does not permit it; the substitute permits it.

The underlying bill provides for an unfunded mandate on our States, according to the Congressional Budget Office, $11 billion of extra expenditure by our States, and we only provide $1 billion of extra assistance. Under the bill before us, we provide $11 billion of additional child support to our States so they have the dollars necessary in order to carry out this very important program.

Mr. Chairman, a lot has changed since last year. Our States are struggling with large deficits. We should act as a partner with our States. We should not dictate to our States how they must configure their work requirements. We should trust the States as we did in 1996, allow them to provide the programs necessary to get people off of welfare, to get people in employment.

□ 1445

Our bill provides for a meaningful work requirement for real jobs so that American families can succeed in our economic system.

Mr. Chairman, I urge my colleagues, who have been bragging about the success of the 1996 law, to build upon it. Do not destroy it. Listen to what our governors are saying when they tell you, without this substitute, we are moving backwards with unfunded mandates on the States. We have a chance to correct it.

I urge Members to support the substitute.

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when you pass major reform of a part of government as huge, as magnificent as welfare, you need to make sure that nobody falls through the cracks. That is the reason we are looking at this bill once again, 6 years after our accomplishment of welfare reform. It gives us a chance to review all the areas of the legislation and to make mid-course corrections where we need to.

Mr. Chairman, I rise in opposition to the Cardin substitute and in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act. This is critical legislation which builds on the great successes of the 1996 law to move people out of poverty into self-sufficiency. I want to thank my colleagues who worked very hard to bring this very important legislation to the floor once again today.

In 1996, we made historic changes to the welfare program. We transformed the welfare system from a permanent entitlement program that tolerated an average of 13 years on government dependence to a temporary assistance program that provided people the incentives to start working again, provided them the opportunities to gain the necessary skills to retain a job and provided them the great feeling of worth that comes from becoming self-sufficient.

We have an opportunity today to build upon our successes while improving this program to further assist individuals and families move out of poverty.

A terribly important element of encouraging welfare recipients to work is providing access to child care services. As a single parent who raised two children, I understand that quality child care is not an option, but a necessity, especially for many working mothers. Nothing is more important than the well-being of our children.

Mr. Chairman, I am very happy that this legislation gives working women greater access to child care services. As more parents, especially single mothers, enter the workforce, we must ensure they can access child care services to fit their needs.

For these reasons, our bill provides an additional $2 billion for child care, despite the fact that the welfare rolls have declined by 60 percent and despite the fact that the welfare reform bill has more than tripled spending on child care over the last 6 years, because we need to help in the area of infant care, of evening and weekend care and care for disabled children.

Our bill also gives States much greater flexibility to transfer more TANF funds toward child care services. This means an additional $3 billion over our additional $2 billion will be available for child care. The additional funding, along with the new flexibility options, will help States to offer more child care services for parents and for single mothers on the path toward a better future.

Mr. HERGER. Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KLECZKA), a distinguished member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Chairman, our Nation's economy has hit an extraordinary low. Since January 2001, 1.7 million jobs have been lost and unemployment stands at the highest rate in 8 years. Estimates show that 8.6 million Americans are actively searching for work, but unable to find it.

In my State of Wisconsin, we are experiencing a 5.4 percent unemployment rate. Over 42,000 people from the area I represent are out of work. In times like this, our Nation's social safety net must be extended, not retracted. Welfare rolls may have dropped, but poverty and hardship have not.

The success in the welfare reform bill that my Republican colleagues point to is an illusion. Our economic landscape is much different than it was during the welfare debate of the late 1990s. Then jobs were plentiful; today, they are not.

Now welfare reform will be put to the test. Instead of providing poor individuals with appropriate skills, training and education, the Republican welfare reform bill goes in a complete opposite direction.

H.R. 4 significantly reduces the ability of States to get individuals into innovative training and education programs. Under the bill, welfare recipients must work 40 hours per week. The first 24 must involve so-called direct work activities. Vocational training would be removed from the list of core activities counting for the 24-hour requirement. This eliminates the capability for individuals to spend the necessary time developing skills through education. Instead, they are forced to find jobs, if they are available, such as in fast food restaurants, dry cleaners and custodial work. This type of work offers no chance for advancement, no benefits and no decent wage to support a family.

Evidence shows that an overwhelming obstacle to work for parents is lack of affordable child care. The Republican welfare bill grossly underestimates funds for needed child care services. If a parent must expand the work hours, as is mandated under this legislation, the least we can do is give them access to child care.

In comparison, the Democratic substitute addresses the reality welfare families face in time of a recession. Our bill would allow welfare recipients to get vocational and education training as part of their work requirement. This includes obtaining a GED or taking English as a second language in classes. The Democratic substitute also commits an additional $11 billion for child care over the next 5 years. Providing child care is the only way that parents will be able to get work.

Mr. Chairman, what we need today is a meaningful reform bill that will create the incentive to work and not the approach advocated by my Republican colleagues.

I urge Members to support the Cardin substitute.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART), who, even though a junior Member, has been very active in our work to provide additional child care money.

Ms. HART. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in support of H.R. 4, and bring to everyone's attention the importance of what we are doing: We are reauthorizing something that has worked, a government program that works.

Welfare reform has raised over 3 million children out of poverty. Those that claim that is not true cannot support their claim with evidence. We know what has happened in the years that welfare reform has existed. We know that many people are now working, mothers, fathers, supporting their children and moving up out of poverty.

We have listened to the States, we have listened to those who have received welfare benefits in the past, those who are moving off the rolls; and they tell us some things need to change. Those things are adjusted in H.R. 4. One of the most important is that there is more opportunity for men and women who are single parents to get child care for their children while they work, while they go to school, while they reach higher and attain the points they want to: the American dream, a better job, a home, a better example for their children.

Mr. Chairman, I support H.R. 4 because it supports the American dream.

Mr. CARDIN. Mr. Chairman, it is my privilege to yield 3½ to the gentleman from Wisconsin (Mr. KIND), one of the coauthors of the substitute.

Mr. KIND. Mr. Chairman, first of all, I want to commend my colleagues, the gentleman from Maryland (Mr. CARDIN) as well as the gentlewoman from California (Ms. WOOLSEY), for working to put together what I think is an admirable and quality substitute measure.

For whatever reason, the majority party here today has a bill before us deciding to bypass the democratic process here in the House, bypassing the committee work, not giving an opportunity to 54 new Members of the House of Representatives to deal with one of the most important pieces of legislation in the 108th Congress. This bad process has resulted in bad policy.

Let me put this in context: The legislation before us today is the single most important piece of legislation dealing with antipoverty programs that this session of Congress will address and that Congress has the opportunity to address for many years to come. But instead of working together to produce a meaningful bill that can empower people with real work opportunities and with empowering tools such as education and job training, they produced a bill which, I am afraid, is doomed to failure.

The key to implementation of this bill is getting the States to do it well. We did a survey of the States, and they came back and said they need basically two ingredients: Give us the flexibility, give us the tools, and we will finish the job. But instead of receiving the flexibility, they get a straitjacket. Instead of receiving the tools, they get a $12 billion unfunded mandate in H.R. 4, making it impossible for them to deal with changed economic circumstances, as well as the flexibility to empower people to become true, meaningful participants in our society.

Instead of rewarding States to get meaningful employment for recipients on TANF, they are still going to receive credit for merely reducing their caseload. That has worked over the last few years, but many of those no longer on the caseload, we have lost. We have no idea where they went or how well they're doing.

If anyone thinks this has a chance of succeeding by underfunding the required child care program, they do not understand that the parent or parents are not going to enter the workforce unless they know their children are taken care of.

This is an experiment being offered today, Mr. Chairman, but I am afraid it is doomed to failure. I do not know how a Member of the Wisconsin delegation, which was a pioneer in welfare reform, can support this bill that limits the flexibility of our State and State agencies, and then also provides a $89 million unfunded mandate to our State when we have serious budget difficulties already.

Furthermore, the Republican bill strips vocational education as wanting—the work requirements; our substitute allows it because it is the backbone to economic development programs throughout Wisconsin and the rest of the Nation. We can't have meaningful welfare reform without vocational education playing an important role.

We have an opportunity to still get this right, to deal with the flexibility issue, to deal with the funding issue, to allow recipients in TANF to get the type of skills and work qualifications that they need to gain meaningful employment and to stay off the welfare rolls forever. But, instead, we are falling back on an outdated program that may have worked during the boom of the 1990s in reducing caseloads, but I am afraid it is doomed to failure with the bad economic performance today.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentlewoman from West

Virginia (Mrs. CAPITO), who has been very effective in securing $2 billion additional for child care.

Mrs. CAPITO. Mr. Chairman, I stand before you today to offer and lend my support to H.R. 4, and most specifically because of the essential $2 billion in additional funds for child care.

As a representative of an economically distressed State, thousands of women and men in my district are reliant upon government-assisted child care so they can be on their road to self-sufficiency. Over 25 percent of the children in the State of West Virginia are reliant on government-supported child care. This increase in funding will ensure that these families will benefit, grow and prosper and go on to new and better lives.

People are in genuine need of quality, safe and affordable child care for their children. H.R. 4 will not only continue to guarantee this, but will also, with the increased $2 billion in child care, open the program up to more and larger families.

Mr. Chairman, I urge all of my colleagues to stand up and support the increased funding for child care. It is desperately needed by parents and children alike.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), who has been one of the key architects of the Democratic substitute.

I really congratulate her for her work on this.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me time and for his good work.

The Cardin-Woolsey-Kind substitute makes poverty reduction a core purpose of welfare reform. It offers bonuses to States that reduce child poverty.

The Democratic substitute gives low-income parents access to real education, such as an AA degree, vocational training, literacy classes, English as a second language or GED studies. Our substitute gives families the support and services they need while they are working and learning, like an additional $11 billion in mandatory funding for child care over 5 years.

□ 1500

We know that States are struggling right now to meet the demand for child care. Twenty States currently have waiting lists for child care; and in my State of California, only 19 percent of the children and families on welfare received any type of child care assistance. This is before the Republican challenge to send welfare moms to work for 40 hours a week. There is no way that their small increase in H.R. 4 for child care funding will be able to meet this expanded need.

Nobody knows more than I do how important child care is when you are struggling and working. I was a mother on welfare 35 years ago. I had college education, I had great job skills, I was in the workforce, and I needed AFDC in order to get the health care, the child care, and the food stamps that I needed. But it was not until my mother moved from Seattle, Washington, to California that I was able to grow in my job and, within 6 months, I was promoted to management because I could think about my job while I was at work and I did not have to worry about my children.

So my story is a good story, and let that be something my colleagues hold in their minds. My colleagues have never been there. I have.

Welfare moms can only succeed if they get the education and the skills they need for a job that will support their family through good economies and bad economies. The Woolsey-Kind-Cardin substitute will break the cycle of poverty, and it will strengthen families. It is welfare reform that meets the needs of this current economy, an economy where jobs are scarce, where child care is scarce, and where an education counts greater than ever before. Vote for our substitute and against H.R. 4.

Ms. DUNN. Mr. Chairman, what the gentlewoman from California may not know is that if she opposes H.R. 4, she will be voting against $477 million additional dollars for child care in the State of California.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), very much an advocate of child care from her background and experience.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentlewoman from Washington for yielding me this time. To my colleague from California I would say that what we have in common on both sides of the aisle today is that we are all moms. We all worry about child care for our kids, whether it is the gentlewoman from Washington (Ms. DUNN), who raised her two boys on her own, or the gentlewoman from West Virginia (Mrs. CAPITO) and her daughter and son, or my two little bugs at home. We all care about the quality of child care where our kids are concerned.

I used to operate the child care system in New Mexico as the cabinet Secretary for Children, and one of the things that was clear to me under welfare reform is that we needed adequate support for child care, for women to be able to go back to work. That means increasing the payment rates for child care. It means having child care available at odd hours and on weekends so people can do shift work. We needed to increase funds. And we have, by $2 billion, in this bill, while the number of families depending on welfare and on child care is going down. That is a good thing.

Poverty has gone down in America because moms have been able to get jobs and go back to work. Now we have to focus on improving the quality of that child care, because what we are talking about is early education for the youngest American citizens, and a lot of it takes place outside of Head Start, which is the Cadillac of early childhood education in this country.

So I support this bill and I oppose the substitute, and I want to commend the gentlewoman from Washington (Ms. DUNN), the gentlewoman from West Virginia (Mrs. CAPITO), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentlewoman from Pennsylvania (Ms. HART) for their work over the last 2 years to focus on this problem of child care and really get something done about it.

Mr. CARDIN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), one of the architects of the provisions in this bill, particularly as it relates to real work requirements.

Mr. LEVIN. Mr. Chairman, the American dream is not to live in poverty; the American dream is working, and working out of poverty. There is a basic fact: huge numbers of women who have moved from welfare to work remain in poverty. And this bill restricts the flexibility of the States to tailor plans to help people move up the ladder, whether by education or by other means.

The pivot of the rationale of the Republicans, that 58 percent of welfare recipients are not working, those figures are indeed more than questionable. The National Governors Association disagrees with it. And I urge everybody to go back to their States and look at the figures, the data behind those who are on welfare, how many have kids with disabilities, how many have other problems, so we see what the reality is.

Quickly, child care. I do not know how you on the majority side stand up and say you are for adequate child care when it is only $2 billion; CBO says it is billions inadequate. If we take into account inflation, it is $5 billion to $6 billion inadequate. How do you say that? Mr. Chairman, $1 billion is so inadequate that only it is mandatory and $1 billion is discretionary, if appropriated. It is a smoke screen.

And then this figure of $16,000 TANF per family. That is not only fuzzy math, that is phony math, because it includes all the child care for all working families, allocated or ascribed to people who are on TANF. And also another thing it does, it takes all of the programs of TANF that are not cash assistance and forgets about that as part of the TANF program.

The Cardin, et al bill is a bill to help people move to work out of poverty. That is where America wants to go and where this House should be going. Support the Cardin bill.

Ms. DUNN. Mr. Chairman, I yield 2 minutes to the gentlewoman from

Florida (Ms. BROWN-WAITE), a new Member of the United States Congress, to talk about the child care provisions in H.R. 4.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of H.R. 4 and against the substitute.

When I was a Florida senator, we passed welfare reform before the Federal Government did. We certainly adopted the Federal Government's further welfare reform; and what we found was families became families, not welfare families; that women finally had some self-confidence, and self-confidence enough not only to get a job, but to take advantage of their employers' education programs, and they took advantage of their employers' education programs. I happen to know firsthand because I teach college, and many of the young women that I had in college, young and middle-aged women that I had in college had been previous welfare recipients. They were grateful. They were very grateful that we had a situation in America where they could break that cycle. Because guess what? Their mother and their grandmother also in many instances were on welfare.

The bill that we have before us allocates more funding for child care and health care for welfare families ensuring that welfare families are cared for, and that those on welfare have access to health care while trying to secure work. We all know that for many years people stayed on welfare, particularly single women, stayed on welfare because of the health care benefits. We are extending them.

I think it is very important to remember that the House and Senate committees with jurisdiction on this issue held more than 20 hearings reviewing this legislation during the 107th Congress and heard testimony from more than 60 witnesses. It has been adequately reviewed, and it enjoys the support of so many Members of this body but, more importantly, people back home, including those people who had previously been welfare recipients.

I would ask my colleagues to join me in support of H.R. 4 to bring the real kind of assistance to people on welfare that they actually need. The substitute would only set welfare reform back.

Mr. CARDIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am somewhat confused. I have listened to the debate from the other side and I think they are supporting my substitute, but then at the end they say they are not. They all say they are for child care support, and yet we know in California alone this bill will cost $2.8 billion, more than all of the money that has been provided in this bill, which is only $1 billion of mandatory funding. So if you are for child care support for the welfare recipients, I assume my colleagues will be supporting the substitute. It is the only opportunity we are going to have to provide the additional monies.

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

I want to reiterate some things that we have heard talked about when we refer to child care. This year, an additional $2 billion will be provided for child care over and above what has been spent in the last 6 years in the welfare reform bill. The fact is that the dollars spent for child care over that period of time have tripled.

In addition, we want to help the States with their flexibility. If they wish, they can shift up to 50 percent of their TANF funds, $5.5 billion of which remain in State coffers right now, to child care. Why do we do this, Mr. Chairman? We do it because we think that the 1996 welfare reform bill has been tremendously successful. Caseloads are down by 60 percent. Nearly 3 million children have been lifted out of poverty. More people are now on the path to independence. Employment of single mothers has risen by 70 percent, but we know much more needs to be done to bridge the gap between a paycheck and a government handout. We think that if we increase the funding for child care, this will help. It will help a lot.

So I maintain, Mr. Chairman, that we must defeat this other bill, and we need to support H.R. 4. It is our proposal. It has worked in the past. It will increase effectiveness in the future.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. PORTER) for the sake of a colloquy.

Mr. PORTER. Mr. Chairman, I rise to ask my distinguished colleague from California to engage in a colloquy.

Mr. Chairman, I want to thank the chairman for bringing this important bill to the floor. I represent a State that has grown more than 75 percent since the 1990 census. As with many States, after the 9–11 catastrophe, Nevada saw an increase in the need for temporary assistance for needy families. Without the existing supplemental TANF program, Nevada and other growing States would not be able to meet their commitments.

I want to thank the gentleman for reauthorizing the supplemental grants and the contingency funds, and I would ask the chairman for his favorable consideration in the future for measures to prevent State population growth from outstripping available resources for needy families.

Mr. HERGER. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman's comments. I agree it is important to continue to provide States with the resources and flexibility necessary for them to address the needs of the residents. The 1996 welfare reform law included specific provisions designed to address the concerns for growing States such as Nevada. Those provisions are retained and extended in this bill. As we move forward, we will continue to take every step to see that this legislation includes adequate resources for the States to serve low-income families and children, including in States with growing populations.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of our Democratic alternative. Unfortunately, the bill that has been offered by the other side of the aisle is a bill that is not really designed to get rid of poverty, and that is what we are trying to do. Our bill would move welfare recipients into real jobs and out of poverty; but more than that, we would allow for State flexibility to tailor services to help welfare recipients move into employment.

I am very concerned about having State flexibility because we are in a time of high unemployment and it does not seem to be getting any better. Those people who have been on for 5 years and they have to come off, we are dumping them out into an economy where we do not have jobs for them; but if the States have the flexibility to tailor the programs based on meeting the needs of the recipients, then I think it is fair. It is fair that not only do we have that flexibility, but we continue to have child care, child care support, and we continue to have fairness for our immigrant families.

□ 1515

Unfortunately, the Republican bill does not do that. I would ask for an aye on the Democratic alternative.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GERLACH) for the sake of a colloquy.

Mr. GERLACH. Mr. Chairman, I thank the gentleman for yielding me time and I rise to engage in a colloquy. Would the gentleman so engage?

Mr. HERGER. If the gentleman would yield, yes.

Mr. GERLACH. In 1996, I was the lead sponsor of legislation that overhauled Pennsylvania's welfare system. When this legislation was implemented, I worked with the Chester County Chamber of Business and Industry in my district to initiate what later became the Jobs and Advancement Through Mentoring program. This program provides welfare recipients who are entering the workforce with volunteer mentors recruited from the local business community. The intent of the program is to make sure that welfare recipients do not just start working, but that they have a volunteer partner in the community helping them over the rough spots during that first year of employment in helping to ensure lifetime self-sufficiency and productivity.

While I realize that the bill we are debating today expresses the sense of Congress that States should encourage mentoring programs, I believe we should do more. That is why I have drafted an amendment to require States to identify approaches to establishing voluntary community-based mentoring programs like the one I just described.

Let me emphasize that States would only be required to formally consider mentoring programs. They would not be mandated to actually create them.

Mr. Chairman, I would be very appreciative if you would give every consideration to including this amendment in any conference agreement that may be forthcoming.

The CHAIRMAN pro tempore (Mr. LaHood). The time of the gentleman has expired.

Mr. HERGER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I want to thank the gentleman for his interest and activity on the mentoring issue. The programs you have described are important to helping welfare recipients to succeed in the workforce.

The gentleman's proposal will be considered, and I look forward to working with him to support these types of mentoring programs so that we can help even more recipients achieve independence through work.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DELAURO. Mr. Chairman, I rise in support of the Cardin substitute.

At a time of great need with our economy stagnant and unemployment high, the underlying bill is so misguided. It eliminates education as an activity that counts towards necessary work requirements. It abandons the 15 million children eligible for child care assistance who will not be covered because of woefully inadequate funding.

In my home State of Connecticut alone, 4,000 families have been waiting in line for child care assistance since August 2002. It leaves our States in the midst of the worst fiscal crises since World War II with a massive unfunded mandate by shifting the burden of welfare to the States without providing them with the estimated $11 billion necessary to meet those needs.

The Cardin substitute has a strong work requirement. It give States the flexibility to increase access to education and training. It increases mandatory funding for child care by $11 billion over the next 5 years.

Mr. Chairman, the underlying bill does not encourage personal responsibility or promote families. If anything, it discourages hard-working families by offering them too little or no hope that their cycle of dependency can ever be broken.

I urge my colleagues to turn aside this misguided, inadequate bill and support the Cardin substitute.

Mr. HERGER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. Hayworth), a key person on the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Chairman, I thank my friend from California for yielding me time.

Mr. Chairman, I rise in opposition to the substitute offered by my friend from Maryland (Mr. Cardin). It may be well intentioned, but it fails to embrace a couple of realities and perhaps this is the fundamental difference among friends.

Mr. Chairman, success in welfare reform means reducing the number of people who seek welfare, people who actually go to work. There is news to celebrate according to our own Department of Labor, Mr. Chairman. The job market in the United States, despite the challenges we face now, which we all admit we have, from July of 1996 when we first passed this to last month, January of 2003, according to our own Department of Labor, the workforce has added 11 million jobs.

Unemployment is a real concern. We all understand that. But actually, unemployment was reduced from when we passed this measure in the last Congress, in April of 2002.

Now, understand the welfare rolls are reducing. We have held constant the dollars that are going to the States. It is a net increase. No one doubts that there are fiscal challenges facing the States. But, Mr. Chairman, the fact is, the States as laboratories of democracy must fashion their own solutions, not flexibilities in the form of pseudo-mandates from the Hill, but reasonable, rational solutions based on the work that is fundamental and inherent in this act, that rewards work, that provides funding for child care, that instead of cursing the darkness, lights a candle of opportunity for so many families.

That is what makes this reform historic. That is why we should reject the Cardin substitute and support H.R. 4.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. Sandlin), a valuable member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the House needs to pass a reauthorization of the welfare reform bill. Welfare reform was designed to help people by getting them a job, not handing them a check.

CBO estimates that implementing the work requirements of the Republican bill will cost States $11 billion. It makes absolutely no sense to impose an unfunded mandate on our States. This mandate will cost my State of Texas $688 million at a time when we are facing a budget deficit of $10 billion in the State. That is irresponsible and that is simply a tax increase on our citizens.

On a more personal level, American families want jobs and the quality education and training to get good jobs. The Republican bill eliminates vocational educational training as a work-related activity and increases work participation hours for mothers with children under 6 years from 20 hours to 40 hours. It is irresponsible.

Let us do the right thing. Let us forge a working partnership with America's families as envisioned by the Cardin amendment. We need to be an asset, not a stumbling block to helping our citizens obtain the jobs and the dignity they deserve.

Let us support State governments. Reject the Republican bill and support Cardin-Kind-Woolsey.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind my good friend from Texas that in H.R. 4, his State of Texas will receive an additional $370 million for child care over the next 5 years.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. Pence).

Mr. PENCE. Mr. Chairman, I rise today reminded of the tribute that we have paid to a former President named Ronald Reagan just a few days ago on what was his 92nd birthday. I think of what Ronald Reagan spoke about as a vision for welfare in America. He said, "It is not simply to provide for the needy, but more than that, to salvage these, our fellow citizens, to make them self-sustaining and, as quickly as possible, independent of welfare."

President Reagan would say on many occasions that we measure the success of welfare not by how many people arrive on it, but how many people leave it. And as we look at welfare reform this day, it is undeniable that the welfare reform of 1996, that we continue and expand through this legislation, is an unqualified success.

As this diagram demonstrates, Mr. Chairman, welfare caseloads in the millions: 1994, 14 million Americans on welfare; 2001, 5 million Americans. But that does not tell the story. We can look at the cold and hard statistics: 3.6 million fewer Americans living in poverty today than 1996, 2.7 million fewer children, a million fewer African American children in poverty today since welfare reform.

But as the father of three small children, Mr. Chairman, this is the most compelling statistic to me: Tanya was a single mother, went on public assistance when her twin girls were just a year old. But since completing her program with CalWORKS last year, Tanya has not only escaped welfare, but she has been able to earn enough money to buy her own home for those little girls. Welfare reform has worked, Mr. Chairman, and I oppose the substitute and will stand with the underlying bill in keeping that Reagan vision alive.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California (Mr. HERGER) has 3 minutes remaining.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just want to go over some of the facts because there is so much rhetoric we are hearing from those who oppose this bill. But these are what the facts say: Since 1996, work among welfare recipients has tripled; employment of single mothers is now more than 70 percent, an all-time high; since 1994, welfare caseloads have fallen by 60 percent, leaving less than 2 percent of the U.S. population on welfare.

That is a positive story. The cycle of poverty is broken. There are 3.6 million fewer Americans living in poverty today than did in 1996.

Had we listened to those who were so against welfare reform, 2.7 million fewer children live in poverty today than in 1996, including 1 million African American children. This is from the U.S. Census Bureau. This is not from the Republican Party. This is fact.

Child care, we hear how it is bad for children. The child care has gone from 3 billion to 9.7 billion in child care assistance. Again, very positive things, a significant change since the bill.

These are great reasons to vote for this legislation, and I urge my colleagues to do so.

The CHAIRMAN pro tempore. The gentleman from California has the right to close.

Does the gentleman from Maryland wish to proceed?

Mr. CARDIN. Am I correct that the gentleman from California has no further requests for time other than closing?

Mr. HERGER. Mr. Chairman, that is correct.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, 41 of our 46 States responded to a survey saying that if the Republican bill is enacted, they will have to fundamentally change their programs. The programs we have all been bragging about will be no longer. They will need to change them radically and create what is known as makeshift work-fare-type jobs that lead nowhere.

We just got a letter today from many of our governors saying, please do not take a significant step backwards in reforming welfare. This is not the time to replace State flexibilities with unfunded mandates.

If you are going to give the dollar amounts of the extra monies the States receive under your bill, why do you not tell the whole story, the extra cost? Every State will end up in the negative under the Republican bill.

If you believe the 1996 bill was a success, why are you going back and destroying what we did in 1996 on flexibility to the States? If you believe that child care is important and we need to help our States, why are you not supporting the substitute that provides $11 billion of extra money for child support?

If you believe the arguments that have been made on both sides of the aisle, you will support the substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have great respect for my colleague on the Committee on Ways and Means, the gentleman from Maryland (Mr. CARDIN). I appreciate his hard work on this issue. I do, however, have a difference of opinion with him regarding the amendment we are considering, and I oppose it for several reasons.

The gentleman's amendment weakens work requirements and would lead to less work, more welfare and more poverty. Like the failed AFDC program that preceded TANF, the substitute promotes more welfare dependence. It places new mandates on States by requiring them to assess every recipient for child care needs, barriers to work and history of domestic violence, and by prohibiting States from applying sanctions to those who refuse to work.

□ 1530

The substitute, which we estimate to cost at least $20 billion over the next 5 years, is just too expensive and would greatly increase deficits.

However, I would like to commend the gentleman for including certain provisions that mirror those in our H.R. 4. Those provisions include maintaining the basic TANF funding and block grant structure, requiring parents to engage in real work for 24 hours per week, raising total work requirements to 40 hours per week at State option, increasing State work rate requirements and adding reducing poverty as a TANF purpose.

I urge the Members to oppose this amendment and vote in support of H.R. 4.

Ms. SOLIS. Mr. Chairman, I rise today to urge my colleagues to support the Democratic alternative to the welfare reform bill.

Our alternative gives families the tools they need to lift themselves out of poverty—I'm talking about education and quality child care.

Individuals working to leave welfare must have access to higher education, GED courses, and English as a Second Language programs in order to make a successful transition to the world of work.

The facts are clear—women who obtain GED certification, participate in on-the-job training, or attend college have higher average annual earnings and a greater probability of employment.

Individuals with limited English speaking skills earn 24 percent less than their employed counterparts who are fluent in English. Language barriers limit non-English speaking workers to jobs that tend to be low-wage and seasonal, making it difficult to attain self-sufficiency.

It's time for us to enact a welfare law that recognizes that families want to work—they simply need the proper tools to succeed. I urge my colleagues to support the Democratic alternative.

Mr. ACEVEDO-VILÁ. Mr. Chairman, on behalf of the people of Puerto Rican and Hispanic families, I urge my colleagues to vote in favor of the Democratic substitute proposed today by my colleague Mr. CARDIN. Since the 1996 changes, Puerto Rico according to the HHS report, has met the mandates of TANF, it has reduced its welfare rolls by 56 percent—Puerto Rico has followed the rules.

However, the Commonwealth's TANF families have not had access to all of the tools Congress established to support moving them from welfare to work. The Commonwealth is committed to our families' self-sufficiency. According to the recently released HHS report, of the TANF cases closed 23 percent of the recipients are working—this is more than 11 States and it is in an economy of 11 percent unemployment as opposed to 5 or 6 percent.

We want our families to move from welfare to work; but we need the tools to make that transition possible.

Our commitment to families is further demonstrated by the fact that in 2001 the Commonwealth of Puerto Rico collected twice the amount in child support payments than it received from the Federal Government in TANF. Puerto Rico according to HHS collected more in child support than 24 States.

The Democratic substitute allows Puerto Rico and the territories to access all of the tools Congress established to help families move from welfare to work. Again, I urge my colleagues to vote for the democratic substitute to insure that no American family is left without the necessary tools to end the cycle of poverty.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for debate has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 12, as follows:

[Roll No. 28]

AYES—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Allen
Burr
Combest
Conyers
Cox
Cubin
Ferguson
Gephardt
Payne
Sanchez, Loretta
Tiberi
Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). Two minutes to vote. Two minutes.

□ 1550

Mrs. KELLY and Mr. GOODE changed their vote from "aye" to "no."

Mr. KUCINICH and Mr. LIPINSKI changed their vote from "no" to "aye."

Stated for:

Mr. TURNER of Texas. Mr. Chairman, on rollcall No. 28 (the Cardin substitute) I was unable to cast my vote because I was attending a briefing by Secretary Ridge and Secretary Thompson in the Roosevelt Room at the White House on Project Bioshield and unable to return before the vote was closed. If I had been present I would have voted "aye" on rollcall No. 28.

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, pursuant to House Resolution 69, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CARDIN. I am in the present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CARDIN moves to recommit the bill, H.R. 4, to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendments:

Page 87, after line 14, insert the following:

SEC. 202. FINDINGS.

The Congress finds that additional funding for child care is necessary given the additional financial burdens on the States resulting from the implementation of this Act, due to the worsening of economic conditions since the last consideration of welfare reform legislation by the House of Representatives, including—

(1) the severe deficits of more than $80,000,000,000 affecting the States, the largest budget gaps in half a century, that will necessitate reductions in vital services, including the loss of Medicaid for nearly 1,000,000 Americans;

(2) the loss of 2,300,000 jobs since March 2001, including 42 percent more job cuts in January 2003 than in December, and an unemployment rate of nearly 6 percent representing 9,000,000 Americans;

(3) the loss of unemployment benefits by 1,000,000 men and women whose benefits have expired and whom Congress has failed to assist;

(4) an increase in child poverty in 2001 for the first time in 8 years;

(5) the increase of homelessness by nearly 20 percent in the last year; and

(6) substantial waiting lists for child care in at least 18 States, many in the tens of thousands, and actions by other States to make fewer families eligible for child care services.

Page 87, line 15, strike "**202**" and insert "**203**".

Page 88, line 14, strike "**203**" and insert "**204**".

Page 89, line 1, strike "**204**" and insert "**205**".

Page 93, line 3, strike "**205**" and insert "**206**".

Page 94, line 8, strike "**206**" and insert "**207**".

Page 95, line 11, strike "**207**" and insert "**208**".

Page 95, strike line 17 and all that follows through line 2 on page 96 and insert the following:

SEC. 209. INCREASE IN ENTITLEMENT FUNDING.

(a) IN GENERAL.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "and paragraph (6)" after "paragraph (3)";

(2) in paragraph (3)—

(A) by striking "and" at the end of subparagraph (E);

(B) in subparagraph (F), by striking "fiscal year 2002." and inserting "each of fiscal years 2002 through 2006; and"; and

(C) by adding at the end the following:

"(G) $3,217,000,000 for fiscal year 2007; and

"(H) $3,717,000,000 for fiscal year 2008.";

(3) by striking paragraph (4) and inserting the following:

"(4) AMOUNTS RESERVED FOR INDIAN TRIBES.—

"(A) IN GENERAL.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

"(B) USE OF FUNDS; APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.";

(4) by redesignating paragraph (5) as paragraph (7); and

(5) by inserting after paragraph (4) the following:

"(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

"(A) APPROPRIATION.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

"(i) $1,250,000,000 for fiscal year 2004;

"(ii) $1,750,000,000 for fiscal year 2005; and

"(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

"(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

"(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.".

(b) CONFORMING AMENDMENT.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking "or 413(f)" and inserting "413(f), or 418(a)(4)(B)".

In the table of contents, strike the item relating to section 208 and insert the following:

Sec. 209. Increase in entitlement funding.

In the table of contents, redesignate the items relating to sections 202 through 207 as items relating to sections 203 through 208, respectively.

In the table of contents, insert after the item relating to section 201 the following:

Sec. 202. Findings.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes in support of his motion.

Mr. CARDIN. Mr. Speaker, the motion is very straightforward. It increases child care by $11 billion, which is the cost, the extra cost, to the States.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BELL), a new member of the House.

Mr. BELL. Mr. Speaker, I want to thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, we have all heard from the Republican side of the aisle the phrase "compassionate conservative," and while our Republican colleagues may have the conservative part down, there is absolutely nothing compassionate about gutting one of the most successful government reform programs in recent history.

Let us look at the facts. The bipartisan welfare reforms of 1996 have cut the welfare rolls by more than 50 percent. We have succeeded in breaking the welfare web, the so-called welfare web. But that apparently is not enough for our Republican colleagues.

If we look at H.R. 4, there is absolutely nothing that is fiscally responsible about H.R. 4. It would place a huge unfunded mandate upon States all across this country when they can least afford it, including my State of Texas, which is staring at a $10 billion shortfall and has no way of getting out of it at the present time. And that is happening all across this country, yet now we are going to put this unfunded mandate on them.

This bill increases the number of work hours for mothers with young children from 20 to 40 hours, while at the same time it decreases the amount of child care money which will be provided for these mothers.

Now, let us think about that. If the idea is to move people off of the welfare rolls, why would we set them up to fail from the very beginning? It makes no sense, and in no way, shape or form is it compassionate.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit.

Mr. CARDIN. Mr. Speaker, the majority will say that they have a letter from the Congressional Budget Office saying that this is not an unfunded mandate, but what the majority will not mention is that they have a letter from the Congressional Budget Office that says that this bill will significantly change the way the States have to spend their money on TANF; that it will cost them an additional $11 billion in order to comply with the mandates that are included in this bill.

Now, my definition of an unfunded mandate is telling the States they have to do something and not giving them the extra money to do it with. That is exactly what the bill does. It mandates the States to develop workfare programs, it requires the States to spend more money on child care in order to deal with the new work requirements, and the States do not have the money and resources to do it.

Mr. Speaker, I have heard my colleagues on both sides of the aisle say they are for child care, that children should not be penalized, that we have to have safe and affordable child care. Our States are telling us they need the money. This motion does one thing and one thing only: It increases the amount of child care by $11 billion to equal what our Congressional Budget Office is telling us is the increased burden on the States. That is all it does.

I would urge my colleagues to listen to our governors. Listen to what we have said in the past about unfunded mandates. Listen to what we have said about protecting our children and support the motion to recommit.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I urge my colleagues to vote down this motion to recommit and pass the bill.

We are adding $2 billion in money for child care for the States. But beyond that, remember that we are giving the States exactly the amount of money we gave them 5 years ago, but the welfare rolls are half that amount. So the States have all that additional money that they can devote to child care or meeting the other needs of people working to get off welfare and into the job market.

□ 1600

Mr. Speaker, there is money there both in welfare, lots of money, more than there has ever been in the history of our country. Furthermore, we have added $2 billion in the child care block grant. We have made sure it has grown every year.

There is $170 billion available over the next 5 years from the State and Federal governments for TANF. We have a balanced, sound, strong bill that will support women and their families as they make the transition from welfare to work, and I urge rejection of the motion to recommit and passage of this landmark legislation.

Ms. SOLIS. Mr. Speaker, I rise in support of the motion to recommit. I am especially supportive of provisions that would encourage funding of the Urban Park and Recreation Recovery (UPARR) program. This program has helped communities across the United States rebuild and repair blighted areas in an attempt to create open and green space opportunities for working families.

In my community, children are often forced to play in abandoned lots or next to superhighways. They literally share their playgrounds with drug dealers on grounds that are unsafe.

One project funded by UPARR near my district renovated a hazardous park electrical system, repairing damaged and dangerous wiring, and improving and installing walkway safety lighting.

Thanks to the UPARR program, children like those in my community have been able to experience more opportunities in a safer, cleaner environment. Despite UPARR's success and far-reaching impacts in our communities, this omnibus bill will essentially shut down the entire program by eliminating almost $30 million dollars in funding for the program.

I support the motion to recommit and am hopeful that this body will remember the importance of our urban parks—not only for their recreational value but for the health and well being of our children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 197, nays 221, not voting 16, as follows:

[Roll No. 29]

YEAS—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Allen
Capuano
Collins
Combest
Conyers
Cubin
Everett
Ferguson
Gephardt
Holt
Pascrell
Payne
Sanchez, Loretta
Tiberi
Weldon (PA)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1616

Mr. GORDON changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 13, as follows:

[Roll No. 30]

YEAS—230

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann

Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)

Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman

Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley

Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez

Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)

Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)

Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—13

Allen
Capuano
Collins
Combest
Cubin

Everett
Ferguson
Pascrell
Payne
Sanchez, Loretta

Tiberi
Weldon (PA)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1623

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALLEN. Mr Speaker, on February 13, 2003, I was unavoidably absent for rollcall votes, due to the death of a family member.

Had I been present I would have voted "yea" on rollcall votes 27 (Kucinich Substitute to H.R. 4), 28 (Cardin Substitute to H.R. 4), and 29 (motion to recommit H.R. 4).

I would have voted "nay" on rollcall vote 30 (passage of H.R. 4, welfare bill).

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 79) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 79

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) Committee on Agriculture: Mr. Case (to rank immediately after Mr. Acevedo-Vilá), Mr. Pomeroy, Mr. Boswell, Mr. Thompson of California, Mr. Udall of Colorado, Mr. Larsen of Washington, Mr. Davis of Tennessee.

(2) Committee on Education and the Workforce: Mr. Davis of Illinois (to rank immediately after Ms. McCollum), Mr. Van Hollen (to rank immediately after Ms. Majette).

(3) Committee on Government Reform: Mr. Cooper, Mr. Bell.

(4) Committee on Science: Mr. Sherman, Mr. Baird, Mr. Moore, Mr. Weiner, Mr. Matheson.

(5) Committee on Small Business: Mrs. Napolitano, Mr. Acevedo-Vilá, Mr. Case, Ms. Bordallo, Mr. Marshall, Mr. Michaud.

(6) Committee on Veterans' Affairs: Ms. Hooley of Oregon, Mr. Reyes, Mr. Strickland, Ms. Berkley, Mr. Udall of New Mexico, Mrs. Davis of California, Mr. Ryan of Ohio.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING AMOUNTS FOR INTERIM EXPENSES OF SELECT COMMITTEE ON HOMELAND SECURITY IN FIRST SESSION OF 108TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 77) providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. Thornberry). Is there objection to the request of the gentleman from Ohio?

Mr. FROST. Mr. Speaker, reserving the right to object, I would just like to ask the gentleman what the House is being asked to consider.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman asks a very appropriate question. House Resolution 77 is necessary to provide the Select Committee on Homeland Security with the necessary funding to organize the committee.

□ 1630

House Resolution 77 authorizes $700,000 for use by the Select Committee on Homeland Security. Also know that we have communicated with the distinguished gentleman from Connecticut. It is interim funding.

Consistent with my discussions with the Ranking Minority Member, it is my understanding that the funds provided by H. Res. 77

will be distributed in a manner consistent with the "Two-thirds, One-third" goal for division of resources. I expect the Chairman and Ranking Member of the Select Committee to reach agreement on a division of the resources provided by this resolution that will reflect this goal and be to their mutual satisfaction.

Mr. FROST. Mr. Speaker, I thank the gentleman.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to compliment Chairman NEY for bringing this important resolution to the Floor so expeditiously. I am also pleased that the Majority has agreed that the right of the minority members to control one-third of the select committee's staff and resources will be protected throughout the funding process.

I am pleased that we can act today to provide interim funding for this new select committee, which was created as a separate order of the House attached to the rules resolution, H. Res. 5, adopted on January 7.

The Select Committee on Homeland Security is charged with developing recommendations and reporting to the House by bill or otherwise on matters relating to the Homeland Security Act of 2002 (P.L. 107–296). In other words, it is a legislative committee of the House for matters which fall within its sphere, with referral of legislation to be decided by the Speaker.

The resolution before us today would provide interim funding through March 31, 2003, to get it off the ground and running for a short time, by which time the House Administration Committee will have reported and the House adopted the biennial primary expense resolution providing funding for all committees and select committees of the House for the 108th Congress.

Both sides of the aisle have now named their members of the new select committee, to join the chairman, Rep. COX, and the ranking member, Rep. TURNER of Texas, so it is now ready to conduct business.

I also look forward to seeing the new chairman and ranking member appear in a few weeks to testify before the House Administration Committee about the committee's agenda for the next two years, as we prepare the biennial resolution.

Mr. Speaker, I am especially pleased that the Democratic Leader has appointed my good friend the gentleman from Texas, Mr. TURNER, as the ranking member of this new committee. I serve with Rep. TURNER on the Armed Services Committee, and am delighted that he will have the opportunity to lead our party in rising to the challenges of providing effective homeland security against the international threats facing us today and to expand on his past legislative accomplishments in the field of national defense. He is clearly the right person for a job like this.

Ths is a tremendous challenge. We must protect America from terrorism while defending the freedoms and liberties which are the foundation of our democracy. We must help organize and supervise a major new government department of historic size and responsibility. The House has made a good start with this select committee and its distinguished leadership on both sides of the aisle.

Mr. Speaker, creation of the select committee will expand the House's ability to deal with these critical issues, but, as with any new entity in a legislative body, it may take some time to fully define its role and what its interrelationships with the regular standing committees of the House will be. I and the other members of the House Administration Committee look forward to working on a bipartisan basis with the members of the select committee to help make that effort a success.

Mr. FROST. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 77

Resolved,

SECTION 1. INTERIM EXPENSES OF THE SELECT COMMITTEE ON HOMELAND SECURITY.

For interim expenses of the Select Committee on Homeland Security, there shall be paid out of the applicable accounts of the House of Representatives not more than $700,000.

SEC. 2. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 2003, and ending at midnight on March 31, 2003.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee on Homeland Security, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 71 waives all points of order against the conference report and against its consideration. The resolution also provides that the conference report shall be considered as read and provides that upon adoption of the conference report the House shall be considered to have adopted H. Con. Res. 35.

Mr. Speaker, this day has been a long time coming. The omnibus appropriations measure that we will take up in a few minutes has followed a long and torturous path to enactment. But rather than point fingers and try to assign blame for months of delay, I hope my colleagues will instead focus on moving this important legislation forward as expeditiously as possible.

In this difficult budget climate, cuts have been made in a number of popular programs. However, at the same time the Committee on Appropriations has recommended increases in quite a few other important areas. In other words, Mr. Speaker, they have prioritized the spending in these difficult times. It is simply not possible in a bill this large to list all of the major provisions, but I would like to highlight several that may be of general interest to the Members.

The bill includes an increase of $79 million for the Drug Enforcement Administration and more than $6 billion for immigration enforcement activities to strengthen our borders against terrorists and facilitate border crossings for legitimate travelers and workers. NASA funding has been increased by $513 million over last year and an additional $50 million is provided to investigate the recent Space Shuttle Columbia tragedy.

The National Science Foundation will receive $536 million over last year's level, and the largest programmatic increase in the entire budget will go to the National Institutes of Health, which will receive a $3.8 billion increase.

I am pleased to report that the Department of Energy has received increases in several important areas. This bill boosts DOE science programs by $72 million and the Department's environmental cleanup programs, including the one in the Hanford reservation in my district, will increase by $310 million above the current level. At the Interior Department I am pleased that the National Park Service budget will be increased by $78 million, much of it for badly needed maintenance of existing facilities. Funding for wildlife refuges and related programs will be increased by $53 million, and the National Forest System will receive a $31 million increase. Furthermore, I am pleased that funding for Veterans Administration medical care has been increased by $2.5 billion.

Finally, in these difficult economic times, it is important to provide for the truly needy. In that regard this bill increases homeless assistance by $102 million and provides for an increase of $348 million in the special supplemental nutrition program for Women, Infants and Children or the WIC program.

Mr. Speaker, no Member ever gets everything that they want in a massive appropriations bill, which inevitably includes certain items opposed by various Members. It is the nature of the appropriation process. And that is as true in this omnibus bill as in any other. It is not a perfect bill, as I am sure we will hear as we debate this bill, but I commend the chairman and the ranking minority member and their fellow conferees for making the best of an extraordinarily difficult situation. Accordingly, Mr. Speaker, I encourage my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, normally, when I speak on legislation, I use a podium. This time we have a piece of legislation that is higher than my podium; so I am using the legislation. The podium is over here to the side.

Mr. Speaker, when a bill comes before the House, the normal process is for members of the committee of jurisdiction to come to the floor and explain the details of what is in their legislation. Unfortunately, that is simply not possible today.

Certainly the newspapers have reported on a few of the most egregious proposals in this conference report. For instance, Republicans inserted several sweeping anti-environmental provisions and severely shortchanged conservation resources. Democrats will try to fix these problems in the motion to recommit, which I urge Members to support. But an attack on the environment is just the tip of the iceberg with this bill, Mr. Speaker. Republican leaders did not file this conference report until six o'clock this morning, and they provided at that time only one copy for the more than 200 Democrats in the House. Even the chairman of the Committee on Appropriations, who has worked very hard under the very difficult constraints imposed upon him by his own leadership, candidly and honestly admitted this morning before the Committee on Rules that he could not answer questions about all of the contents of this bill. So if the Committee on Appropriations chairman cannot tell us what is in some of this bill, it is obvious that the public and the members of the House have no way of knowing what is in this 3,000-page legislative monstrosity.

All we really know is this: while Republicans are hurting the economy by driving America deeper in debt, they still shortchanged homeland security. The Republican failure to address homeland security right now is particularly disturbing, Mr. Speaker. As we speak, the Bush administration is urging Americans to buy duct tape and stock up on bottled water to prepare for another potential terrorist attack. They are urging the public to be on alert for suspicious activity; but while the public is on alert, the Republican Congress is asleep at the wheel. Even in this bill today, they still refuse to adequately support the firefighters and police who would actually respond to a terrorist attack.

Republicans will say that they are doing all that they can afford. That is simply ridiculous, Mr. Speaker. Republicans may not be funding homeland security needs, but they are still driving America deeper and deeper into debt by their tax cuts.

Why has Republican control of the government brought America such massive and dangerous deficits? I would submit that the dots are not too hard to connect here. Less than 2 years ago, Republicans forced through the Bush tax plan, a tax plan which gutted the budget to give tax breaks to the wealthiest. At that time Democrats and many economists and nonpartisan experts asked, Now that you have given away the store to pay for tax breaks for the few, how are you going to address national priorities like national defense and education? Unfortunately, the Republicans' response was as reckless as it was simple. They ignored the problem. The fiscal year started October 1. That was 1, 2, 3, 4, 4½ months ago. Republican leaders simply refused to bring up difficult appropriations bills last year prior to the beginning of the fiscal year.

Let us look at the record. Five of the normal 13 appropriation bills passed the House. Two actually became law. Six other appropriation bills were reported out of the House Committee on Appropriations but were never brought to the House floor because Republican leaders did not want their Members to have to cast tough votes on painful spending cuts before the election, and of course two bills were never even reported out of the committee. The Republican leaders' timidity last fall directly contributed to the $300 billion fiscal year 2003 deficit we face today. That is why we are here today, with just 60 minutes to consider this rule and just 60 minutes to debate this massive 3,000-page conference report that the vast majority of Members have never read.

Mr. Speaker, there is no way that considering 11 of the 13 appropriation bills in 1 hour, a half hour on each side, can provide the public with an honest assessment of the budget, 4½ months later of course. Normally each appropriation bill would get at least a day of discussion and Members would have the opportunity to offer amendments. But today the vast, vast majority of Members will have no opportunity to even read the budget for this year.

Mr. Speaker, that is a definition of fiscal irresponsibility, and it is how Republicans have burdened our children with the crushing deficits we face today. Even the Bush administration is projecting deficits as far as the eye can see, over $300 billion this year, over $300 billion next year, and more than $1 trillion over the next 5 years. That is why even Alan Greenspan, the chairman of the Federal Reserve, was forced to sound the deficit alarm earlier this week. He pointed out that huge long-term deficits, the type Republicans have created in just the past 2 years, will hurt Americans by driving up interest rates and increasing families' home mortgage and credit card payments. Why is the American economy facing this harmful burden especially now when families are struggling with the weakest economy in a generation? Because the Republican House leadership refused to do its job last year. The chickens are coming home to roost today, and it is not a pretty sight.

Mr. Speaker, this omnibus appropriations bill, 4½ months late, is an admission that the Republican Congress has failed in its most fundamental responsibility, addressing national priorities from homeland security and the economy to education and health care.

That is why I urge my colleagues to vote "no" on this rule. Let us take some time to find out what is really in this 3,000-page bill and then let us sit down and honestly address the economic and homeland security needs that it ignores.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Democrat for yielding me this time.

I want to ask any Member in the House of Representatives to please tell me what is in that thing. I rise today in strong opposition to the closed rule and underlying bill. When Democrats were in the majority, I cannot tell everyone the number of times Republicans complained about closed rules. They swore that a Republican majority would mean the end of closed rules. Today's rule, like so many rules of the last 8 years, is proof that closed rules have a permanent seat in the Republican Caucus, and the Republican Committee on Rules shows this 3,000-page monstrosity as a work in progress. It evidently is. During the normal appropriations process, open rules are the custom of this body. An open rule allows all Members the opportunity to improve the legislation on the floor and ensure that the dollars spent by Congress are utilized to their fullest potential.

□ 1645

There is no requirement for an open rule. However, when Democrats were in the majority, the Committee on Rules always allowed for an open rule during the appropriations process as a common courtesy to all Members.

As the gentleman from Texas (Mr. FROST) said, we saw this monstrosity for the first time at 7 o'clock this morning in the Committee on Rules. However, we come down here, we cannot amend it, and we do not even know what is in it. An initial, cursory review has environmental rollbacks and inadequate agricultural disaster assistance in the conference report. I ask farmers to look at their future with reference to funding cuts.

Across-the-board cuts in domestic spending leave this country inadequately prepared to deal with the problems of unemployment, education, public housing, job training, Social Security, prescription drugs and fighting a global war on terrorism and, potentially, two and maybe three fronts in a war.

How could the majority bring a bill like this to the to the floor without some type of kickback to the wealthiest?

I thank the gentleman for yielding, and I will try to walk this monstrosity back.

Mr. Speaker, I thank the Ranking Democrat of the Committee, my good friend from Texas, Mr. FROST, for the time.

I rise today in strong opposition to the closed rule and the underlying bill.

When Democrats were in the Majority, I cannot tell you the number of times Republicans complained about closed rules. They swore that a Republican majority would mean the end of closed rules. Today's rule, like so many rules of the last eight years, is proof that the closed rule has a permanent seat in the Republican Caucus.

During the normal appropriations process, open rules are the custom of this body. An open rule allows all Members the opportunity to improve the legislation on the floor and ensure that the dollars spent by Congress are utilized to their fullest potential. There is no requirement for an open rule. However, when Democrats were in the majority, the Rules Committee always allowed for an open rule during the appropriations process as a common courtesy to all Members.

At 7:00 this morning, the Rules Committee met to pass a rule on a ten-thousand page Omnibus Appropriations Conference Report that non of us had seen. My Republican colleagues on the Committee challenged Democrats to offer a specific amendment to the Conference Report. However, how can we amend what have not seen? How can we change what we don't know?

An initial, though cursory review, has indicated that environmental rollbacks that this body approved more than a decade ago are buried in this morass available for discovery three months from now; the offsets for the inadequate agriculture disaster assistance in the conference report hold the potential to open up assistance programs for farmers to future funding cuts; and across the board cuts in domestic spending leave this country inadequately prepared to deal with the problems of unemployment, education, public housing, job training, Social Security, prescription drugs, and fighting a war on two, possibly three, fronts.

And how could the Majority bring a bill like this to the floor without some type of kickback to the wealthiest of Americans? It can't.

The report includes a $40 million down payment of a $120 million deal to acquire the oil drilling rights in three of Florida's national preserves and wildlife refuges. Yet, I can't seem to figure out if the down payment for the drilling rights is a proenvironmental gesture by the Administration or another Bush-sponsored corporate subsidy. I should also mention that the drilling rights are currently owned by the Collier Family, a family that contributed more than $100,000 to Republican reelection campaigns.

The buying of the rights is necessary, and I indeed support it. But appropriating $120 million without prior Congressional approval? Do you know what $120 million can buy us? We can spend it on job training centers, public housing, or fully funding the Help America Vote Act. I should note that election reform is grossly under-funded by more than $600,000.

The President has threatened to veto a bill that costs more than he wants to spend. However, let me share with you the lead headline from today's Congress Daily. "As Omnibus Heads for Floors, fiscal year 2003 Supplemental Starts Up."

Tell me, Mr. Speaker, is this omnibus report not fiscal year 2003 spending? And if Congress passes a supplemental for fiscal year 2003, will that not be 2003 spending as well? So, why not take the recess, give Members a chance to review the report, and include the Supplemental spending priorities in the Omnibus report? Wouldn't that be a more accurate account of how much we're spending this year?

What we see in the spending cuts of the Omnibus bill is the residual effect of the Republican tax cuts and economic plan. Cut taxes to the wealthy while eliminating domestic spending on the neediest. It's the reverse Robin Hood syndrome, Mr. Speaker. Take from the poor to give to the rich.

After months of negotiations and delay, to bring the Fiscal Year 2003 appropriations process to an end without debate or opportunity to amend is a disservice to the millions of Americans who will benefit from this conference report.

I urge my colleagues to oppose the rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just remind my colleagues that conference reports are never amendable. They always come to the floor in this fashion.

But I also would like to remind my colleagues that in the time that our distinguished chairman of the Committee on Appropriations has been chairman, he has always brought and asked for open rules on the appropriation bills. So I just wanted to clarify that for my colleagues.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Florida, the chairman of the Committee on Appropriations, is an honorable man. Unfortunately, he has been strangled by his own leadership. His committee did their work and reported a number of appropriation bills out of committee prior to the beginning of the fiscal year, and his leadership prohibited him from bringing those appropriation bills to the floor where we could have an open rule and could offer amendments.

Now, if the other side had really wanted us to have an open procedure, they should have permitted their own chairman to bring the bills to the floor after they had been reported out of his committee. But they prevented him from doing that. That is why we have this particular bill today in an unamendable form.

I find it difficult to understand why it makes sense to run the House in the way that their leadership, the Republican leadership, has run it. They have always said they want open procedures, but in the most important matter facing this Congress in a way, the appropriations process, they have denied this

House an open procedure, denied this House the opportunity to vote. Even though their own chairman and their own committee did their work, their leadership refused to permit their chairman and their committee to bring bills to the floor where they could be amended. And now we have this, 4½ months after the beginning of the fiscal year.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I thank the ranking member from Texas for yielding me time.

Mr. Speaker, I rise in favor of the omnibus conference report, but I do so with serious reservations about how this conference report was brought to the floor.

It is only with the knowledge that this bill will keep afloat programs important to the American family that I feel my vote today means something. But I think the American family would be outraged to know that actual debate over the funding of their government lasted just 1 hour. The American family would be outraged to learn that minority points of view concerning the health, well-being and security of this country were given just 1 hour for debate.

The process in which this conference has been brought to the floor goes against the American democratic process. The issues at stake here are too important, some life and death, not to be thoroughly debated. The fact that we did not get the chance to debate the homeland security needs of our first responders is almost unthinkable. Simply put, the issues at stake here are too important to be mired in the blatant partisanship of House rules.

Mr. Speaker, in the spirit of the American way of life, I urge the majority to give the voice of the American family a chance to be heard.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thought it might be interesting to the House and to people watching this proceeding to know what we are talking about, what bills we are mentioning. I said earlier that six appropriations bills were reported from the Committee on Appropriations but not brought to the floor, that the leadership on the other side refused to bring those to the floor. What were those six appropriations bills? Well, let us review that.

The agriculture appropriations bill, vitally important to the farmers of this Nation, reported out of the House Committee on Appropriations on July 11, 2002, never brought to the floor of the House; the District of Columbia appropriations bill, reported out of the Committee on Appropriations on September 26, 2002, never brought to the floor of the House; the energy and water appropriations bill, reported out of the House Committee on Appropriations September 5, 2002, never brought to this Chamber for a vote; the foreign operations appropriations bill, reported out of the House Committee on Appropriations September 19, 2002, never brought to this House for a vote; the transportation appropriations bill, vitally important to people all over this Nation, reported out of the House Committee on Appropriations October 7, never brought to the floor for a vote; and the VA-HUD, Veterans Department, reported out of the committee October 9, not brought to this House for a vote.

Now, Mr. Speaker, I would suggest this is a terrible way to run a railroad or to run a House of Representatives. Because those six bills were reported from the committee, but never brought to this Chamber, they now are contained in this pile before me.

Also in this pile before me are two other bills that were never even reported out of the Committee on Appropriations, and three other bills, of course, reported and passed the House but, of course, that never became law. So we are at this point today.

Now, we never did this when we were in the majority. We never brought an omnibus appropriations bill 4½ months after the beginning of the appropriations fiscal year and refused to bring individual appropriations bills to the floor for a vote. That was not something that was done by the Democrats when we were in the majority.

The other side does not care about the rights of the American people. Four hundred thirty-five of us were elected from districts. This a representative democracy. I represent 651,000 people, as does every other Member from the State of Texas, Republican or Democrat. The 651,000 people in my district and in the other, at that time, 29 districts, now 32 districts from the State of Texas, were denied the right to have their representative offer and consider amendments on the appropriation bills that fund this government.

Mr. Speaker, that is wrong. It should never have been done. It is the reason that we are here today, and it is one of the major reasons why we have the size deficit we do. If we had been able to offer those bills and vote on amendments, perhaps the House, in working its will, would have made some cuts, and perhaps the deficit would have been smaller. But the other side did not care.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise today on the rule for the omnibus appropriations bill to support the motion to recommit that will be offered by the gentleman from Wisconsin (Mr. OBEY).

The motion to recommit would direct the conferees to strip three controversial provisions added to the Interior section of the omnibus during conference negotiations and ask that certain critical natural resource programs are increased to levels requested by the President.

The three legislative provisions include section 335, which exempts the Tongass National Forest plan from all administrative or judicial review; section 323, which significantly expands the Forest Service's stewardship contracting project to a permanent program with little agency oversight of private-contract timber harvest; and language that removes the House provision restricting funds for activities related to oil drilling in ANWR.

Additionally, the motion to recommit would direct the conferees to add back funding to key programs in the Interior title to bring them up to the level requested by the President in his request for fiscal year 2003. This motion would direct the conferees to add not less than $193 million above the level provided in this agreement for key natural and cultural resources programs funding through the Interior appropriations bill.

The current conference agreement provides $110 million less than the President requested for the National Park Service, $30 million less than the President requested for the Fish and Wildlife Service, and it completely eliminates the Urban Parks Program, which is a very good program.

In short, the conference agreement fails to honor the Conservation Trust Fund agreement made 3 years ago that conservation spending would be a priority.

Mr. Speaker, I urge my colleagues today to vote for the Obey motion to recommit. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. FROST).

I have been on the committee for 26 years. Not bringing these bills to the floor is a failure of the Republican leadership. I do not blame the gentleman from Florida (Mr. YOUNG), our good and decent chairman, for that. It was the powers over him that made it impossible to get these bills to the floor.

I hope that they will keep the word they are putting out on the street that that will not happen this year. I think they owe it not only to the Congress, to all of us, but they owe it to the American people to get this train back on the track and to do the regular procedure.

I know the gentleman from Florida (Mr. YOUNG) wants to do that, I want to do it, and the gentleman from Wisconsin (Mr. OBEY) wants to do it. This year really was a disgrace for the American people, and this should never have happened. I hope that it will not happen in the future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think everybody here remembers this fellow, President Reagan. He once stood before this body. This is a picture of him doing it. He pointed to an appropriations conference report and he said this: "This is the conference report, a 1,053-page report weighing 14 pounds." Then he said, "Congress should never send me another one of these."

Do you know how much this thing weighs today? Do you know how much this weighs? This is over 3,000 pages, and it weighs over 32 pounds. Now, President Reagan was talking about how bad it was when he had a 14-pound document. This is 2½ times as big.

And then we have another outrage. I will get into the rest of the substance later, but I want to mention one thing especially. This bill, for first responders, this bill in terms of the aid we provide to firemen and policemen across the country, is $456 million below even President Bush's request. Does this House really want to vote to cut it that low?

Now we are being told that the answer to our security problems is duct tape and plastic sheeting.

□ 1700

With all due respect, rather than duct tape and plastic sheeting, I think our firemen would rather have more aid so they can buy the protective equipment that they need to protect their communities. That is just one of the shortcomings of this bill.

There is another provision in this bill that gives one chicken farm operation in Georgia the opportunity to put labels on their products calling them organic, even though they are not. There is another provision in this bill which gives 10 farmers in Texas $15 million in special benefits because they cannot quite qualify for a tax provision in the Tax Code. And then we have some other lollapalooza, which I will discuss a little bit later.

Now, my colleagues cannot convince me that those provisions would have survived if this bill had gone through the normal debate that normally accompanies appropriation bills. But 90 percent of the dollars, 90 percent of the dollars that we are going to spend as a result of this package have never been debated for one moment on the floor of the House of Representatives. All of the money that is in here is the result of a back-room deal. This is what ought to happen to back-room deals: we ought to leave them on the floor and go back to the drawing board.

Mr. FROST. Mr. Speaker, my wife often watches these proceedings; and she always tells me to make it simple, make it so that a person out there in my district can understand what is going on. I will try to do that.

What we have here is a situation where 2 years ago, the Republicans ate dessert with their tax bill, with their big tax cut; but they have refused to eat their vegetables. They would not consider the appropriation bills. They would not give the people's representatives the opportunity to vote on the appropriations process. So I am glad they enjoyed their dessert. I wish they would have given us the opportunity to take part in the rest of the meal.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

We are not here by mistake. We are not here because we could not get our work done. As a matter of fact, the month of September I think this House worked less than any September that I have been in this House in the last 21 years.

We are here because the Republicans did not want to put their bills on the floor and have their Members vote for it. I am a member of the Subcommittee on Labor, Health and Human Services and Education. We did not have 1 minute of consideration on a $130 billion-plus bill, not 1 minute of consideration in subcommittee. Not 1 minute of consideration in the full committee. Not 1 minute of debate and consideration on the floor of this House. Yet, behind me is a bill of over 3,000 pages. It was written last night. Not all of it; it is cumulative. But it was not finished until early this morning.

Mr. Speaker, we are going to have to pass a CR. Why are we going to pass a CR? Because as President Reagan also said, we needed time for OMB to read the bill. So we are going to have a CR so that the President can read this bill. But there is no time for the 435 Members of this body elected by 280 million Americans, no time for us to read this time. No time for us to digest what is in this bill. No time to have amendments on this floor so that we can strike egregious environmental provisions put in in the dark of night. No time to bring to this House the considered judgment that the Founding Fathers thought the people's House would give to legislation.

Luckily, Mr. Speaker, we are not all held to our comments that we might make. Some have made an analogy to making sausage. We defame the sausage industry in that analogy.

I want to join my colleague in saying that this is not the responsibility of the gentleman from Florida (Mr. YOUNG). The gentleman from Washington (Mr. DICKS) said that. The gentleman from Florida (Mr. YOUNG) is one of the fairest, most open, most democratic Chairs in this House and, indeed, under whom I have served during my tenure. It is not the responsibility of the majority party in the Committee on Appropriations. If it were their choice, they would have brought bills to the floor, bills that they felt were responsible, and we would have considered them. I will lament the fact that there are 54 Members of this House, all representing over 600,000 people, 30 million people, who have not had 1 minute to consider this legislation, because they were not here last year.

So we consider a bill. I am going to vote for this bill. I am going to vote for this bill because it has some very good things in it. As the gentleman from Wisconsin (Mr. OBEY) says, some of this money comes way too late. First responders, homeland security, frontline defense, Customs agents, FBI technology and capability have all been shortchanged for the last 5 months since the beginning of this fiscal year. That is not, in my opinion, being on high alert, on red-orange or whatever color now confronts us. I am going to vote for this bill because this bill will, in fact, fund some of the critical things that America needs. NIH research has been on hold for the last 5 months. Extramural grants have not been given. But this is the worst process I have seen an appropriation bill put to in my 22 years in this House.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

People listening to this proceeding, watching this proceeding may be kind of scratching their heads and saying, well, why are the Republicans not saying anything about this bill? Why are they just sitting over there? Could it be that they are ashamed of this process? Could it be that they have no way of defending what has happened here?

Normally, on a major piece of legislation, each side takes its 30 minutes. Apparently the Republicans simply want this to slip as quietly through as possible, knowing that this is an indefensible process and that they have done things that no one has done in the past, and I hope that even they will not do in the future.

Mr. Speaker, I urge Members to vote against the rule. I will join Members on our side who will be voting "yes" on final passage, because we do need to make sure the government can operate, and there are important things in this bill. It is just regrettable that the House was denied the opportunity to work its will on so many pieces of the appropriations legislation during this fiscal year.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that the arguments that my colleagues on the other side of the aisle were using were interesting arguments. They were based on the whole process of what we are supposed to do here in the House, or in the Congress. They, of course, only mentioned what they wanted to mention that would enhance, presumably, their position; but they forgot one very, very important part, step in this whole process, and that is the adoption of a budget which, of course, is a blueprint that all of our appropriators have to go through on all of the 13 spending bills.

Now, by law, by law, that budget has to be passed by both Houses in the spring, which meant that the budget should have been passed last spring. We did pass it in the House. The other body, with the same majority here as our minority, did not pass the budget. So we had no blueprint. And we know that we have to give and take as we go through this whole thing. So that was never mentioned whatsoever on the other side about the process. That made it very difficult; it would have made it very difficult had we passed appropriation bills over to the other body to try to reconcile when we have no blueprint as to where we are supposed to be spending.

So that was left out conveniently by my colleagues when they were talking.

So, Mr. Speaker, as I said in my opening remarks, this has been a long, difficult process. I said in my opening remarks that there are some good things in it, a lot of good things in it; and there are a lot of bad things, and we will hear about that. But in the end, we have to get on with the business of the people; we have to put '03 behind us so that we can start with '04. And I am certainly going to be one Member who is going to work as hard as I can with both sides of the aisle to make sure that we have a budget this year. I hope the other body has a budget. And I hope that we can pass the appropriation bills in a timely manner, because we do not know what is going to be ahead of us in this year with all of the challenges that face us.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 2, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 12, 2002, Part II.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start my brief comments on this bill to say, "wow." We are finally here. And some of the complaints that we heard about how we got here are very legitimate, and the process was not the best, but we are finally here, and it is important that we get this bill off the deck, because fiscal year '04 is already descending upon us.

Secondly, Mr. Speaker, I want to pay a strong compliment and tribute to the members of the Committee on Appropriations on both sides of the aisle who really worked hard to get us where we are today, and so we can conclude our work for fiscal year '03. All of the members of the subcommittees were involved at their levels, we had a very open process, we exchanged information and ideas and facts and details with each other as we went through the process. I would compliment the staff who worked many, many long hours; and as it was suggested, some of this bill was not written until 5 o'clock this morning, and I know that, because I was here at 6 o'clock this morning to file the bill, and joined my colleagues on the Committee on Rules at 7 o'clock to get a rule on this bill.

So what led us up to here, we should all be happy that it is behind us. Now we are in a position to close out fiscal year 2003, and I hope that is what we will do.

Mr. Speaker, I am pleased to bring this conference report on the consolidated appropriations bill for fiscal year 2003 to the House. This is an important appropriations bill. It not only includes 11 appropriations bills, and that is why the stack is so high and it weighs so much, but it also adds additional funding for national defense, national security, homeland security, intelligence activities, and support of our troops in Afghanistan.

□ 1715

It is an important defense bill, a homeland defense bill, and an antiterrorism bill. It is a must-pass bill. It includes funds for our troops in Afghanistan, our intelligence agencies, homeland security, law enforcement, first responders, education programs and many other important operations of our government. It includes money for election reform, something that has been very important to the Members of the House.

I am sure this bill will not please everyone in all respects, and I do not know of any bill that we bring to the floor that does. But it does address many important needs of our country. Most importantly for the Congress, it preserves one of our most basic and important responsibilities under the Constitution: to appropriate funds from the Treasury. The passage of this bill will allow us to focus on the year ahead as we begin to provide funds for the government for the next fiscal year.

We have already received the President's budget request for fiscal year 2004, and we expect that very shortly, within the next 10 days to 2 weeks, we will receive a supplemental appropriations request dealing with national security, national defense. I think we have done a good job in holding down spending to appropriate levels.

When the chairman of the Senate committee and myself met with the President and we discussed what the top number should be, we agreed on a top number. We have stuck to that top number with the only exception being when the President either agreed with, or requested additional funding for important matters. This bill includes $397.4 billion in discretionary funding. This is discretionary money that pales in comparison to how much money is spent through mandatory programs; and that is something you will hear me say often, that the biggest spending for the government comes from mandatory spending programs, not the discretionary accounts that we are dealing with today. This is a fiscally responsible bill and it does comply with the fiscal parameters described by the President.

Let me highlight just a few items that I think should be of interest to the Members. On homeland security, the bill provides record levels of resources to defend our homeland, something that we have all sworn that we would do with whatever resources were necessary. This bill includes $3.5 billion in assistance to State and local first responders. It includes $6.1 billion for the Coast Guard and $4.3 billion for the FBI, including new investments in information technology, something that many of us have discussed here on the floor numerous times as a serious requirement.

In the global war on terrorism there is $10 billion in this bill included to support our military and intelligence activities. For the veterans, Veterans Administration and veterans medical care, we have included a $2.5 billion increase for medical care over last year and $1.1 billion over the President's budget request.

On education funding, we provided educational assistance to needy and disadvantaged students through the Title I program. It has been increased by $1.4 billion. Special education State grants are increased $1.4 billion over last year and $400 million over the President's request.

On funding for space programs, something that has been called to our attention in our minds and in our hearts since the disaster with the shuttle Columbia, NASA funding is increased by $513 million over last year bringing the fiscal year 2003 funding to $15.4 billion; that is $414 million above the President's budget request. $50 million is provided to NASA to investigate the recent *Columbia* tragedy, so that we can do everything possible to prevent any further or future tragedies of a like nature. Additional flexibility is provided to the administrator of NASA to utilize resources where they are most needed.

Election reform is funded at $1.5 billion, something that has been very important to the Members of this House. There is $1.5 billion to help the States meet new standards under the Help America Vote Act, including over $1.4 billion in direct assistance to our States for the improvements of administration, the buy-out of antiquated equipment and new safeguards for voting rights. Also there is funding for programs to ensure that disabled voters have access and programs to encourage young Americans to participate in the electoral process.

I think we have reached a point of no return on this bill, Mr. Speaker. This is a must-pass bill. I hope we can get this important bill on the President's desk as soon as possible so that our soldiers, diplomats, law enforcement, intelligence officers can have the resources they need to protect our country.

While some may complain that potential operations in Iraq have diverted our attention from the threat of terrorism, funding in this bill for the intelligence activities proves that we will not and have not directed our attention away from that important subject.

The bill includes about $4 billion in funding for intelligence-related activities in support of the war on terrorism. This $4 billion, among other things, funds ongoing counterterrorism operations of the Central Intelligence Agency, funds the intelligence community's Counter-Terrorism Center, directly supports the intelligence requirements of counterterrorism activities of the Central Command and the Special Operations Command, funds the increased cost of maintaining 24-hour operations of intelligence collection and processing system, funds overtime costs for analysts and dissemination of imagery and signals intelligence.

Mr. Speaker, I think if anyone wants to look at this bill and find a reason why they should vote against it, they can do that. They can do that with any bill that is put on this floor, I believe. But this is a national defense bill. It provides for needs of our country and it provides some fiscal restraints that I think that most all of us have talked about and promised our constituents we would deal with over the years. So this is a good bill. It could have been really worse, but it is a good bill.

Many people worked long and hard to get us where we are so I just hope we can pass it so that our Committee on Appropriations can begin its 2004 responsibilities.

Mr. Speaker, at this point I would like to insert into the RECORD a series of tables that provide more detail on this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,992	36,667	31,629	3,412	3,412	+420
Emergency appropriations (P.L. 107-117)	80,919	---	---	---	---	-80,919
Total, Office of the Secretary	83,911	36,667	31,629	3,412	3,412	-80,499
Executive Operations:						
Chief Economist	7,704	12,117	8,566	12,016	8,566	+862
National Appeals Division	12,869	14,334	13,759	13,759	13,759	+890
Office of Budget and Program Analysis	7,041	7,358	7,358	7,358	7,358	+317
Office of the Chief Information Officer	10,029	31,277	15,251	31,275	15,251	+5,222
Common computing environment	59,369	133,155	133,155	133,155	133,155	+73,786
Office of the Chief Financial Officer	5,384	7,918	5,572	7,877	5,572	+188
Working capital fund	---	21,000	41,000	---	12,000	+12,000
Total, Executive Operations	102,396	227,159	224,661	205,440	195,661	+93,265
Office of the Assistant Secretary for Civil Rights	---	---	---	400	400	+400
Office of the Assistant Secretary for Administration	647	780	664	780	664	+17
Agriculture buildings and facilities and rental payments	(187,647)	(70,499)	(195,900)	(197,662)	(196,781)	(+9,134)
Payments to GSA	130,266	---	130,266	130,266	130,266	---
Building operations and maintenance	31,438	36,522	31,657	33,419	32,538	+1,100
Repairs, renovations, and construction	25,943	33,977	33,977	33,977	33,977	+8,034
Hazardous materials management	15,665	15,685	15,685	15,685	15,685	+20
Departmental administration	37,079	46,398	38,095	42,479	38,095	+1,016
Office of the Assistant Secretary for Congressional Relations	3,718	4,157	3,821	4,157	3,821	+103
Office of Communications	8,894	9,637	9,140	9,637	9,140	+246
Office of the Inspector General	70,839	82,231	74,097	78,127	74,097	+3,258
Office of the General Counsel	32,627	37,287	34,446	35,588	35,017	+2,390
Office of the Under Secretary for Research, Education and Economics	573	780	588	780	588	+15
Economic Research Service	67,200	79,243	73,329	65,123	69,123	+1,923
National Agricultural Statistics Service	113,786	143,659	137,858	140,854	139,354	+25,568
Census of Agriculture	(25,350)	(41,274)	(41,274)	(41,274)	(41,274)	(+15,924)
Agricultural Research Service:						
Salaries and expenses	979,464	971,445	1,002,193	1,053,597	1,052,770	+73,306
Emergency appropriations (P.L. 107-117)	40,000	---	---	---	---	-40,000
Buildings and facilities	118,987	16,580	95,280	100,955	119,480	+493
Emergency appropriations (P.L. 107-117)	73,000	---	---	---	---	-73,000
Regular appropriations (P.L. 107-206)	25,000	---	---	---	---	-25,000
Total, Agricultural Research Service	1,236,451	988,025	1,097,473	1,154,552	1,172,250	-64,201

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Cooperative State Research, Education, and Extension Service:						
Research and education activities	542,062	552,549	572,616	651,411	620,827	+78,765
Native American Institutions Endowment Fund	(7,100)	(7,100)	(9,000)	(7,100)	(7,100)	---
Extension activities	439,473	419,989	441,821	452,767	453,468	+13,995
Integrated activities	42,853	44,865	47,868	48,218	46,743	+3,890
Outreach for socially disadvantaged farmers	3,243	3,243	8,243	3,493	3,493	+250
Total, Cooperative State Research, Education, and Extension Service	1,027,631	1,020,646	1,070,548	1,155,889	1,124,531	+96,900
Office of the Under Secretary for Marketing and Regulatory Programs	654	780	730	780	730	+76
Animal and Plant Health Inspection Service:						
Salaries and expenses	620,490	767,119	735,937	735,673	725,502	+105,012
Emergency appropriations (P.L. 107-117)	105,000	---	---	---	---	-105,000
AQI user fees	(84,813)	(275,000)	(275,000)	---	---	(-84,813)
Animal welfare user fees (proposed)	---	-5,000	---	---	---	---
Buildings and facilities	7,189	13,189	13,189	13,189	9,989	+2,800
Emergency appropriations (P.L. 107-117)	14,081	---	---	---	---	-14,081
Total, Animal and Plant Health Inspection Service	746,760	775,308	749,126	748,862	735,491	-11,269
Agricultural Marketing Service:						
Marketing Services	71,430	75,411	75,702	75,411	75,702	+4,272
Standardization user fees	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
(Limitation on administrative expenses, from fees collected)	(60,596)	(61,619)	(61,619)	(61,619)	(61,619)	(+1,023)
Funds for strengthening markets, income, and supply (transfer from section 32)	13,995	14,910	14,910	14,910	14,910	+915
Payments to states and possessions	1,347	1,347	1,347	1,347	1,347	---
Total, Agricultural Marketing Service	86,772	91,668	91,959	91,668	91,959	+5,187
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	33,117	41,164	44,746	44,475	39,950	+6,833
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Inspection and licensing user fees (proposed)	---	-29,000	---	---	---	---
Total, Grain Inspection, Packers and Stockyards	33,117	12,164	44,746	44,475	39,950	+6,833
Office of the Under Secretary for Food Safety	476	780	603	780	603	+127
Food Safety and Inspection Service	715,642	763,049	755,793	759,759	759,759	+44,117
Emergency appropriations (P.L. 107-117)	15,000	---	---	---	---	-15,000
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	4,587,485	4,406,602	4,650,891	4,756,889	4,707,111	+119,626

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	606	899	622	899	622	+16
Farm Service Agency:						
Salaries and expenses	939,030	993,620	976,738	986,913	976,738	+37,708
(Transfer from export loans)	(790)	(834)	(834)	(834)	(834)	(+44)
(Transfer from P.L. 480)	(972)	(1,026)	(1,026)	(1,026)	(1,026)	(+54)
(Transfer from ACIF)	(272,595)	(279,176)	(279,176)	(279,176)	(279,176)	(+6,581)
Subtotal, transfers from program accounts	(274,357)	(281,036)	(281,036)	(281,036)	(281,036)	(+6,679)
Total, Salaries and expenses	(1,213,387)	(1,274,656)	(1,257,774)	(1,267,949)	(1,257,774)	(+44,387)
Emergency conservation program	---	48,700	---	---	---	---
State mediation grants	3,493	4,000	4,000	4,000	4,000	+507
Dairy indemnity program	100	100	100	100	100	---
Subtotal, Farm Service Agency	942,623	1,046,420	980,838	991,013	980,838	+38,215
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(146,996)	(100,000)	(100,000)	(146,996)	(130,000)	(-16,996)
Guaranteed	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---
Subtotal	(1,146,996)	(1,100,000)	(1,100,000)	(1,146,996)	(1,130,000)	(-16,996)
Farm operating loans:						
Direct	(611,198)	(600,000)	(600,000)	(611,198)	(605,000)	(-6,198)
Unsubsidized guaranteed	(1,500,000)	(1,700,000)	(1,700,000)	(1,700,000)	(1,700,000)	(+200,000)
Subsidized guaranteed	(505,531)	(300,000)	(300,000)	(505,531)	(400,000)	(-105,531)
Subtotal	(2,616,729)	(2,600,000)	(2,600,000)	(2,816,729)	(2,705,000)	(+88,271)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---
Emergency disaster loans	(25,000)	---	---	---	---	(-25,000)
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
Total, Loan authorizations	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
Loan subsidies:						
Farm ownership loans:						
Direct	3,866	11,610	11,610	17,066	15,093	+11,227
Guaranteed	4,500	7,500	7,500	7,500	7,500	+3,000
Subtotal	8,366	19,110	19,110	24,566	22,593	+14,227

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm operating loans:						
Direct	54,580	103,560	103,560	105,493	104,423	+49,843
Unsubsidized guaranteed	52,650	53,890	53,890	53,890	53,890	+1,240
Subsidized guaranteed	68,550	35,400	35,400	59,653	47,200	-21,350
Subtotal	175,780	192,850	192,850	219,036	205,513	+29,733
Indian tribe land acquisition	118	179	179	179	179	+61
Emergency disaster loans	3,363	---	---	---	---	-3,363
Total, Loan subsidies	187,627	212,139	212,139	243,781	228,285	+40,658
ACIF expenses:						
Salaries and expense (transfer to FSA)	272,595	279,176	279,176	279,176	279,176	+6,581
Administrative expenses	8,000	8,000	8,000	8,000	8,000	---
Total, ACIF expenses	280,595	287,176	287,176	287,176	287,176	+6,581
Total, Agricultural Credit Insurance Fund	468,222	499,315	499,315	530,957	515,461	+47,239
(Loan authorization)	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
Total, Farm Service Agency	1,410,845	1,545,735	1,480,153	1,521,970	1,496,299	+85,454
Risk Management Agency	74,752	72,771	70,726	70,708	70,708	-4,044
Total, Farm Assistance Programs	1,486,203	1,619,405	1,551,501	1,593,577	1,567,629	+81,426
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	2,900,000	2,886,000	2,886,000	2,886,000	2,886,000	-14,000
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	20,279,000	16,285,000	16,285,000	16,285,000	16,285,000	-3,994,000
Hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	23,179,000	19,171,000	19,171,000	19,171,000	19,171,000	-4,008,000
Total, title I, Agricultural Programs	29,252,688	25,197,007	25,373,392	25,521,466	25,445,740	-3,806,948
(By transfer)	(274,357)	(281,036)	(281,036)	(281,036)	(281,036)	(+6,679)
(Loan authorization)	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
(Limitation on administrative expenses)	(108,059)	(109,082)	(109,082)	(109,082)	(109,082)	(+1,023)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	730	902	750	902	750	+20
Natural Resources Conservation Service:						
Conservation operations	779,000	840,963	843,553	840,002	825,004	+46,004
Watershed surveys and planning	10,960	---	11,197	10,960	11,197	+237
Watershed and flood prevention operations	106,590	---	110,000	105,000	110,000	+3,410
Regular appropriations (P.L. 107-206)	94,000	---	---	---	---	-94,000
Emergency watershed protection	---	110,000	---	---	---	---
Watershed rehabilitation program	10,000	---	---	30,000	30,000	+20,000
Resource conservation and development	48,048	49,079	55,079	50,000	51,000	+2,952
Forestry incentives program	6,811	---	---	---	---	-6,811
Total, Natural Resources Conservation Service	1,055,409	1,000,042	1,019,829	1,035,962	1,027,201	-28,208
Total, title II, Conservation Programs	1,056,139	1,000,944	1,020,579	1,036,864	1,027,951	-28,188
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	623	898	640	898	640	+17
Rural Development:						
Rural community advancement program	806,557	791,499	950,298	867,176	907,737	+101,180
(Transfer out)	(-24,000)	---	---	(-30,000)	(-30,000)	(-6,000)
RD expenses:						
Salaries and expenses	133,722	145,736	145,736	127,502	145,736	+12,014
(Transfer from RHIF)	(422,241)	(455,630)	(434,980)	(455,630)	(432,374)	(+10,133)
(Transfer from RDLFP)	(3,733)	(4,290)	(4,190)	(4,290)	(4,190)	(+457)
(Transfer from RETLP)	(36,000)	(38,035)	(37,833)	(38,035)	(37,833)	(+1,833)
(Transfer from RTB)	(3,082)	(3,082)	(3,082)	(3,082)	(3,082)	---
(Transfer from TLP)	(2,000)	---	---	---	---	(-2,000)
Subtotal, Transfers from program accounts	(467,056)	(501,037)	(480,085)	(501,037)	(477,479)	(+10,423)
Total, RD expenses	(600,778)	(646,773)	(625,821)	(628,539)	(623,215)	(+22,437)
Total, Rural Development	940,279	937,235	1,096,034	994,678	1,053,473	+113,194

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,079,848)	(957,300)	(1,084,151)	(1,005,162)	(1,044,000)	(-35,848)
Unsubsidized guaranteed	(3,137,968)	(2,750,000)	(3,194,444)	(2,750,000)	(4,528,000)	(+1,390,032)
Subtotal, Single family	(4,217,816)	(3,707,300)	(4,278,595)	(3,755,162)	(5,572,000)	(+1,354,184)
Housing repair (sec. 504)	(32,324)	(35,000)	(35,000)	(35,000)	(35,000)	(+2,676)
Rental housing (sec. 515)	(114,068)	(60,000)	(115,805)	(120,000)	(115,805)	(+1,737)
Site loans (sec. 524)	(5,090)	(5,000)	(5,046)	(5,000)	(5,046)	(-44)
Multi-family housing guarantees (sec. 538)	(99,770)	(100,000)	(100,000)	---	(100,000)	(+230)
Multi-family housing credit sales	(1,778)	(2,000)	(2,000)	(2,000)	(2,000)	(+222)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---
Self-help housing land development fund	(5,000)	(5,011)	(5,011)	(5,011)	(5,011)	(+11)
Total, Loan authorizations	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Loan subsidies:						
Single family (sec. 502)	142,108	185,429	210,000	194,700	202,350	+60,242
Unsubsidized guaranteed	40,166	19,800	23,000	19,800	32,600	-7,566
Subtotal, Single family	182,274	205,229	233,000	214,500	234,950	+52,676
Housing repair (sec. 504)	10,386	10,857	10,857	10,857	10,857	+471
Rental housing (sec. 515)	48,274	27,978	54,000	55,956	54,000	+5,726
Site loans (sec. 524)	28	55	55	55	55	+27
Multi-family housing guarantees (sec. 538)	3,921	4,500	4,500	---	4,500	+579
Multi-family housing credit sales	750	934	934	934	934	+184
Single family housing credit sales	---	---	---	---	---	---
Self-help housing land development fund	254	221	221	221	221	-33
Total, Loan subsidies	245,887	249,774	303,567	282,523	305,517	+59,630
RHIF administrative expenses (transfer to RD)	422,241	455,630	434,980	455,630	432,374	+10,133
Rental assistance program:						
(Sec. 521)	695,104	706,100	716,100	724,100	720,100	+24,996
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	---
Total, Rental assistance program	701,004	712,000	722,000	730,000	726,000	+24,996
Total, Rural Housing Insurance Fund	1,369,132	1,417,404	1,460,547	1,468,153	1,463,891	+94,759
(Loan authorization)	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Mutual and self-help housing grants	35,000	34,000	35,000	35,000	35,000	---
Rural housing assistance grants	38,914	42,498	42,498	47,498	42,498	+3,584

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm labor program account	31,431	34,615	38,000	34,615	36,307	+4,876
Subtotal, grants and payments	105,345	111,113	115,498	117,113	113,805	+8,460
Total, Rural Housing Service	1,474,477	1,528,517	1,576,045	1,585,266	1,577,696	+103,219
(Loan authorization)	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,171)	(40,000)	(40,000)	(40,000)	(40,000)	(+1,829)
Loan subsidy	16,494	19,304	19,304	19,304	19,304	+2,810
Administrative expenses (transfer to RD)	3,733	4,290	4,190	4,290	4,190	+457
Total, Rural Development Loan Fund	20,227	23,594	23,494	23,594	23,494	+3,267
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,966)	(14,967)	(14,967)	(14,967)	(14,967)	(+1)
Direct subsidy	3,616	3,197	3,197	3,197	3,197	-419
Rural cooperative development grants	7,750	9,000	9,000	9,000	9,000	+1,250
Rural empowerment zones and enterprise communities grants	14,967	---	14,967	14,967	14,967	---
Total, Rural Business-Cooperative Service	46,560	35,791	50,658	50,758	50,658	+4,098
(Loan authorization)	(53,137)	(54,967)	(54,967)	(54,967)	(54,967)	(+1,830)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(121,107)	(121,103)	(121,107)	(121,103)	(121,103)	(-4)
Direct, Municipal rate	(500,000)	(100,000)	(100,000)	(100,000)	(100,000)	(-400,000)
Direct, FFB	(2,600,000)	(1,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	---
Direct, Treasury rate	(750,000)	(700,000)	(1,100,000)	(1,150,000)	(1,150,000)	(+400,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
Guaranteed underwriting	---	---	---	(1,000,000)	(1,000,000)	(+1,000,000)
Subtotal, Electric	(4,071,107)	(2,621,103)	(4,021,107)	(5,071,103)	(5,071,103)	(+999,996)
Telecommunications:						
Direct, 5%	(74,827)	(75,029)	(75,029)	(75,029)	(75,029)	(+202)
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	---
Direct, FFB	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	---
Subtotal, Telecommunications	(494,827)	(495,029)	(495,029)	(495,029)	(495,029)	(+202)
Total, Loan authorizations	(4,565,934)	(3,116,132)	(4,516,136)	(5,566,132)	(5,566,132)	(+1,000,198)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Electric:						
Direct, 5%	3,609	6,915	6,915	6,915	6,915	+3,306
Direct, Municipal rate	---	4,030	4,030	4,030	4,030	+4,030
Guaranteed electric	80	80	80	80	80	---
Subtotal, Electric	3,689	11,025	11,025	11,025	11,025	+7,336
Telecommunications:						
Direct, 5%	1,736	1,283	1,283	1,283	1,283	-453
Direct, Treasury rate	300	150	150	150	150	-150
Subtotal, Telecommunications	2,036	1,433	1,433	1,433	1,433	-603
Total, Loan subsidies	5,725	12,458	12,458	12,458	12,458	+6,733
RETLP administrative expenses (transfer to RD)	36,000	38,035	37,833	38,035	37,833	+1,833
Total, Rural Electrification and Telecommunications Loans Program Account	41,725	50,493	50,291	50,493	50,291	+8,566
(Loan authorization)	(4,565,934)	(3,116,132)	(4,516,136)	(5,566,132)	(5,566,132)	(+1,000,198)
Rural Telephone Bank Program Account:						
(Loan authorization)	(174,615)	---	(174,638)	(174,615)	(174,615)	---
Direct loan subsidy	3,737	---	2,410	2,410	2,410	-1,327
RTB administrative expenses (transfer to RD)	3,082	3,082	3,082	3,082	3,082	---
Total, Rural Telephone Bank Program Account	6,819	3,082	5,492	5,492	5,492	-1,327
High energy costs grants (by transfer)	(24,000)	---	---	(30,000)	(30,000)	(+6,000)
Distance learning and telemedicine program:						
(Loan authorization)	(380,000)	(156,480)	(380,000)	(129,535)	(380,000)	---
Grants/loans subsidy costs	49,441	31,049	44,128	51,941	56,941	+7,500
Local Television Loan Guarantee Program Account:						
(Loan authorization)	(258,065)	---	---	---	---	(-258,065)
Direct loan subsidy	20,000	---	---	---	---	-20,000
Regular appropriations (P.L. 107-206)	8,000	---	---	---	---	-8,000
Rescission (P.L. 107-206)	-20,000	---	---	---	---	+20,000
LTLP administration expenses (transfer to RD)	2,000	---	---	---	---	-2,000
Total, Local Television Loan Program Account	10,000	---	---	---	---	-10,000
Total, Rural Utilities Service	107,985	84,624	99,911	107,926	112,724	+4,739
(Loan authorization)	(5,378,614)	(3,272,612)	(5,070,774)	(5,870,282)	(6,120,747)	(+742,133)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, title III, Rural Economic and Community Development Programs	2,569,924	2,587,065	2,823,288	2,739,526	2,795,191	+225,267
(By transfer)	(491,056)	(501,037)	(480,085)	(531,037)	(507,479)	(+16,423)
(Loan authorization)	(9,917,597)	(7,251,890)	(9,677,198)	(9,857,422)	(12,020,576)	(+2,102,979)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	587	774	603	774	603	+16
Food and Nutrition Service:						
Child nutrition programs	4,914,288	5,382,179	5,830,506	5,830,506	5,830,506	+916,218
Transfer from section 32	5,172,458	5,193,990	4,745,663	4,745,663	4,745,663	-426,795
Discretionary spending	500	---	---	4,000	4,000	+3,500
Total, Child nutrition programs	10,087,246	10,576,169	10,576,169	10,580,169	10,580,169	+492,923
Special supplemental nutrition program for women, infants, and children (WIC)	4,348,000	4,751,000	4,776,000	4,751,000	4,696,000	+348,000
Emergency appropriations (P.L. 107-117)	39,000	---	---	---	---	-39,000
Regular appropriations (P.L. 107-206)	75,000	---	---	---	---	-75,000
Food stamp program:						
Expenses	19,556,436	22,772,692	22,772,692	22,772,692	22,772,692	+3,216,256
Reserve	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	---
Nutrition assistance for Puerto Rico and Samoa	1,335,550	1,377,000	1,401,000	1,377,000	1,401,000	+65,450
The emergency food assistance program	100,000	100,000	140,000	140,000	140,000	+40,000
Rescission (P.L. 107-206)	-24,000	---	---	---	---	+24,000
Total, Food stamp program	22,967,986	26,249,692	26,313,692	26,289,692	26,313,692	+3,345,706
Commodity assistance program	152,813	144,991	170,000	167,000	164,500	+11,687
Rescission	-3,300	---	---	---	---	+3,300
Total, Commodity assistance program	149,513	144,991	170,000	167,000	164,500	+14,987
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	---
Elderly feeding program	149,668	---	---	---	---	-149,668
Total, Food donations programs	150,749	1,081	1,081	1,081	1,081	-149,668
Food program administration	127,546	147,944	134,397	136,865	136,560	+9,014
Total, Food and Nutrition Service	37,945,040	41,870,877	41,971,339	41,925,807	41,892,002	+3,946,962
Total, title IV, Domestic Food Programs	37,945,627	41,871,651	41,971,942	41,926,581	41,892,605	+3,946,978

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation	121,813	131,570	129,964	131,198	129,948	+8,135
(Transfer from export loans)	(3,224)	(3,224)	(3,224)	(3,224)	(3,224)	---
(Transfer from P.L. 480)	(1,033)	(1,033)	(1,033)	(1,033)	(1,033)	---
Total, Salaries and expenses program level	(126,070)	(135,827)	(134,221)	(135,455)	(134,205)	(+8,135)
Public Law 480 Program and Grant Accounts:						
Program account:						
Loan authorization, direct	(154,664)	(131,676)	(169,085)	(154,664)	(154,664)	---
Loan subsidies	126,409	98,904	127,000	116,171	116,171	-10,238
Ocean freight differential grants	20,277	28,000	28,000	25,159	25,159	+4,882
Title II - Commodities for disposition abroad:						
Program level	(850,000)	(1,185,000)	(1,200,000)	(1,185,000)	(1,200,000)	(+350,000)
Appropriation	850,000	1,185,000	1,200,000	1,185,000	1,200,000	+350,000
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,033	1,033	1,033	1,033	1,033	---
Farm Service Agency (transfer to FSA)	972	1,026	1,026	1,026	1,026	+54
Subtotal	2,005	2,059	2,059	2,059	2,059	+54
Total, Public Law 480:						
Program level	(850,000)	(1,185,000)	(1,200,000)	(1,185,000)	(1,200,000)	(+350,000)
Appropriation	998,691	1,313,963	1,357,059	1,328,389	1,343,389	+344,698
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,224	3,224	3,224	3,224	3,224	---
Farm Service Agency (transfer to FSA)	790	834	834	834	834	+44
Total, CCC Export Loans Program Account	4,014	4,058	4,058	4,058	4,058	+44
Total, title V, Foreign Assistance and Related Programs	1,124,518	1,449,591	1,491,081	1,463,645	1,477,395	+352,877
(By transfer)	(4,257)	(4,257)	(4,257)	(4,257)	(4,257)	---

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,183,670	1,369,385	1,376,702	1,383,505	1,382,702	+199,032
Emergency appropriations (P.L. 107-117)	151,100	---	---	---	---	-151,100
Prescription drug user fee act	(161,716)	(264,220)	(222,900)	(222,900)	(222,900)	(+61,184)
Medical device user fee act	---	---	---	(25,125)	(25,125)	(+25,125)
Subtotal	(1,496,486)	(1,633,605)	(1,599,602)	(1,631,530)	(1,630,727)	(+134,241)
Mammography clinics user fee (outlay savings)	(15,590)	(16,612)	(16,612)	(16,112)	(16,112)	(+522)
Export certification	(6,181)	(6,378)	(6,378)	(6,378)	(6,378)	(+197)
Payments to GSA	(105,116)	(98,556)	(106,678)	(98,556)	(108,269)	(+3,153)
Buildings and facilities	34,281	8,000	8,000	11,000	8,000	-26,281
Total, Food and Drug Administration	1,369,051	1,377,385	1,384,702	1,394,505	1,390,702	+21,651
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	70,700	79,884	79,884	93,985	85,985	+15,285
Emergency appropriations (P.L. 107-117)	16,900	---	---	---	---	-16,900
Transaction fee (proposed)	---	-33,000	---	---	---	---
Total, Commodity Futures Trading Commission	87,600	46,884	79,884	93,985	85,985	-1,615
Farm Credit Administration (limitation on administrative expenses)	(36,700)	(36,700)	(38,400)	(38,404)	(38,400)	(+1,700)
Total, title VI, Related Agencies and Food and Drug Administration	1,456,651	1,424,269	1,464,586	1,488,490	1,476,687	+20,036
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,496	---	4,000	2,496	3,000	+504
National Sheep Industry Improvement Center revolving fund	1,000	---	1,000	---	499	-501
Limit crop insurance education	-6,000	---	---	---	---	+6,000
Mallard Pointe conservation	150	---	---	---	---	-150
Jamestown conservation	250	---	---	---	---	-250
Child and adult care feeding program	10,000	---	---	22,000	22,000	+12,000
CCC Apple market loss	75,000	---	---	---	---	-75,000
Dairy price support extension	15,000	---	---	---	---	-15,000
Sugar beets	5,000	---	---	---	---	-5,000
Tobacco	5,000	---	---	---	---	-5,000
Citrus canker compensation	---	---	18,200	---	---	---

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Livestock assistance program	---	---	100,000	---	---	---
Rural clean water program (rescission)	---	---	-5,000	---	---	---
Export enhancement program (sec. 101) (P.L. 107-206)	-445,000	---	---	---	---	+445,000
Agriculture assistance (P.L. 107-206)	10,000	---	---	---	---	-10,000
P.L. 480 Title II	---	---	---	500,000	250,000	+250,000
Total, title VII, General provisions	-327,104	---	118,200	524,496	275,499	+602,603
Grand total:						
New budget (obligational) authority	73,078,443	73,530,527	74,263,068	74,701,068	74,391,068	+1,312,625
Appropriations	(72,590,743)	(73,530,527)	(74,268,068)	(74,701,068)	(74,391,068)	(+1,800,325)
Rescission	(-47,300)	---	(-5,000)	---	---	(+47,300)
Emergency appropriations	535,000	---	---	---	---	-535,000
(By transfer)	(769,670)	(786,330)	(765,378)	(816,330)	(792,772)	(+23,102)
(Loan authorization)	(13,962,986)	(11,185,566)	(13,648,283)	(14,077,811)	(16,112,240)	(+2,149,254)
(Limitation on administrative expenses)	(144,759)	(145,782)	(147,482)	(147,486)	(147,482)	(+2,723)

1/ In addition to appropriation.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	91,668	114,579	103,579	99,696	100,579	+8,911
Emergency appropriations (P.L. 107-206)	5,750	---	---	---	---	-5,750
USA Patriot Act activities (emergency)	5,000	---	---	---	---	-5,000
Anti-terrorism task forces	---	---	---	63,700	---	---
Joint terrorism task forces	---	---	---	158,547	---	---
Foreign terrorist tracking task force	---	---	---	62,000	---	---
Joint automated booking system	1,000	---	---	15,973	15,973	+14,973
Automated Biometric Identification System-Integrated Identification system integration	---	---	---	9,000	9,000	+9,000
Chimera	---	---	---	83,400	---	---
Identification systems integration	---	24,478	24,478	---	---	---
Narrowband communications	94,615	149,254	81,354	149,254	81,354	-13,261
Deputy Attorney General for Combating Terrorism	1,000	---	---	---	---	-1,000
Counterterrorism fund	4,989	---	4,100	---	1,000	-3,989
Administrative review and appeals:						
Direct appropriation	173,647	193,535	193,535	180,466	191,535	+17,888
Emergency appropriations (P.L. 107-117)	3,500	---	---	---	---	-3,500
Subtotal	177,147	193,535	193,535	180,466	191,535	+14,388
Detention trustee	1,000	1,388,566	1,347,216	1,385,966	1,366,591	+1,365,591
Office of Inspector General	50,735	63,937	59,937	54,825	57,937	+7,202
Total, General administration	432,904	1,934,349	1,814,199	2,262,827	1,823,969	+1,391,065
United States Parole Commission						
Salaries and expenses	9,876	10,862	10,862	10,114	10,488	+612
Legal Activities						
General legal activities:						
Direct appropriation	549,176	645,299	612,849	537,502	609,329	+60,153
Radiation exposure compensation act	---	---	1,996	---	1,996	+1,996
Emergency appropriations (P.L. 107-117)	12,500	---	---	---	---	-12,500
Subtotal	561,676	645,299	614,845	537,502	611,325	+49,649
Vaccine injury compensation trust fund (permanent)	4,028	4,028	4,028	4,028	4,028	---
Legal activities office automation	15,765	15,942	15,942	77,127	15,942	+177
Antitrust Division	130,791	137,799	134,295	133,133	133,133	+2,342
Offsetting fee collections - carryover	---	---	---	---	---	---
Offsetting fee collections - current year	-130,791	-137,799	-134,295	-133,133	-133,133	-2,342
Direct appropriation	---	---	---	---	---	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
United States Attorneys:						
Direct appropriation	1,353,968	1,506,373	1,502,767	1,320,160	1,503,767	+149,799
Emergency appropriations (P.L. 107-117)	56,370	---	---	---	---	-56,370
Rescission (P.L. 107-206)	-7,000	---	---	---	---	+7,000
Subtotal	1,403,338	1,506,373	1,502,767	1,320,160	1,503,767	+100,429
United States Trustee System Fund	147,000	167,510	159,161	150,381	155,736	+8,736
Offsetting fee collections	-140,000	-161,510	-153,161	-144,381	-149,736	-9,736
Interest on U.S. securities	-7,000	-6,000	-6,000	-6,000	-6,000	+1,000
Direct appropriation	---	---	---	---	---	---
Foreign Claims Settlement Commission	1,136	1,136	1,136	1,136	1,136	---
United States Marshals Service:						
Salaries and expenses (non-CSE)	619,429	691,343	684,174	661,085	680,474	+61,045
Emergency appropriations (P.L. 107-117)	10,200	---	---	---	---	-10,200
Courthouse security equipment	14,267	---	---	12,061	---	-14,267
Construction	15,000	15,126	15,126	17,378	15,126	+126
Emergency appropriations (P.L. 107-117)	9,125	---	---	---	---	-9,125
Justice Prisoner & Alien Transportation system	---	---	---	77,694	---	---
Total, United States Marshals Service	668,021	706,469	699,300	768,218	695,600	+27,579
Federal prisoner detention	706,182	---	---	---	---	-706,182
Rescission (P.L. 107-206)	-30,000	---	---	---	---	+30,000
Fees and expenses of witnesses	156,145	156,145	156,145	156,145	175,645	+19,500
Community Relations Service	9,269	9,364	9,364	9,474	9,474	+205
Assets forfeiture fund	22,949	22,949	22,949	22,949	21,901	-1,048
Rescission (P.L. 107-206)	-5,000	---	---	---	---	+5,000
Total, Legal activities	3,513,509	3,067,705	3,026,476	2,896,739	3,038,818	-474,691
Radiation Exposure Compensation						
Radiation exposure compensation act	1,996	1,996	---	---	---	-1,996
Interagency Law Enforcement						
Interagency crime and drug enforcement	338,577	362,131	365,131	400,102	372,131	+33,554
Federal Bureau of Investigation						
Salaries and expenses	3,031,830	3,778,838	3,823,838	3,452,287	3,759,287	+727,457
Emergency appropriations (P.L. 107-117)	745,000	---	---	---	---	-745,000
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Counterintelligence and national security	459,243	472,749	472,749	475,300	475,300	+16,057
Direct appropriation	4,246,073	4,251,587	4,296,587	3,927,587	4,234,587	-11,486

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Foreign terrorist tracking task force	---	---	---	---	62,000	+62,000
Construction	33,791	1,250	1,250	1,250	1,250	-32,541
Total, Federal Bureau of Investigation	4,279,864	4,252,837	4,297,837	3,928,837	4,297,837	+17,973
Drug Enforcement Administration						
Salaries and expenses	1,567,804	1,659,564	1,704,564	1,566,491	1,649,948	+82,144
Diversion control fund	-86,021	-113,645	-113,645	-89,021	-89,029	-3,008
Total, Drug Enforcement Administration	1,481,783	1,545,919	1,590,919	1,477,470	1,560,919	+79,136
Immigration and Naturalization Service						
Salaries and expenses	3,371,440	3,241,787	3,049,929	3,241,787	3,589,819	+218,379
Emergency appropriations (P.L. 107-117)	449,800	---	---	---	---	-449,800
Emergency appropriations (P.L. 107-206)	35,000	---	---	---	---	-35,000
Immigration enforcement and border affairs	(2,739,695)	(3,153,183)	(2,961,325)	---	(2,880,819)	(+141,124)
Immigration services	(631,745)	(88,604)	(88,604)	---	(709,000)	(+77,255)
Fee accounts:						
Immigration user fee	(591,866)	(658,295)	(658,295)	(658,295)	(658,295)	(+66,429)
Land border inspection fund	(4,490)	(2,700)	(2,700)	(2,700)	(21,700)	(+17,210)
Immigration examinations fund	(1,376,871)	(1,462,803)	(1,462,803)	(1,462,803)	(1,443,803)	(+66,932)
Breached bond fund	(120,763)	(171,275)	(171,275)	(171,275)	(171,275)	(+50,512)
Immigration enforcement fines	(22,664)	(6,000)	(6,000)	(6,000)	(6,000)	(-16,664)
H-1b Visa fees	(26,272)	(10,000)	(10,000)	(10,000)	(10,000)	(-16,272)
Subtotal, Fee accounts	2,142,926	2,311,073	2,311,073	2,311,073	2,311,073	+168,147
Construction	128,454	---	267,137	267,138	258,637	+130,183
Emergency appropriations (P.L. 107-117)	99,600	---	---	---	---	-99,600
Support and administration	---	785,598	681,072	---	---	---
Total, Immigration and Naturalization Service	(6,227,220)	(6,338,458)	(6,309,211)	(5,819,998)	(6,159,529)	(-67,691)
Appropriations	(3,499,894)	(4,027,385)	(3,998,138)	(3,508,925)	(3,848,456)	(+348,562)
Emergency appropriations	(584,400)	---	---	---	---	(-584,400)
(Fee accounts)	(2,142,926)	(2,311,073)	(2,311,073)	(2,311,073)	(2,311,073)	(+168,147)
Federal Prison System						
Salaries and expenses	3,808,600	4,081,765	4,074,265	4,068,237	4,071,251	+262,651
Buildings and facilities	813,552	395,243	395,243	460,221	399,227	-414,325
Rescission (P.L. 107-206)	-5,000	---	---	---	---	+5,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,429	3,429	3,429	3,429	3,429	---
Total, Federal Prison System	4,620,581	4,480,437	4,472,937	4,531,887	4,473,907	-146,674

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Justice Programs						
Justice assistance	437,008	214,024	210,049	2,232,057	201,291	-235,717
(By transfer)	(6,632)	(6,632)	(6,632)	(6,632)	(6,632)	---
Emergency appropriations (P.L. 107-117)	400,000	---	---	---	---	-400,000
Rescission (P.L. 107-206)	-600	---	---	---	---	+600
Domestic preparedness	---	---	307,610	---	1,000,000	+1,000,000
Communications and interoperability	---	---	200,000	---	---	---
Total, Office of Justice Programs	836,408	214,024	717,659	2,232,057	1,201,291	+364,883
State and local law enforcement assistance:						
Local law enforcement block grant	400,000	---	400,000	400,000	400,000	---
Boys and Girls clubs (earmark)	(70,000)	---	(70,000)	(90,000)	(80,000)	(+10,000)
National Institute of Justice (earmark)	(19,956)	---	(19,956)	(20,000)	(20,000)	(+44)
Citizen corps (earmark)	---	---	(7,500)	---	(3,000)	(+3,000)
Indian assistance	48,162	12,971	12,971	48,000	18,000	-30,162
Tribal prison construction	(35,191)	---	---	(35,000)	(5,000)	(-30,191)
Indian tribal courts program	(7,982)	(7,982)	(7,982)	(8,000)	(8,000)	(+18)
Indian grants	(4,989)	(4,989)	(4,989)	(5,000)	(5,000)	(+11)
State criminal alien assistance program	565,000	---	500,000	---	250,000	-315,000
Cooperative agreement program	20,000	---	5,000	20,000	5,000	-15,000
Byrne grants (formula)	500,000	---	500,000	---	500,000	---
Byrne grants (discretionary)	94,489	---	94,489	134,700	150,914	+56,425
Juvenile crime block grant	249,450	215,000	215,000	249,450	190,000	-59,450
Drug courts	50,000	52,000	50,000	50,000	45,000	-5,000
Violence Against Women grants	390,565	390,165	390,565	390,565	390,165	-400
State prison drug treatment	70,000	77,000	70,000	70,000	65,000	-5,000
Other crime control programs	5,688	4,742	5,000	5,700	5,690	+2
Assistance for victims of trafficking	10,000	---	10,000	---	10,000	---
Prescription drug monitoring	---	---	10,000	---	7,500	+7,500
Prison rape prevention	---	---	18,000	---	13,000	+13,000
Terrorism prevention and response training	---	---	---	---	15,000	+15,000
Emergency appropriations (P.L. 107-117)	251,100	---	---	---	---	-251,100
Prior year unobligated balances	---	---	---	---	-20,990	-20,990
Total, State and local law enforcement	2,654,454	751,878	2,281,025	1,368,415	2,044,279	-610,175
Weed and seed program fund	58,925	58,925	58,925	58,925	58,925	---
Community oriented policing services:						
Public safety and community policing grants	496,014	126,106	376,106	492,000	353,238	-142,776
Hiring	(330,000)	---	(200,000)	(330,000)	(200,000)	(-130,000)
Methamphetamine	(70,473)	(20,000)	(75,000)	(50,000)	(57,132)	(-13,341)
Management administration	32,812	25,685	32,812	35,000	33,000	+188

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Crime fighting technologies	351,632	282,500	357,287	426,215	400,567	+48,935
Safe schools initiative	(17,000)	(17,000)	(17,000)	(17,000)	(17,000)	---
Upgrade criminal history records	(35,000)	(60,000)	(60,000)	(35,000)	(40,000)	(+5,000)
DNA identification/crime lab	(75,000)	(75,000)	(80,000)	(80,000)	(81,538)	(+6,538)
COPS technology	(154,345)	(50,000)	(130,000)	(158,815)	(189,954)	(+35,609)
COPS Interoperability	---	---	---	(100,000)	(20,000)	(+20,000)
Community prosecutors	99,780	99,780	59,780	100,000	85,000	-14,780
Crime prevention	70,202	46,963	70,235	67,013	57,107	-13,095
Justice assistance grants program	---	800,000	---	---	---	---
Total, Community oriented policing services	1,050,440	1,381,034	896,220	1,120,228	928,912	-121,528
Juvenile justice programs	305,860	257,801	257,801	315,425	275,306	-30,554
(Transfer out)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	---
Election reform grants	---	400,000	---	31,000	---	---
Public safety officers benefits:						
Death benefits	33,224	49,054	49,054	49,054	49,054	+15,830
Disability benefits	4,500	4,000	---	4,000	4,000	-500
Education benefits	---	---	2,500	---	---	---
Total, Public safety officers benefits program	37,724	53,054	51,554	53,054	53,054	+15,330
Total, Office of Justice Programs	4,943,811	3,116,716	4,263,184	5,179,104	4,561,767	-382,044
Crime free rural state program (sec. 110)	---	---	---	10,000	---	---
Total, title I, Department of Justice	23,707,195	22,800,337	23,839,683	24,206,005	23,988,292	+281,097
(Transfer out)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	---
(By transfer)	(6,632)	(6,632)	(6,632)	(6,632)	(6,632)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses	30,097	32,299	32,000	33,000	34,999	+4,902
International Trade Commission						
Salaries and expenses	51,440	54,000	53,000	54,600	54,000	+2,560
Total, Related agencies	81,537	86,299	85,000	87,600	88,999	+7,462

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	347,547	376,678	373,807	353,242	370,192	+22,645
Emergency appropriations (P.L. 107-117)	1,000	---	---	---	---	-1,000
Offsetting fee collections	-3,000	-13,000	-13,000	-3,000	-8,000	-5,000
Direct appropriation	345,547	363,678	360,807	350,242	362,192	+16,645
Bureau of Industry and Security						
Operations and administration	61,643	100,198	62,643	100,198	67,403	+5,760
Emergency appropriations (P.L. 107-117)	1,756	---	---	---	---	-1,756
CWC enforcement	7,250	---	7,250	---	7,250	---
Total, Bureau of Industry and Security	70,649	100,198	69,893	100,198	74,653	+4,004
Economic Development Administration						
Economic development assistance programs	335,000	317,235	317,235	257,886	290,000	-45,000
Salaries and expenses	30,557	30,765	30,765	30,765	30,765	+208
Total, Economic Development Administration	365,557	348,000	348,000	288,651	320,765	-44,792
Minority Business Development Agency						
Minority business development	28,381	28,906	28,906	28,906	28,906	+525
Total, Trade and Infrastructure Development	891,671	927,081	892,606	855,597	875,515	-16,156
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	62,515	73,220	73,220	72,158	72,158	+9,643
Bureau of the Census						
Salaries and expenses	169,424	204,996	189,181	173,223	183,000	+13,576
Periodic censuses and programs	321,376	500,320	368,482	385,696	371,482	+50,106
Rescission (P.L. 107-206)	-11,300	---	---	---	---	+11,300
Total, Bureau of the Census	479,500	705,316	557,663	558,919	554,482	+74,982
National Telecommunications and Information Administration						
Salaries and expenses	14,054	16,581	16,153	14,352	14,700	+646

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Public telecommunications facilities, planning and construction	43,466	43,556	43,556	43,616	43,556	+90
Emergency appropriations (P.L. 107-206)	8,250	---	---	---	---	-8,250
Information infrastructure grants	15,503	212	15,503	15,560	15,503	---
Total, National Telecommunications and Information Administration	81,273	60,349	75,212	73,528	73,759	-7,514
United States Patent and Trademark Office						
Current year fee funding	843,701	1,204,357	1,156,000	1,038,800	1,015,229	+171,528
Emergency appropriations (P.L. 107-117)	1,500	---	---	---	---	-1,500
Prior year carryover	282,300	100,000	100,000	166,771	166,771	-115,529
Total, Patent and Trademark Office	1,127,501	1,304,357	1,256,000	1,205,571	1,182,000	+54,499
Offsetting fee collections	-843,701	-1,204,357	-1,156,000	-1,038,800	-1,015,229	-171,528
Total, Economic and Information Infrastructure	907,088	938,885	806,095	871,376	867,170	-39,918
SCIENCE AND TECHNOLOGY						
Technology Administration						
Office of Technology Policy						
Salaries and expenses	8,238	7,886	7,886	7,886	9,886	+1,648
National Institute of Standards and Technology						
Scientific and technical research and services	321,111	384,809	351,296	363,433	359,411	+38,300
Emergency appropriations (P.L. 107-117)	5,000	---	---	---	---	-5,000
Emergency appropriations (P.L. 107-206)	4,000	---	---	---	---	-4,000
Industrial technology services	291,022	119,607	110,000	291,976	286,623	-4,399
Construction of research facilities	62,393	54,212	54,212	65,460	66,100	+3,707
Emergency appropriations (P.L. 107-117)	1,225	---	---	---	---	-1,225
Working capital fund	---	4,482	---	281	---	---
Total, National Institute of Standards and Technology	684,751	563,110	515,508	721,150	712,134	+27,383
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	2,027,424	1,991,722	1,832,598	2,349,301	2,040,497	+13,073
Emergency appropriations (P.L. 107-117)	2,750	---	---	---	---	-2,750
Regular appropriations (P.L. 107-206)	2,000	---	---	---	---	-2,000
Rescission (P.L. 107-206)	-8,100	---	---	---	---	+8,100
Conservation	223,273	219,360	305,016	---	273,022	+49,749

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
(By transfer from Promote and Develop Fund)	(68,000)	(75,000)	(75,000)	(55,000)	(65,000)	(-3,000)
(By transfer from Coastal zone management)	3,000	3,000	3,000	3,000	3,000	---
Total, Operations, research, and facilities	2,250,347	2,214,082	2,140,614	2,352,301	2,316,519	+66,172
Procurement, acquisition and construction	778,065	791,375	656,298	903,410	682,851	-95,214
Conservation	58,487	20,012	44,984	---	76,179	+17,692
Total, Procurement, acquisition and construction	836,552	811,387	701,282	903,410	759,030	-77,522
Pacific coastal salmon recovery	---	---	---	98,650	---	---
Conservation	157,419	110,000	130,000	---	130,000	-27,419
Coastal zone management fund	-3,000	-3,000	-3,000	-3,000	-3,000	---
Fishermen's contingency fund	952	954	---	954	1	-951
Foreign fishing observer fund	191	191	---	191	1	-190
Fisheries finance program account	287	-3,000	-3,000	-3,000	-8,000	-8,287
Negative subsidy (P.L. 107-206)	-3,000	---	---	---	---	+3,000
Environmental improvement and restoration fund	10,000	---	---	---	---	-10,000
Total, National Oceanic and Atmospheric Administration	3,249,748	3,130,614	2,965,896	3,349,506	3,194,551	-55,197
Total, Science and Technology	3,942,737	3,701,610	3,489,290	4,078,542	3,916,571	-26,166
Appropriations	(3,498,683)	(3,352,238)	(3,009,290)	(4,078,542)	(3,437,370)	(-61,313)
Conservation	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations	(12,975)	---	---	---	---	(-12,975)
Departmental Management						
Salaries and expenses	37,652	48,254	46,254	41,494	44,954	+7,302
Emergency appropriations (P.L. 107-117)	4,776	---	---	---	---	-4,776
Emergency appropriations (P.L. 107-206)	400	---	---	---	---	-400
Office of Inspector General	20,176	22,670	22,670	20,635	20,635	+459
Total, Departmental management	63,004	70,924	68,924	62,129	65,589	+2,585
Tourism promotion (sec. 210)	---	---	---	50,000	50,000	+50,000
Total, Department of Commerce	5,722,963	5,552,201	5,171,915	5,830,044	5,685,846	-37,117
Total, title II, Department of Commerce and related agencies	5,804,500	5,638,500	5,256,915	5,917,644	5,774,845	-29,655
Appropriations	(5,354,064)	(5,289,128)	(4,776,915)	(5,917,644)	(5,295,644)	(-58,420)
Conservation	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations	(30,657)	---	---	---	---	(-30,657)
(By transfer)	(68,000)	(75,000)	(75,000)	(55,000)	(65,000)	(-3,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,808	1,872	1,872	1,872	1,872	+64
Other salaries and expenses	38,180	44,452	43,871	42,527	43,871	+5,691
Total, Salaries and expenses	39,988	46,324	45,743	44,399	45,743	+5,755
Care of the building and grounds	37,530	53,626	41,626	53,304	41,626	+4,096
Emergency appropriations (P.L. 107-117)	30,000	---	---	---	---	-30,000
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Total, Supreme Court of the United States	117,518	99,950	87,369	97,703	87,369	-30,149
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,079	2,225	2,225	2,225	2,225	+146
Other salaries and expenses	17,208	19,668	18,265	17,911	18,088	+880
Total, Salaries and expenses	19,287	21,893	20,490	20,136	20,313	+1,026
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,633	1,678	1,678	1,678	1,678	+45
Other salaries and expenses	11,431	12,099	12,009	11,851	12,009	+578
Total, Salaries and expenses	13,064	13,777	13,687	13,529	13,687	+623
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	250,434	263,854	263,854	---	263,854	+13,420
Other salaries and expenses	3,340,682	3,750,253	3,555,265	---	3,536,146	+195,464
Emergency appropriations (P.L. 107-117)	5,000	---	---	---	---	-5,000
Emergency appropriations (P.L. 107-206)	3,143	---	---	---	---	-3,143
Direct appropriation	3,599,259	4,014,107	3,819,119	---	3,800,000	+200,741

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Courts of Appeals, District, Magistrate, and Bankruptcy Court Judges and Staff						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	---	---	---	263,854	---	---
Other salaries and expenses	---	---	---	454,882	---	---
Total, Salaries and expenses	---	---	---	718,736	---	---
Court Support						
Salaries and expenses	---	---	---	1,048,877	---	---
Court Services						
Salaries and expenses	---	---	---	1,394,039	---	---
Probation and Pretrial Services						
Salaries and expenses	---	---	---	717,214	---	---
Vaccine Injury Compensation Trust Fund	2,692	2,784	2,784	2,784	2,784	+92
Defender services	500,671	588,741	545,129	531,792	538,461	+37,790
Fees of jurors and commissioners	48,131	57,826	54,636	54,636	54,636	+6,505
Court security	220,677	298,235	286,200	276,342	268,400	+47,723
Emergency appropriations (P.L. 107-117)	57,521	---	---	---	---	-57,521
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,428,951	4,961,693	4,707,868	4,744,420	4,664,281	+235,330
Administrative Office of the United States Courts						
Salaries and expenses	61,664	66,912	64,913	---	63,500	+1,836
Emergency appropriations (P.L. 107-117)	2,879	---	---	---	---	-2,879
Federal Judicial Center						
Salaries and expenses	19,735	21,885	20,856	20,156	20,856	+1,121
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	37,000	35,300	35,300	35,300	35,300	-1,700
United States Sentencing Commission						
Salaries and expenses	11,575	13,200	12,344	11,835	12,090	+515

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
General Provisions						
Judges pay raise (sec. 304)	8,625	7,000	7,878	7,972	---	-8,625
Total, title III, the Judiciary	4,720,298	5,241,610	4,970,705	4,951,051	4,917,396	+197,098
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY						
Administration of Foreign Affairs						
Diplomatic and consular programs	3,142,277	3,384,179	3,269,258	3,042,096	3,269,258	+126,981
Emergency appropriations (P.L. 107-206)	47,450	---	---	---	---	-47,450
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	(-4,000)	(-4,000)	---
Worldwide security upgrades	487,735	553,000	553,000	579,086	553,000	+65,265
Total, Diplomatic and consular programs	3,677,462	3,937,179	3,822,258	3,621,182	3,822,258	+144,796
Capital investment fund	203,000	177,000	177,000	210,000	183,311	-19,689
Office of Inspector General	29,000	29,264	29,264	30,844	29,264	+264
Educational and cultural exchange programs	237,000	245,306	250,306	237,881	245,306	+8,306
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Representation allowances	6,485	9,000	6,485	6,485	6,485	---
Protection of foreign missions and officials	9,400	11,000	11,000	9,400	11,000	+1,600
Embassy security, construction, and maintenance	458,000	550,000	500,000	523,000	508,500	+50,500
Worldwide security upgrades	815,960	755,000	755,000	732,700	755,000	-60,960
Emergency appropriations (P.L. 107-206)	200,516	---	---	---	---	-200,516
Emergencies in the diplomatic and consular service	6,500	15,000	10,500	6,500	6,500	---
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	---
Repatriation Loans Program Account:						
Direct loans subsidy	612	612	612	612	612	---
Administrative expenses	607	607	607	607	607	---
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Repatriation loans program account	1,219	1,219	1,219	1,219	1,219	---
Payment to the American Institute in Taiwan	17,044	18,817	18,450	17,044	18,450	+1,406
Payment to the Foreign Service Retirement and Disability Fund	135,629	138,200	138,200	138,200	138,200	+2,571
Total, Administration of Foreign Affairs	5,807,215	5,886,985	5,719,682	5,534,455	5,725,493	-81,722
International Organizations and Conferences						
Contributions to international organizations, current year assessment	850,000	891,378	858,000	866,000	866,000	+16,000
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Contributions for international peacekeeping activities, current year	844,139	725,981	725,981	673,710	673,710	-170,429
Emergency appropriations (P.L. 107-206)	23,034	---	---	---	---	-23,034
Total, International Organizations and Conferences	1,724,173	1,617,359	1,583,981	1,539,710	1,539,710	-184,463
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	24,705	27,404	25,808	25,155	25,482	+777
Construction	5,450	9,401	5,450	5,488	5,450	---
American sections, international commissions	9,911	10,682	9,472	10,023	9,472	-439
International fisheries commissions	20,480	19,780	16,348	20,480	17,100	-3,380
Total, International commissions	60,546	67,267	57,078	61,146	57,504	-3,042
Other						
Payment to the Asia Foundation	9,250	9,444	10,444	10,250	10,444	+1,194
Eisenhower Exchange Fellowship program	500	500	500	500	500	---
Israeli Arab scholarship program	375	375	375	375	375	---
East-West Center	14,000	14,280	6,000	18,000	18,000	+4,000
National Endowment for Democracy	33,500	36,000	36,000	46,500	42,000	+8,500
Total, Department of State	7,649,559	7,632,210	7,414,060	7,210,936	7,394,026	-255,533
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	428,234	467,898	495,760	431,456	468,898	+40,664
Emergency appropriations (P.L. 107-117)	9,200	---	---	---	---	-9,200
Emergency appropriations (P.L. 107-206)	7,400	---	---	---	---	-7,400
Broadcasting to Cuba	24,872	25,362	---	24,996	24,996	+124
Broadcasting capital improvements	25,900	13,740	13,740	13,740	12,740	-13,160
Emergency appropriations (P.L. 107-117)	10,000	---	---	---	---	-10,000
Emergency appropriations (P.L. 107-206)	7,700	---	---	---	---	-7,700
Total, Broadcasting Board of Governors	513,306	507,000	509,500	470,192	506,634	-6,672
Total, title IV, Department of State	8,162,865	8,139,210	7,923,560	7,681,128	7,900,660	-262,205
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	(-5,000)	(-5,000)	---
(By transfer)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime security program	98,700	98,700	98,700	98,700	98,700	---
Operations and training	89,054	93,133	92,696	89,904	92,696	+3,642
Ship disposal	---	11,161	11,161	---	11,161	+11,161
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	33,000	---	---	32,852	---	-33,000
Administrative expenses	3,978	4,126	4,126	4,144	4,126	+148
Total, Maritime guaranteed loan program account	36,978	4,126	4,126	36,996	4,126	-32,852
Total, Maritime Administration	224,732	207,120	206,683	225,600	206,683	-18,049
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	489	499	499	659	499	+10
Commission on Civil Rights						
Salaries and expenses	9,096	9,096	9,096	9,096	9,096	---
Commission on International Religious Freedom						
Salaries and expenses	3,000	3,000	3,000	3,000	2,884	-116
Commission on Ocean Policy						
Salaries and expenses	3,000	---	---	3,000	2,000	-1,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,499	1,607	1,582	1,550	1,582	+83
Congressional-Executive Commission on the People's Republic of China						
Salaries and expenses	1,000	1,700	1,380	1,000	1,380	+380
Equal Employment Opportunity Commission						
Salaries and expenses	310,406	320,436	308,822	320,436	308,822	-1,584
Emergency appropriations (P.L. 107-117)	1,301	---	---	---	---	-1,301

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Communications Commission						
Salaries and expenses	245,071	268,327	256,376	275,400	271,000	+25,929
Offsetting fee collections - current year	-218,757	-248,194	-248,194	-275,400	-269,000	-50,243
Direct appropriation	26,314	20,133	8,182	---	2,000	-24,314
Federal Maritime Commission						
Salaries and expenses	16,458	17,440	16,458	16,795	16,700	+242
Federal Trade Commission						
Salaries and expenses	155,982	184,599	174,508	175,148	176,608	+20,626
Offsetting fee collections - current year	-155,982	-150,000	-150,000	-150,000	-150,000	+5,982
Offsetting fee collections, telephone database	---	-16,000	-16,000	-16,000	-18,100	-18,100
Direct appropriation	---	18,599	8,508	9,148	8,508	+8,508
Legal Services Corporation						
Payment to the Legal Services Corporation	329,300	329,300	329,300	348,397	338,848	+9,548
Marine Mammal Commission						
Salaries and expenses	1,957	1,856	1,856	2,050	3,050	+1,093
National Veterans Business Development Corporation						
Salaries and expenses	4,000	2,000	2,000	2,000	2,000	-2,000
Pacific Charter Commission						
Salaries and expenses	1,500	---	---	---	---	-1,500
Securities and Exchange Commission						
Salaries and expenses	437,900	566,900	776,000	656,700	745,789	+307,889
Prior year unobligated balances	---	---	---	---	-29,439	-29,439
Emergency appropriations (P.L. 107-117)	20,705	---	---	---	---	-20,705
Regular appropriations (P.L. 107-206)	30,900	---	---	---	---	-30,900
Direct appropriation	489,505	566,900	776,000	656,700	716,350	+226,845
Small Business Administration						
Salaries and expenses	308,476	352,968	317,357	364,357	314,457	+5,981
Office of Inspector General	11,464	14,500	12,626	11,600	12,422	+958

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Business Loans Program Account:						
Direct loans subsidy	1,860	3,726	3,726	3,726	3,726	+1,866
Guaranteed loans subsidy	78,000	85,360	85,360	85,360	85,360	+7,360
Administrative expenses	129,000	129,000	129,000	129,000	129,000	---
Emergency appropriations (P.L. 107-117)	75,000	---	---	---	---	-75,000
Total, Business loans program account	283,860	218,086	218,086	218,086	218,086	-65,774
Disaster Loans Program Account:						
Direct loans subsidy	87,360	76,140	76,140	76,140	73,140	-14,220
Administrative expenses	122,354	118,354	118,354	118,354	118,354	-4,000
Gainsharing	---	3,000	---	---	---	---
Emergency appropriations (P.L. 107-117)	75,000	---	---	---	---	-75,000
Total, Disaster loans program account	284,714	197,494	194,494	194,494	191,494	-93,220
Total, Small Business Administration	888,514	783,048	742,563	788,537	736,459	-152,055
State Justice Institute						
Salaries and expenses 1/	3,000	13,550	3,000	3,100	3,000	---
United States - Canada Alaska Rail Commission						
Salaries and expenses	2,000	---	---	---	---	-2,000
Total, title V, Related agencies	2,317,071	2,296,284	2,418,929	2,391,068	2,359,861	+42,790
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working Capital fund (rescission)	---	---	---	-36,230	-78,000	-78,000
Legal Activities						
Assets forfeiture fund (rescission)	-40,000	---	---	-50,874	-50,874	-10,874
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	---	---	---	---	-580	-580
DEPARTMENT OF COMMERCE						
United States Patent and Trademark Office						
Salaries and expenses (rescission)	---	---	---	-120,000	---	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Oceanic and Atmostpheric Administration						
Coastal impact assistance (rescission)................	---	---	-7,000	---	-7,000	-7,000
Departmental Management						
Emergency oil and gas guaranteed loan program account (rescission)..	-5,200	-920	-920	---	-920	+4,280
Emergency steel guaranteed loan program account` (rescission)..	---	-96,000	-49,000	---	---	---
RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account:						
Rescission (P.L. 107-206).........................	-5,000	---	---	---	---	+5,000
Ship construction (rescission).......................	-4,400	---	---	---	---	+4,400
Federal Communications Commission						
Salaries and expenses (rescission)..................	---	---	---	---	-5,700	-5,700
Securities and Exchange Commission						
Salaries and expenses (rescission)..................	-50,000	---	---	---	---	+50,000
Small Business Administration						
Salaries and expenses (rescission)..................	---	---	---	---	-13,750	-13,750
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)............	-5,500	---	---	---	-10,500	-5,000
Total, title VII, Rescissions..................	-110,100	-96,920	-56,920	-207,104	-167,324	-57,224
Grand total:						
New budget (obligational) authority.........	44,601,829	44,019,021	44,352,872	44,939,792	44,773,730	+171,901
Appropriations..........................	(41,613,299)	(43,766,569)	(43,929,792)	(45,146,896)	(44,461,853)	(+2,848,554)
Conservation...........................	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations................	(2,726,451)	---	---	---	---	(-2,726,451)
Rescissions............................	(-177,100)	(-96,920)	(-56,920)	(-207,104)	(-167,324)	(+9,776)
(Transfer out)............................	(-11,632)	(-11,632)	(-11,632)	(-11,632)	(-11,632)	---
(By transfer).............................	(79,632)	(86,632)	(86,632)	(66,632)	(76,632)	(-3,000)

1/ The President's budget proposed nothing for the State Justice Institute.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	17,000	17,000	17,000	17,000	17,000	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia	16,058	15,000	15,000	15,000	15,000	-1,058
Federal payment for Hospital Bioterrorism Preparedness in the District of Columbia	---	---	---	10,000	10,000	+10,000
Federal payment to the District of Columbia Courts	112,180	159,045	160,545	166,193	161,943	+49,763
Defender Services in District of Columbia Courts	34,311	32,000	32,000	34,000	17,100	-17,211
Unobligated Balance	---	---	---	---	(16,400)	(+16,400)
Defender Services program level	---	---	---	---	(33,500)	(+33,500)
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia the District of Columbia.	147,300	154,707	154,707	154,707	154,707	+7,407
Federal payment to the District of Columbia Department of Transportation	---	1,000	1,000	1,000	1,000	+1,000
Federal Payment to the Chief Financial Officer of the District of Columbia	8,300	---	23,450	15,000	40,300	+32,000
Federal payment for Waterfront Improvements	---	---	1,000	---	2,800	+2,800
Federal payment for Asbestos Remediation	---	---	1,000	---	1,000	+1,000
Federal payment to the Fire and Emergency Medical Services Department	---	---	2,000	---	2,000	+2,000
Federal payment for Special Education	---	---	14,000	---	3,000	+3,000
Federal payment for the Family Literacy Program	---	---	5,000	4,000	4,000	+4,000
Federal payment to the District of Columbia Water and Sewer Authority 1/	---	---	50,000	50,000	50,000	+50,000
Federal payment for the Anacostia Waterfront Initiative in the District of Columbia	---	---	---	5,000	5,000	+5,000
Federal payment to the District of Columbia for Capital Development	---	---	24,298	13,100	10,150	+10,150
Federal payment to the District of Columbia for Public Charter School Facilities	---	---	---	20,000	17,000	+17,000
Federal payment to the Credit Enhancement Revolving Fund 2/	---	---	16,000	---	---	---

1/ The Senate bill includes $50 million under Federal payment for the Anacostia Waterfront Initiative in the District of Columbia

2/ The Senate bill includes $5 million under Federal payment to the District of Columbia for Public Charter School Facilities. The conference agreement includes $8 million for this program.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal payment to the Children's National Medical Medical Center 3/	5,500	---	---	5,000	---	-5,500
St. Coletta of Greater Washington 3/	2,000	---	---	2,000	---	-2,000
Federal payment to the District of Columbia for Schools	2,500	---	---	---	---	-2,500
Federal payment to the Capitol City Career Development and Job Training Partnership	500	---	---	---	---	-500
Federal payment to the Capitol Education Fund	500	---	---	---	---	-500
Federal payment to the Metropolitan Kappa Youth Development Foundation, Inc	450	---	---	---	---	-450
Federal payment to the Fire and Emergency Medical Services Department	500	---	---	---	---	-500
Federal payment to the Youth Life Foundation	250	---	---	---	---	-250
Federal payment to Food and Friends	2,000	---	---	---	---	-2,000
Federal payment to the City Administrator	300	---	---	---	---	-300
Federal payment to Southeastern University	500	---	---	---	---	-500
Federal payments for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project	1,400	---	---	---	---	-1,400
Federal payment to the District of Columbia Corrections Trustee Operations	30,200	---	---	---	---	-30,200
Federal payment for Family Court Act	24,016	---	---	---	---	-24,016
Federal payment to Faith and Politics Institute	50	---	---	---	---	-50
Federal payment to the Thurgood Marshall Academy Charter School	1,000	---	---	---	---	-1,000
Federal payment to the George Washington University Center for Excellence in Municipal Management	250	---	---	---	---	-250
Court Appointed Special Advocates	250	---	---	---	---	-250
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (sec. 130)	100	---	---	---	---	-100
Supplemental appropriations (P.L. 107-117)	200,000	---	---	---	---	-200,000
Total, Federal funds to the District of Columbia	607,415	378,752	517,000	512,000	512,000	-95,415

3/ The House and the conferene report includes $5 million and $2 million, respectively, for these programs under Federal payment to the Chief Financial Officer of the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(286,138)	(262,873)	(303,586)	(295,136)	(307,173)	(+21,035)
Economic development and regulation	(230,878)	(244,358)	(258,539)	(258,539)	(244,358)	(+13,480)
Public safety and justice	(633,853)	(622,531)	(639,892)	(639,892)	(622,531)	(-11,322)
Public education system	(1,108,665)	(1,159,169)	(1,257,201)	(1,220,201)	(1,206,169)	(+97,504)
Human support services	(1,803,923)	(2,478,818)	(2,474,297)	(2,500,297)	(2,451,818)	(+647,895)
Public works	(300,151)	(319,357)	(324,828)	(324,828)	(320,357)	(+20,206)
Reserve	(120,000)	(70,000)	(70,000)	(70,000)	(70,000)	(-50,000)
Reserve Relief	(30,000)	---	---	---	---	(-30,000)
Repayment of Loans and Interest	(247,902)	(260,951)	(267,451)	(267,451)	(260,951)	(+13,049)
Repayment of General Fund Recovery Debt	(39,300)	(39,300)	(39,300)	(39,300)	(39,300)	---
Payment of Interest on Short-Term Borrowing	(500)	(1,000)	(1,000)	(1,000)	(1,000)	(+500)
Certificates of Participation	---	(7,950)	(7,950)	(7,950)	(7,950)	(+7,950)
Settlements and Judgments	---	(22,822)	(22,822)	(22,822)	(22,822)	(+22,822)
Wilson Building	(8,859)	(4,194)	(4,194)	(4,194)	(4,194)	(-4,665)
Workforce Investments	(42,896)	(48,186)	(54,186)	(54,186)	(48,186)	(+5,290)
Tobacco Settlement Trust Fund Transfer	---	---	(10,000)	(10,000)	---	---
Non-Departmental Agency	(5,799)	(5,799)	(5,799)	(5,799)	(5,799)	---
Emergency Planning and Security Costs	(16,058)	(15,000)	(15,000)	(15,000)	(15,000)	(-1,058)
Pay-As-You-Go Capital	---	---	(16,750)	(16,750)	---	---
Capital Infrastructure development	---	---	---	(13,100)	---	---
Emergency Reserve Fund Transfer	(33,254)	---	---	---	---	(-33,254)
Receivership Program	(403,868)	---	---	---	---	(-403,868)
Total, operating expenses, general fund	(5,312,044)	(5,562,308)	(5,772,795)	(5,766,445)	(5,627,608)	(+315,564)
Enterprise and Other Funds						
Water and Sewer Authority	(244,978)	(253,743)	(253,743)	(253,743)	(253,743)	(+8,765)
Washington Aqueduct	(46,510)	(57,847)	(57,847)	(57,847)	(57,847)	(+11,337)
Stormwater Permit Compliance enterprise fund	(3,100)	(3,100)	(3,100)	(3,100)	(3,100)	---
Lottery and Charitable Games enterprise fund	(229,688)	(232,881)	(232,881)	(232,881)	(232,881)	(+3,193)
Sports and Entertainment Commission	(9,627)	(15,510)	(15,510)	(20,510)	(20,510)	(+10,883)
District of Columbia Retirement Board	(13,388)	(13,388)	(13,388)	(13,388)	(13,388)	---
Washington Convention Center enterprise fund	(57,278)	(78,700)	(78,700)	(78,700)	(78,700)	(+21,422)
National Capital Revitalization Corporation	(2,673)	(6,745)	(6,745)	(6,745)	(6,745)	(+4,072)
Housing Finance Agency	(4,711)	---	---	---	---	(-4,711)
Total, Enterprise Funds	(611,953)	(661,914)	(661,914)	(666,914)	(666,914)	(+54,961)
Total, operating expenses	(5,923,997)	(6,224,222)	(6,434,709)	(6,433,359)	(6,294,522)	(+370,525)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Capital Outlay						
General fund 4/	(1,074,605)	(656,070)	(666,368)	(666,368)	(671,020)	(-403,585)
Water and Sewer Fund	(152,114)	(292,458)	(342,458)	(342,458)	(392,458)	(+240,344)
Total, Capital Outlay	(1,226,719)	(948,528)	(1,008,826)	(1,008,826)	(1,063,478)	(-163,241)
Emergency supplemental	(155,900)	---	---	---	---	(-155,900)
Total, District of Columbia funds	(7,306,616)	(7,172,750)	(7,443,535)	(7,442,185)	(7,358,000)	(+51,384)
Grand total:						
Federal Funds to the District of Columbia	607,415	378,752	517,000	512,000	512,000	-95,415
District of Columbia funds	(7,306,616)	(7,172,750)	(7,443,535)	(7,442,185)	(7,358,000)	(+51,384)

4/ Rounded

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	154,350	102,483	143,680	148,304	135,019	-19,331
Construction, general	1,715,951	1,415,612	1,831,030	1,636,602	1,756,012	+40,061
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	345,992	280,671	342,071	346,437	344,574	-1,418
Operation and maintenance, general	1,874,803	1,913,760	1,990,280	1,956,182	1,940,167	+65,364
Emergency appropriations (P.L. 107-117)	139,000	---	---	---	---	-139,000
Regular appropriations (P.L. 107-206)	32,000	---	---	---	---	-32,000
Regulatory program	127,000	144,252	134,000	144,252	139,000	+12,000
FUSRAP	140,000	140,298	150,000	140,298	145,000	+5,000
Flood control and coastal emergencies	---	20,227	20,000	20,227	15,000	+15,000
Rescission	-25,000	---	---	---	---	+25,000
General expenses	153,000	155,651	154,651	155,651	155,151	+2,151
Total, title I, Department of Defense - Civil	4,657,096	4,172,954	4,765,712	4,547,953	4,629,923	-27,173
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	24,169	23,643	23,643	23,643	23,643	-526
Fish, wildlife, and recreation mitigation and conservation	10,749	11,259	11,259	11,259	11,259	+510
Subtotal	34,918	34,902	34,902	34,902	34,902	-16
Program oversight and administration	1,310	1,326	1,326	1,326	1,326	+16
Total, Central Utah project completion account	36,228	36,228	36,228	36,228	36,228	---
Bureau of Reclamation						
Water and related resources	762,531	726,147	807,518	816,147	813,491	+50,960
Emergency appropriations (P.L. 107-117)	30,259	---	---	---	---	-30,259
Regular appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
Loan program	7,495	---	---	---	---	-7,495
(Limitation on direct loans)	(26,000)	---	---	---	---	(-26,000)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Central Valley project restoration fund	55,039	48,904	48,904	48,904	48,904	-6,135
California Bay-Delta restoration	---	15,000	---	---	---	---
Policy and administration	52,968	54,870	54,870	54,870	54,870	+1,902
Total, Bureau of Reclamation	915,292	844,921	911,292	919,921	917,265	+1,973
Total, title II, Department of the Interior	951,520	881,149	947,520	956,149	953,493	+1,973
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	666,726	693,934	633,909	815,306	701,477	+34,751
Non-defense environmental management	236,372	166,000	213,259	176,000	215,100	-21,272
Uranium facilities maintenance and remediation	418,425	382,154	382,154	471,154	456,539	+38,114
Science	3,233,100	3,279,456	3,271,233	3,329,456	3,305,894	+72,794
Nuclear Waste Disposal	95,000	275,802	209,702	56,000	145,000	+50,000
Departmental administration	210,853	299,220	208,672	235,000	207,404	-3,449
Miscellaneous revenues	-137,810	-137,524	-80,000	-137,524	-120,000	+17,810
Net appropriation	73,043	161,696	128,672	97,476	87,404	+14,361
Office of the Inspector General	32,430	37,671	37,671	37,671	37,671	+5,241
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	5,429,238	5,867,000	5,772,068	6,108,959	5,954,204	+524,966
Emergency appropriations (P.L. 107-117)	131,000	---	---	---	---	-131,000
Emergency appropriations (P.L. 107-206)	19,400	---	---	---	---	-19,400
Rescission (P.L. 107-206)	-14,460	---	---	---	---	+14,460
Defense nuclear nonproliferation	803,586	1,113,630	1,167,630	1,115,630	1,113,630	+310,044
Emergency appropriations (P.L. 107-117)	226,000	---	---	---	---	-226,000
Regular appropriations (P.L. 107-206)	100,000	---	---	---	---	-100,000
Naval reactors	688,045	706,790	706,790	706,790	706,790	+18,745
Office of the Administrator	312,596	335,929	261,929	335,929	330,929	+18,333
Subtotal, National Nuclear Security Administration	7,695,405	8,023,349	7,908,417	8,267,308	8,105,553	+410,148
Defense environmental restoration and waste management	5,234,576	4,544,133	4,543,661	5,370,532	5,470,180	+235,604
Emergency appropriations (P.L. 107-117)	8,200	---	---	---	---	-8,200
Rescission (P.L. 107-206)	-15,540	---	---	---	---	+15,540
Defense environmental management cleanup reform	---	1,100,000	1,100,000	---	---	---
Defense facilities closure projects	1,092,878	1,091,314	1,091,314	1,125,314	1,138,314	+45,436
Defense environmental management privatization	153,537	158,399	158,399	158,399	158,399	+4,862
Subtotal, Defense environmental management	6,473,651	6,893,846	6,893,374	6,654,245	6,766,893	+293,242

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Other defense activities	544,044	468,664	485,076	537,664	546,554	+2,510
Emergency appropriations (P.L. 107-117)	3,500	---	---	---	---	-3,500
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
Defense nuclear waste disposal	280,000	315,000	315,000	280,000	315.000	+35,000
Total, Atomic Energy Defense Activities	15,003,600	15,700,859	15,601,867	15,739,217	15,734,000	+730,400
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	4,891	4,534	4,534	4,534	4,534	-357
Operation and maintenance, Southwestern Power Administration	28,038	27,378	27,378	27,378	27,378	-660
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	171,938	162,758	162,758	168,858	168,858	-3,080
Falcon and Amistad operating and maintenance fund	2,663	2,734	2,734	2,734	2,734	+71
Total, Power Marketing Administrations	207,530	197,404	197,404	203,504	203,504	-4,026
Federal Energy Regulatory Commission						
Salaries and expenses	184,155	192,000	192,000	192,000	192,000	+7,845
Revenues applied	-184,155	-192,000	-192,000	-192,000	-192,000	-7,845
Total, title III, Department of Energy	19,966,226	20,894,976	20,675,871	20,925,784	20,886,589	+920,363
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	71,290	66,290	71,290	74,400	71,290	---
Defense Nuclear Facilities Safety Board	18,500	19,000	19,000	19,000	19,000	+500
Delta Regional Authority	10,000	10,000	---	15,000	8,000	-2,000
Denali Commission	38,000	29,939	---	50,000	48,000	+10,000
Nuclear Regulatory Commission:						
Salaries and expenses	516,900	578,184	578,184	578,184	578,184	+61,284
Emergency appropriations (P.L. 107-117)	36,000	---	---	---	---	-36,000
Revenues	-473,520	-492,545	-520,087	-520,087	-520,087	-46,567
Subtotal	79,380	85,639	58,097	58,097	58,097	-21,283
Office of Inspector General	6,180	6,800	6,800	6,800	6,800	+620
Revenues	-5,933	-6,392	-6,392	-6,392	-6,392	-459
Subtotal	247	408	408	408	408	+161
Total, Nuclear Regulatory Commission	79,627	86,047	58,505	58,505	58,505	-21,122

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Nuclear Waste Technical Review Board	3,100	3,102	3,102	3,200	3,200	+100
Total, title IV, Independent agencies	220,517	214,378	151,897	220,105	207,995	-12,522
Grand total:						
New budget (obligational) authority	25,795,359	26,163,457	26,541,000	26,649,991	26,678,000	+882,641
Appropriations	(25,250,000)	(26,163,457)	(26,541,000)	(26,649,991)	(26,678,000)	(+1,428,000)
Emergency appropriations	(600,359)	---	---	---	---	(-600,359)
Rescissions	(-55,000)	---	---	---	---	(+55,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	727,323	541,400	541,400	541,400	512,900	-214,423
Administrative expenses	63,000	68,372	68,300	68,300	68,300	+5,300
Negative subsidy	-11,000	-13,000	-13,000	-13,000	-13,000	-2,000
Rescission (P.L. 107-206)	-50,000	---	---	---	---	+50,000
Total, Export-Import Bank of the United States	729,323	596,772	596,700	596,700	568,200	-161,123
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	38,608	39,885	39,885	39,885	39,885	+1,277
Insurance fees and other offsetting collections	-290,000	-306,000	-306,000	-306,000	-306,000	-16,000
Subsidy appropriation	---	24,000	24,000	24,000	24,000	+24,000
Total, Overseas Private Investment Corporation	-251,392	-242,115	-242,115	-242,115	-242,115	+9,277
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and development agency	50,024	44,512	49,512	44,696	47,012	-3,012
Total, title I, Export and investment assistance	527,955	399,169	404,097	399,281	373,097	-154,858
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
Child survival and health programs fund	1,433,500	---	1,710,000	1,970,000	1,836,500	+403,000
UNICEF	(120,000)	---	(120,000)	(120,000)	(120,000)	---
(Transfer out)	---	---	(-6,000)	---	(-6,000)	(-6,000)
Development assistance	1,178,000	2,839,500	1,398,000	1,365,500	1,389,000	+211,000
(Transfer out)	(-18,500)	---	---	---	---	(+18,500)
International disaster assistance	235,500	285,500	315,500	290,000	290,000	+54,500
Emergency supplemental	50,000	---	---	---	---	-50,000
Emergency appropriations (P.L. 107-206)	40,000	---	---	---	---	-40,000
Transition Initiatives	50,000	55,000	40,000	55,000	50,000	---
Development Credit Program:						
(By transfer)	(18,500)	---	---	---		(-18,500)
(Guaranteed loan authorization)	(267,500)	---	---	---	---	(-267,500)
Administrative expenses	7,500	7,591	7,591	7,591	7,591	+91
Subtotal, development assistance	2,994,500	3,187,591	3,471,091	3,688,091	3,573,091	+578,591

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Payment to the Foreign Service Retirement and Disability Fund	44,880	45,200	45,200	45,200	45,200	+320
Operating expenses of the U.S. Agency for International Development	549,000	572,200	572,200	571,087	572,000	+23,000
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
(By transfer)	(3,500)	---	(6,000)	---	(6,000)	(+2,500)
Capital Investment Fund	---	95,000	43,000	65,000	43,000	+43,000
Operating expenses of the U.S. Agency for International Development Office of Inspector General	31,500	32,700	33,700	33,046	33,300	+1,800
Total, U.S. Agency for International Development	3,626,880	3,932,691	4,165,191	4,402,424	4,266,591	+639,711
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	1,375,000	1,415,000	1,415,000	1,215,000	1,215,000	-160,000
Other	824,000	1,075,000	1,030,000	1,045,000	1,055,000	+231,000
(Transfer out)	(-3,500)	---	(-200,000)	---	---	(+3,500)
Emergency appropriations (P.L. 107-206)	465,000	---	---	---	---	-465,000
Subtotal, Economic support fund	2,664,000	2,490,000	2,445,000	2,260,000	2,270,000	-394,000
International Fund for Ireland	25,000	---	25,000	---	25,000	---
Assistance for Eastern Europe and the Baltic States	621,000	495,000	520,000	530,000	525,000	-96,000
Assistance for the Independent States of the former Soviet Union	784,000	755,000	755,000	765,000	760,000	-24,000
Emergency appropriations (P.L. 107-206)	110,000	---	---	---	---	-110,000
Total, Other Bilateral Economic Assistance	4,204,000	3,740,000	3,745,000	3,555,000	3,580,000	-624,000
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation	13,107	14,000	16,000	16,385	16,200	+3,093
African Development Foundation						
Appropriation	16,542	16,689	19,689	17,689	18,689	+2,147
Peace Corps						
Appropriation	275,000	317,000	317,000	285,000	297,000	+22,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Department of State						
International narcotics control and law enforcement	217,000	197,000	197,000	196,713	197,000	-20,000
Emergency appropriations (P.L. 107-206)	114,000	---	---	---	---	-114,000
(By transfer)	---	---	(98,000)	---	---	---
Andean Counterdrug Initiative	625,000	731,000	731,000	650,000	700,000	+75,000
(By transfer)	---	---	---	(88,000)	(93,000)	(+93,000)
Migration and refugee assistance	705,000	705,000	800,000	787,000	787,000	+82,000
United States Emergency Refugee and Migration Assistance Fund	15,000	15,000	20,000	32,000	26,000	+11,000
Nonproliferation, anti-terrorism, demining and related programs	313,500	372,400	347,400	306,400	306,400	-7,100
Emergency appropriations (P.L. 107-206)	83,000	---	---	---	---	-83,000
(By transfer)	---	---	(200,000)	---	---	---
Subtotal, Department of State	2,072,500	2,020,400	2,095,400	1,972,113	2,016,400	-56,100
Department of the Treasury						
International Affairs Technical Assistance	6,500	10,000	11,000	10,500	10,800	+4,300
Debt restructuring	229,000	---	---	---	---	-229,000
Subtotal, Department of the Treasury	235,500	10,000	11,000	10,500	10,800	-224,700
Total, title II, Bilateral economic assistance	10,443,529	10,050,780	10,369,280	10,259,111	10,205,680	-237,849
Appropriations	(9,574,529)	(10,050,780)	(10,369,280)	(10,259,111)	(10,205,680)	(+631,151)
Emergency appropriations	(869,000)	---	---	---	---	(-869,000)
(By transfer)	(22,000)	---	(304,000)	(88,000)	(99,000)	(+77,000)
(Transfer out)	(-22,000)	---	(-206,000)	---	(-6,000)	(+16,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	70,000	80,000	80,000	80,000	80,000	+10,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,340,000	3,400,000	3,400,000	3,400,000	3,400,000	+60,000
Other	310,000	707,200	680,200	672,000	672,000	+362,000
Subtotal, grants	3,650,000	4,107,200	4,080,200	4,072,000	4,072,000	+422,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
Emergency appropriations (P.L. 107-206)	357,000	---	---	---	---	-357,000
(Transfer out)	---	---	(-98,000)	(-88,000)	(-93,000)	(-93,000)
Total, Foreign Military Financing	4,007,000	4,107,200	4,080,200	4,072,000	4,072,000	+65,000
Peacekeeping operations	135,000	108,250	125,000	120,250	115,000	-20,000
Emergency appropriations (P.L. 107-206)	20,000	---	---	---	---	-20,000
Total, title III, Military assistance	4,232,000	4,295,450	4,285,200	4,272,250	4,267,000	+35,000
Appropriations	(3,855,000)	(4,295,450)	(4,285,200)	(4,272,250)	(4,267,000)	(+412,000)
Emergency appropriations	(377,000)	---	---	---	---	(-377,000)
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	100,500	177,813	147,813	177,813	147,813	+47,313
Contribution to the International Development Association	792,400	874,338	874,338	837,338	850,000	+57,600
Contribution to Multilateral Investment Guarantee Agency	5,000	3,631	1,631	1,631	1,631	-3,369
(Limitation on callable capital subscriptions)	(25,000)	(14,825)	(14,825)	(14,825)	(7,610)	(-17,390)
Total, World Bank Group	897,900	1,055,782	1,023,782	1,016,782	999,444	+101,544
Contribution to the Inter-American Development Bank:						
Contribution to the Inter-American Investment Corporation	18,000	30,352	30,352	18,352	18,352	+352
Contribution to the Enterprise for the Americas Multilateral Investment Fund	---	29,591	24,591	29,591	24,591	+24,591
Total, Inter-American Development Bank	18,000	59,943	54,943	47,943	42,943	+24,943
Contribution to the Asian Development Bank:						
Contribution to the Asian Development Fund	98,017	147,386	97,886	100,386	97,886	-131

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Contribution to the African Development Bank:						
Paid-in capital	5,100	5,104	5,104	5,104	5,104	+4
(Limitation on callable capital subscriptions)	(79,992)	(79,603)	(79,603)	(79,603)	(79,603)	(-389)
Contribution to the African Development Fund	100,000	118,073	113,073	108,073	108,073	+8,073
Total, African Development Bank	105,100	123,177	118,177	113,177	113,177	+8,077
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,779	35,805	35,805	35,805	35,805	+26
(Limitation on callable capital subscriptions)	(123,238)	(123,328)	(123,328)	(123,328)	(123,328)	(+90)
Contribution to the International Fund for Agricultural Development	20,000	15,004	15,004	15,004	15,004	-4,996
Total, International Financial Institutions	1,174,796	1,437,097	1,345,597	1,329,097	1,304,259	+129,463
International Organizations and Programs						
Appropriation	208,500	310,400	190,400	215,000	195,150	-13,350
Total, title IV, Multilateral economic assistance	1,383,296	1,747,497	1,535,997	1,544,097	1,499,409	+116,113
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(217,756)	(210,541)	(-17,689)
Grand total	16,586,780	16,492,896	16,594,574	16,474,739	16,345,186	-241,594
Appropriations	(15,390,780)	(16,492,896)	(16,594,574)	(16,474,739)	(16,345,186)	(+954,406)
Rescissions	(-50,000)	---	---	---	---	(+50,000)
Emergency appropriations	(1,246,000)	---	---	---	---	(-1,246,000)
(By transfer)	(22,000)	---	(304,000)	(88,000)	(99,000)	(+77,000)
(Transfer out)	(-22,000)	---	(-304,000)	(-88,000)	(-99,000)	(-77,000)
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(217,756)	(210,541)	(-17,689)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	746,632	772,962	782,904	816,062	825,712	+79,080
Conservation	29,000	40,028	44,028	---	---	-29,000
Subtotal	775,632	812,990	826,932	816,062	825,712	+50,080
Wildland fire management:						
Preparedness	280,807	277,213	278,639	277,213	277,213	-3,594
Fire suppression operations	127,424	160,351	160,351	160,351	160,351	+32,927
Other operations	216,190	216,190	216,342	216,690	216,842	+652
Suppression (contingent emergency appropriations)	34,000	---	---	---	---	-34,000
Fiscal year 2002 supplemental	---	---	200,000	---	---	---
Other operations (contingent emergency appropriations)	20,000	---	---	---	---	-20,000
Subtotal	678,421	653,754	855,332	654,254	654,406	-24,015
Central hazardous materials fund	9,978	9,978	9,978	9,978	9,978	---
Construction	13,076	10,976	10,976	12,976	11,976	-1,100
Payments in lieu of taxes	160,000	150,000	160,000	210,000	220,000	+60,000
Conservation	50,000	15,000	70,000	---	---	-50,000
Subtotal	210,000	165,000	230,000	210,000	220,000	+10,000
Land acquisition	---	---	---	30,150	33,450	+33,450
Conservation	49,920	44,686	47,486	---	---	-49,920
Oregon and California grant lands	105,165	105,633	105,633	105,633	105,633	+468
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	---
Service charges, deposits, & forfeitures (indefinite)	8,000	7,900	7,900	7,900	7,900	-100
Offsetting fee collections	---	-7,900	-7,900	-7,900	-7,900	-7,900
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405	---
Total, Bureau of Land Management	1,872,597	1,825,422	2,108,742	1,861,458	1,883,560	+10,963
Appropriations	(1,689,677)	(1,725,708)	(1,747,228)	(1,861,458)	(1,883,560)	(+193,883)
Conservation	(128,920)	(99,714)	(161,514)	---	---	(-128,920)
Contingent emergency appropriations	(54,000)	---	(200,000)	---	---	(-54,000)
United States Fish and Wildlife Service						
Resource management	819,597	825,598	847,353	902,697	917,429	+97,832
Conservation	31,000	78,006	71,006	---	---	-31,000
Subtotal	850,597	903,604	918,359	902,697	917,429	+66,832
Construction	55,543	35,402	53,108	42,882	54,427	-1,116
Land acquisition	---	---	---	81,555	73,370	+73,370
Conservation	99,135	70,384	82,250	---	---	-99,135

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Landowner incentive program	---	---	---	600	40,000	+40,000
Conservation	40,000	50,000	40,000	---	---	-40,000
Rescission	---	---	---	---	-40,000	-40,000
Subtotal	40,000	50,000	40,000	600	---	-40,000
Private stewardship grants	---	---	---	200	10,000	+10,000
Conservation	10,000	10,000	10,000	---	---	-10,000
Rescission	---	---	---	---	-10,000	-10,000
Subtotal	10,000	10,000	10,000	200	---	-10,000
Cooperative endangered species conservation fund	---	---	---	81,000	81,000	+81,000
Conservation	96,235	91,000	121,400	---	---	-96,235
National wildlife refuge fund	14,414	14,414	14,414	14,414	14,414	---
Conservation	---	---	5,000	---	---	---
Subtotal	14,414	14,414	19,414	14,414	14,414	---
North American wetlands conservation fund	---	---	---	38,560	38,560	+38,560
Conservation	43,500	43,560	43,560	---	---	-43,500
Neotropical migratory birds conservation fund	3,000	---	---	2,000	3,000	---
Conservation	---	---	5,000	---	---	---
Multinational species conservation fund	4,000	5,000	---	4,200	4,800	+800
Conservation	---	---	4,800	---	---	---
State wildlife grants	---	---	---	45,000	65,000	+65,000
Conservation	85,000	60,000	100,000	---	---	-85,000
Rescission	-25,000	---	---	---	---	+25,000
Subtotal	60,000	60,000	100,000	45,000	65,000	+5,000
Total, United States Fish and Wildlife Service	1,276,424	1,283,364	1,397,891	1,213,108	1,252,000	-24,424
Appropriations	(896,554)	(880,414)	(914,875)	(1,213,108)	(1,302,000)	(+405,446)
Conservation	(404,870)	(402,950)	(483,016)	---	---	(-404,870)
Rescission	(-25,000)	---	---	---	(-50,000)	(-25,000)
National Park Service						
Operation of the national park system	1,474,977	1,560,565	1,596,593	1,571,065	1,565,565	+90,588
Conservation	2,000	24,000	9,000	---	---	-2,000
Emergency appropriations (P.L. 107-117)	10,098	---	---	---	---	-10,098
Subtotal	1,487,075	1,584,565	1,605,593	1,571,065	1,565,565	+78,490

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
United States Park Police	65,260	78,431	78,431	78,431	78,431	+13,171
Emergency appropriations (P.L. 107-117)	25,295	---	---	---	---	-25,295
Subtotal	90,555	78,431	78,431	78,431	78,431	-12,124
National recreation and preservation	66,159	46,824	56,330	62,978	61,667	-4,492
Urban park and recreation fund	---	---	---	10,000	300	+300
Conservation	30,000	300	30,000	---	---	-30,000
Historic preservation fund	---	---	---	67,000	69,000	+69,000
Conservation	74,500	67,000	76,500	---	---	-74,500
Construction	299,193	240,182	271,450	322,826	327,843	+28,650
Conservation	66,851	82,202	53,736	---	---	-66,851
Emergency appropriations (P.L. 107-117)	21,624	---	---	---	---	-21,624
Subtotal	387,668	322,384	325,186	322,826	327,843	-59,825
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	---
Land acquisition and state assistance	---	---	---	204,005	172,468	+172,468
Conservation	274,117	286,057	253,099	---	---	-274,117
Total, National Park Service (net)	2,380,074	2,355,561	2,395,139	2,286,305	2,245,274	-134,800
Appropriations	(1,905,589)	(1,926,002)	(2,002,804)	(2,316,305)	(2,275,274)	(+369,685)
Conservation	(447,468)	(459,559)	(422,335)	---	---	(-447,468)
Emergency appropriations	(57,017)	---	---	---	---	(-57,017)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	---
United States Geological Survey						
Surveys, investigations, and research	889,002	853,760	903,405	914,617	925,287	+36,285
Conservation	25,000	13,578	25,000	---	---	-25,000
Total, United States Geological Survey	914,002	867,338	928,405	914,617	925,287	+11,285
Minerals Management Service						
Royalty and offshore minerals management	253,397	264,452	264,951	264,552	265,551	+12,154
Use of receipts	-102,730	-100,230	-100,230	-100,230	-100,230	+2,500
Oil spill research	6,105	6,105	6,105	6,105	6,105	---
Total, Minerals Management Service	156,772	170,327	170,826	170,427	171,426	+14,654
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	102,800	105,092	105,092	105,092	105,092	+2,292
Receipts from performance bond forfeitures (indefinite)	275	275	275	275	275	---
Subtotal	103,075	105,367	105,367	105,367	105,367	+2,292

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Abandoned mine reclamation fund (definite, trust fund)	203,455	174,035	184,745	191,745	191,745	-11,710
Total, Office of Surface Mining Reclamation and Enforcement	306,530	279,402	290,112	297,112	297,112	-9,418
Bureau of Indian Affairs						
Operation of Indian programs	1,799,809	1,837,110	1,859,064	1,855,635	1,857,319	+57,510
Rescission (P.L. 107-206)	-10,000	---	---	---	---	+10,000
Construction	357,132	345,252	345,252	348,252	348,252	-8,880
Indian land and water claim settlements and miscellaneous payments to Indians	60,949	57,949	60,949	57,949	60,949	---
Indian guaranteed loan program account	4,986	5,493	5,493	5,493	5,493	+507
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)
Total, Bureau of Indian Affairs	2,212,876	2,245,804	2,270,758	2,267,329	2,272,013	+59,137
Departmental Offices						
Insular Affairs:						
Assistance to Territories	51,230	42,497	45,497	47,497	48,497	-2,733
Northern Marianas	27,720	27,720	27,720	27,720	27,720	---
Subtotal	78,950	70,217	73,217	75,217	76,217	-2,733
Compact of Free Association	8,745	8,745	9,045	8,925	8,985	+240
Mandatory payments	14,500	12,000	12,000	12,000	12,000	-2,500
Subtotal	23,245	20,745	21,045	20,925	20,985	-2,260
Total, Insular Affairs	102,195	90,962	94,262	96,142	97,202	-4,993
Departmental management	67,741	78,596	57,533	72,427	72,427	+4,686
Emergency appropriations (P.L. 107-117)	2,205	---	---	---	---	-2,205
Subtotal	69,946	78,596	57,533	72,427	72,427	+2,481
Office of the Solicitor	45,000	47,773	47,473	47,773	47,773	+2,773
Office of Inspector General	34,302	36,659	36,239	36,239	36,239	+1,937
National Indian Gaming Commission	---	2,000	2,000	---	---	---
Office of Special Trustee for American Indians						
Federal trust programs	99,224	151,027	141,277	151,027	141,277	+42,053
Indian land consolidation	10,980	7,980	7,980	10,980	7,980	-3,000
Total, Office of Special Trustee for American Indians	110,204	159,007	149,257	162,007	149,257	+39,053

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Natural resource damage assessment fund	5,497	5,538	5,538	5,538	5,538	+41
Federal priority land acquisitions and exchanges	---	3,000	---	---	---	---
Total, Departmental Offices	367,144	423,535	392,302	420,126	408,436	+41,292
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,486,419	9,450,753	9,954,175	9,430,482	9,455,108	-31,311
Appropriations	(8,431,939)	(8,501,952)	(8,692,310)	(9,460,482)	(9,535,108)	(+1,103,169)
Conservation	(1,006,258)	(978,801)	(1,091,865)	---	---	(-1,006,258)
Emergency appropriations	(59,222)	---	---	---	---	(-59,222)
Contingent emergency appropriations	(54,000)	---	(200,000)	---	---	(-54,000)
Rescissions	(-65,000)	(-30,000)	(-30,000)	(-30,000)	(-80,000)	(-15,000)
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	241,304	242,798	252,000	247,804	251,685	+10,381
State and private forestry	190,221	121,805	146,695	297,472	286,574	+96,353
Conservation	101,000	155,558	133,133	---	---	-101,000
Subtotal	291,221	277,363	279,828	297,472	286,574	-4,647
National forest system	1,331,439	1,366,475	1,370,567	1,352,999	1,362,299	+30,860
Wildland fire management:						
Preparedness	622,618	600,703	640,000	600,703	616,000	-6,618
Fire suppression operations	255,321	420,699	420,699	420,699	420,699	+165,378
Other operations	336,410	347,736	452,750	330,389	343,239	+6,829
Suppression (contingent emergency appropriations)	266,000	---	---	---	---	-266,000
Fiscal year 2002 supplemental	---	---	500,000	---	---	---
Other operations (contingent emergency appropriations)	80,000	---	---	---	---	-80,000
Subtotal	1,560,349	1,369,138	2,013,449	1,351,791	1,379,938	-180,411
Capital improvement and maintenance	485,188	501,222	507,865	543,656	552,039	+66,851
Conservation	61,000	50,866	64,866	---	---	-61,000
Subtotal	546,188	552,088	572,731	543,656	552,039	+5,851
Land acquisition	---	---	---	145,763	133,815	+133,815
Conservation	149,742	130,510	146,336	---	---	-149,742
Acquisition of lands for national forests, special acts	1,069	1,069	1,069	1,069	1,069	---
Acquisition of lands to complete land exchanges (indefinite)	234	234	234	234	234	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Range betterment fund (indefinite)	3,290	3,402	3,402	3,402	3,402	+112
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	---
Management of national forest lands for subsistence uses	5,488	5,542	5,542	5,542	5,542	+54
Reduction for non-conservation funding	-2,000	-2,000	-2,000	---	---	+2,000
Conservation (Youth Conservation Corps)	2,000	2,000	2,000	---	---	-2,000
Total, Forest Service	4,130,416	3,948,711	4,645,250	3,949,824	3,976,689	-153,727
Appropriations	(3,470,674)	(3,609,777)	(3,798,915)	(3,949,824)	(3,976,689)	(+506,015)
Conservation	(313,742)	(338,934)	(346,335)	---	---	(-313,742)
Contingent emergency appropriations	(346,000)	---	(500,000)	---	---	(-346,000)
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-40,000	---	-50,000	-70,000	-87,000	-47,000
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
Fossil energy research and development	582,790	489,305	664,205	625,665	624,900	+42,110
Clean coal technology (by transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
Alternative fuels production (rescission)	-2,000	---	---	---	---	+2,000
Naval petroleum and oil shale reserves	17,371	20,831	20,831	20,831	17,831	+460
Elk Hills School lands fund	---	36,000	---	---	---	---
Advance appropriations, FY 2004	36,000	---	36,000	36,000	36,000	---
Energy conservation	912,805	901,651	984,653	884,293	897,603	-15,202
Economic regulation	1,996	1,487	1,487	1,487	1,487	-509
Strategic petroleum reserve	179,009	168,856	175,856	172,856	172,856	-6,153
SPR petroleum account	---	11,000	7,000	7,000	7,000	+7,000
Rescission	---	---	---	---	-5,000	-5,000
Subtotal	---	11,000	7,000	7,000	2,000	+2,000
Northeast home heating oil reserve	---	8,000	8,000	6,000	6,000	+6,000
Energy Information Administration	78,499	80,111	80,611	80,111	80,611	+2,112
Total, Department of Energy:						
New budget (obligational) authority (net)	1,766,470	1,717,241	1,928,643	1,764,243	1,752,288	-14,182
Appropriations	(1,772,470)	(1,717,241)	(1,942,643)	(1,798,243)	(1,808,288)	(+35,818)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Rescissions	(-2,000)	---	---	---	(-5,000)	(-3,000)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,389,614	2,452,997	2,508,756	2,455,881	2,492,115	+102,501
Indian health facilities	369,487	362,571	391,865	365,390	376,190	+6,703
Total, Indian Health Service	2,759,101	2,815,568	2,900,621	2,821,271	2,868,305	+109,204
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	15,148	14,491	14,491	14,491	14,491	-657
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,490	5,130	5,130	5,130	5,490	+1,000
Smithsonian Institution						
Salaries and expenses	399,253	448,760	450,760	450,760	463,205	+63,952
Rescission	---	-14,100	-14,100	-14,100	-14,100	-14,100
Emergency appropriations (P.L. 107-117)	21,707	---	---	---	---	-21,707
Subtotal	420,960	434,660	436,660	436,660	449,105	+28,145
Repair, restoration and alteration of facilities	67,900	81,300	81,300	78,300	83,425	+15,525
Construction	30,000	12,000	10,000	16,000	16,000	-14,000
Total, Smithsonian Institution	518,860	527,960	527,960	530,960	548,530	+29,670
National Gallery of Art						
Salaries and expenses	68,967	78,219	78,219	77,219	77,219	+8,252
Emergency appropriations (P.L. 107-117)	2,148	---	---	---	---	-2,148
Subtotal	71,115	78,219	78,219	77,219	77,219	+6,104
Repair, restoration and renovation of buildings	14,220	16,230	16,230	16,230	16,230	+2,010
Total, National Gallery of Art	85,335	94,449	94,449	93,449	93,449	+8,114

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	15,000	16,310	16,310	16,310	16,310	+1,310
Emergency appropriations (P.L. 107-117)	4,310	---	---	---	---	-4,310
Subtotal	19,310	16,310	16,310	16,310	16,310	-3,000
Construction	19,000	17,600	17,600	17,600	17,600	-1,400
Total, John F. Kennedy Center for the Performing Arts	38,310	33,910	33,910	33,910	33,910	-4,400
Woodrow Wilson International Center for Scholars						
Salaries and expenses	7,796	8,488	8,488	8,488	8,488	+692
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	98,234	99,489	99,489	116,489	116,489	+18,255
National Endowment for the Humanities						
Grants and administration	108,382	109,632	114,932	109,632	109,632	+1,250
Matching grants	16,122	16,122	16,122	16,122	16,122	---
Total, National Endowment for the Humanities	124,504	125,754	131,054	125,754	125,754	+1,250
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration 1/	26,899	---	---	---	---	-26,899
Challenge America Arts Fund						
Challenge America grants	17,000	17,000	27,000	---	---	-17,000
Total, National Foundation on the Arts and the Humanities	266,637	242,243	257,543	242,243	242,243	-24,394
Commission of Fine Arts						
Salaries and expenses	1,224	1,224	1,255	1,224	1,224	---
National Capital Arts and Cultural Affairs						
Grants	7,000	7,000	7,000	7,000	7,000	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Advisory Council on Historic Preservation						
Salaries and expenses	3,400	3,667	3,667	3,667	3,667	+267
National Capital Planning Commission						
Salaries and expenses	7,253	7,253	7,553	7,253	7,253	---
Emergency appropriations (P.L. 107-117)	758	---	---	---	---	-758
Total, National Capital Planning Commission	8,011	7,253	7,553	7,253	7,253	-758
United States Holocaust Memorial Museum						
Holocaust Memorial Museum	36,028	38,663	38,663	38,663	38,663	+2,635
Presidio Trust						
Presidio trust fund	23,125	21,327	21,327	21,327	21,327	-1,798
Total, title II, related agencies:						
New budget (obligational) authority (net)	9,671,351	9,487,325	10,495,950	9,543,143	9,623,017	-48,334
Appropriations	(8,988,686)	(9,162,491)	(9,677,715)	(9,591,243)	(9,693,117)	(+704,431)
Conservation	(313,742)	(338,934)	(346,335)	---	---	(-313,742)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Emergency appropriations	(28,923)	---	---	---	---	(-28,923)
Contingent emergency appropriations	(346,000)	---	(500,000)	---	---	(-346,000)
Rescissions	(-2,000)	(-14,100)	(-14,100)	(-14,100)	(-19,100)	(-17,100)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
Grand total:						
New budget (obligational) authority (net)	19,157,770	18,938,078	20,450,125	18,973,625	19,078,125	-79,645
Fiscal year 2002 (contingent emergency)	---	---	(700,000)	---	---	---
Fiscal year 2003 (net)	(19,157,770)	(18,938,078)	(19,750,125)	(18,973,625)	(19,078,125)	(-79,645)
Appropriations	(17,420,625)	(17,664,443)	(18,370,025)	(19,051,725)	(19,228,225)	(+1,807,600)
Conservation	(1,320,000)	(1,317,735)	(1,438,200)	---	---	(-1,320,000)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Emergency appropriations	(88,145)	---	---	---	---	(-88,145)
Contingent emergency appropriations	(400,000)	---	---	---	---	(-400,000)
Rescissions	(-67,000)	(-44,100)	(-44,100)	(-44,100)	(-99,100)	(-32,100)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)

1/ Funded in the Labor HHS bill for FY 2003.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services	3,021,814	2,573,228	2,675,513	2,657,084	2,755,070	-266,744
Advance appropriation, FY 2004	2,463,000	2,463,000	2,463,000	2,463,000	2,463,000	---
Total	5,484,814	5,036,228	5,138,513	5,120,084	5,218,070	-266,744
Community service employment for older Americans	445,100	440,200	440,200	440,200	445,200	+100
Workers compensation programs	175,000	---	---	---	---	-175,000
Federal unemployment benefits and allowances (indefinite)	415,650	871,250	972,200	972,200	972,200	+556,550
State unemployment insurance and employment service operations	167,552	156,452	143,452	143,452	143,452	-24,100
Trust funds	3,237,282	3,470,691	3,475,451	3,475,451	3,475,451	+238,169
Total	3,404,834	3,627,143	3,618,903	3,618,903	3,618,903	+214,069
Advances to the Unemployment Trust Fund and other funds	464,000	463,000	463,000	463,000	463,000	-1,000
Program administration	112,381	115,921	121,451	121,032	121,424	+9,043
Trust funds	48,507	55,075	50,610	56,610	54,228	+5,721
Total	160,888	170,996	172,061	177,642	175,652	+14,764
Total, Employment and Training Administration	10,550,286	10,608,817	10,804,877	10,792,029	10,893,025	+342,739
Pension and Welfare Benefits Administration						
Salaries and expenses	110,470	117,044	117,044	117,044	117,044	+6,574
Pension Benefit Guaranty Corporation						
Pension Benefit Guaranty Corporation fund: Trust funds	11,567	13,050	13,050	13,050	13,050	+1,483
Employment Standards Administration						
Salaries and expenses	367,811	292,286	378,728	383,428	381,578	+13,767
Trust funds	1,970	2,029	2,029	2,029	2,029	+59
Total	369,781	294,315	380,757	385,457	383,607	+13,826
Special benefits	121,000	163,000	163,000	163,000	163,000	+42,000
Energy employees occupational illness compensation fund	130,665	104,867	104,867	104,867	104,867	-25,798

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Black Lung Disability Trust Fund:						
Definite	1,035,522	1,034,644	1,034,644	1,034,644	1,034,644	-878
Indefinite	356	356	356	356	356	---
Total	1,035,878	1,035,000	1,035,000	1,035,000	1,035,000	-878
Total, Employment Standards Administration	1,657,324	1,597,182	1,683,624	1,688,324	1,686,474	+29,150
Occupational Safety and Health Administration						
Salaries and expenses	443,498	437,019	444,194	462,314	453,256	+9,758
Mine Safety and Health Administration						
Salaries and expenses	252,976	254,323	254,323	271,841	274,741	+21,765
Bureau of Labor Statistics						
Salaries and expenses	405,349	426,135	426,135	425,025	423,425	+18,076
Trust funds	69,132	72,029	72,029	72,029	72,029	+2,897
Total	474,481	498,164	498,164	497,054	495,454	+20,973
Office of Disability Employment Policy	37,688	47,015	42,500	47,015	47,487	+9,799
Departmental Management						
Salaries and expenses	384,233	317,624	294,103	396,313	390,069	+5,836
Trust funds	310	310	310	310	310	---
Total	384,543	317,934	294,413	396,623	390,379	+5,836
Veterans Employment and Training	25,800	24,800	24,800	26,550	25,675	-125
Trust funds	186,716	185,537	185,537	191,537	188,537	+1,821
Total	212,516	210,337	210,337	218,087	214,212	+1,696
Office of Inspector General	51,807	56,659	56,659	56,659	56,659	+4,852
Trust funds	4,951	5,597	5,597	5,597	5,597	+646
Total	56,758	62,256	62,256	62,256	62,256	+5,498
Total, Departmental Management	653,817	590,527	567,006	676,966	666,847	+13,030
Total, Title I, Department of Labor	14,192,107	14,163,141	14,424,782	14,565,637	14,647,378	+455,271
Appropriations, fiscal year 2003	(11,729,107)	(11,700,141)	(11,961,782)	(12,102,637)	(12,184,378)	(+455,271)
Advance appropriations, FY 2004	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Health Resources and Services Administration						
Health resources and services	6,075,449	5,365,404	5,885,497	6,255,681	6,472,630	+397,181
Health education assistance loans program:						
Administrative expenses	3,791	3,914	3,914	3,914	3,914	+123
Vaccine injury compensation program trust fund	81,704	85,918	85,918	85,918	85,918	+4,214
HRSA administration	2,992	2,991	2,991	2,991	2,991	-1
Total, HRSA	6,163,936	5,458,227	5,978,320	6,348,504	6,565,453	+401,517
Centers for Disease Control and Prevention						
Disease control, research, and training	4,364,089	3,974,444	4,288,857	4,317,749	4,296,566	-67,523
Evaluation tap funding (non-add)	(23,286)	(46,982)	(46,982)	(84,500)	(210,399)	(+187,113)
National Institutes of Health						
National Cancer Institute	4,176,709	5,071,116	4,299,493	4,642,394	4,622,394	+445,685
National Heart, Lung, and Blood Institute	2,569,885	2,726,830	2,698,391	2,820,011	2,812,011	+242,126
National Institute of Dental and Craniofacial Research	342,293	362,029	360,528	374,067	374,067	+31,774
National Institute of Diabetes and Digestive and Kidney Diseases	1,463,560	1,573,847	1,532,394	1,637,347	1,633,347	+169,787
National Institute of Neurological Disorders and Stroke	1,325,232	1,405,693	1,372,256	1,466,005	1,466,005	+140,773
National Institute of Allergy and Infectious Diseases	2,528,279	3,943,368	2,674,213	3,727,473	3,730,973	+1,202,694
National Institute of General Medical Sciences	1,722,936	1,835,269	1,742,596	1,853,584	1,859,084	+136,148
National Institute of Child Health and Human Development	1,110,472	1,169,412	1,159,405	1,213,817	1,213,817	+103,345
National Eye Institute	580,085	613,931	600,796	634,290	637,290	+57,205
National Institute of Environmental Health Sciences	564,086	596,898	589,701	617,258	618,258	+54,172
National Institute on Aging	891,302	939,606	939,608	1,000,099	1,000,099	+108,797
National Institute of Arthritis and Musculoskeletal and Skin Diseases	447,763	475,708	474,392	489,324	489,324	+41,561
National Institute on Deafness and Other Communication Disorders	341,306	358,164	351,376	372,805	372,805	+31,499
National Institute of Nursing Research	120,236	127,117	130,044	131,438	131,438	+11,202
National Institute on Alcohol Abuse and Alcoholism	383,200	406,783	401,933	418,773	418,773	+35,573
National Institute on Drug Abuse	885,759	941,136	912,489	968,013	968,013	+82,254
National Institute of Mental Health	1,245,292	1,316,885	1,290,274	1,350,788	1,349,788	+104,496
National Human Genome Research Institute	428,294	448,519	431,985	468,037	468,037	+39,743
National Institute for Biomedical Imaging and Bioengineering	111,740	117,966	140,973	283,100	280,100	+168,360
National Center for Research Resources	1,010,169	1,071,424	1,015,395	1,161,272	1,146,272	+136,103
National Center for Complementary and Alternative Medicine	104,338	110,218	105,212	114,149	114,149	+9,811
National Center on Minority Health and Health Disparities	157,393	177,285	151,062	186,929	186,929	+29,536

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
John E. Fogarty International Center	56,798	62,188	57,064	60,880	63,880	+7,082
National Library of Medicine	275,792	301,380	277,273	302,099	302,099	+26,307
Evaluation tap funding (non-add)	---	---	---	(8,200)	(8,200)	(+8,200)
Office of the Director	234,859	247,957	2,476,111	257,974	267,974	+33,115
Buildings and facilities	295,879	769,100	296,100	607,800	632,800	+336,921
Total, N.I.H.	23,373,657	27,169,829	26,481,064	27,159,726	27,159,726	+3,786,069
Substance Abuse and Mental Health Services Administration						
Substance abuse and mental health services	3,134,174	3,193,086	3,167,897	3,129,717	3,158,068	+23,894
Evaluation tap funding (non-add)	---	---	---	(74,200)	(74,200)	(+74,200)
Agency for Healthcare Research and Quality						
Healthcare research and quality	2,585	---	2,600	308,645	---	-2,585
Evaluation tap funding (non-add)	(296,145)	(250,000)	(296,145)	---	(303,695)	(+7,550)
Total, Public Health Service	37,038,441	39,795,586	39,918,738	41,264,341	41,179,813	+4,141,372
Center for Medicare and Medicaid Services						
Grants to States for Medicaid	143,396,949	158,692,155	158,692,155	158,692,155	158,692,155	+15,295,206
Medicare transfer (P.L. 105-33)	-70,000	---	---	---	---	+70,000
Appropriation available from prior year advance	-36,207,551	-46,601,937	-46,601,937	-46,601,937	-46,601,937	-10,394,386
Total, adjusted appropriation	107,119,398	112,090,218	112,090,218	112,090,218	112,090,218	+4,970,820
New advance, 1st quarter, FY 2004	46,601,937	51,861,386	51,861,386	51,861,386	51,861,386	+5,259,449
Total, grants to States for Medicaid	153,721,335	163,951,604	163,951,604	163,951,604	163,951,604	+10,230,269
Payments to health care trust funds	81,979,200	81,462,700	81,462,700	81,462,700	81,462,700	-516,500
Program management (trust funds)	2,427,248	2,507,914	2,550,488	2,559,664	2,581,672	+154,424
Total, Center for Medicare & Medicaid Services	238,127,783	247,922,218	247,964,792	247,973,968	247,995,976	+9,868,193
Appropriations, fiscal year 2003	191,525,846	196,060,832	196,103,406	196,112,582	196,134,590	+4,608,744
Advance appropriations, FY 2004	46,601,937	51,861,386	51,861,386	51,861,386	51,861,386	+5,259,449

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Administration for Children and Families						
Payments to States for Child Support Enforcement and Family Support Programs	3,996,313	4,036,800	4,036,800	4,036,800	4,036,800	+40,487
Less funds advanced in previous years	-1,000,000	-1,100,000	-1,100,000	-1,100,000	-1,100,000	-100,000
Total, adjusted appropriation	2,996,313	2,936,800	2,936,800	2,936,800	2,936,800	-59,513
New advance, 1st quarter, FY 2004	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---
Total	4,096,313	4,036,800	4,036,800	4,036,800	4,036,800	-59,513
Low income home energy assistance:						
Emergency allocation:						
Non-emergency funding	---	300,000	---	---	---	---
Contingent emergency funding	300,000	---	---	---	---	-300,000
Current appropriation	1,700,000	1,400,000	1,700,000	1,700,000	1,700,000	---
Total	2,000,000	1,700,000	1,700,000	1,700,000	1,700,000	-300,000
Refugee and entrant assistance	460,155	452,724	446,724	442,724	446,724	-13,431
Payments to States for the Child Care and Development Block Grant	2,099,942	2,099,994	2,099,994	2,099,994	2,099,994	+52
Social Services Block Grant	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---
Children and families services programs	7,025,911	7,193,364	7,067,062	7,248,884	7,243,117	+217,206
Advance appropriation, FY 2004	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---
Evaluation tap funding (non-add)	---	---	---	(6,000)	(6,000)	(+6,000)
Total	8,425,911	8,593,364	8,467,062	8,648,884	8,643,117	+217,206
Rescission of permanent appropriations	-21,000	---	---	---	---	+21,000
Promoting Safe and Stable Families	304,989	305,000	305,000	305,000	305,000	+11
Discretionary portion	69,997	200,000	70,000	200,000	100,000	+30,003
Payments to States for foster care and adoption assistance	6,621,492	6,609,000	6,609,000	6,609,000	6,609,000	-12,492
Less funds advanced in previous years	-1,735,900	-1,754,000	-1,754,000	-1,754,000	-1,754,000	-18,100
Total, adjusted appropriation	4,885,592	4,855,000	4,855,000	4,855,000	4,855,000	-30,592
New advance, 1st quarter, FY 2004	1,754,000	1,745,600	1,745,600	1,745,600	1,745,600	-8,400
Total, Payments to States for foster care	6,639,592	6,600,600	6,600,600	6,600,600	6,600,600	-38,992
Total, Administration for Children and Families	25,775,899	25,688,482	25,426,180	25,734,002	25,632,235	-143,664

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Administration on Aging						
Aging services program	1,347,395	1,341,344	1,355,844	1,369,290	1,376,001	+28,606
Office of the Secretary						
General departmental management	367,512	378,544	352,600	368,535	361,364	-6,148
Trust funds	5,851	5,851	5,851	5,851	5,851	---
Total	373,363	384,395	358,451	374,386	367,215	-6,148
Office of Inspector General	35,558	39,747	37,300	39,747	37,300	+1,742
Office for Civil Rights	28,492	30,328	30,328	30,328	30,328	+1,836
Trust funds	3,314	3,314	3,314	3,314	3,314	---
Total	31,806	33,642	33,642	33,642	33,642	+1,836
Policy research	2,494	2,499	2,499	2,499	2,499	+5
Medical Benefits for Commissioned Officers:						
Expenses (indefinite)	262,075	251,039	251,039	251,039	251,039	-11,036
Health facilities construction and management fund	---	184,000	---	---	---	---
Public Health and Social Services Emergency Fund	242,643	2,295,184	2,507,184	2,255,980	2,246,680	+2,004,037
Additional authorization required	2,418,314	---	---	---	---	-2,418,314
Total	2,660,957	2,295,184	2,507,184	2,255,980	2,246,680	-414,277
Total, Office of the Secretary	3,366,253	3,190,506	3,190,115	2,957,293	2,938,375	-427,878
Net total, Title II, Department of Health and Human Services	305,655,771	317,938,136	317,855,669	319,298,894	319,122,400	+13,466,629
Appropriations, fiscal year 2003	(254,799,834)	(261,831,150)	(261,748,683)	(263,191,908)	(263,015,414)	(+8,215,580)
Appropriations	(252,084,421)	(259,314,071)	(259,189,030)	(260,623,079)	(260,424,577)	(+8,340,156)
Rescission	(-21,000)	---	---	---	---	(+21,000)
Advance appropriations, FY 2004	(50,855,937)	(56,106,986)	(56,106,986)	(56,106,986)	(56,106,986)	(+5,251,049)
Total, discretionary FY 2003	55,470,563	58,144,475	58,062,008	59,505,233	59,328,739	+3,858,176

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - DEPARTMENT OF EDUCATION						
Education for the disadvantaged	4,963,599	6,002,099	6,053,599	9,551,099	4,826,099	-137,500
Funding for Innovative Programs	---	---	---	(5,000,000)	---	---
Advance appropriation, FY 2004	7,383,301	7,383,301	6,883,301	8,627,301	9,027,301	+1,644,000
Total	12,346,900	13,385,400	12,936,900	18,178,400	13,853,400	+1,506,500
Impact aid	1,143,500	1,140,500	1,185,000	1,176,500	1,196,000	+52,500
School improvement programs	6,072,473	5,019,484	5,082,584	6,023,329	6,287,957	+215,484
Advance appropriation, FY 2004	1,765,000	1,765,000	2,265,000	1,765,000	1,765,000	---
Total	7,837,473	6,784,484	7,347,584	7,788,329	8,052,957	+215,484
Indian education	120,368	122,368	122,368	122,368	122,368	+2,000
English language acquisition	665,000	665,000	665,000	690,000	690,000	+25,000
Special education	3,600,804	4,615,804	4,115,804	3,619,424	4,423,639	+822,835
Advance appropriation, FY 2004	5,072,000	5,072,000	5,072,000	7,572,000	5,672,000	+600,000
Total	8,672,804	9,687,804	9,187,804	11,191,424	10,095,639	+1,422,835
Rehabilitation services and disability research	464,430	468,348	423,184	426,346	422,890	-41,540
Mandatory	2,481,383	2,533,492	2,533,492	2,533,492	2,533,492	+52,109
Total	2,945,813	3,001,840	2,956,676	2,959,838	2,956,382	+10,569
Special Institutions for Persons With Disabilities:						
American Printing House for the Blind	14,000	14,000	15,500	15,500	15,500	+1,500
National Technical Institute for the Deaf	55,376	52,014	53,500	54,600	54,050	-1,326
Gallaudet University	96,938	94,446	95,000	98,438	98,438	+1,500
Total	166,314	160,460	164,000	168,538	167,988	+1,674
Vocational and adult education	1,143,060	1,106,560	1,128,560	1,147,060	1,165,060	+22,000
Advance appropriation, FY 2004	791,000	791,000	791,000	791,000	791,000	---
Total	1,934,060	1,897,560	1,919,560	1,938,060	1,956,060	+22,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Student financial assistance	13,285,500	12,767,500	13,171,610	13,151,500	13,450,500	+165,000
Federal family education loan program account	48,836	---	---	---	---	-48,836
Higher education	2,031,048	1,883,053	1,903,553	2,047,640	2,100,701	+69,653
Howard University	237,474	237,474	240,000	239,974	240,000	+2,526
College housing and academic facilities loans program	762	762	762	762	762	---
Historically Black College and University capital financing, program account	208	208	208	208	208	---
Institute of Education Sciences	443,870	432,887	397,887	397,387	450,887	+7,017
Departmental Management:						
Program administration	418,798	411,795	411,795	412,093	412,545	-6,253
Office for Civil Rights	79,666	86,276	86,276	86,276	86,276	+6,610
Office of the Inspector General	38,588	41,000	41,000	41,000	41,000	+2,412
Total	537,052	539,071	539,071	539,369	539,821	+2,769
Student aid administration	---	932,000	105,388	105,388	105,388	+105,388
FDSL reclassification	---	-795,000	---	---	---	---
Total, Title III, Department of Education	52,416,982	52,843,371	52,843,371	60,695,685	55,979,061	+3,562,079
Appropriations, fiscal year 2003	(37,405,681)	(37,832,070)	(37,832,070)	(41,940,384)	(38,723,760)	(+1,318,079)
Advance appropriations, FY 2004	(15,011,301)	(15,011,301)	(15,011,301)	(18,755,301)	(17,255,301)	(+2,244,000)
Total, discretionary FY 2003	49,935,599	50,309,879	50,309,879	58,162,193	53,445,569	+3,509,970

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - RELATED AGENCIES						
Armed Forces Retirement Home:						
Operation and maintenance	61,628	61,628	61,628	61,628	62,244	+616
Capital program	9,812	5,712	5,712	5,712	5,769	-4,043
Total, AFSH	71,440	67,340	67,340	67,340	68,013	-3,427
Corporation for National and Community Service: Domestic Volunteer Service Programs, operating expenses	328,895	396,063	350,331	351,063	356,205	+27,310
Corporation for Public Broadcasting:						
Advance appropriation, fiscal year 2005	380,000	---	380,000	395,000	390,000	+10,000
Digitalization	25,000	25,000	25,000	48,744	48,744	+23,744
Federal Mediation and Conciliation Service	39,982	40,718	40,718	40,718	41,425	+1,443
Federal Mine Safety and Health Review Commission	6,939	7,127	7,127	7,127	7,178	+239
Institute of Museum and Library Services	224,501	210,000	210,000	203,000	245,485	+20,984
Medicare payment advisory commission (trust funds)	8,250	8,500	8,250	8,250	8,585	+335
National Commission on Libraries & Information Science	1,000	---	1,000	1,000	1,010	+10
National Council on Disability	2,830	2,830	2,830	2,830	2,858	+28
National Education Goals Panel	400	---	---	---	---	-400
National Labor Relations Board	226,618	233,223	226,618	238,223	238,982	+12,364
National Mediation Board	10,635	11,203	11,203	11,203	11,315	+680
Occupational Safety and Health Review Commission	8,964	9,577	9,577	9,577	9,673	+709
Railroad Retirement Board:						
Dual benefits payments account	137,000	124,000	124,000	124,000	124,000	-13,000
Federal payments to the Railroad Retirement Accounts	150	150	150	150	150	---
Limitation on trust fund transfer:						
Administrative expenses	97,700	97,720	100,000	97,720	100,000	+2,300
Office of Inspector General	6,261	6,300	6,300	6,300	6,363	+102
Total	241,111	228,170	230,450	228,170	230,513	-10,598
Social Security Administration						
Payments to social security trust funds	434,400	20,400	20,400	20,400	20,400	-414,000
Special benefits for disabled coal miners:						
Direct appropriation	446,840	408,177	408,177	408,177	408,177	-38,663
Appropriation available from prior year advance	-114,000	-108,000	-108,000	-108,000	-108,000	+6,000
Total, fiscal year 2003 appropriation	332,840	300,177	300,177	300,177	300,177	-32,663
New advance, 1st quarter, FY 2004	108,000	97,000	97,000	97,000	97,000	-11,000
Total, special benefits for disabled coal miners	440,840	397,177	397,177	397,177	397,177	-43,663

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Supplemental security income program:						
Mandatory	29,120,412	31,871,392	31,871,392	31,879,392	31,879,392	+2,758,980
Discretionary	2,627,000	2,825,000	2,825,000	2,825,000	2,825,000	+198,000
Subtotal	31,747,412	34,696,392	34,696,392	34,704,392	34,704,392	+2,956,980
Appropriation available from prior year advance	-10,470,000	-10,790,000	-10,790,000	-10,790,000	-10,790,000	-320,000
Total, fiscal year 2003 appropriation	21,277,412	23,906,392	23,906,392	23,914,392	23,914,392	+2,636,980
Additional CDR funding	200,000	---	---	---	---	-200,000
User fee activities	100,000	111,000	111,000	111,000	111,000	+11,000
New advance, 1st quarter, FY 2003	10,790,000	11,080,000	11,080,000	11,080,000	11,080,000	+290,000
Total, supplemental security income program	32,367,412	35,097,392	35,097,392	35,105,392	35,105,392	+2,737,980
Limitation on administrative expenses: Trust funds	7,575,500	7,936,000	7,936,000	7,936,000	7,936,000	+360,500
Office of Inspector General	19,000	21,000	21,000	21,000	21,000	+2,000
Trust funds	56,000	62,000	62,000	62,000	62,000	+6,000
Total	75,000	83,000	83,000	83,000	83,000	+8,000
Adjustment: Trust fund transfers from general revenues	-2,927,000	-2,936,000	-2,936,000	-2,936,000	-2,936,000	-9,000
Total, Social Security Administration	37,966,152	40,597,969	40,597,969	40,605,969	40,605,969	+2,639,817
Appropriations, fiscal year 2003	(27,068,152)	(29,420,969)	(29,420,969)	(29,428,969)	(29,428,969)	(+2,360,817)
Advance appropriations, FY 2004	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)
United States Institute of Peace: Operating expenses	15,104	16,200	15,104	16,200	16,362	+1,258
Total, Title IV, Related agencies	39,557,821	41,853,920	42,183,517	42,234,414	42,282,317	+2,724,496
Appropriations, fiscal year 2003	(28,279,821)	(30,676,920)	(30,626,517)	(30,662,414)	(30,715,317)	(+2,435,496)
Advance appropriations, FY 2004	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)
Advance appropriations, FY 2005	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)
Total, discretionary FY 2003	9,242,019	9,274,801	9,604,398	9,647,295	9,695,198	+453,179
Grand total	411,822,681	426,798,568	427,307,339	436,794,630	432,031,156	+20,208,475
Appropriations, fiscal year 2003	(321,121,884)	(330,544,364)	(330,628,236)	(336,337,631)	(333,059,853)	(+11,937,969)
Emergency appropriations	(300,000)	---	---	---	---	(-300,000)
Rescission	(-21,000)	---	---	---	---	(+21,000)
Total, fiscal year 2003	(321,400,884)	(330,544,364)	(330,628,236)	(336,337,631)	(333,059,853)	(+11,658,969)
Advance appropriations, FY 2004	(79,228,238)	(84,758,287)	(84,758,287)	(88,502,287)	(87,002,287)	(+7,774,049)
Advance appropriations, FY 2005	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	---	---	---	150	150	+150
Expense allowances:						
Vice President	10	10	---	20	20	+10
President Pro Tempore of the Senate	10	10	---	20	20	+10
Majority Leader of the Senate	10	10	---	20	20	+10
Minority Leader of the Senate	10	10	---	20	20	+10
Majority Whip of the Senate	5	5	---	10	10	+5
Minority Whip of the Senate	5	5	---	10	10	+5
President Pro Tempore Emeritus of the Senate	---	---	---	8	8	+8
Chairman of the Majority Conference Committee	3	3	---	5	5	+2
Chairman of the Minority Conference Committee	3	3	---	5	5	+2
Chairman of the Majority Policy Committee	3	3	---	5	5	+2
Chairman of the Minority Policy Committee	3	3	---	5	5	+2
Subtotal, expense allowances	62	62	---	128	128	+66
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	92	92	---	158	158	+66
Salaries, Officers and Employees						
Office of the Vice President	1,867	1,949	---	1,949	1,949	+82
Office of the President Pro Tempore	473	518	---	518	518	+45
Office of the President Pro Tempore Emeritus	---	---	---	150	150	+150
Offices of the Majority and Minority Leaders	2,868	3,094	---	3,094	3,094	+226
Offices of the Majority and Minority Whips	1,912	2,042	---	2,042	2,042	+130
Committee on Appropriations	9,875	11,266	---	11,266	11,266	+1,391
Conference committees	2,500	2,610	---	2,610	2,610	+110
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	618	648	---	648	648	+30
Policy Committees	2,550	2,724	---	2,724	2,724	+174
Office of the Chaplain	301	315	---	315	315	+14
Office of the Secretary	15,424	17,079	---	17,079	17,079	+1,655
Office of the Sergeant at Arms and Doorkeeper	39,082	45,941	---	43,161	43,161	+4,079
Offices of the Secretaries for the Majority and Minority	1,350	1,410	---	1,410	1,410	+60
Agency contributions and related expenses	25,219	30,075	---	30,075	30,075	+4,856
Total, Salaries, officers and employees	104,039	119,671	---	117,041	117,041	+13,002

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,306	4,581	---	4,581	4,581	+275
Office of Senate Legal Counsel						
Salaries and expenses	1,109	1,176	---	1,176	1,176	+67
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	---	12	12	---
Contingent Expenses of the Senate						
Inquiries and investigations	107,264	109,450	---	109,450	109,450	+2,186
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	8,571	7,077	---	7,077	7,077	-1,494
Sergeant at Arms and Doorkeeper of the Senate	95,904	117,133	---	114,423	114,423	+18,519
Emergency supplemental	34,500	---	---	---	---	-34,500
Miscellaneous items	14,274	19,409	---	18,355	18,355	+4,081
Senators' Official Personnel and Office Expense Account	270,494	303,879	---	294,545	294,545	+24,051
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	531,827	557,768	---	544,670	544,670	+12,843
Total, Senate	641,385	683,300	---	667,788	667,788	+26,403
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	145	---	---	---	---	-145
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,866	1,979	1,979	1,979	1,979	+113
Office of the Majority Floor Leader	1,830	1,899	1,899	1,899	1,899	+69
Office of the Minority Floor Leader	2,224	2,309	2,309	2,309	2,309	+85
Office of the Majority Whip	1,562	1,624	1,624	1,624	1,624	+62
Office of the Minority Whip	1,168	1,214	1,214	1,214	1,214	+46
Speaker's Office for Legislative Floor Activities	431	446	446	446	446	+15

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Republican Steering Committee	806	834	834	834	834	+28
Republican Conference	1,342	1,397	1,397	1,397	1,397	+55
Democratic Steering and Policy Committee	1,435	1,490	1,490	1,490	1,490	+55
Democratic Caucus	713	741	741	741	741	+28
Nine minority employees	1,293	1,337	1,337	1,337	1,337	+44
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	330	340	340	340	340	+10
Minority	330	340	340	340	340	+10
Subtotal, House Leadership Offices	15,910	16,530	16,530	16,530	16,530	+620
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	479,472	483,536	476,536	476,536	476,536	-2,936
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	104,514	108,741	108,741	103,421	103,421	-1,093
2002 Supplemental (P.L. 107-206)	1,600	---	---	---	---	-1,600
Committee on Appropriations (including studies and investigations)	23,002	24,200	24,200	24,200	24,200	+1,198
Subtotal, Committee employees	129,116	132,941	132,941	127,621	127,621	-1,495
Salaries, Officers and Employees						
Office of the Clerk	15,408	17,530	20,032	20,032	20,032	+4,624
Office of the Sergeant at Arms	4,139	4,732	5,097	5,097	5,097	+958
Office of the Chief Administrative Officer	67,495	99,863	104,363	104,363	105,363	+37,868
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	41,712	---	---	---	---	-41,712
Office of Inspector General	3,756	3,947	3,947	3,947	3,947	+191
Office for Emergency Planning, Preparedness and Operations	---	2,603	6,000	6,000	6,000	+6,000
Office of General Counsel	894	894	894	894	894	---
Office of the Chaplain	144	149	149	149	149	+5
Office of the Parliamentarian	1,344	1,464	1,464	1,464	1,464	+120
Office of the Parliamentarian	(1,168)	(1,279)	(1,279)	(1,279)	(1,279)	(+111)
Compilation of precedents of the House of Representatives	(176)	(185)	(185)	(185)	(185)	(+9)
Office of the Law Revision Counsel of the House	2,107	2,168	2,168	2,168	2,168	+61
Office of the Legislative Counsel of the House	5,456	5,852	5,852	5,852	5,852	+396

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Corrections Calendar Office	883	915	915	915	915	+32
Other authorized employees	140	146	146	146	146	+6
Technical Assistants, Office of the Attending Physician	(140)	(146)	(146)	(146)	(146)	(+6)
Subtotal, Salaries, officers and employees	143,478	140,263	151,027	151,027	152,027	+8,549
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,379	3,384	3,384	3,384	3,384	+5
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	152,957	171,888	178,888	178,888	178,888	+25,931
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	157,436	176,372	183,372	183,372	183,372	+25,936
Undistributed reduction	-4,050	---	---	---	---	+4,050
Total, Salaries and expenses	921,362	949,642	960,406	955,086	956,086	+34,724
Total, House of Representatives	921,507	949,642	960,406	955,086	956,086	+34,579
JOINT ITEMS						
Joint Economic Committee	3,424	3,658	3,658	3,658	3,658	+234
Joint Committee on Taxation	6,733	7,323	7,323	7,323	7,643	+910
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,865	1,947	3,000	3,000	3,000	+1,135
Capitol Guide Service and Special Services Office	2,512	3,035	3,035	3,035	3,035	+523
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	350	---	---	---	---	-350
Total, Capitol Guide Service and Special Services Office	2,862	3,035	3,035	3,035	3,035	+173
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	14,914	15,993	17,046	17,046	17,366	+2,452

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CAPITOL POLICE						
Salaries:						
Sergeant at Arms of the House of Representatives..	55,239	---	---	---	---	-55,239
Sergeant at Arms and Doorkeeper of the Senate.....	57,805	---	---	---	---	-57,805
Capitol Police salaries..........................	---	184,526	175,675	175,675	175,675	+175,675
Subtotal, salaries...........................	113,044	184,526	175,675	175,675	175,675	+62,631
General expenses....................................	13,146	28,100	43,000	28,100	28,100	+14,954
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)....................	31,000	---	---	---	---	-31,000
2002 Supplemental (P.L. 107-206)..................	16,100	---	---	---	---	-16,100
Subtotal, General expenses...................	60,246	28,100	43,000	28,100	28,100	-32,146
Total, Capitol Police.......................	173,290	212,626	218,675	203,775	203,775	+30,485
OFFICE OF COMPLIANCE						
Salaries and expenses...............................	2,059	2,224	2,059	2,059	2,059	---
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses...............................	30,780	32,390	32,390	32,101	32,101	+1,321
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General administration..............................	51,371	64,151	61,927	59,343	59,343	+7,972
Capitol building....................................	15,194	46,789	32,062	32,094	32,094	+16,900
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)....................	106,304	---	---	---	---	-106,304
Capitol grounds.....................................	6,009	7,711	8,125	8,356	8,356	+2,347
Senate office buildings.............................	42,126	55,103	---	64,871	64,871	+22,745
House office buildings..............................	54,006	46,650	58,460	61,960	60,960	+6,954
Capitol Power Plant.................................	56,983	148,003	111,573	106,686	106,686	+49,703
Offsetting collections...........................	-4,400	-4,400	-4,400	-4,400	-4,400	---
Net subtotal, Capitol Power Plant..............	52,583	143,603	107,173	102,286	102,286	+49,703
Library buildings and grounds.......................	21,753	40,284	35,319	37,521	37,521	+15,768
Capitol police buildings and grounds................	---	---	37,500	23,900	23,900	+23,900
Botanic gardens.....................................	5,646	5,661	5,936	6,103	6,103	+457
Total, Architect of the Capitol................	354,992	409,952	346,502	396,434	395,434	+40,442

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
UNITED STATES CAPITOL HISTORICAL SOCIETY						
Grant - By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)........................	1,000	---	---	---	---	-1,000
LIBRARY OF CONGRESS						
Salaries and expenses................................	306,692	357,121	358,797	358,474	358,474	+51,782
Authority to spend receipts......................	-6,850	-6,850	-6,850	-6,850	-6,850	---
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)..................	29,615	---	---	---	---	-29,615
Subtotal, Salaries and expenses................	329,457	350,271	351,947	351,624	351,624	+22,167
Copyright Office, salaries and expenses..............	40,896	44,321	44,876	39,226	39,226	-1,670
Authority to spend receipts......................	-27,864	-29,527	-31,102	-29,512	-29,512	-1,648
Subtotal, Copyright Office.....................	13,032	14,794	13,774	9,714	9,714	-3,318
2002 Supplemental (P.L. 107-206).................	7,500	---	---	---	---	-7,500
Congressional Research Service, salaries and expenses.	81,454	87,646	86,241	86,952	86,952	+5,498
Books for the blind and physically handicapped, salaries and expenses..............................	49,788	51,020	56,522	50,963	50,963	+1,175
Furniture and furnishings............................	7,932	8,003	---	---	---	-7,932
Total, Library of Congress.....................	489,163	511,734	508,484	499,253	499,253	+10,090
ARCHITECT OF THE CAPITOL						
Capitol Visitors Center						
Capitol Visitors Center..............................	70,000	---	---	---	---	-70,000
Congressional Cemetery						
Congressional Cemetery...............................	1,250	---	---	---	---	-1,250
Total, Architect of the Capitol................	71,250	---	---	---	---	-71,250
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding...................	81,000	90,143	90,143	90,143	90,143	+9,143

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Superintendent of Documents						
Salaries and expenses	29,639	32,302	29,661	29,661	29,661	+22
Government Printing Office Revolving Fund						
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	4,000	---	---	---	---	-4,000
Total, Government Printing Office	114,639	122,445	119,804	119,804	119,804	+5,165
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	424,345	457,802	456,534	454,134	454,134	+29,789
Offsetting collections	-2,501	-3,000	-3,000	-3,000	-3,000	-499
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	7,600	---	---	---	---	-7,600
Total, General Accounting Office	429,444	454,802	453,534	451,134	451,134	+21,690
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	8,000	10,000	13,000	13,000	13,000	+5,000
TITLE II - GENERAL PROVISIONS						
John Stennis Center	---	---	---	300	300	+300
Congressional Award Act	---	---	---	250	250	+250
United States-China Security Review Commission	---	---	---	1,800	---	---
Grand total	3,252,423	3,405,108	2,671,900	3,359,830	3,358,350	+105,927

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	67,778	92,460	82,474	83,069	89,447	+21,669
Immediate Office of the Secretary	(1,929)	---	---	(2,201)	(2,211)	(+282)
Immediate Office of the Deputy Secretary	(619)	---	---	(799)	(809)	(+190)
Immediate office of the Secretary and Deputy Secretary	---	(4,410)	(4,355)	---	---	---
Office of the General Counsel	(13,355)	(15,657)	(14,950)	(15,507)	(15,657)	(+2,302)
Office of the Assistant Secretary for Policy	(3,058)	---	---	---	---	(-3,058)
Office of the Assistant Secretary for Aviation and International Affairs	(7,421)	---	---	---	---	(-7,421)
Office of the Under Secretary for Transportation Policy	---	(12,452)	(12,024)	(11,123)	(12,452)	(+12,452)
Office of the Assistant Secretary for Budget and Programs	(7,728)	(8,375)	(7,415)	(8,375)	(8,375)	(+647)
Office of the Assistant Secretary for Governmental Affairs	(2,282)	(2,453)	(2,453)	(2,282)	(2,453)	(+171)
Office of the Assistant Secretary for Administration	(19,250)	(29,285)	(27,686)	(26,070)	(29,071)	(+9,821)
Office of Public Affairs	(1,723)	(1,926)	(1,926)	(1,920)	(1,926)	(+203)
Executive Secretariat	(1,204)	---	---	(1,390)	(1,391)	(+187)
Board of Contract Appeals	(507)	(611)	(611)	(611)	(611)	(+104)
Office of Small and Disadvantaged Business Utilization	(1,240)	(1,304)	(1,304)	(1,304)	(1,304)	(+64)
Office of Intelligence and Security	(1,321)	---	---	---	---	(-1,321)
Office of the Chief Information Officer	(6,141)	(15,987)	(9,750)	(11,487)	(13,187)	(+7,046)
Subtotal	(67,778)	(92,460)	(82,474)	(83,069)	(89,447)	(+21,669)
Office of civil rights	8,500	8,700	8,500	8,700	8,700	+200
Transportation security administration	1,250,000	---	---	---	---	-1,250,000
Offsetting collections	-1,250,000	---	---	---	---	+1,250,000
Transportation planning, research, and development	11,993	10,700	11,157	21,000	21,000	+9,007
Transportation Administrative Service Center	(125,323)	---	(131,766)	(131,779)	(131,766)	(+6,443)
2002 Supplemental (PL 107-206)	(2,800)	---	---	---	---	(-2,800)
Subtotal, TASC	(128,123)	---	(131,766)	(131,779)	(131,766)	(+3,643)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Minority business resource center program	900	900	900	900	900	---
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	3,000	3,000	3,000	3,000	3,000	---
New headquarters building	---	25,000	25,000	---	---	---
Payments to air carriers (Airport & Airway Trust Fund)	13,000	---	50,000	65,000	52,100	+39,100
Emergency supplemental (PL 107-117)	50,000	---	---	---	---	-50,000
Total, Office of the Secretary	1,405,171	140,760	181,031	181,669	175,147	-1,230,024
Offsetting collections	-1,250,000	---	---	---	---	+1,250,000
Net total	155,171	140,760	181,031	181,669	175,147	+19,976
Transportation Security Administration						
Salaries and expenses	---	5,346,000	5,146,000	5,346,000	5,180,000	+5,180,000
Aviation Security	---	---	(4,355,726)	---	(4,516,300)	(+4,516,300)
Maritime and Land Security	---	---	(206,864)	---	(244,800)	(+244,800)
Research and Development	---	---	(129,519)	---	(110,200)	(+110,200)
Support Services	---	---	(453,891)	---	---	---
Administration	---	---	---	---	(308,700)	(+308,700)
Subtotal	---	---	(5,146,000)	---	(5,180,000)	(+5,180,000)
Facilities and equipment (reimbursement)	---	-124,000	-176,691	-55,000	-144,000	-144,000
Offsetting collections	---	-2,650,000	-2,650,000	-2,650,000	-2,650,000	-2,650,000
Emergency supplemental (PL 107-117)	94,800	---	---	---	---	-94,800
2002 Supplemental (PL 107-206) (emergency)	3,370,000	---	---	---	---	-3,370,000
Total, Transportation Security Administration	3,464,800	2,572,000	2,319,309	2,641,000	2,386,000	-1,078,800
Coast Guard						
Operating expenses	2,942,000	3,978,456	3,005,456	3,978,456	3,982,122	+1,040,122
Defense function	440,000	340,000	1,300,000	340,000	340,000	-100,000
Offset for new user fees	---	-165,000	---	---	---	---
Emergency supplemental (PL 107-117)	209,150	---	---	---	---	-209,150
2002 Supplemental (PL 107-206) (emergency)	189,000	---	---	---	---	-189,000
Subtotal, OE	3,780,150	4,153,456	4,305,456	4,318,456	4,322,122	+541,972

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Acquisition, construction, and improvements	636,354	725,000	725,000	752,000	742,100	+105,746
2002 Supplemental (PL 107-206) (emergency)	66,000	---	---	---	---	-66,000
AC&I rescission	---	---	---	---	-17,000	-17,000
Vessels	(115,740)	(13,600)	(11,715)	(25,600)	(25,600)	(-90,140)
Aircraft	(9,500)	---	(2,700)	---	(4,000)	(-5,500)
Other equipment	(107,022)	(117,700)	(114,200)	(132,700)	(121,300)	(+14,278)
Shore facilities & aids to navigation facilities	(85,271)	(28,700)	(31,385)	(48,700)	(50,200)	(-35,071)
Personnel and related support	(64,631)	(65,000)	(65,000)	(65,000)	(63,000)	(-1,631)
Integrated Deepwater Systems	(320,190)	(500,000)	(500,000)	(480,000)	(478,000)	(+157,810)
Subtotal, A C & I	(702,354)	(725,000)	(725,000)	(752,000)	(742,100)	(+39,746)
Environmental compliance and restoration	16,927	17,000	17,000	17,000	17,000	+73
Alteration of bridges	15,466	---	17,000	14,000	17,200	+1,734
Retired pay	876,346	889,000	889,000	889,000	889,000	+12,654
Reserve training	83,194	86,522	86,522	86,522	86,495	+3,301
Research, development, test, and evaluation	20,222	22,000	21,000	22,000	22,000	+1,778
Total, Coast Guard	5,494,659	6,057,978	6,060,978	6,098,978	6,095,917	+601,258
Rescissions	---	---	---	---	-17,000	-17,000
Offset for new user fees	---	-165,000	---	---	---	---
Net total, CG	5,494,659	5,892,978	6,060,978	6,098,978	6,078,917	+584,258
Federal Aviation Administration						
Operations	6,886,000	7,077,203	7,060,203	7,047,203	7,069,019	+183,019
Air traffic services	(5,452,871)	---	---	(5,662,037)	---	(-5,452,871)
Aviation regulation and certification	(768,769)	---	---	(839,467)	---	(-768,769)
Civil aviation security	(150,154)	---	---	---	---	(-150,154)
Research and acquisition	(195,799)	---	---	(207,600)	---	(-195,799)
Commercial space transportation	(12,456)	---	---	(12,325)	---	(-12,456)
Financial services	(50,284)	---	---	(48,782)	---	(-50,284)
Human resources	(69,516)	---	---	(80,260)	---	(-69,516)
Regional coordination	(85,943)	---	---	(82,192)	---	(-85,943)
Staff offices	(109,208)	---	---	(84,890)	---	(-109,208)
Information services	---	---	---	(29,650)	---	---
Undistributed	(-9,000)	---	---	---	---	(+9,000)
Subtotal, Operations	(6,886,000)	---	---	(7,047,203)	---	(-6,886,000)
Emergency supplemental (PL 107-117)	200,000	---	---	---	---	-200,000
2002 Supplemental (PL 107-206) (Transfer authority)	(33,000)	---	---	---	---	(-33,000)
Subtotal, Operations (incl supplemental)	7,119,000	7,077,203	7,060,203	7,047,203	7,069,019	-49,981

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund)	2,914,000	2,981,022	2,981,022	2,981,022	2,981,022	+67,022
Rescission (Airport and Airway Trust Fund)	-15,000	---	---	---	-20,000	-5,000
Emergency supplemental (PL 107-117)	108,500	---	---	---	---	-108,500
Subtotal, F&E (incl supplemental)	3,007,500	2,981,022	2,981,022	2,981,022	2,961,022	-46,478
Research, engineering, and development (Airport and Airway Trust Fund)	195,000	124,000	138,000	124,000	148,450	-46,550
Emergency supplemental (PL 107-117)	50,000	---	---	---	---	-50,000
Subtotal, RE&D	245,000	124,000	138,000	124,000	148,450	-96,550
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,800,000)	(3,100,000)	(3,100,000)	(3,100,000)	(3,100,000)	(+1,300,000)
(Limitation on obligations)	(3,300,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+100,000)
(Small community air service pilot program)	(20,000)	---	---	(20,000)	(20,000)	---
Rescission of contract authority	-301,720	---	---	---	---	+301,720
Essential air service (by transfer)	---	---	---	---	---	---
Emergency supplemental (PL 107-117)	175,000	---	---	---	---	-175,000
Subtotal, Grants-in-aid	(3,173,280)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+226,720)
Small community air service development	---	---	20,000	---	---	---
Total, Federal Aviation Administration	10,528,500	10,182,225	10,199,225	10,152,225	10,198,491	-330,009
(Limitations on obligations)	(3,300,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+100,000)
Total budgetary resources	(13,828,500)	(13,582,225)	(13,599,225)	(13,552,225)	(13,598,491)	(-230,009)
Rescissions	-15,000	---	---	---	-20,000	-5,000
Rescissions of contract authority	-301,720	---	---	---	---	+301,720
Net total, FAA	(13,511,780)	(13,582,225)	(13,599,225)	(13,552,225)	(13,578,491)	(+66,711)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Highway Administration						
Limitation on administrative expenses	(311,000)	(317,732)	(370,042)	(317,732)	(316,126)	(+5,126)
(Border enforcement program)	---	---	---	(106,967)	(106,967)	(+106,967)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(27,280,000)	(27,573,787)	(32,022,143)	(31,800,000)	(31,800,000)	(+4,520,000)
Revenue aligned budget authority (RABA)	(4,543,000)	(-4,369,000)	(-4,369,000)	---	---	(-4,543,000)
RABA transfer to FMCSA	(-23,896)	---	---	---	---	(+23,896)
Subtotal, limitation on obligations	(31,799,104)	(23,204,787)	(27,653,143)	(31,800,000)	(31,800,000)	(+896)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
(Liquidation of contract authorization)	(30,000,000)	(29,000,000)	(30,000,000)	(32,000,000)	(32,000,000)	(+2,000,000)
2002 Supplemental (PL 107-206) (Rescission of contract authority)	-320,000	---	---	---	---	+320,000
Miscellaneous appropriations (rescission)	---	---	-5,609	---	-5,609	-5,609
Miscellaneous (rescission of contract authority)	---	---	---	---	-250,000	-250,000
Appalachian development highway system	200,000	---	100,000	200,000	188,000	-12,000
State infrastructure banks (rescission)	-5,750	---	---	---	---	+5,750
Value pricing project (rescission)(Highway Trust Fund) (Sec. 364)	-9,231	---	---	---	-8,000	+1,231
TIFIA (rescission) (Highway Trust Fund)	-43,742	---	---	---	---	+43,742
Miscellaneous appropriations (Highway Trust Fund) (emergency supplemental) (PL 107-117)	100,000	---	---	---	---	-100,000
Emergency Relief (Highway Trust Fund)	---	---	55,000	---	---	---
Emergency relief program (emergency sup)(PL 107-117)	75,000	---	---	---	---	-75,000
2002 Supplemental (PL 107-206) (emergency)	167,000	---	---	---	---	-167,000
Total, Federal Highway Administration	542,000	---	155,000	200,000	188,000	-354,000
(Limitations on obligations)	(31,799,104)	(23,204,787)	(27,653,143)	(31,800,000)	(31,800,000)	(+896)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Total budgetary resources	(33,306,412)	(24,097,554)	(28,700,910)	(32,892,767)	(32,880,767)	(-425,645)
Rescissions	-58,723	---	-5,609	---	-13,609	+45,114
Rescissions of contract authority	-320,000	---	---	---	-250,000	+70,000
Net total, FHWA	(32,927,689)	(24,097,554)	(28,695,301)	(32,892,767)	(32,617,158)	(-310,531)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) (limitation on obligations)	(110,000)	(117,464)	(92,857)	(117,464)	(117,464)	(+7,464)
Rescission	-6,665	---	---	---	---	+6,665
Additional admin/safety/research program funds	---	---	24,587	---	---	---
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(205,896)	(190,000)	(190,000)	(190,000)	(190,000)	(-15,896)
(Limitation on obligations)	(182,000)	(190,000)	(190,000)	(190,000)	(190,000)	(+8,000)
RABA transfer from FHWA:						
Border-State grants	(18,000)	---	---	---	---	(-18,000)
State commercial driver's license	(5,896)	---	---	---	---	(-5,896)
Subtotal, RABA	(23,896)	---	---	---	---	(-23,896)
Subtotal, limitation on obligations	(205,896)	(190,000)	(190,000)	(190,000)	(190,000)	(-15,896)
Border enforcement program (Highway Trust Fund)	25,866	59,967	59,967	---	---	-25,866
2002 Supplemental (PL 107-206) (emergency)	19,300	---	---	---	---	-19,300
Total, Federal Motor Carrier Safety Admin	45,166	59,967	84,554	---	---	-45,166
(Limitations on obligations)	(315,896)	(307,464)	(282,857)	(307,464)	(307,464)	(-8,432)
Total budgetary resources	(361,062)	(367,431)	(367,411)	(307,464)	(307,464)	(-53,598)
Rescissions	-6,665	---	---	---	---	+6,665
Net total, FMCSA	(354,397)	(367,431)	(367,411)	(307,464)	(307,464)	(-46,933)
National Highway Traffic Safety Administration						
Operations and research	127,780	126,445	131,433	141,000	138,288	+10,508
Operations and research (Highway trust fund):						
(Liquidation of contract authorization)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	---
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	---
Rescission of contract authority	-1,516	---	---	---	---	+1,516
National Driver Register (Highway trust fund)	2,000	2,000	2,000	2,000	2,000	---
Subtotal, Operations and research	(200,264)	(200,445)	(205,433)	(215,000)	(212,288)	(+12,024)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(223,000)	(225,000)	(225,000)	(225,000)	(225,000)	(+2,000)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(160,000)	(165,000)	(165,000)	(165,000)	(165,000)	(+5,000)
Occupant protection incentive grants (Sec. 405)	(15,000)	(20,000)	(20,000)	(20,000)	(20,000)	(+5,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(38,000)	(40,000)	(40,000)	(40,000)	(40,000)	(+2,000)
State highway safety data grants (Sec. 411)	(10,000)	---	---	---	---	(-10,000)
Subtotal, limitation on obligations	(223,000)	(225,000)	(225,000)	(225,000)	(225,000)	(+2,000)
Total, National Highway Traffic Safety Admin.	129,780	128,445	133,433	143,000	140,288	+10,508
(Limitations on obligations)	(295,000)	(297,000)	(297,000)	(297,000)	(297,000)	(+2,000)
Total budgetary resources	(424,780)	(425,445)	(430,433)	(440,000)	(437,288)	(+12,508)
Rescissions of contract authority	-1,516	---	---	---	---	+1,516
Net total, NHTSA	(423,264)	(425,445)	(430,433)	(440,000)	(437,288)	(+14,024)
Federal Railroad Administration						
Safety and operations	110,857	118,264	117,363	118,264	117,363	+6,506
Offset for new user fees	---	-45,000	---	---	---	---
Emergency supplemental (PL 107-117)	6,000	---	---	---	---	-6,000
Railroad research and development	29,000	28,325	27,325	29,325	29,325	+325
Offset for new user fees	---	-14,000	---	---	---	---
Pennsylvania Station Redevelopment project (advance appropriations, FY 2001, FY 2002, FY 2003) 1/	20,000	20,000	20,000	20,000	20,000	---
Next generation high-speed rail	32,300	23,200	30,450	30,000	30,450	-1,850
Alaska Railroad rehabilitation	20,000	---	---	25,000	22,000	+2,000
Grants to the National Railroad Passenger Corporation	521,476	521,476	762,476	1,200,000	1,050,000	+528,524
Emergency supplemental (PL 107-117)	100,000	---	---	---	---	-100,000
2002 Supplemental (PL 107-206) (emergency)	205,000	---	---	---	---	-205,000
Subtotal, Amtrak	826,476	521,476	762,476	1,200,000	1,050,000	+223,524
Total, Federal Railroad Administration	1,044,633	711,265	957,614	1,422,589	1,269,138	+224,505
Offset for new user fees	---	-59,000	---	---	---	---
Net total, FRA	1,044,633	652,265	957,614	1,422,589	1,269,138	+224,505

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Transit Administration						
Administrative expenses	13,400	14,600	14,600	14,600	14,600	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(53,600)	(58,400)	(58,400)	(58,400)	(58,400)	(+4,800)
Subtotal, Administrative expenses	(67,000)	(73,000)	(73,000)	(73,000)	(73,000)	(+6,000)
Formula grants	718,400	767,800	767,800	767,800	767,800	+49,400
Emergency supplemental (PL 107-117)	23,500	---	---	---	---	-23,500
Formula grants (Highway Trust Fund) (limitation on obligations)	(2,873,600)	(3,071,200)	(3,071,200)	(3,071,200)	(3,071,200)	(+197,600)
Subtotal, Formula grants	(3,615,500)	(3,839,000)	(3,839,000)	(3,839,000)	(3,839,000)	(+223,500)
University transportation research	1,200	1,200	1,200	1,200	1,200	---
University transportation research (Highway Trust Fund, Mass Transit Acct) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	---
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	---
Transit planning and research	23,000	24,200	24,200	24,200	24,200	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(93,000)	(97,800)	(97,800)	(97,800)	(97,800)	(+4,800)
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(122,000)	(122,000)	(+6,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	---
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	---
Metropolitan planning	(55,422)	(60,386)	(60,386)	(60,386)	(60,386)	(+4,964)
State planning	(11,578)	(12,614)	(12,614)	(12,614)	(12,614)	(+1,036)
National planning and research	(31,500)	(31,500)	(31,500)	(31,500)	(31,500)	---
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(122,000)	(122,000)	(+6,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,397,800)	(5,781,000)	(5,781,000)	(5,781,000)	(5,781,000)	(+383,200)
Capital investment grants	568,200	607,200	607,200	607,200	607,200	+39,000
Emergency supplemental (PL 107-117)	100,000	---	---	---	---	-100,000
2002 Supplemental (PL 107-206) (emergency)	1,800,000	---	---	---	---	-1,800,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,272,800)	(2,428,800)	(2,428,800)	(2,428,800)	(2,428,800)	(+156,000)
Subtotal, Capital investment grants	(4,741,000)	(3,036,000)	(3,036,000)	(3,036,000)	(3,036,000)	(-1,705,000)
Fixed guideway modernization	(1,136,400)	(1,214,400)	(1,214,400)	(1,214,400)	(1,214,400)	(+78,000)
Buses and bus-related facilities	(568,200)	(607,200)	(607,200)	(607,200)	(607,200)	(+39,000)
New starts	(1,136,400)	(1,214,400)	(1,214,400)	(1,214,400)	(1,214,400)	(+78,000)
Subtotal	(2,841,000)	(3,036,000)	(3,036,000)	(3,036,000)	(3,036,000)	(+195,000)
Job access and reverse commute grants	25,000	30,000	30,000	30,000	30,000	+5,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(100,000)	(120,000)	(120,000)	(120,000)	(120,000)	(+20,000)
Subtotal, Job access and reverse commute grants.	(125,000)	(150,000)	(150,000)	(150,000)	(150,000)	(+25,000)
Total, Federal Transit Administration	3,272,700	1,445,000	1,445,000	1,445,000	1,445,000	-1,827,700
(Limitations on obligations)	(5,397,800)	(5,781,000)	(5,781,000)	(5,781,000)	(5,781,000)	(+383,200)
Total budgetary resources, FTA	(8,670,500)	(7,226,000)	(7,226,000)	(7,226,000)	(7,226,000)	(-1,444,500)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	13,345	14,086	15,486	13,345	14,086	+741

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	21,217	23,079	22,998	23,079	23,301	+2,084
Offset for new user fees	---	-6,000	---	---	---	---
Emergency transportation	1,897	2,058	1,951	2,058	1,951	+54
Research and technology	2,784	2,854	2,846	2,854	2,846	+62
Program and administrative support	11,381	16,387	12,882	15,734	12,882	+1,501
Subtotal, Research and special programs	37,279	38,378	40,677	43,725	40,980	+3,701
Emergency supp (emergency trans) (PL 107-117)	2,500	---	---	---	---	-2,500
Pipeline safety:						
Pipeline Safety Fund	50,386	56,385	51,225	56,385	56,370	+5,984
Oil Spill Liability Trust Fund	7,864	7,472	7,472	7,472	7,472	-392
Subtotal, Pipeline safety program (incl reserve)	58,250	63,857	58,697	63,857	63,842	+5,592
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	---
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)	(14,300)	(14,300)	---
Total, Research and Special Programs Admin	98,229	108,435	99,574	107,782	105,022	+6,793
Offset for new user fees	---	(-6,000)	---	---	---	---
Net total	98,229	102,435	99,574	107,782	105,022	+6,793

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Inspector General						
Salaries and expenses	50,614	57,421	57,421	57,421	57,421	+6,807
Emergency supplemental (PL 107-117)	1,300	---	---	---	---	-1,300
Total, Office of Inspector General	51,914	57,421	57,421	57,421	57,421	+5,507
Surface Transportation Board						
Salaries and expenses	18,457	19,459	19,450	19,459	19,450	+993
Offsetting collections	-950	-1,000	-1,000	-1,000	-1,000	-50
Total, Surface Transportation Board	17,507	18,459	18,450	18,459	18,450	+943
Bureau of Transportation Statistics						
Office of airline information (Airport & Airway Trust Fund)	---	3,965	---	---	---	---
General Provisions						
Amtrak Reform Council	225	---	---	---	---	-225
Surface transportation projects (Sec. 330)	148,300	---	---	90,600	90,600	-57,700
Excess stabilization resources (rescission) (Sec. 333)	---	---	---	-77,100	-90,000	-90,000
LRFA program (rescission) (Sec. 343)	---	---	---	---	-690	-690
Iowa rail infrastructure rehab project (Sec. 343)	---	---	---	---	690	+690
Misc. highway projects (Highway Trust Fund)(Sec. 344)	---	---	---	---	285,000	+285,000
Aviation ops sustainment-Midway Island (Sec. 371)	---	---	---	3,500	3,500	+3,500
Total, General provisions	148,525	---	---	17,000	289,100	+140,575
Net total, title I, Department of Transportation	24,303,305	21,270,006	21,721,466	22,498,468	22,081,451	-2,221,854
Appropriations	(17,894,879)	(21,270,006)	(21,727,075)	(22,575,568)	(22,472,750)	(+4,577,871)
Emergency	(7,112,050)	---	---	---	---	(-7,112,050)
Offsets for new user fees	(-1,250,000)	(-230,000)	---	---	---	(+1,250,000)
Rescissions	(-80,388)	---	(-5,609)	(-77,100)	(-141,299)	(-60,911)
Rescission of contract authority	(-623,236)	---	---	---	(-250,000)	(+373,236)
(By transfer)	---	---	---	---	---	---
(Transfer authority)	(33,000)	---	---	---	---	(-33,000)
(Limitations on obligations)	(41,107,800)	(32,990,251)	(37,414,000)	(41,585,464)	(41,585,464)	(+477,664)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Net total budgetary resources	(66,376,413)	(55,153,024)	(60,028,233)	(64,976,699)	(64,559,682)	(-1,816,731)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	5,015	5,194	5,194	5,194	5,194	+179
National Transportation Safety Board						
Salaries and expenses	68,000	70,480	71,270	72,500	72,450	+4,450
Emergency supplemental (PL 107-117)	650	---	---	---	---	-650
Total, National Transportation Safety Board	68,650	70,480	71,270	72,500	72,450	+3,800
Total, title II, Related Agencies	73,665	75,674	76,464	77,694	77,644	+3,979
Grand total	24,376,970	21,345,680	21,797,930	22,576,162	22,159,095	-2,217,875
Appropriations	(17,967,894)	(21,345,680)	(21,803,539)	(22,653,262)	(22,550,394)	(+4,582,500)
Emergency	(7,112,700)	---	---	---	---	(-7,112,700)
Offset for new user fees	(-1,250,000)	(-230,000)	---	---	---	(+1,250,000)
Rescissions	(-80,388)	---	(-5,609)	(-77,100)	(-141,299)	(-60,911)
Rescission of contract authority	(-623,236)	---	---	---	(-250,000)	(+373,236)
(By transfer)	---	---	---	---	---	---
(Transfer authority)	(33,000)	---	---	---	---	(-33,000)
(Limitation on obligations)	(41,107,800)	(32,990,251)	(37,414,000)	(41,585,464)	(41,585,464)	(+477,664)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Net total budgetary resources	(66,450,078)	(55,228,698)	(60,104,697)	(65,054,393)	(64,637,326)	(-1,812,752)

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	177,142	191,914	187,241	191,887	189,201	+12,059
Department-wide systems and capital investments programs	68,828	68,828	68,828	68,828	65,628	-3,200
Office of Inspector General	35,424	35,428	35,424	35,424	35,736	+312
Treasury Inspector General for Tax Administration	123,746	123,962	123,962	123,962	125,011	+1,265
9/11 Supplemental (P.L. 107-117)	2,032	---	---	---	---	-2,032
Subtotal	125,778	123,962	123,962	123,962	125,011	-767
Air Transportation Stabilization Program Account	---	6,041	6,041	6,041	6,041	+6,041
Treasury Building and Annex Repair and Restoration	28,932	32,932	32,932	30,932	28,932	---
Expanded Access to Financial Services	2,000	2,000	4,000	2,000	2,000	---
Counterterrorism Fund	40,000	40,000	33,000	20,000	10,000	-30,000
Financial Crimes Enforcement Network	45,837	50,517	51,444	50,517	51,752	+5,915
9/11 Supplemental (P.L. 107-117)	1,700	---	---	---	---	-1,700
Subtotal	47,537	50,517	51,444	50,517	51,752	+4,215
Federal Law Enforcement Training Center:						
Salaries and Expenses	105,680	122,393	152,951	126,660	134,986	+29,306
9/11 Supplemental (P.L. 107-117)	23,000	---	---	---	---	-23,000
Subtotal	128,680	122,393	152,951	126,660	134,986	+6,306
Acquisition, Construction, Improvements, & Related Expenses	33,434	23,329	31,800	32,029	36,000	+2,566
9/11 Supplemental (P.L. 107-117)	8,500	---	---	---	---	-8,500
Subtotal	41,934	23,329	31,800	32,029	36,000	-5,934
Total	170,614	145,722	184,751	158,689	170,986	+372
Interagency Law Enforcement:						
Interagency crime and drug enforcement	107,576	107,576	110,594	107,576	107,576	---
Financial Management Service	212,850	220,712	220,664	220,664	222,078	+9,228
2002 Supplemental (P.L. 107-206) (rescission)	-14,000	---	---	---	---	+14,000
Subtotal	198,850	220,712	220,664	220,664	222,078	+23,228

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Bureau of Alcohol, Tobacco and Firearms	810,316	870,775	878,034	875,430	873,430	+63,114
9/11 Supplemental (P.L. 107-117)	31,431	---	---	---	---	-31,431
Subtotal	841,747	870,775	878,034	875,430	873,430	+31,683
GREAT grants	13,000	13,000	13,000	13,000	13,000	---
Total	854,747	883,775	891,034	888,430	886,430	+31,683
United States Customs Service:						
Salaries and Expenses	2,079,357	2,391,952	2,496,865	2,501,488	2,527,155	+447,798
9/11 Supplemental (P.L. 107-117)	392,603	---	---	---	---	-392,603
Subtotal	2,471,960	2,391,952	2,496,865	2,501,488	2,527,155	+55,195
Users fees, conveyance/passenger/other	---	-167,000	---	---	---	---
Harbor Maintenance Fee Collection	3,000	3,000	3,000	3,000	3,000	---
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	177,860	170,829	190,000	177,829	181,829	+3,969
9/11 Supplemental (P.L. 107-117)	6,700	---	---	---	---	-6,700
Subtotal	184,560	170,829	190,000	177,829	181,829	-2,731
Automation modernization:						
Automated Commercial System	122,432	122,432	122,432	122,432	122,432	---
International Trade Data System	5,400	---	---	---	---	-5,400
Automated Commercial Environment	300,000	312,900	316,900	312,900	312,900	+12,900
Subtotal	427,832	435,332	439,332	435,332	435,332	+7,500
Customs Services at Small Airports (to be derived from fees collected)	3,000	3,000	3,000	3,000	3,000	---
Offsetting receipts	-3,000	-3,000	-3,000	-3,000	-3,000	---
Total	3,087,352	2,834,113	3,129,197	3,117,649	3,147,316	+59,964
Bureau of the Public Debt	186,953	191,119	168,673	191,073	190,068	+3,115
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	---
Internal Revenue Service:						
Processing, Assistance, and Management	3,797,890	3,958,337	3,955,077	3,955,777	3,955,777	+157,887
9/11 Supplemental (P.L. 107-117)	12,990	---	---	---	---	-12,990
Subtotal	3,810,880	3,958,337	3,955,077	3,955,777	3,955,777	+144,897

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Tax Law Enforcement	3,538,347	3,729,072	3,729,072	3,729,072	3,729,072	+190,725
9/11 Supplemental (P.L. 107-117)	4,544	---	---	---	---	-4,544
Subtotal	3,542,891	3,729,072	3,729,072	3,729,072	3,729,072	+186,181
Earned Income Tax Credit Compliance Initiative	146,000	146,000	146,000	146,000	146,000	---
Information Systems	1,563,249	1,632,444	1,632,444	1,632,444	1,632,444	+69,195
9/11 Supplemental (P.L. 107-117)	15,991	---	---	---	---	-15,991
2002 Supplemental (P.L. 107-206) (rescission)	-10,000	---	---	---	---	+10,000
Subtotal	1,569,240	1,632,444	1,632,444	1,632,444	1,632,444	+63,204
Business systems modernization	391,593	380,000	436,000	436,000	366,000	-25,593
2002 Supplemental (P.L. 107-206)	14,000	---	---	---	---	-14,000
Subtotal	405,593	380,000	436,000	436,000	366,000	-39,593
Health Insurance Tax Credit Administration	---	70,000	---	---	70,000	+70,000
Total (net)	9,474,604	9,915,853	9,898,593	9,899,293	9,899,293	+424,689
United States Secret Service:						
Salaries and Expenses	920,615	1,010,435	1,017,892	1,010,817	1,029,150	+108,535
9/11 Supplemental (P.L. 107-117)	104,769	---	---	---	---	-104,769
Subtotal	1,025,384	1,010,435	1,017,892	1,010,817	1,029,150	+3,766
Acquisition, Construction, Improvements, & Related Expenses	3,457	3,519	3,519	3,519	3,519	+62
Total	1,028,841	1,013,954	1,021,411	1,014,336	1,032,669	+3,828
Total, title I, Department of the Treasury	15,636,178	15,865,446	16,168,789	16,128,301	16,171,717	+535,539
Appropriations	15,055,918	15,865,446	16,168,789	16,128,301	16,171,717	+1,115,799
Emergency funding	604,260	---	---	---	---	-604,260
Rescissions	-24,000	---	---	---	---	+24,000

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	29,000	29,000	29,000	29,000	29,000	---
9/11 Supplemental (P.L. 107-117)	500,000	---	---	---	---	-500,000
2002 Supplemental (P.L. 107-206)	87,000	---	---	---	---	-87,000
Subtotal	616,000	29,000	29,000	29,000	29,000	-587,000
Advance appropriation, FY 2002/2003	67,093	47,619	47,619	47,619	47,619	-19,474
Advance appropriation, FY 2004	---	31,014	31,014	31,014	31,014	+31,014
Total, title II, Postal Service:						
Fiscal year 2002/2003	683,093	76,619	76,619	76,619	76,619	-606,474
Fiscal year 2004	---	31,014	31,014	31,014	31,014	+31,014
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	450	450	450	450	450	---
Salaries and Expenses	54,651	84,595	50,715	59,735	50,715	-3,936
Office of Homeland Security	---	---	24,061	24,844	19,398	+19,398
Executive Residence at the White House:						
Operating Expenses	11,695	12,228	12,228	12,228	12,228	+533
White House Repair and Restoration	8,625	1,200	1,200	1,200	1,200	-7,425
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,925	4,066	3,160	4,066	4,066	+141
Operating expenses	318	324	324	324	324	+6
Council of Economic Advisers	4,211	4,405	3,763	4,405	3,763	-448
Office of Policy Development	4,142	4,221	3,251	4,221	3,251	-891
National Security Council	7,494	9,525	7,803	9,525	7,821	+327
Office of Administration	46,955	70,128	92,681	70,128	91,505	+44,550
9/11 Supplemental (P.L. 107-117)	50,040	---	---	---	---	-50,040
2002 Supplemental (P.L. 107-206)	3,800	---	---	---	---	-3,800
Subtotal	100,795	70,128	92,681	70,128	91,505	-9,290
Office of Management and Budget	70,752	70,752	61,492	70,752	62,394	-8,358
2002 Supplemental (P.L. 107-206) (rescission)	-100	---	---	---	---	+100
Subtotal	70,652	70,752	61,492	70,752	62,394	-8,258
Electronic Government (E-Gov) Fund	---	---	5,000	---	---	---
Election Administration Reform	---	---	200,000	---	---	---

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of National Drug Control Policy:						
Salaries and expenses	25,263	25,458	24,458	26,456	26,456	+1,193
Counterdrug Technology Assessment Center	42,300	40,000	55,800	40,000	48,000	+5,700
Subtotal	67,563	65,458	80,258	66,456	74,456	+6,893
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	226,350	206,350	246,350	226,350	226,350	---
Special Forfeiture Fund	239,400	251,300	240,800	172,700	223,200	-16,200
Unanticipated Needs	1,000	1,000	1,000	1,000	1,000	---
Total, title III, Executive Office of the President and Funds Appropriated to the President	801,271	786,002	1,034,536	728,384	782,121	-19,150
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase From People Who Are Blind or Severely Disabled	4,629	4,629	4,629	4,629	4,658	+29
Federal Election Commission	43,689	45,244	49,426	45,244	49,866	+6,177
2002 Supplemental (P.L. 107-206)	750	---	---	---	---	-750
Subtotal	44,439	45,244	49,426	45,244	49,866	+5,427
Federal Labor Relations Authority	26,524	28,684	28,677	28,677	28,950	+2,426
General Services Administration:						
Federal Buildings Fund:						
Appropriations	284,400	276,400	325,711	363,299	375,711	+91,311
9/11 Supplemental (P.L. 107-117)	126,512	---	---	---	---	-126,512
2002 Supplemental (P.L. 107-206)	21,800	---	---	---	---	-21,800
Subtotal	432,712	276,400	325,711	363,299	375,711	-57,001
Limitations on availability of revenue:						
Construction and acquisition of facilities	(662,680)	(556,574)	(646,385)	(631,663)	(717,488)	(+54,808)
Repairs and alterations	(826,676)	(986,029)	(978,529)	(997,839)	(951,529)	(+124,853)
9/11 Supplemental (P.L. 107-117)	(42,700)	---	---	---	---	(-42,700)
Subtotal	(869,376)	(986,029)	(978,529)	(997,839)	(951,529)	(+82,153)
Installment acquisition payments	(186,427)	(178,960)	(178,960)	(178,960)	(178,960)	(-7,467)
Rental of space	(2,952,050)	(3,153,211)	(3,153,211)	(3,153,211)	(3,113,211)	(+161,161)

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Building Operations	(1,748,949)	(1,965,160)	(1,925,160)	(1,965,160)	(1,965,160)	(+216,211)
9/11 Supplemental (P.L. 107-117)	(83,812)	---	---	---	---	(-83,812)
Subtotal	(1,832,761)	(1,965,160)	(1,925,160)	(1,965,160)	(1,965,160)	(+132,399)
Subtotal, limitations	6,503,294	6,839,934	6,882,245	6,926,833	6,926,348	+423,054
Repayment of Debt	(72,000)	(79,685)	(79,685)	(79,685)	(79,685)	(+7,685)
Total, Federal Buildings Fund	432,712	276,400	325,711	363,299	375,711	-57,001
(Limitations)	(6,575,294)	(6,919,619)	(6,961,930)	(7,006,518)	(7,006,033)	(+430,739)
Policy and Operations	143,139	---	---	---	---	-143,139
Policy and Citizen Services	---	65,995	65,995	65,995	66,304	+66,304
Operating Expenses	---	88,263	77,904	94,640	83,663	+83,663
Office of Inspector General	36,346	37,617	37,617	37,617	37,916	+1,570
Electronic Government Fund	5,000	45,000	---	5,000	5,000	---
Allowances and Office Staff for Former Presidents	3,196	3,339	3,339	3,339	3,339	+143
Election Reform Reimbursements	---	---	---	---	15,000	+15,000
Total, General Services Administration	620,393	516,614	510,566	569,890	586,933	-33,460
Merit Systems Protection Board:						
Salaries and Expenses	30,555	31,790	31,788	31,788	32,027	+1,472
Limitation on administrative expenses	2,520	2,594	2,594	2,594	2,626	+106
Morris K. Udall Foundation:						
Morris K. Udall Trust Fund	1,996	1,996	1,996	1,996	1,996	---
Environmental Dispute Resolution Fund	1,309	1,309	1,309	1,309	1,309	---
National Archives and Records Administration:						
Operating expenses	244,247	256,731	249,731	249,731	249,875	+5,628
9/11 Supplemental (P.L. 107-117)	1,600	---	---	---	---	-1,600
Subtotal	245,847	256,731	249,731	249,731	249,875	+4,028
Reduction of debt	-6,612	-7,186	-7,186	-7,186	-7,186	-574
Repairs and Restoration	39,143	10,458	10,458	14,208	14,208	-24,935
9/11 Supplemental (P.L. 107-117)	1,000	---	---	---	---	-1,000
Subtotal	40,143	10,458	10,458	14,208	14,208	-25,935

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Historical Publications and Records Commission: Grants program	6,436	5,000	7,000	7,000	6,500	+64
Total	285,814	265,003	260,003	263,753	263,397	-22,417
Office of Government Ethics	10,117	10,488	10,486	10,486	10,557	+440
Office of Personnel Management:						
Salaries and Expenses	99,636	128,804	128,986	128,736	129,486	+29,850
Limitation on administrative expenses	115,928	120,791	120,791	120,791	120,791	+4,863
Office of Inspector General	1,498	1,498	1,498	1,498	1,519	+21
Limitation on administrative expenses	10,016	10,766	10,766	10,766	10,886	+870
Government Payment for Annuitants, Employees Health Benefits	6,129,000	6,853,000	6,853,000	6,853,000	6,853,000	+724,000
Government Payment for Annuitants, Employee Life Insurance	34,000	34,000	34,000	34,000	34,000	---
Payment to Civil Service Retirement and Disability Fund	9,229,000	9,410,000	9,410,000	9,410,000	9,410,000	+181,000
Subtotal	15,619,078	16,558,859	16,559,041	16,558,791	16,559,682	+940,604
Office of Special Counsel	11,891	12,434	12,432	12,434	12,449	+558
United States Tax Court	37,305	37,305	37,305	37,305	37,305	---
White House Commission on the National Moment of Rememberance	---	250	250	250	250	+250
Total, title IV, Independent Agencies	16,696,570	17,517,199	17,510,502	17,569,146	17,592,005	+895,435
Grand total (net)	33,817,112	34,276,280	34,821,460	34,533,464	34,653,476	+836,364
Current year, FY 2003	33,750,019	34,197,647	34,742,827	34,454,831	34,574,843	+824,824
Appropriations	(32,378,107)	(34,197,647)	(34,742,827)	(34,454,831)	(34,574,843)	(+2,196,736)
Emergency funding	(1,396,012)	---	---	---	---	(-1,396,012)
Rescissions	(-24,100)	---	---	---	---	(+24,100)
Advance appropriations, FY 2003 / FY 2004	67,093	78,633	78,633	78,633	78,633	+11,540
(Limitations)	(6,575,294)	(6,919,619)	(6,961,930)	(7,006,518)	(7,006,033)	(+430,739)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	24,944,288	28,949,000	28,949,000	28,949,000	28,949,000	+4,004,712
2002 Supplemental (P.L. 107-206)	1,100,000	---	---	---	---	-1,100,000
Readjustment benefits	2,135,000	2,264,808	2,264,808	2,264,808	2,264,808	+129,808
Veterans insurance and indemnities	26,200	27,530	27,530	27,530	27,530	+1,330
Veterans housing benefit program fund program account (indefinite)	203,278	437,522	437,522	339,000	437,522	+234,244
(Limitation on direct loans)	(300)	---	(300)	---	(300)	---
Credit subsidy	---	-98,000	-98,000	---	-98,000	-98,000
Administrative expenses	164,497	168,207	168,207	168,207	168,207	+3,710
Education loan fund program account	1	1	1	1	1	---
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	---
Administrative expenses	64	70	70	70	70	+6
Vocational rehabilitation loans program account	72	55	55	55	55	-17
(Limitation on direct loans)	(3,301)	(3,626)	(3,626)	(3,626)	(3,626)	(+325)
Administrative expenses	274	289	289	289	289	+15
Native American Veteran Housing Loan Program Account	544	558	558	558	558	+14
Total, Veterans Benefits Administration	28,574,218	31,750,040	31,750,040	31,749,518	31,750,040	+3,175,822
Veterans Health Administration						
Medical care	20,656,164	22,243,761	23,639,304	23,389,304	23,889,304	+3,233,140
2002 Supplemental (P.L. 107-206)	142,000	---	---	---	---	-142,000
Delayed equipment obligation	675,000	500,000	250,000	500,000	---	-675,000
Total	21,473,164	22,743,761	23,889,304	23,889,304	23,889,304	+2,416,140
Medical care cost recovery collections:						
Offsetting receipts	-691,000	-752,000	-1,386,000	-1,386,000	-1,386,000	-695,000
Appropriations (indefinite)	691,000	752,000	1,386,000	1,386,000	1,386,000	+695,000
Total available (excludes offsetting receipts)	22,164,164	23,495,761	25,275,304	25,275,304	25,275,304	+3,111,140
Medical and prosthetic research	371,000	394,373	405,000	400,000	400,000	+29,000
Medical administration and miscellaneous operating expenses	66,731	69,716	74,716	69,716	74,716	+7,985
Total, Veterans Health Administration	21,910,895	23,207,850	24,369,020	24,359,020	24,364,020	+2,453,125
Departmental Administration						
General operating expenses	1,195,728	1,256,418	1,251,418	1,256,418	1,254,000	+58,272
Emergency supplemental	2,000	---	---	---	---	-2,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Cemetery Administration	121,169	133,149	133,149	133,149	133,149	+11,980
Office of Inspector General	52,308	55,000	61,000	55,000	58,000	+5,692
Construction, major projects	183,180	193,740	193,740	144,740	99,777	-83,403
Construction, minor projects	210,900	210,700	240,700	210,700	226,000	+15,100
Grants for construction of State extended care facilities	100,000	100,000	100,000	100,000	100,000	---
Parking Revolving Fund	4,000	---	---	---	---	-4,000
Grants for the construction of State veterans cemeteries	25,000	32,000	32,000	32,000	32,000	+7,000
Total, Departmental Administration	1,894,285	1,981,007	2,012,007	1,932,007	1,902,926	+8,641
Total, title I, Department of Veterans Affairs	52,379,398	56,938,897	58,131,067	58,040,545	58,016,986	+5,637,588
(Limitation on direct loans)	(3,604)	(3,629)	(3,929)	(3,629)	(3,929)	(+325)
Consisting of:						
Mandatory	(28,408,766)	(31,580,860)	(31,580,860)	(31,580,338)	(31,580,860)	(+3,172,094)
Discretionary	(23,970,632)	(25,358,037)	(26,550,207)	(26,460,207)	(26,436,126)	(+2,465,494)
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation	11,440,975	13,326,559	12,386,987	12,728,697	13,023,566	+1,582,591
Advance appropriations provided in previous acts	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Subtotal, discretionary	15,640,975	17,526,559	16,586,987	16,928,697	17,223,566	+1,582,591
(Advance appropriation)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
Rescission of unobligated balances	-1,200,000	-1,100,000	-1,300,000	-1,400,000	-1,600,000	-400,000
Rescission (P.L. 107-206)	-388,500	---	---	---	---	+388,500
Public housing capital fund	2,843,400	2,425,900	2,843,400	2,683,400	2,730,000	-113,400
Public housing operating fund	3,494,868	3,530,000	3,600,000	3,530,000	3,600,000	+105,132
Operation Safe Home (rescission)	-11,000	---	---	---	---	+11,000
Revitalization of severely distressed public housing	573,735	574,000	574,000	574,000	574,000	+265
Native American housing block grants	648,570	646,594	649,000	648,570	649,000	+430
Indian housing loan guarantee fund program account	5,987	5,200	5,300	5,000	5,300	-687
(Limitation on guaranteed loans)	(234,283)	(197,243)	(197,243)	(197,243)	(197,243)	(-37,040)
Native Hawaiian housing block grant	---	10,000	---	---	---	---
Native Hawaiian housing loan guarantee fund	1,000	1,035	1,035	1,000	1,035	+35
(Limitation on guaranteed loans)	(40,000)	(39,712)	(39,712)	(39,712)	(39,712)	(-288)
Total, Public and Indian Housing	22,008,535	23,619,288	22,959,722	22,970,667	23,182,901	+1,174,366

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Community Planning and Development						
Housing opportunities for persons with AIDS	277,432	292,000	292,000	292,000	292,000	+14,568
Rural housing and economic development	25,000	---	25,000	25,000	25,000	---
Empowerment zones / enterprise communities	45,000	---	30,000	30,000	30,000	-15,000
Community development fund	5,000,000	4,715,500	5,000,000	5,000,000	4,937,000	-63,000
Emergency supplemental	2,000,000	---	---	---	---	-2,000,000
Emergency supplemental (P.L. 107-206)	783,000	---	---	---	---	-783,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(608,696)	(275,000)	(275,000)	(608,696)	(275,000)	(-333,696)
Credit subsidy	14,000	6,325	6,325	14,000	6,325	-7,675
Administrative expenses	1,000	1,000	1,000	1,000	1,000	---
Brownfields redevelopment	25,000	25,000	25,000	25,000	25,000	---
HOME investment partnerships program	1,846,040	2,084,100	2,221,040	1,950,000	2,000,000	+153,960
Rescission (P.L. 107-206)	-50,000	---	---	---	---	+50,000
Homeless assistance grants	1,122,525	1,129,500	1,250,000	1,215,025	1,225,000	+102,475
Total, Community planning and development	8,355,997	8,253,425	8,850,365	8,552,025	8,541,325	+185,328
Housing Programs						
Housing for special populations	1,024,151	1,024,151	1,100,000	1,033,801	1,033,801	+9,650
Housing for the elderly	(783,286)	(773,636)	(840,903)	(783,286)	(783,286)	---
Housing for the disabled	(240,865)	(250,515)	(259,097)	(250,515)	(250,515)	(+9,650)
Housing counseling assistance	---	35,000	---	---	---	---
Rental Housing assistance	---	---	---	100,000	---	---
Rescission	---	-100,000	-100,000	-100,000	-100,000	-100,000
Rescission (P.L. 107-206)	-300,000	---	---	---	---	+300,000
Manufactured housing fees trust fund	13,566	13,000	13,000	13,000	13,000	-566
Offsetting collections	-13,566	-13,000	-13,000	-13,000	-13,000	+566
Savings from canceling S.1029	-8,000	---	---	---	---	+8,000
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(160,000,000)	(160,000,000)	(165,000,000)	(160,000,000)	(165,000,000)	(+5,000,000)
(Limitation on direct loans)	(250,000)	(50,000)	(50,000)	(250,000)	(100,000)	(-150,000)
Administrative expenses	336,700	347,829	347,829	347,829	347,829	+11,129
Negative subsidy 1/	-2,323,000	-2,753,000	-2,753,000	-2,753,000	-2,753,000	-430,000
Administrative contract expenses	160,000	85,720	85,720	85,720	85,720	-74,280
Additional contract expenses	1,000	1,000	1,000	1,000	1,000	---
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(23,000,000)	(21,000,000)	(23,000,000)	(+2,000,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	216,100	223,716	223,716	223,716	223,716	+7,616
Negative subsidy	-225,000	-225,000	-225,000	-225,000	-225,000	---
Subsidy	15,000	15,000	15,000	15,000	15,000	---
Non-overhead administrative expenses	144,000	93,780	93,780	93,780	93,780	-50,220
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	---

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, Federal Housing Administration	-1,671,200	-2,206,955	-2,206,955	-2,206,955	-2,206,955	-535,755
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	9,383	10,343	10,343	10,343	10,343	+960
Offsetting receipts	-382,000	-358,000	-358,000	-358,000	-358,000	+24,000
Policy Development and Research						
Research and technology	50,250	47,000	47,000	47,000	47,000	-3,250
Fair Housing and Equal Opportunity						
Fair housing activities	45,899	45,899	45,899	45,899	45,899	---
Office of Lead Hazard Control						
Lead hazard reduction	109,758	126,000	126,000	201,000	176,000	+66,242
Management and Administration						
Salaries and expenses	556,067	510,299	530,299	510,299	530,299	-25,768
Transfer from:						
Limitation on FHA corporate funds	(530,457)	(548,202)	(548,202)	(548,202)	(548,202)	(+17,745)
GNMA	(9,383)	(10,343)	(10,343)	(10,343)	(10,343)	(+960)
Community Development Loan Guarantees Program	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(200)	(200)	(200)	(200)	(200)	---
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	(35)	(35)	---
Total, Salaries and expenses	(1,097,292)	(1,070,229)	(1,090,229)	(1,070,229)	(1,090,229)	(-7,063)
Working capital fund	---	276,300	276,300	276,737	276,300	+276,300
Office of Inspector General	66,555	74,341	73,341	74,341	74,156	+7,601
(By transfer, limitation on FHA corporate funds)	(22,343)	(23,343)	(23,343)	(23,343)	(23,343)	(+1,000)
(By transfer from Public Housing Oper Subsidy)	(5,000)	---	---	---	---	(-5,000)
Total, Office of Inspector General	(93,898)	(97,684)	(96,684)	(97,684)	(97,499)	(+3,601)
Emergency supplemental	1,000	---	---	---	---	-1,000
Consolidated fee fund (rescission)	-6,700	-8,000	-8,000	-8,000	-8,000	-1,300
Office of Federal Housing Enterprise Oversight	27,000	30,000	30,000	30,000	30,000	+3,000
Offsetting receipts	-27,000	-30,000	-30,000	-30,000	-30,000	-3,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, title II, Department of Housing and Urban Development	30,147,695	31,349,091	31,346,314	31,149,157	31,245,069	+1,097,374
2002 Emergency Supplementals and Recissions	2,045,500	---	---	---	---	-2,045,500
Total, title II, Department of Housing and Urban Development (net)	32,193,195	31,349,091	31,346,314	31,149,157	31,245,069	-948,126
Appropriations	(27,165,395)	(28,357,091)	(28,554,314)	(28,457,157)	(28,753,069)	(+1,587,674)
Rescissions	(-1,956,200)	(-1,208,000)	(-1,408,000)	(-1,508,000)	(-1,708,000)	(+248,200)
Emergency appropriations	(2,784,000)	---	---	---	---	(-2,784,000)
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
(Limitation on direct loans)	(300,000)	(100,000)	(100,000)	(300,000)	(150,000)	(-150,000)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(388,511,955)	(381,845,651)	(388,511,955)	(+6,628,976)
(Limitation on corporate funds)	(563,568)	(583,273)	(583,273)	(583,273)	(583,273)	(+19,705)
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	35,466	30,400	35,246	30,400	35,246	-220
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	7,850	7,850	6,500	7,850	6,450	-1,400
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	80,000	68,000	80,000	73,000	75,000	-5,000
Interagency Council on the Homeless						
Operating expenses	---	---	---	1,500	1,500	+1,500
Consumer Product Safety Commission						
Salaries and expenses	55,200	56,767	57,117	56,767	57,000	+1,800
Corporation for National and Community Service						
National and community service programs operating expenses	401,980	631,342	---	405,842	429,000	+27,020
Rescission	---	---	---	---	-48,000	-48,000
Office of Inspector General	5,000	5,000	5,000	6,900	6,000	+1,000
Total	406,980	636,342	5,000	412,742	387,000	-19,980

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses	13,221	14,994	14,326	14,612	14,326	+1,105
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	22,537	24,445	32,445	24,445	32,445	+9,908
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences	70,228	74,471	84,074	76,074	84,074	+13,846
Emergency supplemental	10,500	---	---	---	---	-10,500
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry						
Toxic substances and environmental public health	78,235	77,388	88,688	81,000	82,800	+4,565
Total, Department of Health and Human Services	158,963	151,859	172,762	157,074	166,874	+7,911
Environmental Protection Agency						
Science and Technology	698,089	670,008	714,578	707,203	720,261	+22,172
Transfer from Hazardous Substance Superfund	36,891	111,168	86,168	86,168	86,168	+49,277
Subtotal, Science and Technology	734,980	781,176	800,746	793,371	806,429	+71,449
Emergency supplemental	90,308	---	---	---	---	-90,308
Environmental Programs and Management	2,054,511	2,047,704	2,111,677	2,136,569	2,111,604	+57,093
Emergency supplemental	39,000	---	---	---	---	-39,000
Office of Inspector General	34,019	35,325	35,325	37,325	36,000	+1,981
Transfer from Hazardous Substance Superfund	11,867	12,742	12,742	12,742	12,742	+875
Subtotal, OIG	45,886	48,067	48,067	50,067	48,742	+2,856
Buildings and facilities	25,318	42,918	42,918	42,918	42,918	+17,600
Hazardous Substance Superfund	1,170,000	1,272,888	1,422,888	1,272,888	1,272,888	+102,888
Delay of obligation	100,000	---	---	---	---	-100,000
Transfer to Office of Inspector General	-11,867	-12,742	-12,742	-12,742	-12,742	-875
Transfer to Science and Technology	-36,891	-111,168	-86,168	-86,168	-86,168	-49,277
Subtotal, Hazardous Substance Superfund	1,221,242	1,148,978	1,323,978	1,173,978	1,173,978	-47,264

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Emergency supplemental	41,292	---	---	---	---	-41,292
Leaking Underground Storage Tank Program	73,000	72,313	72,313	72,313	72,313	-687
Oil spill response	15,000	15,581	15,581	15,581	15,581	+581
State and Tribal Assistance Grants	2,658,900	2,305,500	2,616,303	2,796,804	2,709,612	+50,712
Categorical grants	1,074,376	1,158,276	1,172,882	1,123,835	1,150,382	+76,006
Subtotal, STAG	3,733,276	3,463,776	3,789,185	3,920,639	3,859,994	+126,718
Emergency supplemental	5,000	---	---	---	---	-5,000
Total, EPA	8,078,813	7,620,513	8,204,465	8,205,436	8,131,559	+52,746
Executive Office of the President						
Office of Science and Technology Policy	5,267	5,368	5,750	5,368	5,368	+101
Council on Environmental Quality and Office of Environmental Quality	2,974	3,031	3,031	3,031	3,031	+57
Total	8,241	8,399	8,781	8,399	8,399	+158
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,660)	(31,388)	(30,848)	(30,848)	(30,848)	(-2,812)
Federal Emergency Management Agency						
Disaster relief	664,000	1,842,843	1,820,000	842,843	800,000	+136,000
(Transfer to EMPA)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	---
(Transfer to OIG)	---	(-21,577)	(-21,577)	(-21,577)	(-21,577)	(-21,577)
Contingent emergency appropriations	1,500,000	---	---	---	---	-1,500,000
Emergency supplemental	4,356,871	---	---	---	---	-4,356,871
Emergency supplemental (P.L. 107-206)	2,650,700	---	---	---	---	-2,650,700
Subtotal	9,171,571	1,842,843	1,820,000	842,843	800,000	-8,371,571
National pre-disaster mitigation fund	---	300,000	250,000	25,000	150,000	+150,000
Disaster assistance direct loan program account:						
State share loan	405	---	---	---	---	-405
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(-25,000)	(-50,000)
Administrative expenses	543	557	557	557	557	+14
Salaries and expenses	203,801	209,163	219,690	209,163	214,690	+10,889
Defense function	30,000	30,527	31,000	30,527	31,000	+1,000
Subtotal	233,801	239,690	250,690	239,690	245,690	+11,889

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Emergency supplemental	25,000	---	---	---	---	-25,000
Office of Inspector General	10,303	11,549	11,549	17,754	14,000	+3,697
(Transfer from Disaster relief)	---	(21,577)	(21,577)	(21,577)	(21,577)	(+21,577)
Emergency management planning and assistance	384,623	3,727,914	348,040	696,214	369,299	-15,324
Defense function	20,000	19,300	19,000	19,000	19,000	-1,000
Subtotal	404,623	3,747,214	367,040	715,214	388,299	-16,324
(Transfer from Disaster relief)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	---
Emergency supplemental	220,000	---	---	---	---	-220,000
Emergency supplemental (P.L. 107-206)	225,400	---	---	---	---	-225,400
Fire Act	---	---	450,000	900,000	750,000	+750,000
Radiological emergency preparedness fund	-1,000	-1,000	-1,000	-1,000	-1,000	---
Cerro Grande Fire Claims	---	---	---	100,000	90,000	+90,000
Emergency food and shelter program	140,000	153,000	153,000	153,000	153,000	+13,000
Flood map modernization fund	---	300,000	200,000	100,000	150,000	+150,000
National Flood Insurance Fund:						
(Limitation on administrative expenses):						
Salaries and expenses	28,798	32,393	32,393	32,393	32,393	+3,595
Flood mitigation	76,381	77,666	77,666	77,666	77,666	+1,285
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	---
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	---
Total, Federal Emergency Management Agency	10,535,825	6,703,912	3,611,895	3,203,117	2,850,605	-7,685,220
Appropriations	(1,557,854)	(6,703,912)	(3,611,895)	(3,203,117)	(2,850,605)	(+1,292,751)
Emergency appropriations	(8,977,971)	---	---	---	---	(-8,977,971)
(By transfer)	(22,900)	(44,477)	(44,477)	(44,477)	(44,477)	(+21,577)
General Services Administration						
Federal Consumer Information Center Fund	7,276	12,541	11,541	12,541	11,541	+4,265
National Aeronautics and Space Administration						
Human space flight	6,912,400	6,130,900	6,130,900	6,095,900	6,180,900	-731,500
Emergency supplemental	76,000	---	---	---	---	-76,000
Science, aeronautics and technology	7,857,100	8,844,500	9,144,500	9,003,000	9,207,665	+1,350,565
Emergency supplemental	32,500	---	---	---	---	-32,500
Office of Inspector General	23,700	24,600	24,600	26,600	25,600	+1,900
Total, NASA	14,901,700	15,000,000	15,300,000	15,125,500	15,414,165	+512,465

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on administrative expenses, corporate funds)	(309)	(309)	(309)	(309)	(309)	---
Community Development Revolving Loan Fund	1,000	1,000	1,000	1,000	1,000	---
National Science Foundation						
Research and related activities	3,530,270	3,715,200	4,082,000	4,013,580	4,015,000	+484,730
Defense function	68,070	68,000	68,000	68,070	68,000	-70
Subtotal	3,598,340	3,783,200	4,150,000	4,081,650	4,083,000	+484,660
Emergency supplemental	300	---	---	---	---	-300
Major research equipment and facilities construction	138,800	126,280	159,510	59,280	149,510	+10,710
Education and human resources	875,000	908,080	910,580	932,730	909,080	+34,080
Emergency supplemental (P.L. 107-206)	19,300	---	---	---	---	-19,300
Salaries and expenses	170,040	202,950	193,852	182,160	190,352	+20,312
National Science Board	---	---	---	3,500	3,500	+3,500
Office of Inspector General	6,760	7,700	9,000	9,660	9,250	+2,490
Total, NSF	4,808,540	5,028,210	5,422,942	5,268,980	5,344,692	+536,152
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	105,000	105,000	105,000	110,000	105,000	---
Selective Service System						
Salaries and expenses	25,003	26,480	26,480	26,480	26,480	+1,477
Total, title III, Independent agencies	39,251,615	35,496,712	33,095,500	32,739,843	32,669,282	-6,582,333
Appropriations	(29,959,444)	(35,496,712)	(33,095,500)	(32,739,843)	(32,717,282)	(+2,757,838)
(Transfer out)	(-22,900)	(-44,477)	(-44,477)	(-44,477)	(-44,477)	(-21,577)
(By transfer)	(56,560)	(75,865)	(75,325)	(75,325)	(75,325)	(+18,765)
(Limitation on direct loans)	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	(1,475,000)	(-50,000)
(Limitation on corporate funds)	(309)	(309)	(309)	(309)	(309)	---
Grand total (net)	123,824,208	123,784,700	122,572,881	121,929,545	121,931,337	-1,892,871
Appropriations	(109,502,237)	(120,792,700)	(119,780,881)	(119,237,545)	(119,487,337)	(+9,985,100)
Rescissions	(-1,956,200)	(-1,208,000)	(-1,408,000)	(-1,508,000)	(-1,756,000)	(+200,200)
Emergency appropriations	(12,078,171)	---	---	---	---	(-12,078,171)
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
(By transfer)	(61,560)	(75,865)	(75,325)	(75,325)	(75,325)	(+13,765)
(Transfer out)	(-22,900)	(-44,477)	(-44,477)	(-44,477)	(-44,477)	(-21,577)
(Limitation on direct loans)	(1,828,604)	(1,628,629)	(1,628,929)	(1,828,629)	(1,628,929)	(-199,675)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(388,511,955)	(381,845,651)	(388,511,955)	(+6,628,976)
(Limitation on corporate funds)	(563,877)	(583,582)	(583,582)	(583,582)	(583,582)	(+19,705)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
FSLIC resolution fund (mandatory)	-4,000	-4,000	-4,000	-4,000	-4,000	---
FHA Administrative Provision	---	---	---	---	---	---
Use of misc. receipts in NASA WCF Sec. 419	---	---	3,000	---	---	---
NASA enhanced-use lease Sec. 420	---	---	20,000	---	---	---
Extension of NASA early buyout provision	---	---	5,000	---	---	---
OMB retirement accurals	---	1,199,000	---	---	---	---
Total, adjustments	-4,000	1,195,000	24,000	-4,000	-4,000	---
Total (including adjustments)	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871
Amounts in this bill	(123,824,208)	(123,784,700)	(122,572,881)	(121,929,545)	(121,931,337)	(-1,892,871)
Scorekeeping adjustments	(-4,000)	(1,195,000)	(24,000)	(-4,000)	(-4,000)	---
Total mandatory and discretionary	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871
Mandatory	28,404,766	31,576,860	31,576,860	31,576,338	31,576,860	+3,172,094
Discretionary	95,415,442	93,402,840	91,020,021	90,349,207	90,350,477	-5,064,965

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	28,404,766	31,576,860	31,576,860	31,576,338	31,576,860	+3,172,094
Discretionary:						
General purpose discretionary:						
Defense discretionary	143,073	144,307	144,480	144,077	144,480	+1,407
Nondefense discretionary	95,272,369	93,258,533	90,875,541	90,205,130	90,205,997	-5,066,372
Total, Discretionary	95,415,442	93,402,840	91,020,021	90,349,207	90,350,477	-5,064,965
Grand total, Mandatory and Discretionary	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871

MISCELLANEOUS APPROPRIATIONS IN CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

(Amounts in thousands)

	House	Senate	Conference
DIVISION M - OTHER MATTERS			
TITLE I - DEFENSE RELATED TECHNICAL CORRECTIONS			
Military construction, Air Force (rescission)	---	-18,600	-18,600
Military construction, Air Force Reserve	---	18,600	18,600
Intelligence activities	---	3,894,929	10,000,000
Additional transfer authority (sec. 8005)	(2,500,000)	---	(500,000)
Total, title I:			
New budget (obligational) authority	---	3,894,929	10,000,000
Appropriations	---	(3,913,529)	(10,018,600)
Rescission	---	(-18,600)	(-18,600)
DIVISION N - EMERGENCY RELIEF AND OFFSETS			
TITLE I - ELECTION REFORM			
HELP AMERICA VOTE ACT OF 2002			
Election adminstration reform	---	1,500,000	---
Election Assistance Commission			
Salaries and expenses	---	---	2,000
Election reform programs	---	---	833,000
Total, Election Assistance Commission	---	---	835,000
General Services Administration			
Election reform payments	---	---	650,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Disabled voter services	---	---	15,000
Total, title I:			
New budget (obligational) authority	---	1,500,000	1,500,000

MISCELLANEOUS APPROPRIATIONS IN CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003
(Amounts in thousands)

	House	Senate	Conference
TITLE III - WILDLAND FIRE EMERGENCY			
DEPARTMENT OF THE INTERIOR			
Bureau of Land Management			
Wildland fire management	---	189,000	189,000
RELATED AGENCY			
DEPARTMENT OF AGRICULTURE			
Forest Service			
Wildland fire management	---	636,000	636,000
Total, title III:			
New budget (obligational) authority)	---	825,000	825,000
TITLE V - FISHERIES DISASTERS			
Fisheries disasters	---	100,000	100,000
TITLE VI - OFFSETS			
Across-the-board rescissions	---	-11,392,000	-2,647,000
Total, Division N:			
New budget (obligational) authority)	---	-8,967,000	-222,000
DIVISION P - UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION			
LEGISLATIVE BRANCH			
General Provisions			
United States-China Economic and Security Review Commission	---	---	1,800
Grand total, all titles:			
New budget (obligational) authority)	---	-5,072,071	9,779,800
Appropriations	---	(6,338,529)	(12,445,400)
Rescissions	---	(-11,410,600)	(-2,665,600)

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I cannot ask people to vote against their bill because it does some things which any piece of legislation would do which came to the floor at this point. It does provide needed funds for Medicare. It does provide funding for a number of programs which, if we did not pass the bill, would be limited to last year's level; and that would cripple a good number of programs, including education. But before Members decide how they want to vote, I think they need to understand that this legislation is a god-awful mess brought to the floor by a god-awful process.

About $360 billion, or 90 percent, of the $400 billion in spending contained in this bill, never came before the House of Representatives until it arrived in this one huge take-it-or-leave-it package today. That means 90 percent of the domestic budget involving hundreds of individual programs was never subjected to debate or amendment in the United States House of Representatives.

What you have here, as I said earlier, is the biggest back-room deal in terms of spending in the Nation's history. And when you have a back-room deal which is not ever aired in public, that means a lot of people are going to get hurt, and a lot of people are going to get things that they should not get. And I want to walk through some examples.

The most urgent need in this country is to ensure that we can track down and stop people who would commit acts of terror against our citizenry. This bill leaves huge gaps in our defenses. Once again, we are delaying the ability of funds that are required to protect American lives.

I would say to everyone who would listen that this is not the fault of our good friend, the chairman of the committee; he has done his duty, and he understands the need for action in this area. But there are many others in this Chamber and there are some on the other end of Pennsylvania Avenue who are not being helpful and who are blocking the resources that are critically needed at the moment. This Nation is in serious peril and here are some examples:

The head of the Customs Service says we need to greatly beef up the inspections of cargo containers used in worldwide shipping. He and others have warned that these containers offer terrorists with significant opportunities to get bombs, chemicals, missiles and other dangerous weapons into this country. He has asked for $57 million right now to do that job, $57 million. This bill contains $12 million, less than 25 percent of what is needed. We have $392 million in spending for new courthouses in this bill, but the committee could not find the other $45 million to fully fund the container security initiative that was asked for by our own administration.

In addition to the containers themselves, we have huge security issues with respect to ports. We have ships arriving in this country every day containing millions of gallons of highly flammable and toxic chemicals. They are bombs waiting to be detonated. The Coast Guard says the costs of upgrading security at these ports is $1 billion. This bill contains only $150 million or 15 percent of the amount that ought to be in the bill.

Now, we have known since we saw the pictures of those brave police and fire fighters on September 11 that the next attack might put them in even more dangerous situations. Very few police departments have the equipment necessary to allow first responders to enter an area that has been hit by chemical, biological or radiological weapons. We have been trying to get that money out for more than a year, and we have hit roadblocks time after time after time.

The White House is playing a flim-flam game with respect to this issue. A year ago, the President blocked the inclusion of significant first responder funds in the supplemental. Last summer, he vetoed first responder funds in the second supplemental. He has also refused since last October to release the first responder funds made available by the continuing resolutions. But he spends a lot of time going around the country being photographed with firemen and policemen and talking about the $3.5 billion in funds for first responders in his 2003 budget.

He does not mention, however, where he got the bulk of the money to pay for that $3.5 billion increase. He got it by eliminating a series of ongoing programs that also provide grants to local policemen and firemen. That is like the boss offering to double your pay next month if you will agree to take no pay this month. It does not help a heck of a lot.

This bill restores those basic cuts, but it does so by slashing the President's first responder initiative. When all grants to fire and police are combined, this conference report is $466 million below the President's request for first responders. For the first time, Congress will have a worse record on first responders than the White House, and that is outrageous. So I guess the answer is, let them use duct tape.

There are deficiencies in other areas. The Department of Energy, the committee could not find $108 million identified last spring by the Army Corps of Engineers as being absolutely essential for physical security upgrades to waterway navigation and dams around the Nation. And none of the $254 million identified by the Secretary of Energy last spring as necessary to secure radioactive material, nuclear weapons and other highly toxic substances at U.S. nuclear weapons plants and laboratories is provided in this bill.

Education is a mixed bag. Now, for the last 6 years, on average, we have been able to provide about a 14 percent increase in education.

□ 1730

The good news in this bill is that we have been able in this bill to raise the funding for education above the real dollar freeze that the President presented, or 3 percent in nominal terms.

This bill is about $3 billion above the President's for education. It means that we will have about a 10 percent increase. That is still a cut in the rate of increase that we have had for education on average over the last 6 years, but it is some progress and I am pleased to see it; but it is still funded at such limited levels that we will be leaving an additional 628,000 children behind who would not have been left behind if we had funded this bill at the Senate levels.

We are also turning a blind eye to what is happening on college campuses. State and local budget crunches are hitting, and tuition is skyrocketing in some places by as much as 36 percent. This bill holds Pell grants to a 1½ percent increase over last year. That simply means college will not be affordable to tens of thousands of young people who want to better themselves by getting a college education.

We have an ugly product with respect to both homeland security and a mixed bag with respect to education. I save the worst for last.

This bill is sad with respect to both funding and legislative language that will damage the environment and damage our forests and wilderness areas. This bill is a wholesale attack on environmental protection. The interior section of this bill is one of the worst appropriation measures to come to the floor of this House in many years. The park service is cut by $110 million below the President's request. The committee has trampled on a commitment made by the Republican and Democratic leadership of both bodies to provide a specific level of funding for key conservation programs, an agreement that was entered into in order to prevent the creation of yet a new entitlement in this area, and yet the committee has walked away from a solemn commitment that it made.

Then we have the environmental riders, or I should say the anti-environmental riders. This bill will exempt the Tongass from any review whatsoever once the regulations are out, and they have not even been completed yet; but this bill will prevent any review of whatever regulations are produced by either administrative challenge or challenge in courts. That is outrageous.

It also includes language which again allows funds in this bill to be used for preliminary activities, preliminary to drilling in ANWR. The worst provision involves an innocuous-sounding program called the Forest Stewardship Pilot Program. Currently, there are 80 projects around the country in which noncommercial organizations work at thinning growth in forests that are considered vulnerable to fire.

These small projects are not required to get the normal environmental waivers. The House bill proposed to expand the number of projects by 12. The Senate bill would expand the project by 28. Reasonable people can disagree on what ought to happen here, but the conference agreement provides no limits whatsoever. You might as well turn our national forests over lock, stock and barrel to the timber companies. That is what this provision does.

There are no longer any legal limits to what can be cut under this provision. Whatever the administration wants, by all means, go ahead.

Then, as I said earlier, we have some special provisions. I have mentioned the provision in this bill which is here on behalf of a company that operates three chicken plants in Georgia. This provision says that the USDA shall certify chickens as being organic even if they are not fed organic meal. That provision may boost the profits of one company, but it undermines the integrity of the entire organic certification process.

Then there is another nifty little provision that arrived in the Committee on Appropriations last night. It involves the bank accounts of 10 Texas dairy farmers. As we all know, and I know a lot of you like dairy farmers. I do, too. I have a lot of them in my district. They are not getting this kind of treatment.

I was stunned to see what was being done in this bill. It seems that these 10 dairy farmers have herds close to the Mexican border. There have been concerns that the herds might be exposed to bovine tuberculosis, and USDA decided that they ought to be slaughtered. The problem is that if the cows had already been infected the farmers would be able to defer tax payments on the money received from the government; but because the cattle had not yet become infected, that deferral option is not allowed under Tax Code. So somebody decided the only fair thing to do was to have the government pay the taxes in full up front. So this bill contains 15 million bucks to be distributed to 10 farmers to cover their tax liability. Had they received the deferral, their benefit would have only been a fraction of that amount.

So I guess moral of the story is, there is no limit to how rich you can become if you have certain friends on the Committee on Appropriations.

So, Mr. Speaker, I am going to offer a motion to recommit to try to improve this bill in the most egregious area of the bill, and that motion to recommit would negate the language in this bill which allows funds to be used for activities preparatory to drilling in the ANWR. It would also provide funds that eliminate the special rider that abuses the pilot stewardship forest thinning contracting program. We would eliminate the rider that says that Tongass is exempt from all environmental review in court or in administrative activities, and we would raise the first responder funds in this bill to the amount requested by the President. That is what the recommittal motion will do.

There are many other provisions I would like to reach. In a recommittal motion we cannot do it under the rules under which we operate, but we are going to try to at least correct the most egregious antienvironmental provisions in this bill and try to put enough money in for first responders so that you can all go home and look at your firemen and policemen with a straight face.

I would urge support for the recommittal motion when it comes, and I would urge you to use your own judgment in terms of how to vote on final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute, and I do so to restate my earlier comment that if one looks really hard, one can find a few things in this bill not to like, and the gentleman from Wisconsin (Mr. OBEY), in his usual, skillful approach to his legislative responsibilities, has done just that.

He has identified a few things he does not like, but I wanted to comment on his comments about the ANWR, and there is no money in this bill for the Bureau of Land Management to develop or predevelop the Arctic National Wildlife Refuge, ANWR. The President did not request funding for oil and gas development in ANWR, and the interior bill does not include funding for ANWR. So that really is not an issue, and we will address the other issues in the motion to recommit when we get to that point.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the bill today. The bill and conference report beside me, I would lift it but it is tough. It is about a foot and a half tall. We were given this document around noon today, if we could get a hard copy. That indeed was difficult as it was. So we have that amount of time to go through this.

I disagree that if one flips through this bill a person can find a few things wrong. It is tough to find much right about this bill. I object to the process as well as the product.

We had a House rule which says that we ought to have 3 days to review any omnibus bill like this. We are given a couple of hours. We waived that provision. We should not have.

I would say that this bill in many ways is a work of art. It is kind of a Hall of Fame bill, because if my colleagues look at it, I will just name a couple of the provisions in it. These are elements in the bill. We usually find the more objectionable earmarks or pork in the conference report, but we have not had time to leaf through that.

In the bill we will find, if one is a baseball fan, we will find $750,000 earmarked for the Baseball Hall of Fame. If we look a little further, if one is not a baseball fan, we can find $350,000 for the Rock and Roll Hall of Fame. Why we have that as an omnibus bill from the Federal Government I do not know. If one still is not a rock and roll fan or baseball fan, we can look further in the bill and find an earmark for $90,000 for the National Cowgirl Hall of Fame. I did not even know there is a Cowgirl Hall of Fame. Perhaps there is not, but now there will be. Who knows what else is in this bill and report. We will be discovering it for months.

We should not do business like this. It should not be done.

I would have thought, given the hall of fame element, that I ought to nominate some of my colleagues, both Democrats and Republicans, for the hall of fame for pork, but I am afraid that they would fund it.

I urge my colleagues to reject this bill. Let us start over.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

The gentleman who just spoke said it was hard to find something good in this bill, but let me tell my colleagues, Mr. Speaker, there is money in this bill to take care of our soldiers in Afghanistan who are fighting the war against terrorism. There is money in this bill to upgrade our ability to perform intelligence activities, to know what the enemy might be planning to do against us. There is money in this bill to protect our homeland. There is money in this bill to provide funding and training and equipment for first responders, police and firemen, medical technicians, other people on the scene.

There is plenty in this bill that is good, and that is the reason it is going to be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), chairman of one of our very important subcommittees on homeland security.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding me the time, and let me say at the outset how much we appreciate the work of our great chairman.

This has been a long, tortuous path that he has had to lead us through. He has got us here against all odds, and we owe a great debt of gratitude to the gentleman from Florida (Mr. YOUNG) for the fine work that he has done in bringing this bill to us.

The gentleman who spoke just before the chairman, we have got to be sure that we come here with clean hands when we speak. Yes, this bill is big and we would like to have had it in a different form here, but we had to work with what we had to work with.

The gentleman from Arizona who says he is against the bill because he does not like all the spending in it, well, he requested 10 items in the defense bill. I do not know whether they were granted or not, but he requested spending in the sum of $160 million, and now he says he is against the bill.

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, would the gentleman name what that is?

Mr. ROGERS of Kentucky. Well, there are 10 of them. Would the gentleman like to read them?

Mr. FLAKE. Sure.

Mr. ROGERS of Kentucky. Mr. Speaker, here they are. While the gentleman is reading, I will proceed.

Mr. Speaker, this is an excellent conference report. It has significant benefits for homeland security and transportation activities in this country. I would like to take a minute, if I could, to highlight some of the aspects of the bill that I have just referred to.

Homeland security. We include $5.2 billion for the Transportation Security Administration, slightly more than the House figure, but it is $400 million more than what the President's asking in next fiscal year 2004. So TSA is going to have to slim down over the next few months to hit the President's target. They will also have to begin addressing security needs outside the aviation sector, and the bill funds several programs in port security and land security and other areas to help provide that focus.

Within this $5.2 billion for transportation security, we have $440 million to procure more of the airport bomb detection systems and install them with inline systems with baggage handling systems at the airports so we can get these systems out of the lobbies of our airports.

There is $100 million to reimburse the airlines to armor the cockpit doors to prevent another 9–11, and there is $8 million for commercial pilots to receive firearms training so that they can carry the weapons into the cockpit.

□ 1745

There is $150 million for port security grants and $10 million more for port security research and development.

There is $35 million to improve the security of commercial trucking and intercity passenger buses.

And then the Coast Guard, very important to our homeland security, we include $4.3 billion for their operating needs. That is higher than either the House level or the Senate-passed level as we went into conference. We increased them above either one of our levels and well above the administration request.

It includes significant new funding for homeland security activities, including new maritime safety and security teams at the Nation's larger ports and upgraded infrared sensors so the Coast Guard can patrol more effectively after dark.

Now, in transportation we include $31.8 billion for Federal-aid highways. That is $8.6 billion above the administration's request and $4.1 billion above the level guaranteed in authorizing legislation. Let me repeat that. We are above the level stipulated in the authorization. According to the Federal Highway Administration, under this bill every State will receive more formula highway money in 2003 than they got in 2002.

The conferees deserve a lot of credit for placing such a high priority on highway spending. This will be a significant boost for the economy and a huge boost for communities around the country who are mired in traffic congestion problems.

The bill also includes high-priority projects in response to the thousands of requests we had from Members of this body. No one knows the needs of our districts better than the Members of this House who are elected from those districts, and we have tried to be as responsive to those requests as we could.

Mr. Speaker, we should all be pleased about the Amtrak provisions of this bill. For the first time in at least a decade, this bill forces some real reforms on Amtrak. It allows the Secretary of Transportation to take a much more active and authoritative role.

Mr. Speaker, I urge the adoption of the conference report.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to point out that it was not noted by the gentleman who spoke before me that all 11 items that I requested have a "DEF" right next to them. That means defense.

I think all of us recognize that the proper role and function of the Federal Government is to fund our armed services, and I am proud of that. But we do not see anything else there. None at all. There is a difference between the National Cowgirls Hall of Fame and funding aviator night vision imaging systems for our helicopters.

Mr. DICKS. Mr. Speaker, reclaiming my time, and I appreciate the gentleman's comments, I just want to point out on the Interior appropriations bill, as the gentleman from Wisconsin (Mr. OBEY) pointed out and I did as we discussed the rule, our only major concern is the fact that on the conservation spending category we, for 2 years, kept a commitment that was made by the Republican and Democratic leadership of the Committee on Appropriations; and this year we did not get a good allocation in the conference, and we had to cut approximately $700 million out of our bill.

A lot of the most important conservation spending categories were substantially reduced, which I deeply regret, because we had made a commitment to people outside of the Congress that we were going to stay with this trust fund and increase the level of conservation spending by about $160 million each year until we got up to $2.4 billion. Of course, this year we did not make our goal.

I just would point out to my colleagues that the League of Conservation Voters urges us to support a motion to recommit, which the gentleman from Wisconsin (Mr. OBEY) will offer, on the fiscal year 2003 omnibus appropriations bill. They say, "We strongly oppose the numerous antienvironmental riders that were added in conference and by the Senate, and we are concerned about the substantial funding cut the bill makes to the conservation trust fund."

I would also point out to my colleagues, many on both sides supported a very modest amendment to create increased funding for the National Endowment for the Arts and Humanities. Both sides put an increase in, but when we got to conference, it was stripped out at the direction of the leadership on the Republican side. I think the Endowment for the Arts and Humanities does wonderful things for our country, and I was really kind of shaken by the fact that after this was cut in half during the Reagan administration and we were starting to move in the right direction, giving modest increases for both the arts and the humanities, that that money was, that increase was, stripped out.

So I wish I could tell my colleagues that this bill, when it left the House this year, was a very good bill. But now that we get the conference report, we are now $800 million below where we were when this bill was before the House.

I must point out also there are a whole series of categories within the Forest Service where we borrowed money last year to fight forest fires, and much of that money has not been repaid. So I hope, as we go through the year, if we have a supplemental appropriations bill, that we can go and readdress some of these important issues and do a better job.

The fact that we are below the President's request on the Park Service, or the House level on the Park Service, is also of concern to me.

I am going to vote for this bill. We have to preserve the prerogatives of the Congress. And I see the Speaker here on the floor. When the Speaker was elected he made a speech and he said, we are going to run these railroads on time. Well, I am confident this year we are going to go back to the regular order and pass our 13 appropriation bills in time, and I support that endeavor.

Mr. YOUNG of Florida. Mr. Speaker, I would like to inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each have 12 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Speaker, I want to thank the chairman for yielding me this time, and I congratulate the chairman and all the people, the leadership and everyone else involved in this bill. I rise in strong support of the 2003 bill.

I will be very brief, but there is $4.3 billion for the FBI, an increase of $773 million above last year to help stop what we are concerned of, what may very well happen to this country, counterterrorism, counterintelligence. There is additional money for the DEA. There is $6.16 billion for INS, for Entry-Exit, funding additional border patrol, land patrol, immigration, and so many other very, very positive things.

With regard to local law enforcement, $1.4 billion to prevent violent crimes and acts of terrorism, including $500 million for the Byrne formula grant, $400 million for the Local Law Enforcement Block Grant program.

With regard to domestic preparedness for equipment, training, and exercises for fire, EMS, HAZMAT, and law enforcement, all of that is in this bill.

There is $2.1 billion for crime control. Again, very important.

Also, the body should know the conference report includes $716 million for the Securities and Exchange Commission, $150 million above the request and $248 million above fiscal year 2002 to provide the necessary resources for corporate abuse.

For the State Department, we have adequately funded embassy security and diplomatic readiness.

There are a lot of positive things in here with regard to the Supreme Court and others.

I want to close, Mr. Speaker, by one, commending the chairman and the full committee staff for an outstanding job, and also to personally thank the Subcommittee on Commerce, Justice, State and Judiciary staff for their tireless efforts, requiring long nights away from their families while preparing this legislation.

Mike Ringler, clerk of the subcommittee, Christine Ryan Kojac, John Martens, Leslie Albright, Butch Davisson, and Nisha Kumar have worked night and day to finish the CJS portion. And Rob, on the other side, and many others have been involved.

I think this is good legislation that will save a lot of lives and good for the country.

Mr. Speaker, I am pleased to finally bring to the House Floor the conference report on the fiscal year 2003 Commerce, Justice, State and Judiciary Appropriations. Within a very tight allocation, we were able to provide funding for a variety of critical national priorities.

For Federal law enforcement, the Senate bill was over $700 million below the House. We were able to restore those funds in the conference report, including; $4.3 billion for the FBI, an increase of $773 million above last year and $45 million above the request, to continue efforts to modernize the FBI's IT infrastructure, and to improve the FBI's counterterrorism and counterintelligence capabilities; $1.65 billion for the DEA, an increase of $15 million above the request, and $80 million above last year to continue to fight the scourge of illegal drugs; 6.16 billion for the INS, Including $362 million for Entry Exit, and funding to hire an additional 570 border patrol agents, 460 land border immigration inspectors, and 760 additional airport and seaport inspectors and support personnel.

The conference agreement provides $4.6 billion for State and Local law enforcement, including: $1.4 billion to prevent violent crime and acts of terrorism, including $500 million for the Byrne formula program, $400 million for the Local Law Enforcement Block Grant program, and $515 million for law enforcement hiring, overtime, equipment, training, and technologies; $1 billion for the Office of Domestic Preparedness for equipment, training, and exercises for all types of first responders, fire, EMS, hazmat, and law enforcement; and $2.1 billion for other crime control programs, including $391 million to prevent violence against women, $57 million for methamphetamine enforcement and clean-up, $7.5 million for a prescription drug monitoring program to combat the abuse of prescription drugs such as OxyContin, and $465 million for juvenile delinquency and accountability programs.

The conference report includes $716 million for the Securities and Exchange Commission, $150 million above the request and $248 million above fiscal year 2002, to provide the necessary resources to protect investors from corporate abuse.

For the State Department, we have maintained the higher House funding level of $7.8 billion to fully fund the request for embassy security, to provide second year funding for the Department's Diplomatic Readiness Initiative, and to fully fund estimated current year assessments for the United Nations and United Nations Peacekeeping.

For the Department of Commerce, the Conference Report provides $5.73 billion for the Department of Commerce and other trade agencies, over $400 billion above the level in the House bill. This funding will allow the Department to generate timely and accurate economic statistics, negotiate and verify fair trade agreements, improve weather forecasting, and manage the Nation's fisheries.

For the Federal Judiciary, the conference report provides $4.9 billion, $199 million above fiscal year 2002. This includes funding to process an all-time-high number of criminal and bankruptcy cases, to continue the renovation of the Supreme Court building, and to fund the Judiciary's security requirements.

Overall, Mr. Speaker, this conference agreement represents a sound and fair resolution of the multitude of issues that we faced in conference, and it does so in a fiscally responsible manner.

We have come a long way toward constructing an acceptable bill, and I urge my colleagues to support this conference report.

I would like to thank the Commerce-Justice-State subcommittee staff for their tireless efforts and long nights away from their families while preparing this legislation. Mike Ringler, clerk of the subcommittee, Christine Ryan Kojac, John Martens, Leslie Albright, Butch Davisson, and Nisha Kumar have worked night and day to finish the CJS portion of the Omnibus Bill and I want to personally thank them for their work and efforts.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat on the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to recognize and commend the appropriators for the difficult task that they had over this past year in coming together on this legislation.

I also want to express my very serious disappointment on what happened in the conservation accounts in the Interior appropriations portion of this legislation, that we were not able to fund the commitments that we had made that so many local communities and conservation organizations rely on, where we have partnerships with business and civic organizations and individuals coming together to try and provide for the conservation of our lands and our open spaces, which have been terribly successful.

The urban parks being zeroed out is a major disappointment to so many urban areas where we have, again, put together coalitions from the NBA, from women's sports to neighborhood organizations, from the Urban League and so many to rebuild these recreational facilities and opportunities for young people. It is a major disappointment.

I also must tell my colleagues that the forest stewardship contracts now simply open up the forest in a most unregulated fashion.

The disappointment is really this, and it is not the fault of these appropriators, it is the process. Because with this process it is not a fact that I did not get to be heard on this bill at one particular time or another, but my constituents did not. So many millions of Americans that are deeply concerned about the health of our environment, about the health of our forest, about the activities on our public lands are shut out from this process because those decisions were made last night or this morning or the night before, and they have had no time to respond to them. The vote will be taken about it, and they will read about it in the newspapers over the coming weeks.

That is a major affront to democracy. That is a major affront to the basic principles of this institution, to the basic principles of representative government, that the people in this country have been closed out of this process.

Yes, the process has gone on a lot longer than it should have, but it was far more closed than at any time in the history of the House of Representatives. And that is a major, major disappointment for those of us, as we sit here on the brink of war talking about freedom and we think about bringing freedom and democracy to other countries and we see it shut down in the people's House.

Legislation sits here and nobody has the ability to read it. Nobody knows what is in it, but we are going to be asked to vote for it. That is not the democracy we should be exporting. That is not the process we should be exporting.

It is a process that denies our constituents. Whether they are interested in education or the environment or public health or aerospace, it denies them the opportunity to be heard; and it is a corruption, an outright corruption of the basic and fundamental principles of our government, of our constitution, and of this institution, and it ought to be stopped.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), who is chairman of the Committee on Education and the Workforce and author of No Child Left Behind.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time, and let me congratulate the gentleman from Florida (Mr. YOUNG), his staff, the committee members, along with the gentleman from Wisconsin (Mr. OBEY) and his staff, for a product well done, considering the handicaps of never having a budget and never having appropriation bills from the Senate.

Mr. Speaker, this Congress has promised to do its part on behalf of America's school children, and the spending bill we debate today more than delivers on those promises. Much like the President's budget itself, this agreement is particularly generous towards education. It will provide yet another large increase in Federal education funding on top of record increases provided last year and the years before. This means that more than enough is being provided for States and public schools to carry out the reforms in the bipartisan No Child Left Behind Act.

Not only are we providing enough money, we are providing more than enough. For 35 years, this Congress spent billions of dollars in education without ever insisting on results for the children that it was meant to serve. Just over a year ago, on this very floor, Democrats and Republicans stood proudly together to bring that era to an end. And as my colleagues rightly pointed out, we made a commitment to our children on that day.

But maybe some of us need to be reminded of what that commitment was. What No Child Left Behind promised was that politicians would stop using money as an excuse for a 35-year failure to close the achievement gap. Thirty-five years and $150 billion later, the achievement gap has not changed at all over that period of time. We have now significantly increased our funding for education, twice since the bill was signed into law, and there are no more excuses. Our children need results.

Let us look at title I. Under this agreement, aid to needy and disadvantaged schools through title I is increased by another $1.4 billion. And this is on top of the $1.5 billion increase provided as a result of last year's spending bills.

□ 1800

In other words, title I has virtually doubled since fiscal year 1995. Are we spending too little? I do not think so.

Let me look at the second chart which is even more striking, and this is on special education, IDEA. As the chart shows, we have increased IDEA in this agreement by $1.4 billion. That is on top of the $1.2 billion that we increased it last year. Since fiscal year 1995, we have increased funding for IDEA 400 percent. That quadruples the amount of money that we are spending for our special-needs children.

In addition to that, we put another $100 billion increase in the Teacher Quality Program. We increased Pell grants and pay off the shortfall from the prior year, and we increased Head Start funding by another $131 million.

Mr. Speaker, if money alone can solve the problems in education, they would have been solved a long time ago. What we need to do is work to change attitudes in America that says that all of our children deserve a chance at a decent education.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I must say, I am amused by the prior speech. I would simply observe with respect to title I, the Republican Party in this House had to be dragged kicking and screaming into supporting the very funds which the gentleman so proudly now pointed to on his chart.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in support of the motion to recommit which would remove the corrupt, dirty little disgusting antienvironmental riders that were picked up on this bill as it went through this process that simply are wrong. We ought to remove them. We ought to be ashamed of the antienvironmental riders that were added like leaches on the body politic.

We should have good, honest debates about money around here; but we should be ashamed of the leaches that get added to legislation in the dark of night that are against the environmental values of this country, and there are three of them that ought to be removed that will be in the motion to recommit, and I will tell Members what they are.

Antienvironmental leach number one: we in Congress pass environmental laws, and they ought to pertain to everywhere in America, in all 50 States in America. But in an unprecedented antienvironmental rider, the majority party, unless Members vote for this motion to recommit, says that the environmental laws of the United States passed by this Congress do not apply in one of the most beautiful places in America, the Tongass National Forest in the State of Alaska.

What possible excuse is there for telling Americans that in one of the pristine spots in this country the laws of the United States of America do not apply? What excuse is there? Members have said in this wilderness designation there is no judicial review.

What kind of Congress passes laws and then says we let the executive ignore the law by not having a judicial review? That is not a Congress that I know or should be proud of. We should get rid of this antienvironment rider.

Leach number two: the other side in this bill has attempted to simply say we are going to salvage logging, essentially without meaningful protection or laws. We have to remove it.

Leach number three: there is a dirty little secret of a back-door deal to try to open up the Arctic wilderness to oil drilling, and that is wrong. It should not be done in the dead of night. Join us to pass this motion and get rid of the antienvironmental riders.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. REGULA. Mr. Speaker, today I rise in strong support of this omnibus appropriations conference report. I want to share with my colleagues some of the things that are covered by this conference report.

Our subcommittee section totals $133.4 billion, and I would emphasize this is the amount of the President's budget request. It includes funding for programs that touch the lives of all Americans from newborn health screening, Head Start, dozens of education programs, health research and prevention programs, training for dislocated workers to older Americans programs and the efficient administration of our Social Security and Medicare programs. All of these are encompassed in the bill.

And for the education portion, it brings funding to title I to $1.4 billion, an increase overall in education funding of 7 percent. I think as was pointed out by the gentleman from Ohio (Mr. BOEHNER), this is a record. I think it is something we can all take pride in supporting on behalf of the people of this Nation.

Mr. Speaker, today I rise in support of this omnibus appropriations conference report and to share with my colleagues the important programs we are funding within the Labor, Health and Human Services, Education and Related Agencies title.

Mr. Speaker, this portion of the bill totals $133.4 billion, the amount of the President's budget request. It includes funding for programs that touch the lives of all Americans from newborn health screening, Head Start, dozens of education programs, health research and prevention programs, training for dislocated workers to older American programs and the efficient administration of our Social Security and Medicare programs. All these programs and more encompass this bill.

As my colleagues know, students, parents and teachers are working together to see real gains in student achievement as established in the No Child Left Behind Act passed by this Congress a year ago. This bill provides the vital funding to bring the goals of the new law to fruition, including a $1.4 billion increase in Title I funding, aiding disadvantaged students.

In the area of special education, we have also included an increase of $1.4 billion over fiscal year 2002 as we continue to increase the federal portion of special education dollars. And to assist those seeking to improve their skills through higher education, we have increased the maximum Pell grant to $4,050 while also addressing a shortfall in the program that has resulted from a larger than expected number of students returning to school by providing more than half a billion dollars over the President's request for the program.

I am pleased to report that the bill includes the fifth and final year of a commitment to double biomedical research funding for the National Institutes of Health with funding set at $27.2 billion. At this level NIH will be able to fund more than 38,000 research project grants, the highest number ever funded. These grants span countless areas including basic research as well as that for specific diseases that are the leading causes of death and disability—Alzheimer's, Parkinson's, diabetes, cancer, AIDS and hundreds of others, including rare diseases.

The Centers for Disease Control and Prevention (CDC) have been key in bringing new health research into practice through health promotion programs. Now, as we face continued threats to our homeland we call upon the CDC to act as our first line of defense against bioterrorism as well. We have provided $4.3 billion to the CDC for these important activities.

Within the Health Resources and Services Administration we have included $1.5 billion for Community Health Centers, access points to those who have no health care, and $2 billion for Ryan White Aids program, a $96 million increase.

The bill provides funding for services for our neediest people, including $1.8 billion for the Low Income Home Energy Assistance Program (LIHEAP) and $1.376 billion for programs for older Americans, including nutrition programs such as Meals on Wheels and totaling nearly $719 million.

This bill funds the Department of Labor at $11.9 billion, $116 million below last year. However, within the account for the Workforce Investment Act, we have tried to focus our resources on the needs of the many people in our country who have been dislocated from their jobs by boosting support for dislocated workers by $92 million overall. We are hopeful that the many good people in our local communities working to provide job placement assistance to these unemployed workers will use this funding to assist these workers in re-gaining employment as quickly as possible. Finally, Job Corps, an outstanding program that partners with so many businesses to train our nation's youth for productive employment is increased by $60 million. Job Corps provides a needed second chance to many of our youth who had not found initial success in school or work.

Mr. Speaker, these programs serve the people of our great nation well and help to strengthen the educational, health and job opportunities for all Americans. I urge the support of the Members of this body in passing the bill today.

In closing, Mr. Speaker, I would like to commend the members of my staff and that of Mr. OBEY in the endless hours of work they have provided to bringing this bill before us today. Craig Higgins, Sue Quantius, Susan Firth, Meg Thompson, Nicole Kunko, Francine Mack-Salvador, and Elizabeth Bowles, as well as David Reich, Cheryl Smith and Linda Pagelsen have done a terrific job in producing the product before us. Thank you to each of them.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS) for the purpose of a colloquy.

Ms. HARRIS. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for the opportunity to briefly discuss the importance of ensuring that Miami, Florida, is selected as the location of the Permanent Secretariat for the Free Trade of Americas.

Due to its role as the headquarters of the FTAA, the Permanent Secretariat will operate as the critical nerve center of an unprecedented economic colossus twice the size of the European Union.

The Permanent Secretariat will provide vital administrative services for FTAA member nations, while providing the situs for dispute resolution and other critical proceedings established under the FTAA agreements.

Although the FTAA will not be established until 2005, the site selection process for the Permanent Secretariat is currently ongoing. I wish to bring to the committee's attention the fact that should the FTAA become a reality, its success as well as the effective promotion of our national interests will depend significantly upon the placement of the FTAA's Permanent Secretariat in Miami, Florida.

The Permanent Secretariat's ability to effectively discharge its crucial functions will depend upon its geographical proximity to member nations, the reliability of the communications, the security of its facilities, and the quality of the transportation infrastructure.

Only a location in the United States can meet all of these criteria, and Miami is uniquely qualified. Miami is also universally recognized as the top of three prenegotiated candidates for the Permanent Secretariat, which also includes Panama City and Mexico City.

Due to the Bush administration's drive to accelerate negotiations, the beginning of negotiations next week, and the occurrence of a ministerial meeting in November, the committee's attention to this issue could not be more timely.

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. HARRIS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would say to the gentlewoman that throughout the 2004 process, we will continue to work with the gentlewoman and the Florida delegation for this purpose.

Ms. HARRIS. Mr. Speaker, I thank the gentleman for his acknowledgment of my request and his support.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I want to take this time, and so does the gentleman from Pennsylvania (Mr. MURTHA), in order to express the House's appreciation to Greg Dahlberg, who has served this institution so ably and for so long. For over 20 years he served on the Committee on Appropriations on the Subcommittee on Transportation, on the full committee central staff, and on the Subcommittee on Defense. Since 1994, he was a senior Democratic staffer for defense appropriations which covers virtually all of the military operations in the government.

He was appointed Under Secretary of the Army the last 6 months of the Clinton administration. He volunteered to help the new administration get started, and stayed a few extra months. He has been a personal adviser and great friend to the gentleman from Pennsylvania (Mr. MURTHA) and myself. He has served over 200 Democratic members to help them understand defense issues and to deal with those issues in their districts. He has a deep concern for the soldiers, sailors, airmen and marines deployed throughout the world. He loves this institution, and he has given help many times to both Democratic and Republican Members of this institution.

In the defense world there are many opportunities for qualified staff to leave the Hill for more lucrative jobs. Greg has resisted that temptation for many years, and for that we are grateful. We certainly wish him well in his future endeavors. He has been the institutional memory of this House on the budget process and on defense intelligence. He is one of the finest, most dedicated public servants, and one of the most decent human beings I have ever had the privilege to work with.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, the gentleman from California (Chairman LEWIS) reminded me that Greg Dahlberg was still here. I thought he was gone.

Yesterday we praised him in a closed briefing. Not only did the gentleman from California (Mr. LEWIS) and I praise him, but the Secretary of Defense praised him because not only was he Under Secretary, he was Acting Secretary of the Army for a period of time.

I was shocked when he came back. This guy went over there, he had an office as big as this room here. He had a bathroom, car, an airplane, and he came back to the cubbyhole where we share a little room 12 by 12 with six other people.

Greg Dahlberg is a dedicated staffer. I have never seen a guy so dedicated. This guy is one of the finest people I know. It is completely bipartisan. He tries to get things done. He wants to take care of not only the military, but every other job he has been involved in. We are going to miss the honorable Greg Dahlberg. This is his last day.

Mr. OBEY. Mr. Speaker, whether it is within the rules of the House or not, I think this institution owes Mr. Dahlberg a round of applause for his service.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding me this time, and it is very appropriate that I should follow with my remarks those of my friend and colleague and partner in this business, the gentleman from Pennsylvania (Mr. MURTHA). The gentleman from Wisconsin (Mr. OBEY) was very kind to begin his remarks with a tribute to Greg Dahlberg.

I wanted to mention that the work of our subcommittee, that is the Subcommittee on Defense, along with MILCON, got their work done last year for the 2003 year; and it is largely because of the very fine relationship we have with our professional staff and with the gentleman from Wisconsin (Mr. OBEY), the ranking member.

Just the day before yesterday in our meeting, the chairman of the Joint Chiefs of Staff, responding to the needs that are within this bill, and this bill includes a $10 billion package which is an additive to the 2003 bill which was not included in that budget relative to some of the costs carrying forward the war on terrorism. It is costing us over $1.5 billion a month, and we are very cognizant of the importance of this legislation in connection with that defense effort. Indeed, I want to have in the RECORD a copy of the letter from the chairman of the Joint Chiefs of Staff that reflects his support for this legislation.

But probably this piece would not be a part of this package or would not be effectively here if it were not for the work of our very fine staff.

□ 1815

Greg Dahlberg reflects the finest of those professionals that we have around this place. We have them on both sides of the aisle, and especially among those committees that deal with the work on behalf of defense.

I think the Members know that, year in and year out, we come to the floor with a major portion of our discretionary money in the defense arena and we carry those bills forward with almost no rancor, taking usually very little time on the floor. And I think, generally speaking, those who are watching the action on the floor today should know that a significant reason for this bill going forward, so important that it go forward now, is that we do have this rather sizable piece of money that is critical to our being able to be consistent in moving forward with the war on terrorism.

And so while Greg leaves us officially in the near term, shortly, sometime, I am not sure when, I am sorry to see him leave. I am proud to be a friend of his; I expect to work with him in the months and years ahead, but in turn, I want to thank him for helping us get the kind of bipartisan support we expect to have for this bill as it passes.

CHAIRMAN OF THE JOINT
CHIEFS OF STAFF,
Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During our meeting yesterday you asked Secretary Rumsfeld and me how significant the $6.1B for Defense currently in the FY2003 Omnibus Appropriations Bill is to the Armed Services. The following elaborates on our answer of yesterday.

The Global War on Terrorism is costing about $1.6B per month. This expense is not part of the Services' FY 2003 budgets. As a result, the Services are dipping into their budgeted 4th quarter operating accounts—we are in fact dipping into Service 3rd quarter operating accounts now—to fund first and second quarter FY 2003 expenses associated with the war. Without the $6.1B funding in the FY 2003 Omnibus, we will need to take immediate actions to reduce spending. These actions will negatively impact readiness.

I offer my support for your efforts in passing the Omnibus (H.J. Res. 2) before the President's Day recess. The package you have worked includes essential funding for the Defense Department; that is important to our national security.

The men and women of our Armed Forces deeply appreciate the support of your Committee and that of the entire Congress.

Sincerely,

RICHARD B. MYERS,
Chairman of the Joint Chiefs of Staff.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to remind the Members of the House what the content of the recommittal motion will be. We will simply strike the antienvironmental riders exempting the Tongass National Forest plan from administrative and judicial review, expanding the Forest Service stewardship contracting demonstration program throughout the United States, turning over the forests of the country to the timber companies lock, stock and barrel if they choose.

It would also reconsider language in the conference agreement which removes the restriction in the House-passed Interior bill which prohibited the use of fiscal 2003 BLM funding for activity related to oil drilling in ANWR, the Arctic National Wildlife Reserve.

It would add funding for critical conservation resource programs at not less than 2002 levels. That is consistent with an agreement that was made and should be abided by until the year 2006.

And it also would add up to $500 million above the current conference levels to fund training, equipment and assistance for first responders; in other words, bringing it up to the presidential request.

Mr. Speaker, I full well recognize that there are many good things in this bill. Even a stopped clock is right twice a day. There are many things that we have to provide. And so I am certainly not going to ask Members to vote against the bill, but I am going to ask them to vote for the recommittal motion if you care about our environmental stewardship and if you really care about providing the equipment and the support necessary to our first responders, our policemen and firemen.

If indeed you want to send them the resources they need rather than duct tape, vote for the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 15 seconds to the distinguished gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, included in this legislation is $1.1 million for the Roanoke River Upper Basin Project. Is it the gentleman from Ohio's intention and expectation that the contract for construction will be awarded only on an open and competitive bidding process?

Mr. HOBSON. If the gentleman will yield, yes, I agree.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

I do so, Mr. Speaker, to say also a sad good-bye to Greg Dahlberg, who was not only a trusted staff but a trusted friend.

Greg, you know that we are going to miss you.

I want to thank the gentleman from Wisconsin (Mr. OBEY) for spirit of cooperation that we have enjoyed with each other working through this process. And I also want to say, please vote against his motion to recommit. I want to thank the Speaker of the House for the strong leadership that he gave us in trying to come to a conclusion on some very thorny issues, as well as the distinguished majority leader of the Senate. As for Senator STEVENS, I tell you he worked miracles, because he had to come down $9 billion more than we had to come down in order to meet this number.

I want to pay a special tribute to Vice President CHENEY. The Vice President weighed in as we were trying to solve some very difficult issues. He was extremely effective. I just really appreciate the fact that he helped us get to where we are today, where we can finally pass this bill out of here, conclude the work of fiscal year 2003 and begin the work of fiscal year 2004.

And, yes, by the way, again, please vote against the gentleman from Wisconsin's motion to recommit.

Mr. STARK. Mr. Speaker, I rise today in opposition to this omnibus appropriations bill. It is unfortunate that Republicans felt it necessary to use this legislation as a vehicle to peddle their anti-environment agenda while forcing cuts in basic priorities. I would have liked to support many provisions included in this bill.

This bill contains funding I have worked for to fund two Army Corps of Engineers flood control studies that will help communities in my district to evaluate flood problems. It will also provide money for a pilot program in Alameda County to protect children at risk from entering the long-term foster care system. I strongly support these vital programs. However, I have no choice but to oppose the legislation before us today.

I cannot in good conscience support this Republican bill because it will open the door to an unprecedented assault on our environment. It grants logging companies unfettered access to public lands to devastate and degrade our national forests. It specifically invites the timber industry to invade Alaska's Tongass Rainforest and reduce the splendor of this wilderness to a patchwork of clear cuts. It opens the pristine landscape of the Arctic National Wildlife Refuge for the gas industry to make another oil field. An it leaves little money for the unkeep of our national parks and conservation efforts.

Beyond assaulting our environment, this bill continues to shortchange education and will leave our children behind regardless of the President's rhetoric to the contrary. It calls for an across-the-board cut in federal investment in our schools, a cut of over $300 million this school year. This bill also makes it more difficult for parents and students to pay for college. The meager increase for Pell grants doesn't even keep pace with the rising cost of inflation.

The bill makes a drastic cut in housing subsidies for poor families. In this tough economy, there is little reason to make times harder for those who have already been hardest hit by this tough economy.

Finally, this bill makes a mockery of homeland security and public safety. While the President continues to raise fears about impending terrorist attacks, his Republican cronies aren't funding the first responders who will be on the front lines if such an attack occurs. This bill also contains cuts in security at our ports, dams, and nuclear facilities that if breached could have a catastrophic impact.

I urge President Bush and Congressional Republicans to end their assault on our basic priorities. I ask my colleagues to support Representative OBEY'S motion to recommit, which would remove the disastrous anti-environmental riders from this bill. And, if that motion does not pass—which it won't—I urge my colleagues to vote against the entire bill.

Mr. UDALL of Colorado. Mr. Speaker, I would like to be able to vote for this conference report, because it does include some things that I support and that are very important for Colorado and the country. If those items, or even the parts of this omnibus bill that included them, were being considered separately, I well could vote for them.

But that is not the situation today. Instead, today Members of the House are presented with a more difficult choice. We must vote yes or no on this entire conference report, which rolls into one enormous package no fewer than 11 of the regular 13 appropriations bills that together cover all of the government except the Department of Defense.

This is not the way the House should do its work. It is an embarrassment for all of us. But the responsibility lies solely upon the Republican leadership. They are the ones who refused to allow the House to consider only a few of the regular appropriations bills last year, either before the November elections or in the subsequent lame duck session. They are the ones who have brought this embarrassment, this shame, even, upon the House.

Nonetheless, each of us has had to try to review the results, weighing its good and bad features, without adequate information and in undue haste—haste now, after months and months of delay—and decide, on balance whether to support it. So I have done my best to review and understand what is before the House. And, on balance, with some regret, I must vote against it.

Let me briefly explain how I reached that decision, weighing the good parts of the bill against its serious defects.

GOOD ASPECTS OF THE BILL

Here are some of the good things in the bill:

COLORADO FUNDING ITEMS

The omnibus bill provides funding for several important activities in Colorado. I want to highlight just a few:

Rocky Flats Cleanup Funds—I am very glad that the omnibus bill includes $664 million to continue the ongoing cleanup of the Rocky Flats Site. This is a matter of the highest priority to all Coloradans, because this former nuclear-weapons production site, with its large quantities of radioactive materials, toxic chemicals, and other dangers is just 15 miles from the heart of our largest metropolitan area. The Department of Energy, through its contract with Kaiser-Hill, is working hard to have it cleaned up so it can be closed and transferred to the Department of the Interior for management as a National Wildlife Refuge. The funding included in the omnibus bill will enable that effort to continue, so this is definitely a good part of the overall package.

NIST laboratory repairs—I am particularly glad that these include more than $11 million to enable the National Institute of Standards and Technology, NIST, to begin what the conferees very accurately describe as "urgently needed construction and renovation" work at NIST's laboratory in Boulder. The condition of this laboratory has been of great concern to me, and I want to express my thanks to Chairman FRANK WOLF and Ranking Member JOSE SERRANO for making sure that these funds were included. I look forward to continue working with them and the rest of the appropriations committee so we can complete this important task.

Beaver Brook acquisition—The conference report includes $2.5 million for the Forest Service to continue with acquisition of lands in the Beaver Brook watershed, in Clear Creek County, now owned by the City of Golden. I am glad that this is included, but regret that the amount is significantly less than the $4 million for this purpose that was included in the Interior appropriations bill passed by the House. I will seek to have sufficient funds included in the appropriations bill for fiscal 2004 to enable the Forest Service to stay on schedule for completion of this acquisition.

Great Sand Dunes—The bill includes $7 million to acquire lands slated to be included in this National Park System unit, and another $5 million for acquisition of lands that will be included in the adjacent unit of the National Wildlife Refuge system. I support these acquisitions.

Other good aspects of the bill include the following:

MEDICARE PROVISIONS

The omnibus bill includes increased payments for Medicare physicians and rolls back a scheduled March 1 pay cut that could result in serious health care access issues for our nation's seniors. I have long supported increased Medicare payments for providers and have cosponsored legislation to roll back the Centers for Medicare and Medicaid Services physician payment cuts scheduled for 2002 and 2003, and to devise a formula that better reflects the cost of care. So my vote against the omnibus bill should not be perceived as a vote against increasing payments for Medicare doctors. My record proves otherwise.

DROUGHT ASSISTANCE

The drought Colorado and other states are suffering from has devastated many farmers and ranchers. Some of us in Congress have been asking for drought relief for almost a year. I am encouraged to see that there is some relief in the omnibus appropriation bill, but I am concerned that for many people it may be coming too late. It would have been appropriate for drought assistance funds to have been included in the supplemental appropriation passed last year, but the resistance of the Administration meant that didn't happen. And the refusal of the Republican leadership to act in a more timely fashion on the regular appropriations bills has compounded the problem.

LIMITS ON INFORMATION PROGRAM

I am very glad that the conference report retains the Senate's provision limiting the Defense Department's "Total Information Awareness" program. I thought the potential for abuse of this program outweighed its purported advantages, and think the restrictions included in the conference report are most appropriate.

INTERNATIONAL ASSISTANCE

The conference report includes $295 million for humanitarian assistance to Afghanistan and $800 million for international HIV/AIDS programs. Bother are needed.

NASA

The conference report includes $50 million for NASA to investigate the cause of the Columbia shuttle tragedy, which is very important. It also provides that the general funds provided for the shuttle program will be exempt from the across-the-board rescission made by the bill—something that I support.

ELECTION REFORM FUNDING

The conference report includes funding to implement the Help America Vote Act, including funds to help Colorado and the other states to modernize their voting equipment. I strongly supported that election-reform law, and regretted that the President chose not to spend the funds provided last year for its implementation. So I am glad these funds are included in this omnibus bill.

BAD ASPECTS OF THE BILL

If those are some of the good things, what are the bad? Here is a partial list:

SHORTCHANGING FIRST RESPONDERS

I have strongly supported efforts to improve our homeland security against terrorism. I supported establishment of a Homeland Security Department, as recommended by former Senators Gary Hart of Colorado and Warren Rudman of New Hampshire, and did so even while the Bush Administration was opposing the idea. Central to those efforts will be the ability of our first responders, police, firefighters, and others, to meet the challenges they are facing. Unfortunately, in my opinion, the Administration's attitude toward them has been nothing short of shameful, and the Republican leadership of the House has slavishly followed the Administration's lead. The President and Homeland Security Director Tom Ridge have repeatedly promised the nation's police and fire departments $3.5 billion in "new" first responder grants. The President first pledged this "new money" in a February 25, 2002 speech to the nation's governors. However, last year, he threatened to veto the post-9/11 Homeland Security Bill if it included additional homeland security money. And in August, the President refused to spend the $5.1 billion homeland security package, which included $150 million in emergency first responder grants and which was developed on a bipartisan basis. Then, in December of 2002, the Justice Department announced that it would "suspend awarding grants to aid first responders to terrorist attacks" even though Congress had provided stopgap funding for first responders in continuing resolutions. And just last month, our Republican colleagues, following the lead of the Administration, voted down legislation to immediately fund the promised $3.5 billion in new money for first responders.

Now some of our colleagues are saying that this conference report funds the President's supposed request for $3.5 billion in "new" money for first responders. However, the fact is they are counting previously existing law enforcement and firefighting grants, as well as the new first responder initiative. For comparison, in 2002 those existing programs actually received roughly $2.3 billion. So, in reality the conference report includes only $1.2 billion in "new" money—far less than the $3.5 billion in "new" money that was promised.

UNDERMINING ORGANIC FOOD STANDARDS

Organic food products have become a $10 billion dollar industry in America—and Colorado is the number-two producer in the nation. The success of this segment of agriculture is built on consumer confidence in the USDA's standards represented by the "organic" label. Yet, this omnibus appropriation bill undermines some of the integrity of those standards by allowing meat to carry the "organic" label even though the livestock were fed on non-organic feed. The USDA took years to develop the organic standards working with a states and private entities.

WEAKENING ENVIRONMENTAL PROTECTION

As others have pointed out, the bill includes many provisions contrary to good environmental policy. Not only are these bad in themselves, their inclusion in an omnibus appropriations measure makes them doubly objectionable.

This is particularly important to me because I was a member of the Resources Committee during the 107th Congress, and am looking forward to membership on both that Committee and the Agriculture Committee in this Congress. Many of the provisions in this omnibus bill are legislative in nature, and should properly be dealt with in legislation originating in one or both of those Committees. Particularly notable in this regard are the provisions related to "stewardship contracting" as an aspect of forest management. While I understand why some of its proponents find it attractive, it is a subject that needs careful review and consideration, and should not be dealt with as a minor part of an omnibus appropriations measure.

If the motion to recommit had been adopted, many of my concerns regarding this conference report would have been resolved. That the motion did not succeed adds a great deal to my reluctance to support this conference report.

INADEQUATE FUNDING IN MANY AREAS

Overall, the conference report reflects the fact that the Republican leadership, not the appropriators, but their leadership, acted as agents of the Administration by imposing arbitrary and unrealistic constraints on funding for vital functions of government.

CONCLUSION—NO WAY TO DO BUSINESS

This bill is a textbook example of how we should not legislate, behind closed doors, without meaningful participation by more than a small number of Members, and under "crisis" conditions resulting from deliberate strategy. This along is a major reason that I cannot support the conference report.

So, Mr. Speaker, as I said, while it was not an easy decision, I have decided I cannot support this conference report.

Mr. KIND. Mr. Speaker, I rise in support of the Obey motion to recommit because this massive piece of legislation falls short in some issues critical to our nation, and includes certain controversial provisions that need to be debated and considered through the legislative process, not in closed conference.

I agree with my colleague from Wisconsin that there are homeland security priorities that we can and must fund that are not adequately addressed in this 1,100 page bill. For example, this legislation funds only one-fifth of what the U.S. Customs Commissioner says is needed to effectively inspect the thousands of cargo containers that enter our nation everyday. This presents our nation with an unfortunate vulnerability to terrorism and Congress must fund this priority.

In addition, as a member of the House Resources Committee, I feel provisions included in this legislation, such as a rider potentially allowing significant commercial logging in some of our most ecologically sensitive areas, and the funding of preliminary work for opening up the Arctic National Wildlife Refuge to drilling, are uncalled for. These important and controversial issues should be fully debated and open to amendment through the normal legislative process. In addition, the cutting of important conservation program funding by $200 million dollars will set our nation further back in protecting our most important resources. These programs are supported by the states, and especially important to my home state of Wisconsin.

Further, thanks to an 11th hour provision inserted into the fiscal year 2003 omnibus appropriations bill, consumers of some organic food products may not know if their food is truly organic. This provision seriously undermines both consumer confidence in organic food labels and the USDA standards. The provision will permit some livestock to be labeled "organic" even though the livestock products do not meet the strict criteria established by USDA. Most significantly, producers of select livestock (chicken and other poultry products) would not have to meet the requirement that the animals be fed organically grown feed.

The recently enacted organic standard was the result of many years of careful deliberation and public input. Overwhelmingly, organic producers and consumers have supported the new standards. Due to this outrageous omnibus provision, organic producers and consumers will no longer have confidence in the organic labeling process.

Such a massive omnibus bill incorporating 11 spending bills and totaling nearly $400 billion, also lends itself to abuse through the inclusion of numerous pet projects that are not based on necessity and would not be justifiable to the public if considered in the light of day.

Mr. Speaker, we must have priorities in our funding. We must confront the threats facing our land while ensuring our children have access to quality education and our most needy have access to healthcare.

This legislation does meet many of the obligations of our government, and on their own merits, I would have supported them. However, the inclusion of funding for countless projects and programs that were never debated or considered on the House floor makes this bill unsupportable in its current form.

I urge my colleagues to support the motion to recommit so that we can address some of the most damaging aspects of this bill.

Mr. RADANOVICH. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installments is "not otherwise provided for" as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. DOOLEY of California. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriation Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installments is "not otherwise provided for" as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. VAN HOLLEN. Mr. Speaker, today the House passed the Omnibus Appropriations bill, to fund federal government operations for the remainder of Fiscal Year 2003.

This Omnibus package combines 11 of 13 separate funding bills that should have been completed months ago. But rather than conduct hearings and encourage thoughtful debate on America's budget priorities, the Republican leadership in this Congress has cobbled together a 3000 page, $400 billion mega-spending bill in mostly back room deals. And now they ask for a simple yes or no vote on this huge package.

Mr. Speaker, I am a new Member of Congress and I am extremely disappointed by the process. The American people have been shut out of the process. I wish, Mr. Speaker, that I could use this vote as a lesson for my three children and children throughout my district, to teach them how the great democratic institutions of our land reflect the will of American people.

But today, Mr. Speaker, the democratic and deliberative process have been hijacked. The Committee system of this Congress has been bypassed. No hearings. No testimony from impartial experts. No debate. No markup. Nothing.

Mr. Speaker, this is no way to begin this new session of Congress. The full House has been given little opportunity to debate, and no opportunity to amend this huge bill. This is a dreadfully flawed backroom process that has allowed logging and oil interests to attach riders that are harmful to our environment. These riders, which have nothing to do with the appropriations process, allow for clear-cutting in national forests, prevent Forest Service administration decisions from being challenged in court, and remove a House-passed provision that would have barred preliminary work on a drilling program in the Alaska National Wildlife Refuge.

But at the same time, this omnibus spending bill does include certain provisions that I strongly support. Among them are the full 4.1 percent cost-of-living pay raise for federal employees that the Administration had so strongly opposed, and a desperately needed adjustment to the Medicare reimbursement formula for doctors, hospitals and other health care providers that will improve access to care for thousands of patients. This matter should have been addressed months ago; it should not have been necessary to include it in this bill.

Although I support the federal pay raise and the Medicare formula fix, I am angered that they are being held hostage by the disastrous, short-sighted riders that wreak havoc on our environment. I object to this kind of back-room political extortion, a cynical abuse of the legislative process to advance the interests of a few over the needs of many.

That is why I voted in favor of the Motion to Recommit this bill and consider an alternative that better reflects our needs and priorities.

But since the motion to recommit did not pass, I was forced to cast a yes-or-no vote on the final package. Even with the terrible riders, I could not vote to deny our federal employees the pay raise they deserve, or to deny seniors access to Medicare by failing to adjust the reimbursement formula, or to deny funding for schools or homeland security or the many other needs that are funded in this bill.

But, Mr. Speaker, those of us who support progressive environmental and conservation policies will persevere. We will keep fighting these short-sighted policies. The American people do not support them and they will not stand.

Mr. Speaker, the American people deserve better so we can do better. We can do so much better.

Mr. BLUMENAUER. Mr. Speaker, in the past, I have often been reluctant to support omnibus bills, which package multiple pieces of legislation into one. It is poor policy to legislate in this manner. This particular omnibus appropriations bill, combining eleven appropriations bills totaling $397.4 billion is the worst example of this that I have seen.

Many of the individual bills were never brought before the relevant committees and we are barred from offering amendments on the floor. The final draft of more than 1,000 pages were first made available to the full Congress less than 12 hours before we are being asked to vote on it. Nobody knows the extent of the riders, earmarks and provisions that have been added to this bill. What we do know is in here includes some of the most egregious environmental riders imaginable: allowing nearly unlimited clear-cutting of our national forests; exempting the Administration's Tongass National Forest management plan from all judicial or administrative appeals; and, allowing preliminary work for drilling for oil in the Arctic National Wildlife Refuge—despite the fact that it is currently illegal to drill there.

Many of my constituents have expressed concern about the process that has taken place to get us to this point. I am not able to defend the process to them and, therefore, cannot support final passage of this bill. It is not fair to legislators or the people they represent to conduct Congress in this manner. I look ahead with promise to a new fiscal year when Congress can again return to legislating.

Mr. HOLT. Mr. Speaker, I will vote for final passage of the FY 03 Omnibus Bill, but I will hold my nose as I do so.

Let me first note one positive aspect of the omnibus—the increase in Medicare provider payments. I'm very pleased that the conferees approved a 1.6 percent increase this year, to prevent the drastic payment cuts that threatened seniors' access to healthcare.

But all is not well, unfortunately. I believe, as do so many of my colleagues, that these are unusual and dangerous times that require urgent action. We cannot continue to leave this government limping along with frozen budgets, trying to meet the challenges of a new world. So I find myself compelled to vote for this bill, to protect my constituents and the people of the United States. Our federal agencies need to have appropriate funding to deal with the threats and challenges of the world as we see it today.

Mr. Speaker, the House leadership did not think it necessary to give our local first responders the funding they need to deal with emergencies. We've heard so much rhetoric about the need for this country to be prepared for the dangers around us. So why have we shortchanged the police, firefighters, and emergency medical personnel who are so crucial to these preparedness efforts? I voted for the motion to recommit because it added $500 million above the conference-approved levels for training, equipment, and assistance for first responders.

What I also cannot condone is the senseless assault on our environment contained in this bill, including language that removes oversight of public land management in areas like the Tongass National Forest. I also cannot condone a decrease in funding for conservation programs, which are so crucial as we consider how to end our dependence on foreign oil.

These are only two of the things I can find wrong in this bill, because we had less than one day to work on it. Who knows what else have been slipped in? I will vote for this bill, Mr. Speaker, but I do so with great reservation.

Mr. DREIER. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installment is "not otherwise provided for" as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. KOLBE. Mr. Speaker, I rise in support for the conference report.

This omnibus act includes the fiscal year 2003 appropriations act for foreign operations, exporting financing, and related programs. As chairman of the Subcommittee, I'm pleased we'll finally enact into law important funding provisions and policy language that the Appropriations Committee considered last fall. It is vital that the Congress maintain a partnership with the Administration, both in funding for foreign assistance and in the development of the policy that accompanies and guides that assistance. Failure to enact foreign aid appropriations bills in a timely manner erodes and compromises the constitutional role of Congress in both these important areas.

The foreign operations division of this conference report totals $16.3 billion in discretionary budget authority. It is $250 million below the level approved last year by the House Appropriations Committee, $130 million below the Senate level, and $171 million below the President's request. However, despite these reductions we have managed to fund important initiatives in funding for HIV/AIDS, assistance for Afghanistan, and in the War on Terrorism.

Assistance to combat HIV/AIDS in the foreign operations division of this conference report totals $800 million. That compares to $475 million in the fiscal year 2002 appropriations act. As part of this funding, $250 million is a contribution to the Global Fund to fight AIDS, Tuberculosis, and Malaria, bringing the total United States contribution to date to $725 million.

In the two years since I became chairman of the subcommittee, we've raised funding to combat HIV/AIDS from $300 million to $800 million, an increase of over 250 percent. I know everyone would like more, and the President recommends major increases in future budgets. However, I think we can take some satisfaction in the way this Congress has responded to the needs in this area.

The conference report also includes the recommendation from the House bill that provides a minimum funding level for Afghanistan of $295.5 million. The President's budget stated that final funding levels for Afghanistan were yet to be determined, but I believe it is necessary to maintain an emphasis on reconstruction of the physical infrastructure as well as building institutions of democracy in Afghanistan. For that reason funding in this bill for disaster assistance and refugee assistance is increased above the levels recommended by the President.

Total refugee assistance in this conference report is $813 million, compared to the President's request of $720 million. Many members of the House wrote to us last year to support as high a level as possible for refugee assistance, and we have responded.

We also have a new focus in this conference report on economic growth, including trade capacity building, basic education, and clean water. We include bill language providing that not less $452,000,000 should be provided for trade capacity building in the developing world. This is an issue close to my heart, because I believe that without the ability to participate in the international trading system, developing countries will be left behind in the global economy.

We also maintain and enhance assistance for our allies in the War on Terrorism. Israel will receive almost $2.8 billion in assistance, including an increase of $60 million in military assistance. Jordan will receive $250 million in economic assistance, an increase of $100 million. In addition, Jordan will receive $198 million in military assistance, an increase of $123 million. Anti-terrorism training for the security forces of our allies will increase from $38 million to $64 million.

I am disappointed we were not able to fund $200 million for additional anti-terrorism assistance for Israel as I recommended twice last year—once in the supplemental and once in the regular fiscal year 2003 bill. In this conference agreement, we were forced to reduce the overall level of the House bill by $250 million, and the Senate bill did not contain this funding. Therefore it was impossible to accommodate this increase without damaging cuts to other programs. However, it is my expectation we will be addressing this matter as part of the supplemental appropriations request we should be receiving from the Administration in the next month.

It should come as no surprise to learn that we do not continue funding for the heavy fuel oil costs of the Korean Peninsula Energy Development Organization, or KEDO, since North Korea has abrogated the Agreed Framework. This results in a reduction of $70 million from the President's request.

This conference report continues assistance to Eastern Europe and to Eurasia through out regional accounts. Funding for the Former Soviet Union and Eurasia is provided at a level of $760 million while assistance for Eastern Europe is funded at $525 million. However, we include language similar to that contained in the House bill prohibiting funding for the Government of Urkraine unless the President certifies that it has not provided arms to Iraq. We do not want to reward governments that are aiding Saddam Hussein.

We also retain important language initiatives from the House bill, including language that tightens oversight on both the West Bank and Gaza assistance program of AID and on our funding to the United National Relief and Works Agency. In neither case do we prevent funding for the important humanitarian work done by these agencies; we only ask for oversight by the USAID Inspector General in the case of the West Bank and Gaza Program, and a report by the GAO on whether current law is being followed by the State Department in providing assistance to the UN Relief and Works Agency.

After long negotiations with the Senate, the Committee came to a compromise on the Andean Counterdrug Initiative. The conference report funds this account at a level of $700 million, which is $75 million more than last year and $31 million less than the request. The conference report includes a permissive transfer of $31 million from the regular International Narcotics Control and Law Enforcement account from this or previous Acts, therefore if the authority is exercised, the Andean Counterdrug Initiative will be fully funded.

While I am a strong advocate of properly managed United States foreign assistance programs, the Committee learned last year that some foreign governments have assessed taxes against our aid programs. This is unacceptable, and we owe it to the American people to ensure that tax dollars intended for programs to help people are not transferred to the treasuries of foreign governments. Therefore, we include language from the House bill mandating that the Department of State take definite action to halt this practice. We further require that any tax that is collected and not properly reimbursed to the United States government will be deducted at a level of 200 percent from the aid that would be provided to that country in fiscal year 2004. Half of these funds will be returned in a rebate to the Treasury, thereby providing the first "tax relief" Congress will consider this year.

Finally, we have recommended language for the U.N. Population Fund that almost no one likes, but which almost everyone is prepared to live with. This bill respects the concerns of the majority in the House who insist that U.S. funds going to the UNFPA are contingent on that organization's commitment, action, and adherence to a policy of opposing coercive abortions in China in compliance with the so-called "Kemp-Kasten" amendment. I have also tried to recognize our common belief that it is imperative that U.S. maintain and continue to project positive leadership in international affairs in a way that helps us secure our very broad foreign policy interests. That is why both the fiscal year 2002 funds of $34 million, and $34 million in fiscal year 2003 will be available to UNFPA if they are in compliance with Kemp-Kasten.

Mr. Speaker, I have highlighted only the most important provisions of the foreign operations appropriations act. I think we have done a good job responding to the President's needs in this area while protecting programs important to the Congress. I strongly support this conference report and urge its adoption.

Ms. McCARTHY. Mr. Speaker, I am deeply disappointed that we were given less than twenty-four hours to evaluate this critical and massive omnibus appropriations bill. I object to this flawed process.

This bill includes a number of anti-environmental provisions that significantly endanger our nation's public lands, forests, wildlife, clean water, endangered species and other national treasures. These are environmentally harmful and fiscally wasteful projects. H.J. Res. 2 makes deep cuts to the Conservation Trust Fund. Congress established this fund to address the chronic underfunding of our nation's parks, refuges, wildlife protections, open space, and historic and cultural resources. The Conservation Trust Fund has responded to the concerns of thousands of conservation, environmental, preservation and recreation interests and a broad array of state and local interests. This proposal cuts this funding by more than $200 million. This proposal will also authorize unlimited private contracts for logging in national forests. This will open the doors of our nation's forests to the timber industry, allowing widespread logging under the guise of forest management.

H.J. Res. 2 will allow the Department of the Interior to conduct preleasing activities in the Arctic National Wildlife Refuge, even though Congress recently rejected oil and gas leasing in the Refuge. This will potentially open up the area to environmentally hazardous oil exploration. H.J. Res. 2 does not provide adequate funds to our homeland security which is needed to protect our nation from potential threats. The safety of individuals within our nation is a high priority and we must do everything we can to adequately fund projects that protect our citizens, as well as uphold our democratic principles.

Representative OBEY's motion to recommit will strike the anti-environmental riders. It will exempt the Tongass National Forest Plan from administrative or judicial review. His motion to recommit will add funding for critical conservation resource programs at not less than 2002 levels; and add up to $500 million above the current conference levels to fund training, equipment, and assistance for first responders. I will support Representative OBEY's motion to recommit because it will protect our environment while addressing concerns over our homeland security.

Not only do we need to protect our nation from potential threats from outside nations but we must also protect our citizens from environmental damage that will impact our health, land, and natural resources. The environment and health of our nation is not something I am willing to gamble with. I strongly urge my colleagues to support Representative OBEY's Motion to Recommit.

Mr. DOOLITTLE. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installment is "not otherwise provided for" as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. MICHAUD. Mr. Speaker, today, the House considered the Omnibus appropriations measure for Fiscal Year 2003. It is the legal duty of the Congress to fund the government, and the time to vote on this funding was long overdue.

As is often the case, the majority decided to use this desperately-need bill as a vehicle to insert "riders" and other language that would be unlikely to pass on its own. In this bill, there was language that would open the way to preliminary studies of the feasibility of oil drilling in the Arctic National Wildlife Refuge. There was language that would increase logging in national forests. There was a cut to conservation programs, and a severe underfunding of border security and first responders money.

I object to these provisions in the strongest terms. This is a sneaky, underhanded way of creating policy. At a time when funding for so many valuable programs in Maine and across the country is desperately needed, it is wrong to extort the Members of Congress into voting on these highly controversial measures. The majority is saying: vote in favor of this bill, with these odious measures included, or lose the entire bill.

So when the Motion to Recommit was offered, I gladly voted in favor of it. This motion would have instructed the Appropriations Committee to remove this offensive language, and pass a clean bill to fund the government. I would welcome the idea of a short delay in passing the omnibus if it were to mean removing these environmental sneak-attacks.

However, when that motion failed, I felt that the remainder of the bill was too important for Maine to be allowed to fail. The omnibus includes millions of dollars in direct aid to Maine. I have worked hard to obtain funding for projects in agriculture, health, transportation, construction, science, and labor. This includes $900,000 that I was able to convince my colleagues to include to help the workers in Millinocket and East Millinocket who have lost their health care in the wake of the Great Northern Paper Bankruptcy. This includes language that I was able to insert prohibiting the Department of Labor from consolidating the Bangor and Portland OSHA offices without further consultation with Congress. This includes Medicare payments to physicians and support to rural hospitals in Maine, money to develop the East-West Highways, money for education, federal housing loans, and small business loans.

I voted in favor of the omnibus so that Maine would not be deprived of all of these vital resources. I am extremely disappointed that this bill contained such detrimental, misguided environmental policy as well. I will continue to oppose measures such as these. I have already worked hard in my first month in Congress to oppose drilling in ANWR, to safeguard our environment, and to promote energy efficiency and alternative fuel sources. I have written letters, cosponsored bills, and worked with my colleagues already on these issues, and my determination to advance these causes will not diminish.

I am pleased that we could pass this bill, and bring important funding to programs in Maine and around the nation, and I wish that the majority party had not exacted such a high price.

Mr. PETRI. Mr. Speaker, I want to commend the Committee for setting an obligation limit of $31.6 billion for the federal highway program in 2003. As we are facing a struggling economy and overwhelming transportation challenges, it is essential that we continue to invest now to preserve jobs, save lives, and provide the basic infrastructure we need to get back on the road to economic growth. The Trust Fund can support this spending as we have a $16 billion balance and, at a time when we are looking at an economic stimulus package, it does not make sense to shortchange a program that helps grow the economy and provide good, well-paying jobs.

That being said, I am disappointed that once again the Committee has changed the way the program functions and, in essence, amended TEA 21 in the process. Once again funds—$269 million worth—which would otherwise go to the states are held back in order to expand earmarking opportunities, and at a 100% federal share. In addition, $285 million is appropriated from the Highway Trust Fund and $90 million is appropriated from the General Fund for further earmarking. And it appears that obligation authority is distributed in a way that favors program earmarked by appropriators at the expense of other apportioned or allocated programs. As last year, contract authority distributed to the states under the core programs is rescinded. It is only in the last two years that these types of activities have been approved by the appropriators, and it is a trend that should end with this bill.

I again want to praise the overall level of highway spending provided in this conference report. Now that we are finally finished with fiscal year 2003, and begin the 2004 appropriations process, I hope we can return to a process that respects the jurisdiction of the authorizing committees, that does not take funds away from the states, and that we can work together to advance the transportation agenda of our nation.

Mr. SMITH of Texas. Mr. Speaker, I commend the Leadership and Members of the Appropriations Committee for bringing this legislation to the House floor and in concluding the FY 2003 funding process.

This bill provides critical resources for essential and much needed scientific, research and advanced technology initiatives.

As a member of the Research Subcommittee of the House Science Committee, I would like to express appreciation for the continued funding of many valuable research programs, both within the government and for the commercial sector.

Funding continues for the many federal research programs, including NIH, NSF, NOAA, NASA and the National Institute of Standards and Technology (NIST).

Within NIST, funding for the Advanced Technology Program is provided. ATP assists in the commercialization of promising technologies and provides federal resources that are much needed and scarce in the current economy and investment climate.

I would like to recommend an additional category for consideration in the use and awards of ATP funds for FY 2002–03 grants. Important advances in digital holographic technology are being developed, with broad applications for commercial as well as governmental uses, both defense and non-defense.

This important scientific work by mostly small companies has been funded through private capital, which is now largely unavailable at this critical period of technology development. With uses of this three-dimensional visualization technology pending in a number of critical areas, capital is needed to accelerate the R&D programs.

I urge NIST to include within the areas under consideration for ATP funding this emerging field of digital holographic technology and its great commercial potential.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this House Joint Resolution 2, the Omnibus Appropriations bill for Fiscal 2003.

At the outset, I'd like to recognize the valiant efforts of the Chairman of our full Appropriations Committee, the gentleman from Florida, Mr. YOUNG. The Chairman has provided energetic and stalwart leadership throughout this unusually long appropriations cycle and this House owes him a debt of gratitude. The Conference Report before us is a better piece of legislation today for his efforts and those of the rest of the Subcommittee Chairmen. I want to thank our House Conferees and thank you, Mr. Chairman.

Mr. Speaker, I will support this Conference Report. In doing so, I echo the comments of many of my Colleagues. There is much to be proud of in this bill.

We provide:

Another $10 billion for intelligence and defense activities, the immediate need of which is self-evident;

$825 million for our first-responders—those on the homefront we task to help our citizens in time of need;

An additional $3.1 billion over the President's request for education—to keep our commitment to the No Child Left Behind Act;

And the single largest program increase in the bill goes to NIH—the agency on the cutting edge of medical research and thus better support he collaborative efforts for basic research with our colleges and universities;.

No, this bill is not perfect. Given sole responsibility to draft this $397 billion package, we all would have rearranged priorities a bit, taken out some of the legislative riders and redrafted others.

But, my colleagues, we cannot let "the perfect" be the enemy of "the good."

We have a responsibility to govern. We have a responsibility to lead.

And at a time when this nation is waging a war on terror, defending our homeland and possibly preparing to send our young soldiers into harm's way, we should pass this bill and get on with the business of governing and reviewing the President's new proposal for FY 2004.

Once again, I thank Chairman YOUNG for his leadership. I urge adoption of the Conference Report.

Mr. HOBSON. Mr. Speaker, I am pleased to support the conference report on H.J. Res. 2, which includes the Energy and Water Development Appropriations Act for the fiscal year 2003.

We were able to work out the differences between the House and Senate bills in such a way that the critical priorities of the House and Senate were protected. The product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water programs is $26 billion. This is $858 million over fiscal year 2002 and about $287 million over the budget request.

I am pleased with the level of funding we have recommended for the Civil Works program of the U.S. Army Corps of Engineers. At $4.6 billion, the recommended funding is $456 million higher than the Administration's inadequate budget request. While that may sound like a large increase, the amount we have recommended is actually $27 million less than the Corps spent in fiscal year 2002. If we had funded the Corps' program at the level requested by the Administration, the result would have been schedule delays, increased project costs, and the loss of project benefits. In addition to providing more funds for ongoing projects, the conference agreement includes funding for a number of new construction starts.

For the Bureau of Reclamation, we have provided $953 million, which is $72 million above the budget request. This includes $23 million for the Bay-Delta Ecosystem Restoration Program in California.

For the non-defense programs of the Department of Energy, we were able to provide modest increases over last year for several programs. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will be even more important as we move into the 21st Century.

For the atomic energy defense programs of the Department of Energy, the conference agreement includes $15.7 billion, a slight increase of $33 million over the budget request. These funds will ensure that we have a reliable and safe nuclear weapons stockpile, continue to fund important nuclear nonproliferation programs to secure nuclear materials in Russia, and meet our commitments to communities throughout the United States to clean up the damage done to the environment over the past forty years.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his Ranking Minority Member, Senator HARRY REID, for their cooperation and hard work. I am especially grateful to my good friend and the Ranking Minority Member of the House subcommittee, the Honorable PETE VISCLOSKY, for his tremendous efforts on behalf of this conference report. I also want to thank our full committee chairman, Mr. YOUNG, and the full committee ranking member, Mr. OBEY.

Finally, I would like to express my appreciation to the Subcommittee staff for Energy and Water Development—Bob Schmidt, Jeanne Wilson, Kevin Cook, Dennis Kern, Tracey LaTurner, Dave Kilian, Rich Kaelin, and Chris Altendorf. Their expertise, knowledge, and negotiating skills have been invaluable throughout this process.

I urge the unanimous support of the House for adoption of this conference report. I would hope we could quickly conclude action on this conference report so that we can get this bill to the White House for signature.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate on the conference report has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. At this stage, I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. OBEY moves to recommit the conference report on the joint resolution, H.J. Res. 2, to the committee of conference with instructions to the managers on the part of the House to:
>
> (1) disagree to section 323 in Division F of the conference report (expanding logging in Federal forests);
>
> (2) disagree to section 335 in Division F of the conference report (preventing any administrative or judicial review of the Tongass Land Management Plan);
>
> (3) reconsider its decisions on the Bureau of Land Management, Energy and Minerals program;
>
> (4) fund, within the scope of conference, conservation spending category items in Division F (including National Park Service grants to States and U.S. Fish and Wildlife Service programs) at no less than current rate; and
>
> (5) increasing funding for training, equipment, and assistance for first responders provided through the Office of Domestic Preparedness to levels as close to the levels requested by the President as is possible within the scope of conference.

Mr. KIND. Mr. Speaker, I rise today to speak against a provision in the FY2003 Omnibus Appropriations Bill that weakens the organic label standards related to livestock production. This 11th hour provision weakens national organic standards by no longer requiring organic poultry producers to feed their birds only organically raised feed grains. This language, hidden in the Congressional Appropriations Bill, is contrary to the intent of organic livestock production and would severely undermine the organic standards that we currently have in place.

Organic foods have been one of the fastest growing components of the agriculture consumer marketplace, a market that is built upon trust. Millions of American consumers have growth to trust the quality, wholesomeness and integrity of organically labeled meats and vegetables. Should this provision prevail, the American consumers will no longer be able to trust organic labeled meat as truly organic. This provision will undermine both consumer confidence in organic labeling and the existing USDA standards.

Select livestock producers, specifically chicken and poultry product farmers in Georgia, would be able to market their products as organic without raising the birds on organically grown feeds. This provision is inconsistent with organic consumers perceptions of the origin of organic poultry and the intent and regulations of organic producers.

The recently enacted organic standards was the result of many years of careful deliberation and public input. Overwhelmingly, organic producers and consumers have supported the new standards. Due to this outrageous omnibus provision, organic producers and consumers will no longer have confidence in the organic labeling process.

I strongly urge you to vote for the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 193, nays 226, not voting 16, as follows:

[Roll No. 31]

YEAS—193

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Linder
Lipinski
Pascrell
Payne
Sanchez, Loretta
Slaughter
Smith (NJ)
Tiberi
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1839

Messrs. SAM JOHNSON of Texas, TURNER of Texas, and HALL changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 31. Had I been present, I would have voted "aye" on rollcall vote 31.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 338, noes 83, not voting 14, as follows:

[Roll No. 32]

AYES—338

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)

Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clyburn
Coble
Cole
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Fattah
Feeney
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—83

Ackerman
Akin
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Blumenauer
Brown (OH)
Cannon
Chabot
Clay
Conyers
Cooper
Costello
Cox
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Doggett
Eshoo
Etheridge
Evans
Farr
Filner
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gibbons
Green (WI)
Grijalva
Gutknecht
Hastings (FL)
Hefley
Hensarling
Hinchey
Hoekstra
Hostettler
Jackson (IL)
Jefferson
Jones (NC)
Kind
Kucinich
Lewis (GA)
Lofgren
Markey
McDermott
Miller (FL)
Miller, George
Musgrave
Oxley
Paul
Petri
Pitts
Ramstad
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Schakowsky
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Stark
Tancredo
Tanner
Tauscher
Taylor (MS)
Tierney
Toomey
Towns
Udall (CO)
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—14

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Linder
Lipinski
Pascrell
Payne
Sanchez, Loretta
Tiberi
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to record their votes.

□ 1900

Mr. LARSON of Connecticut, Mr. MENENDEZ, and Ms. JACKSON-LEE of Texas changed their vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, February, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting. I would have voted "no" on rollcall No. 27,"yea" on rollcall No. 28, "yea" on rollcall No. 29, "no" on rollcall No. 30, "yea" on rollcall No. 31, and "yea" on rollcall No. 32.

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, I will be unable to vote during the following rollcall votes this afternoon because I am departing on the Speaker's CODEL to visit our troops in the Middle East. However, if I had been present, I would have voted as indicated below.

Rollcall No. 29 (Motion to recommit H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003, with instructions)—"nay"; rollcall No. 30 (Final Passage of H.R. 4)—"yea"; rollcall No. 31 (Motion to recommit H.J. Res. 2, Making Further Continuing Appropriations For The Fiscal Year 2003)—"nay"; rollcall No. 32 (Final Passage of H.J. Res. 2)—"yea".

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, for security reasons our delegation trip departed prior to the conclusion of legislative business. Had I been present for the conclusion of legislative business, I would have voted "nay" on the Motion to Recommit (rollcall No. 29), and "yea" on Final Passage (rollcall No. 30) of H.R. 4—Personal Responsibility, Work and Family Promotion Act of 2003.

In addition, Mr. Speaker, I would have voted "nay" on the Motion to Recommit (rollcall No. 31), and "yea" on Final Passage (rollcall No. 32) of H.J. Res. 2—the Fiscal Year 2003 appropriations Conference Report.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, due to an official congressional delegation trip to Afghanistan, I was unable to cast votes on rollcall Votes 29, 30, 31, and 32. Had I been present, I would have voted "yea" on rollcall 29, "nay" on rollcall 30, and "yea" on rollcall 31, and "nay" on rollcall 32.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 71, the House is considered to have adopted House Concurrent Resolution 35.

The text of House Concurrent Resolution 35 is as follows:

H. CON. RES. 35

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: "Joint Resolution making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.".

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 23, CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, in order to allow ample time for the House to move this bill now to the Senate and for the Senate to debate it, pass it, and to engross the bills and get them to the President and give him a little time to review this bill, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution, (H.J. Res. 23), making further appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to consideration of the joint resolution?

Mr. OBEY. Mr. Speaker, reserving the right to object when we have nothing else, the only protections that remain for individual Members and for the constituents that we represent lie in the normal processes of the House. We have just passed a bill in which 90 percent of the dollars contained in that bill were dollars that were never debated on their merits on the House floor. For the last year, this House has engaged in a process of refusing to allow the democratic process that is fundamental to this Nation to manifest itself on the floor of this institution. And as a result, we have never had an opportunity to debate the wisdom of, for instance, cutting the first responders below the President's budget or doing a number of other outrageous things that happened in this bill tonight.

Because I take my institutional responsibilities seriously, I, in the end, most reluctantly voted for the bill that just passed, despite the fact that I am outraged by the process that produced it; I am outraged by the rigidity with which the White House has dealt with these issues; I am outraged that the White House, especially the Office of Management and Budget, have seemed to have determined that it is their way or the highway on all occasions.

I am used to give-and-take and I have had a cooperative relationship, not necessarily a loving relationship, but a cooperative relationship with virtually every President I have served under, including this President's father, and I want to have the same kind of relationship with the White House under these circumstances. But now we are being asked to provide for consideration of a motion tonight which, under the Rules of the House, ought to be brought up tomorrow; and we are being asked to pass a continuing resolution which gives the President more time to consider the very items that we were given no time whatsoever to consider on this floor today. I find that double standard both interesting and quaint and outrageous.

And so I have great respect for the job the gentleman has tried to do, but there are two ways to handle massive legislation like this on the House floor. One is to try to work out differences; and in working out those differences, it is important that one keeps to his or her word. Secondly, the other way to deal with it is just to ram the other side. And in too many instances, including the conference that took place, the full conference that took place the night before last, issues were rammed rather than working out an honest give-and-take arrangement.

So, in my view, if this body believes that the President needs more time to continue to study the document which we were not allowed to study before we voted on it, I am only the ranking Democrat on the committee and I have no idea of the impact of dozens of provisions in this bill; and I simply want to say that because of that, I think that the White House ought to have to exist under the same conditions that we have been forced to exist under. If we have to consider legislation without having an understanding of what is in it, and incidentally I know that Mr. Daniels, the OMB director, told his staff that he was going to be in charge of the conference.

Now, if he has not told the President of the United States what is in this bill, it is a little late, because they have imposed this product on us. So with all due respect, if the House wants to consider a continuing resolution, then it ought to do so under the regular processes of the House by bringing it up tomorrow.

Now, that is going to inconvenience me in a major way. I know it is going to inconvenience a number of my colleagues. But once in a while we have to put duty ahead of convenience, and I to intend to do so in this instance.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Now, under my reservation, I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding; and the purpose of my request is to make sure that the bill does not get bogged down administratively between here, the Senate, engrossing the bill, and getting it delivered. That does take some time. And the present CR runs out on February 20. The House will not be in session on February 20.

Mr. OBEY. Mr. Speaker, perhaps it should be.

Mr. YOUNG of Florida. Well, that is a subject for discussion. But as of this moment, the House will not be in session on February 20. All we would ask for in this CR is to go to February 24 to give the President those few extra days. The gentleman has every right to exercise his right to object and if he does, so be it; and then the leadership will determine whether we will be here tomorrow or Saturday or whatever.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Continuing under my reservation, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled. I thank the gentleman from Wisconsin for standing up for democratic procedures, but as I understand it, we will not be in session. The President does not have an item veto. I am interested to learn that the President is somewhat distrustful apparently of the Republican majority and does not want to sign anything from them without having a chance to hold it up to the light, and maybe he has a point there. But when he reads it if he does not like it, what is he going to do, veto the whole thing? In that case, the CR probably ought to go to March or April.

We are giving the President not much of a choice if we go with a CR to the 24th; we are still not in until the 25th. So if the President does catch you at something, and apparently there may be some things in there he is a little nervous about, what is his remedy? Veto the whole omnibus? I mean, if you had not done it in this way, we would all not be in this bind. But it does not make sense to me that even giving the President these extra few days, he will have no remedy if he does find something he does not like, because if he vetoes this, the CR is out on the 24th, then there is nothing and we do not come back until late on the 25th and you have that thing anyway. So I do not understand what this accomplishes, in any case.

Mr. OBEY. Mr. Speaker, continuing under my reservation, let me just address one bill: the Labor, Health and Human Services and Education bill. That is really the guts of what we do domestically each year.

Now, we have a right to have issues like that debated. We have seen a strategy for the entire previous year which denied the minority the opportunity to even address the substantive issues related to education and health care, worker protection and the like, because there was a conscious strategy on the part of the majority to deny this House the opportunity to even consider those bills until after the election, because they were devoted to a budget resolution which made no sense and did not reflect what even majority party members would vote for after the election was over. So we were asked for a year to frustrate the ability of this institution to consider those major issues; and then after the election, it is all dumped into this pile, and we are told to vote for it, up or down. That is a fundamental abuse of this institution.

We are in the minority. We do not expect to win votes. You are in the majority; you won it fair and square. I honor you for it, and that means that you have a right to run this institution. But you have to run it in a way, if you are true to the traditions of this place, you need to run this institution in a manner which gives both you and us an opportunity to exercise our responsibilities. We have been denied that opportunity for an entire year. And that means that we cannot fulfill our fundamental responsibility as a minority, which is to offer alternatives on appropriation bills if we do not like the product you bring to the floor. And if you have the votes, you win. If you do not have the votes, then you do not. The problem is, we have never been able to figure out who had the votes, because we have never been able to vote.

So, under those circumstances, we have engaged in a charade for a year, and this is the product of the charade. And there is a lot of garbage in this pile, and I am telling my colleagues that a lot of people who voted for it are going to wish they had not voted for it, and there is a lot of garbage that would not be in this pile if we had been able to consider these bills on an individual basis.

So all I am saying is, after we have seen this total abuse of process for now over a year, we are now asked, once again, to forgo the right of the minority to notice on an issue, again for the convenience of the very people who put us through this in the process. I do not believe in the Bridge on the River Kwai syndrome. I do not believe in cooperating with people who are abusing the process by which this institution is supposed to run. So despite that fact, I have given my cooperation in many instances, as the gentleman knows, procedurally.

But it is very simple tonight. If you want a continuing resolution, I want us to get back to the normal processes, and I want us to deal with people on the basis of those normal processes; and that means that the normal process is if you really want a CR, come in tomorrow and pass it. But I do not intend to give unanimous consent request to consider it tonight.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and again I thank him for the cooperation that he has shown. There is no doubt we spent a lot of time putting this bill together. But I think the gentleman and his ranking minority members on all of his subcommittees and their staff would concede the fact that we were totally open and as we went from point to point, issue to point, project to project, that we were open with the minority, the ranking members and their staff. So this should not be a big surprise to anybody that paid attention to their appropriators on either side of the aisle. That was a very open process, a difficult process, one that I hope we never have to go through again, as well as the gentleman from Wisconsin. But we did the best we could with what we had to work with.

I would hope the gentleman would let us do this CR tonight to extend for merely 4 days, just to make sure that this gets to the President and he has time to at least look at it, and I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would simply say that I think the gentleman has been totally open. I fully agree with that. The problem has not been him.

The problem has been that while he has tried to keep the process open, we have been denied our fundamental right as a minority to even offer amendments to the products that your committee has produced, and then all of the deals are made behind closed doors. If anyone attended the conference two nights ago, one of our members asked Senator STEVENS, he said, what is the process by which we are going to determine the outcome of the items that are still open in conference? And the response he got from the chairman of the conference was, the same process that was used to consider the items that are already closed. That process was simply a process in private where decisions were made by the majority.

Now, in the end, the majority is going to win most of these; I understand that. But we have a right to have honest differences considered, and at least we have the right to have those honest differences addressed in full view of the public and the press so that the public can determine which argument has the better of it, but they have been denied this time and time again, and we are fed up.

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I am fed up with it. So I am going to, at every opportunity, take full advantage of whatever rights we have on the floor to try to see to it that we never have happen again in this institution this kind of nonsense because of the denial of the regular legislative process over the course of many months.

So I most regretfully suggest, if the gentleman wants to extend a courtesy to the White House that the majority would not extend to its own Members and to us, then by all means, I am ready to consider that tomorrow, but not tonight.

Mr. Speaker, if the gentleman does not have any further questions, I regretfully object.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 354, HUMAN CLONING PROHIBITION ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of February 24 to grant a rule which could limit the amendment process for floor consideration of H.R. 354, the Human Cloning Prohibition Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 12 noon on Wednesday, February 26.

Members should craft their amendments to the bill as reported by the Committee on the Judiciary on February 12, 2003, which is expected to be filed on Tuesday, February 25. Members are also advised that the text should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by that time.

Members should use the Office of Legislative Counsel to make sure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LAYING ON THE TABLE HOUSE RESOLUTION 48

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 48 be laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 13, 2003, I hereby take a leave of absence from the Committee on Science due to my appointment to the Select Committee on Homeland Security.

Sincerely,
SHEILA JACKSON LEE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CERTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

HONORING SUSAN B. ANTHONY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, Saturday, February 15 commemorates the 183rd birthday of one of the true heroines of our country, Susan B. Anthony. Best known for being a pioneer of the women's movement, Ms. Anthony dedicated much of her life to the fight for equal rights between the sexes. However, it would be in error to speak about the life of Ms. Anthony and not to mention her diligence in defending the rights of the unborn.

As a natural outgrowth of her beliefs that all humans deserve equal protection under the law, Ms. Anthony spoke out courageously against abortion. Indeed, she believed that abortion violated the rights of both women and their children, by exploiting women and by denying their unborn children the most precious of our rights, the right to life.

The courage and hard work of Susan B. Anthony has not left one woman in our country untouched. It is my sincere hope as we reflect upon her life and achievements, the women's movement will recognize the need to return back to our roots, to the vision that Susan B. Anthony had for us.

WASHINGTON-LINCOLN RECOGNITION ACT OF 2003

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I am introducing legislation today that will honor America's greatest presidents, George Washington and Abraham Lincoln. The Washington-Lincoln Recognition Act of 2003 will require Federal Government agencies to call the Federal holiday we will observe this coming Monday by its proper legal name, Washington's Birthday, not President's day.

Second, the bill calls on the President to issue a proclamation each year on the anniversary of the birth of President Abraham Lincoln on February 12. Without this bill there will be no commemoration of Abraham Lincoln's birthday or his accomplishments in preserving the Union and issuing the Emancipation Proclamation.

The big lie of Presidents' Day stems from the 1968 law which shifted the observance of most Federal holidays to Mondays. There would be no United States, no presidency at all without George Washington. What is everybody's business is nobody's business. A generic Presidents' Day diminishes the accomplishments of America's greatest presidents, George Washington and Abraham Lincoln, while rewarding the mediocrity of others.

Mr. Speaker, I urge my colleagues and the American people to support passage of the Washington-Lincoln Recognition Act of 2003.

HONORING SAVANNAH STATE UNIVERSITY

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to express my support for the newly introduced Rogers' resolution recognizing the contributions of historically black colleges and universities. I am very proud that my own district contains Savannah State University. Founded in 1890, Savannah State is the oldest public historically black college in Georgia.

The role that these colleges and universities have played in our Nations' history is unmistakable. Universities like Savannah State have offered first-class educational opportunities to students for decades, and they have continued that leadership and excellence into this, the 21st century.

Today, our historically black colleges and universities form the culture and educational training grounds for many African American leaders of tomorrow. We must do all that we can to recognize the past heritage and the future potential that is embodied by these institutions.

I am pleased to give this resolution my full support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will now proceed to special orders without prejudice to resuming legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ANNIVERSARY OF PAT FINUCANE MURDER IN NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to remind my colleagues of an event that occurred 14 years ago yesterday. Pat Finucane, a Northern Ireland human rights attorney who defended individuals who were detained and targeted by the British and the RUC, was shot and killed by British loyalist paramilitaries while he sat eating a Sunday meal with his wife and three children.

Since his murder in 1989, Amnesty International and the United Nations have called on the British Government to investigate any collusion between the RUC/British Government officials and the loyalist paramilitaries. Unfortunately, after 3 years of investigation, still no report has been made public.

According to the UDA, the Ulster Defense Association, which claimed responsibility for his murder, Mr. Finucane was profiled as an individual who was helping support the pro-Catholic, pro-republican cause in Northern Ireland.

Mr. Speaker, I call on the London Metropolitan Police Commissioner, Sir John Stevens, to expeditiously complete the report on the February 1989 killing of Pat Finucane in Belfast. Sir Stevens has been investigating this case for almost 3 years.

Late last year, Sir John Stevens announced for the second time that the Finucane report would be delayed as a result of a British military witness being reluctant to speak to the police. Stevens claimed that the report will be released before next spring; however, there continues to be speculation that the report may be delayed further should a public inquiry be ordered.

There are few who will dispute the facts in this case. According to Brian Nelson, a former British military intelligence agent who also served as chief intelligence officer in the UDA, he directly assisted in the targeting of Pat Finucane and passed a photograph of Pat Finucane to a UDA member just days before the killing. However, Mr.

Nelson claims that he has never been examined in an open court. To date, no one has been prosecuted for the murder of Pat Finucane.

The facts in this case seem quite straightforward, once again a pro-loyalist police force used its authority to further sectarian rule and continue the rash of violence against the Catholic community.

Mr. Speaker, I call on Prime Minister Tony Blair and London Metropolitan Police Commissioner Stevens to finally release the current report and then immediately open a full public inquiry into this matter. My hope is that by putting an end to this long-drawn-out process, we can bring both justice to the individuals who undertook this gruesome act and take steps to ensure that it does not happen again.

This whole matter, once again, reinforces my belief that for too long both the British Government, along with their police force, and the loyalist paramilitary groups in Northern Ireland have worked in tandem to usurp the rights of the Catholic community.

A full public inquiry into this matter will show the world that the only way peace can last in Northern Ireland is for a full, fair and just reform of policing in Northern Ireland. Northern Ireland must immediately implement all of the Patten Commissions' recommendations on policing.

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Mr. Speaker, if there is to be a just and lasting peace in Northern Ireland, we must learn from what happened to Pat Finucane and ensure that it never happens again.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14, 2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by it Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO FRIDAY, FEBRUARY 14, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. Barrett of South Carolina). Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 26, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 26, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Friday, February 21, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF HON. JO ANN DAVIS OR HON. ROSCOE G. BARTLETT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 2003

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC,
February 13, 2003.

I hereby appoint the Honorable Jo Ann Davis or, if not available to perform this duty, the Honorable Roscoe G. Bartlett to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2003.

J. Dennis Hastert,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

HONORING JIM SACKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Foley) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like the opportunity to recognize the career of a leading personality in Palm Beach County.

For 25 years, the Treasure Coast of south Florida has been graced by the reassuring voice of WPTV News Channel 5 anchorman Jim Sackett. Mr. Sackett has distinguished himself over the years by providing outstanding coverage of some of south Florida and the Nation's leading stories. From Hurricane Andrew to the 2000 presidential election, from the Lake Worth, Florida, school shooting to the horrific events of 9-11, Jim Sackett's presence on West Palm Beach's NBC affiliate station gave south Floridians a place of trust to turn to during these difficult times.

His life and work, however, have not centered solely on reporting the tragic events. Mr. Sackett is known throughout south Florida as a journalist of tremendous character and a committed member of the community. He has a weekly segment called "Thursday's Child," which profiles hard-to-place adoptable children, and so far has benefited hundreds of young children. He is recognized for his continued efforts the last couple of decades. The Friends of Abused Children presented Mr. Sackett with their Child Advocate of the Year award.

Due to circumstances in his family, Mr. Jim Sackett is also a long-time supporter of the leukemia and lymphoma society and has been a passionate fund-raiser and advocate for the society. He has also served for 3 years as co-chairman of the American Heart Association's heart walk, yet another cause to which Mr. Sackett devotes his time and energy.

Mr. Sackett has been a fixture of the West Palm Beach area since 1978, both on and off air. He is a great news broadcaster, but an even greater citizen. He dedicates himself to the cause of pursuing journalistic excellence.

I want to take a moment to commend my good friend and Channel 5 news anchor Jim Sackett. I commend him for his service to south Florida. I congratulate him on 25 phenomenal years at WPTV News Channel 5, and I hope against hope that these 25 years are really just the beginning. Best wishes on his anniversary. Keep going.

THE BIOLOGICAL AND PHYSICAL RESEARCH CONDUCTED ABOARD "COLUMBIA"/STS-107

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, on January 16, 2003, the space shuttle *Columbia* and her crew, Commander Rick Husband, Pilot Willie McCool, Specialist Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, rocketed off launch pad 39 A, the same launch pad which was used to launch Apollo 11, the first manned mission to the Moon. I was there on that day on January 16th. It was a beautiful launch, filled with tremendous excitement and hope for the potential work of the crew of *Columbia*.

They left on a 16-day research mission, and they were performing research in a number of disciplines, from biological and medical research to physical sciences, Earth sciences and space sciences, as well as product development. In total, an amazing 86 different research experiments were ongoing during this extended shuttle mission.

This required the crew to work 24 hours a day in two different 12-hour-a-day shifts. Their motto for the mission was "ex orbe scientia": from orbit, science. Many people are saying that we should abandon research in low-Earth orbit and head straight to Mars, but I can tell my colleagues, Mr. Speaker, as a medical doctor, I can attest to the myriad number of medical problems a crew to Mars may face.

The crew of STS-107 was working hard on a number of experiments to help us understand better and counteract some of the challenges medically and physiologically that a crew would face on an extended voyage such as a trip to Mars. I will just cite a couple of examples of the types of research they were doing.

One of the principal challenges of zero gravity is a decline in bone mass that occurs when we are up in space. It is actually we lose 1 percent of our bone mass each month we are on orbit. If we are to venture out truly into long-duration space missions, such as a trip to Mars, we need to find ways to counteract this bone loss that occurs on orbit.

The crew of STS-107, the *Columbia* mission that was tragically lost, was trying to understand better the bone loss that occurs in space and things that can be done to counteract it. Needless to say, as a physician, I know full well the tremendous potential that this research could have yielded back on Earth. I took care of many patients who suffered personal tragedies from the consequences of osteoporosis, the same phenomenon that occurs on orbit with our astronauts.

Unfortunately, Mr. Speaker, the research experiment was actually done on the astronauts themselves, and so a tremendous amount of knowledge and understanding about the effects of space on bone loss was lost with the crew.

Additional research was being done on the immune system. As we all know, our Nation, our world, has been wracked by new challenges, medical challenges that affect the immune system in humans, and what has been discovered is that the immune system of astronauts on orbit is impaired. Whether it is the stress of rocketing off into space or adaptation to zero G or other features of the unique features of space environment, astronauts on orbit experience a loss of immune function, and the crew of STS-107 was studying this issue as well.

They were studying pharmacokinetics that are changed in space. Pharmacokinetic is the absorption of drugs from our gastrointestinal tract and how they are handled and eliminated by our body, and there are some very, very unique features of the zero G environment that this crew was studying.

Protein turnover in space. We all lose muscle mass as we age. As well, we lose muscle mass in space, and this loss of muscle mass with aging, there may be ways to counteract that, and there may be links to counteracting this muscle mass loss in space and what we can do here on Earth to help the elderly or people with physical conditions that involved significant muscle mass.

Renal stones, they were doing research in this arena.

The vestibular system which controls our balance, they were doing research on. This is very, very critical for many elderly people who experience difficulties with their balance system and experience falls as they get on in years, and the crew of STS-107 was doing research in this area as well.

Perhaps one of the most promising areas of research for the American people is the work they were doing on cancer research. The work they were doing with prostate cancer specifically involved the bioreactor, and regretfully all of this research was lost.

Mr. Speaker, I conclude by just saying this was a great human tragedy, the loss of this crew. It was a great blow to our space program. It was also a great blow to the advancement of science.

PUBLICATION OF THE RULES OF THE COMMITTEE ON VETERANS' AFFAIRS, 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I submit the following for publication in the RECORD.

COMMITTEE RULES OF PROCEDURE FOR THE 108TH CONGRESS

(Adopted February 11, 2003)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a privileged motion in Committees and subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

REGULAR AND ADDITIONAL MEETINGS

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

WIRELESS TELEPHONE USE PROHIBITED

(b) No person may use a wireless telephone during a Committee or subcommittee meeting or hearing.

PUBLIC ANNOUNCEMENT

(c)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the subcommittee, Chairman, as the case may be, shall consult with the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

QUORUM AND ROLLCALLS

(d)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which, a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

POSTPONING PROCEEDINGS

(e) Committee and subcommittee chairmen may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and may resume proceedings within two legislative days on a postponed question after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

CALLING AND INTERROGATING WITNESSES

(f)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the ranking minority member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of the majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

MEDIA COVERAGE OF PROCEEDINGS

(g) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4 of House rule XI.

SUBPOENAS

(h) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Force, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. Provided however, That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

REFERRAL TO SUBCOMMITTEES

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

POWERS AND DUTIES

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so shall notify the Chairman and the ranking minority party member of the Committee of the Subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

STRENGTH OF AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, I would like to make some comments to the Chair in the Chamber in part from my position as a Congressman, but also in my prior career as a psychologist at a time when America's families are facing a great deal of struggle and turmoil under the shadow of terrorism and the current code we are facing.

I believe, as I am sure the Chair did, the strength of America's future can be measured by the strength of America's families. We also know that the weapons of terrorists include more than just their horrible weapons of mass destruction or the threat to use them, but it is also in their abilities to instill fear and worry among a people, and it is important that we do not let them.

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We all know the police, the FBI, CIA, thousands of soldiers, and our homeland security team are working to be constantly vigilant to keep out those trying to harm us and hurt our families. But I would also, like to help Americans know that there are things people can be doing in each and every one of their homes, as adults and children alike are struggling at this time over what to do.

I am sure my colleagues' offices have been inundated, as have mine, with calls from folks who are hearing about such things as stocking up on goods and supplies, getting duct tape and plastic and having it around their house in case they need it because of the level of threat and worries. These are all things that are actions we should take just probably in the normal course of things, making sure we have some safety devices around the home. But it is important we do not succumb to the types of things terrorists want us to worry about.

When terrorists threaten societies, they try to instill fear and helplessness among citizens. They seek to hold a society or government hostage by the fear of destruction or harm. It evokes a fundamental sense of helplessness, which can lead to other psychological stresses and problems. And as we are trying to cope with the irrational information that is beyond our comprehension, to know that people are trying to harm us, it can set up a whole chain of psychological events culminating in fear, helplessness, vulnerability, and grief. Those things, in turn, have an impact upon our society, our economy, as they affect our spending and our optimism.

Let me offer some suggestions that America's families and parents can use to cope with these struggles as they face us. First of all, it is very important that adults be aware of the feelings that they may be experiencing. Understand that these feelings are normal reactions to an abnormal, stressful situation. It is important that adults educate themselves on how to handle the situation, what to do in response and to prepare themselves and their families.

It is important to remember that all of us have faced adversity and trauma in the past, and try to remember what we did to pull up our own courage and strength to overcome fear and helplessness. It is also important to talk to others about our fears and understand that it is okay to ask for help. It is important to make efforts to maintain the usual routines, to think positively, to recognize that terrorists are trying to create fear, and know we should not succumb to them.

It is also important, as adults, that we limit some of our exposure to media coverage. The networks are now filled with news. The daily news, the news channels, constantly barrage us with information, and it reaches a point where people should finally turn it all off so they can get on with their lives and, of course, also do other things to reduce stress, getting out, doing their jobs, exercising.

I also want to mention some things, Mr. Speaker, that are important for children. Many children struggle with knowing just what to say and understanding their own feelings; and it is important for parents to connect with them, to talk with them and encourage them to speak about how they are feeling about events. Ask children what they have seen or heard or experienced, particularly important among preteens and teens, who may spend a lot of time on the Internet or talk to other peers. Gossip spreads quickly among kids, and it is important adults get involved and help them understand facts.

Assure children that parents and other adults are taking care of them, that they will continue to help them deal with anything that makes them feel afraid. It is also helpful to let children know that they have experienced troubles before, and let them pull up their own courage that has helped them overcome those troubles. It is helpful to remind them to do their best at whatever they are doing, their homework, their activities, their chores or hobbies, because it is that sense of mastery which gives all of us an ability to deal with these troubled times.

Let me also say it is important for parents and children to spend time praying together, for hope, for peace, and just the very act of keeping families together.

During these troubled times, let us remember this, that this Nation, this great Nation that was founded in the pursuit of liberty, fed by daily acts of courage and strengthened by exercising our freedom, will remain strong and great. And know that every family builds upon their strength and hope and courage. That is what stands between us and terrorists and that is what will help us remain victorious and strong as a nation.

Mr. Speaker, during this time I know that these are the things that will help our families in America. The bonds of our families in America will help us remain strong as we face these troubles.

APPOINTMENT OF MEMBERS TO THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Pursuant to 22 U.S.C. 1928a, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. BEREUTER of Nebraska, Chairman;
Mr. REGULA of Ohio;
Mr. HEFLEY of Colorado;
Mr. GILLMOR of Ohio;
Mr. GOSS of Florida;
Mr. EHLERS of Michigan;
Mr. MCINNIS of Colorado; and
Mr. BILIRAKIS of Florida.

INTRODUCTION OF SAFE FOR AMERICA ACT 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today the Security and Fairness Enhancement, or SAFE, for America Act of 2003. This much-needed bipartisan legislation eliminates the controversial immigration program, the visa lottery program, which threatens national security, resulting in the unfair administration of our Nation's immigration laws, and encouraging a cottage industry for fraudulent opportunists.

Each year, approximately 50,000 aliens are chosen at random to come and live permanently in the United States via the visa lottery program. This program presents a serious national security threat. Under the program, each successful applicant is chosen at random and given the status of permanent resident based on pure luck. A perfect example of the system gone awry is the case of Hesham Mohammed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of last year. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

Usually, immigrant visas are issued to foreign nationals that have existing connection with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our Nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States immigration laws. The visa lottery program does not prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws.

In addition, most family- or employer-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family- and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A recent report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the visa lottery program multiple times using different aliases and other false personal information. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the "guarantee" of lawful permanent resident status in the United States.

The visa lottery program represents what is wrong with our country's current immigration system. The SAFE for America Act eliminates the visa lottery program from the Immigration and Nationality Act. The removal of this controversial program will help ensure our Nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud.

I urge each of my colleagues to support this important bipartisan legislation.

HONORING FORT CAMPBELL SOLDIERS AND FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise today to honor our Fort Campbell family as they prepare to send America's best overseas.

Fort Campbell has already suffered the loss of four very brave men who fought for our freedom. They were Chief Warrant Officer 3 Mark Osteen, Chief Warrant Officer 2 Thomas Gibbons, Staff Sergeant Daniel Kisling, and Sergeant Gregory Frampton. They were killed during a training mission.

It is my privilege to represent much of Fort Campbell and many of the brave men and women who call it home. As we speak, the 101st Airborne Division, America's famed Screaming Eagles, are gearing up for deployment. They will be taking our thoughts and prayers with them as they serve the forces that guard our country and protect our way of life. They have been ever vigilant and ever ready to defend this great Nation, our values, and our allies since World War II. We have asked them to make certain sacrifices to advance freedom in the past, and once again they stand ready and willing to risk themselves in our defense.

I was very touched today as I read some of their thoughts as they planned for departure. "This is the culmination of what we do," Sergeant Greg Weaver stated. "This is our job."

And from Private Jerokiah Darr, "I don't know exactly what we're up against. All I know is we're the best-trained division in the Nation."

And Specialist Eric Reason said, "We've got the best Army in the world, and I'm confident in it."

Mr. Speaker, Fort Campbell comprises much of my district. It is located in Montgomery County, Tennessee. It is an honor and a privilege to represent those men and women, and it is an honor for me to take time this evening to pause in our deliberations and to honor those men and women and the families of Fort Campbell.

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 108th CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Ways and Means for printing in the CONGRESSIONAL RECORD. On January 29, 2003, the Committee on Ways and Means adopted by voice vote, a quorum being present, the following committee rules.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 108TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable. * * *

* * * 2. (a)(1) Each standing shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on February 7, 2001 adopted the following as the Rules of the Committee for the 107th Congress.

A. GENERAL

RULE 1. APPLICATION OF RULES

Except where the terms "full Committee" and "Subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the follow disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) the names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 7. WEBSITES

The minority shall be entitled to a separate website that is linked to an accessible only from the full Committee's website. For any website created under this policy, the Ranking Minority Member is responsible for its content and must be identified on the introductory page.

All Committee websites must comply with House Regulations.

The content of a committee website may not:

(1) Include personal, political, or campaign information.

(2) Be directly linked or refer to websites created or operated by campaign or any campaign related entity, including political parties and campaign committees.

(3) Include grassroots lobbying or solicit support for a Member's position.

(4) Generate, circulate, solicit or encourage signing petitions.

(5) Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

B. SUBCOMMITTEES

RULE 8. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5, or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the

U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

RULE 9. EX-OFFICIO MEMBERS OF SUBCOMMITTEE

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittee. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

RULE 10. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 11. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

RULE 12. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

RULE 13. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involve. Written statements from non-citizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 14. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 15. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives.

RULE 16. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

RULE 17. BROADCASTING OF HEARINGS

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

RULE 18. RECONSIDERATION OF PREVIOUS VOTE

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

RULE 19. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 20. POSTPONEMENT OF PROCEEDINGS

The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment.

The Chairman may resume proceeding on a postponed request at any time.

In exercising postponement authority the Chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 21. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 22. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

RULE 23. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

RULE 24. STAFF HONORARIA, SPEAKING ENGAGEMENTS, AND UNOFFICIAL TRAVEL

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. Honoraria.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. Speaking engagements and unofficial travel.—

(1) Advance approval required.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) Request for approval.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) Reasonable travel and lodging expenses.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) Trip summary and report.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. Waiver.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, tonight I want to take this opportunity to talk to all Americans who might be listening, on behalf of the Congressional Hispanic Caucus. We want to take this opportunity to once again talk about a very serious situation, one that we take extremely seriously, and that is the nomination of Miguel Estrada. Miguel Estrada is not qualified to sit on the second highest court of this land. We stand behind our position despite incorrect statements made by some of our Senate Members.

Let me say that this decision was not an easy decision for us, to go against another Hispanic, but we have to make sure that someone says "The King has no clothes." Someone has to stand up and be able to say there is something wrong with this nominee.

There has been a lot of rhetoric around the debate, and some have had the gall to accuse those that oppose Estrada as being anti-Hispanic. Well, a lot of us feel that that is ridiculous. A lot of us feel that that type of language is utilized because of the fact that they cannot stand up and defend their candidate. They are not talking about the qualifications of the candidate; apparently, he does not have the qualifications, and so that is why they have chosen to talk about the negative and get into negative stereotyping.

Let me also indicate that if they feel so outraged at the treatment of Miguel Estrada because we have stood up as a Hispanic Caucus, as congressional Members, 20 congressional Members elected by a majority of Hispanics of this country, and questioned not only the qualifications of this individual, but questioned the fact that he has been unwilling to respond to questions that have been brought to him, then we ask why were the Republicans not outraged when it came to Anabelle Rodriguez, who was nominated to the U.S. District Court for the District of Puerto Rico in 1996. She waited for over 1,000 days. In the end, she was never confirmed.

Where was the outrage on the part of the Republicans for Jorge Rangel, nominated to fill a vacancy in the Fifth Circuit? After waiting 15 months, he withdrew his nomination citing that he could no longer wait in limbo.

Where was the outrage with Hilda Tagle, who sat waiting for 32 months before she was confirmed by the Senate to the U.S. District Court of the Southern District of Texas?

And where was the Republican outrage when Richard Paez, who waited longer than anyone, more than 5 years? Close to 5 years. Where was their outrage then?

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We have called into question the depth of the support from some of the Senators who are indicating their support for Mr. Estrada. Those same Senators, in fact, some of the very Senators who are accusing Democrats of being anti-Hispanic and having biases, voted against Richard Paez's nomination three different times.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The Chair will remind Members that it is not in order to cast reflections upon the Senate.

Mr. RODRIGUEZ. In fact, the National Hispanic Leadership Agenda, a coalition of leading Hispanic organizations, including one of the groups that supports Mr. Estrada, have Senate Republicans being given an average score of 25 percent when it comes to Hispanics. Why?

Mr. Speaker, as elected officials both in the House and in the Senate, we get elected and one of the first things I was asked and one of the first pieces of advice that was given to me, be very careful when you write a letter of endorsement of anyone because they might turn out to be someone whom you might not like to have your name associated with.

In so doing, I would ask the other body, they have an obligation and a responsibility to make sure when it comes to nominations to check who they nominate and who they do not nominate. So when it comes to looking at the nomination of Estrada, we ask that——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The Chair reminds Members to refrain from urging the Senate to take any specific action.

Mr. RODRIGUEZ. Mr. Speaker, I know full well if I sign someone's letters, that I have to know them personally, and I would ask the questions that need to be asked of this candidate.

Let me take this opportunity, as we interviewed the candidate, we asked when there was a discussion in terms of the commitment to equal justice for Latinos and Hispanics, there seemed to be no record.

When we asked about a commitment regarding protecting a Latino's interests in the courts, there was no record. When we asked about support for congressional right to pass civil rights laws, there was no record. When we asked for support of individual access to courts, it remained unclear.

When we asked the candidate about support for Latino organizations or causes that he had participated in, or whether he had done any pro bono work, there was no record.

When we asked about Latino organizations or causes that he volunteered for in the community, there was no record.

When we asked for support of Latino law students or any young legal professional, there was no record. Commitment to individual Latino internships, there was no record.

I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ), who headed the task force on the interview. The gentleman did a great job on the interview. The gentleman has also served as a district judge.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, let me explain by way of background that the Congressional Hispanic Caucus is comprised of 20 Members of this body. There are 24 Latinos in this august body, 20 of whom are Members of this particular caucus.

Early on we realized we had a special duty and responsibility not just to our communities but to all Americans to make sure that we had the most qualified people in the judiciary, especially those that were being advanced on the basis of ethnicity, and especially because they were Latinos because they were supposed to bring something to the table that was very unique based on that particular ethnicity, in this case, being Hispanic.

So what we did is we started what we referred to as the Hispanic Judiciary Initiative, and I am going to read from a basic document which provided us the guidance as we proceeded with evaluating and interviewing the nominees that would come before our caucus in order for us to make a recommendation.

Statement of Purpose on the Recruitment and Support of Judicial Nominees.

Political leadership, particularly in the Federal Government, benefits from a diversity of thought and action. In an effort to promote this ethnicity, the Congressional Hispanic Caucus promotes and encourages Hispanic representation at all levels and every branch of government.

In order to ensure that the judicial branch more accurately reflects the communities that it serves, the caucus will actively work to identify and recommend qualified Hispanic candidates to fill Federal court vacancies. As with all positions, the caucus strives to find judicial candidates who are qualified, experienced, have demonstrated a commitment to the Hispanic community and will enhance diversity on our courts by contributing underrepresented perspectives, what we all seek when we strive to achieve diversity.

The evaluation criteria. The purpose of the criteria established for the Congressional Hispanic Caucus Hispanic Judiciary Initiative is to measure the diversity that a nominee can bring to the bench, and I emphasize that because I think it goes to the very crux of the argument and the problem that we have with the Miguel Estrada nomination.

In addition to evaluating the honesty, integrity, character, temperament, and intellect of nominees, the Hispanic Caucus will place an emphasis on concerns specific to the Latino community, equal justice and advancement opportunities for Latinos working in the judiciary. Because of the nature of our mission and the central role that the courts play towards the success of that mission, the Hispanic Caucus requires that a nominee have a demonstrated commitment to protecting the rights of ordinary residents of the United States through professional work, pro bono work and volunteer activities, and to preserving and expanding the activities that we have made on civil rights and individual liberties, including rights protected through core provisions in the Constitution, such as the equal protection clause, due process clause, first amendment, fourth amendment and the right to privacy, as well as through the statutory provisions that protect Latinos' legal rights in such fundamental areas as education, voting, affirmative action, employment, and contracting.

Then we proceeded, and we had a formal meeting with Mr. Estrada in June of last year. It lasted over an hour. The members of the caucus were there. Mr. Estrada did demonstrate that he is a keenly intelligent and talented lawyer. There is no doubt about that, and we will not argue that point; but that is not what is in controversy.

Having been licensed in 1972 as a lawyer in the State of Texas and having practiced for 10 years, and after more than 14 years on the bench and a couple more years in private practice, I can tell Members that the most gifted, talented lawyers should never sit behind the bench and pretend to be impartial and unbiased judges of law and fact.

There is a way that we can gather that information, and that is what we attempted to do in our hour-long session with Mr. Estrada. My colleague, the gentleman from Texas (Mr. RODRIGUEZ), has pointed out where we believe Mr. Estrada fell short; and I will get more specific later in the evening. However, I do not want to detract from what is the major argument here.

It is not whether someone went to an Ivy League law school, which is a great accomplishment which we do recognize. It is not that they wrote for the journal or bar review. They could have been president of the class, went on to have a highly successful professional career in a highly respected law firm. That is fine.

The Hispanic Caucus looks at those things as givens. We expect integrity and honesty and hard work and accomplishment from each and every nominee that is presented by the President of the United States, whether that President is a Republican or Democrat. Those are the givens, and the American people should expect that those are the givens.

What is so extraordinary about an individual who will put those black robes on and will sit there in judgment of his or her fellow man is what really is the issue and what is so important as we proceed with the nomination and confirmation process at the Federal level.

The first thing we have to recognize is the incredible power of the third coequal branch of the government, the judicial branch, which in my humble opinion is the most powerful branch of government. If one thinks of judges and what they do day in and day out, at the State level they will determine who raises your child. They can even determine whether you have any rights to your child. They will determine whether you have any property at the end of the day. They can deny you your freedom, and even sign your death warrant. On the Federal level the same thing. They will determine at the end of the day whether you own anything, the sanctity of a contract. They can deny you your freedom, and they can sign your death warrant.

The third branch of government can even determine in the final analysis who will sit in this Chamber or the other Chamber, or who will occupy the White House, as we all know from just a couple of years ago.

Members know exactly what I refer to, and it is our Constitution which we must all love, obey and follow. That is what is at stake here. That is what my colleagues and I are trying to impress on those that will listen.

This is not just about a Hispanic nominee; this is about a judicial officer who will have tremendous power and will sit in the second most powerful court of the United States of America for a lifetime. Based on our interview and the particulars that I am willing to go into, there is no doubt that Miguel Estrada fell short.

Would I hire him as my lawyer to represent me in some sort of transactional litigation? I probably would if I could afford him. But would I trust him to put those black robes on, listen to our argument and then render a fair and impartial decision? I think not, and I will tell Members why.

It is about life's experiences, and let no one make a mistake about when a judge sits up there, it is the totality of that judge's experiences and life experiences that form those opinions that go into the judgment-making process. It is not in a vacuum. It is based upon experience and history.

All we ask of Latino nominees presented by the President of the United States is that those nominees, they do not have to be Democrats, they do not have to be Republicans, liberals or conservatives, we do not care what schools they went to, we want them to have an appreciation for the historical role that the courts have played in the lives of minorities in this country. In the final analysis when the legislative branch lets you down and the executive branch's programs and agenda let you down, when you are a minority, many times it is your first, but definitely your last, resort in seeking justice. It comes from those men and women that put those black robes on every morning in the courthouses of the United States. That is what is at stake for us.

It is not a conservative or liberal ideology. We just want them to bring into the decisionmaking process the importance that the most powerful branch of government plays today in the lives of minorities. I need not remind Members of the landmark cases that have come from the courts that have provided us freedom and opportunity when it was not forthcoming from the legislative or the executive branch.

As we all know, whatever laws we pass here, whatever the President proposes, whatever we adopt, they are going to be interpreted and applied by the third branch of government, the judicial branch.

□ 2015

And so when we take these nominees into consideration, we had better debate their merits. We had better engage in true evaluation and assessment. That is our duty and our responsibility, not just to our individual districts, not just to men and women of color, but to all Americans.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from Texas (Mr. GONZALEZ) for heading the task force on nominations and for doing such a good job. In fact, I know it was a hard decision to make and to decide. We have been there and supported many other nominees that have been Republican and we have supported those. This particular candidate we felt that we were not going to be rubber stamping anyone, and we also felt, and I am glad the gentleman did it in a very good way, we get elected for 2 years. The Senate gets elected for 6 years. These individuals, one can say I made a mistake, I am going to knock him off next time, I am not going to support that Congressman and not vote for him. With this Senate and the judges, they are appointed for life. They are appointed for life, and it is important that we take this seriously; and I am glad that at least we have some of the Members that are really looking at it and asking that he respond to these questions appropriately.

I also take pride tonight to recognize the gentlewoman from California (Ms. SOLIS), and I was really pleased to see today the breaking news from the State of California that the California LULAC had also gone in opposition to the confirmation of Miguel Estrada. And with us we have the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the chairman, and I also want to commend the gentleman from Texas (Mr. GONZALEZ), who led us in this final night here this evening with the American public to try to shed some light on a process that I think has been tainted very negatively, especially towards my other colleagues who serve with us in the Hispanic Caucus. And I would like to say before I begin my discussion, we did go through a very laborious process trying to figure out exactly what kind of candidate we would be supportive of, and I want to just run through that very quickly.

As you know and was said earlier, we assess nominees, their qualifications in the following areas: one, diversity in the judiciary, whether they have shared our views that Latinos are underrepresented in the Federal courts. Is there an acknowledgment of that? Involvement in the Hispanic community. Someone alluded to Mr. Estrada as being a leader in the Hispanic community. I would like to see that proof. Leadership, whether they have any intention to remain in the greater Latino community after being appointed to the bench. Fourth, opening the doors, whether they have worked to advance the number of Latinos in the legal profession through mentoring, through internships and through outreach efforts in our community. And, fifth, key cases, what are their views on key court cases that have heavily affected the Latino community, and what have they done to advance the issues of Latinos in the courts?

Supporters of Miguel Estrada's nomination for the D.C. Circuit Court of Appeals tout that the League of United Latin American Citizens is supportive of his nomination. These supporters should be aware that in my own State of California, as was mentioned earlier by the chairman, that the California LULAC delegation is not in support of this nominee, and we have a letter to that effect that we received today and was read at one of our meetings that we had earlier today.

These supporters should also know that Mr. Mario Obledo, the past National President of LULAC, stands in strong opposition to the confirmation of Mr. Estrada. Mr. Obledo is a strong advocate and well known nationally throughout the Latino community for his work on civil rights and his leadership in our community and issues that we care most about. Mr. Obledo has been an attorney for 34 years. He is cofounder of the Hispanic National Bar Association and was one of the first general counsels and past president of the Mexican-American Legal Defense and Education Fund. He was also cofounder of the Southwest Voter Registration. He was also former Harvard Law School professor.

Let me just share with you some of his thoughts. Mr. Obledo wrote to us and said his opposition to Miguel Estrada's confirmation is based on Mr. Estrada's unwillingness to give full answers to many of the questions posed to him by the Senate Judiciary Committee. In a statement released by Mr. Obledo, he outlines his concerns and says the following:

"There are serious questions raised by his sparse record on basic civil rights and constitutional matters. It is unclear that Mr. Estrada would recognize that the first amendment protects the rights of youths to congregate and associate on public streets. It is also likely that Mr. Estrada would not place proper limits on law enforcement as required by the fourth amendment. Given his views of enumerated rights, there are serious questions whether he would recognize a suspect's right not to make incriminating statements. His record leads me to conclude that he would not take seriously and fairly Latino allegations of racial profiling by law enforcement. Based on his actions in pro bono litigation, there is a question whether he believes that organizations which have long represented the interests of communities would have the right to represent those interests in court. In addition, his views concerning the continued viability of affirmative action programs is also suspect."

These words all come from a longtime advocate who is known nationally who represents our community and who was past national president of LULAC.

I also want to share with my colleagues here that when we were reviewing the nomination of Mr. Estrada before the Hispanic Caucus meeting that we held back in June, one of the things that came to light for me was that this individual, while not having a lot of background working in the community, did mention his affiliation with other groups; and he mentioned those and I want to reiterate those. He said that he was a member of the Federalist Society, which is a form of conservative legal professionals and law students who wished to dismantle existing civil rights, one of the very important premises that we base our vote on, the protection of civil rights. He has also stated that he was a member of the national board of directors for the Center for Community Interest, which as we know is dedicated to defending antiloitering ordinances which have been introduced in many communities, some in southern California, to clear the streets of Latino day laborers seeking to find jobs. These are things that raise questions and issues for me personally as well as other Members.

I want to also set the record straight that our Hispanic Caucus has indeed and in fact supported other Republican Hispanics for appointments, and I would proudly say that I can go down the list here and name them. Rita D. Martino, who was nominated but not appointed for U.S. Treasurer, who also is very active in the community, the Latino community. Gaddy Vasquez, who I know personally from Orange County, was a county board supervisor, very proudly involved in our community and sits on numerous boards related to Mexican Americans and the Hispanic community, was nominated for Peace Corps director. We proudly supported that nomination. Richard Carmona, who came in and went through also a very laborious process with us. I even got on the phone with him to ask him his personal views on a woman's right to choose. He was not specific, but everything else convinced me that he would certainly do his best to defend those issues with respect to the Latino communities like diabetes treatment, health care and access, and tearing down barriers for Latinos, poor Latinos, to receive health care in this country. I proudly supported his nomination and so did other Members of our caucus.

And lastly, Jose Martinez, whom we also supported in his nomination to the U.S. District Court of South Florida. I am proud to say again that here we were supporting a Republican Hispanic. All of them I believe came forward and said that they would defend our community, but most of all the American public; and I think that we truly base our ideals on the premise that this country should treat everybody fairly. Equal protection under the law should be guaranteed no matter what robe they wear and if one stands in a courtroom that one be treated fairly and justly and not have to go before someone who has already made up their mind because of where they come from or because of experiences that they have not had.

And I want to say something lastly tonight. I was very, very personally hurt to hear statements made last night on this floor from individuals that would call us the left, and I want to quote, if I can: "The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life, faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions."

I stand here to say, nothing could be so completely far from the truth. Many of us here have taken our oath of office as Members of Congress to uphold the Constitution and to do the best thing we can and to be objective; and I am insulted to know that people are thinking that members of our Hispanic Caucus do not take their job seriously, that we stand here and take an oath of office to defend every American regardless of the color of one's skin, the language that they speak or where they were born.

I am a proud Latina. My parents are both immigrants. My father came to this country as a brazero under the brazero program and worked the fields in Colorado, on the railroad, and ended up in Los Angeles where he met my mother, who is a central American. I am proud of my heritage, and I know the value of having individuals in leadership positions to bring about change in our society, and one of the ways you do it is by instilling pride and opportunities to open up doors for young people to serve. And one capacity that I see lacking in this gentleman, in Mr. Estrada, was that at every step of the way in his career he did not reach out. He did not extend a hand. He did not allow for future Latinos or Latinas to come up that career ladder, and that to me is very shocking because everybody else that we have interviewed for these positions and others that have been nominated and appointed could go back and recite exactly what they did to help improve the situation for Hispanics in this country.

So I agree with my colleagues and with those that serve in the other House that we have to block this nomination because we can do better. Americans here are expecting the best. We want the best, and we want to see that there is evidence to prove or disprove, disprove, anything that we have said here tonight. I thank the chairman.

Mr. RODRIGUEZ. Let me thank the gentlewoman from California (Ms. SOLIS) for her kind words. And let me also indicate that we cannot support someone just blindly just because they have a Spanish surname.

I want to take this opportunity also, and we have the pleasure tonight of having a leader of the Democratic Caucus, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding.

I want to speak tonight not as the chairman of the Democratic Caucus but as a member of the Congressional Hispanic Caucus, and I want to join my colleagues in their opposition to the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals, which is generally known as the second most important and powerful court in the land.

It is not lightly or easily that members of the Congressional Hispanic Caucus come to the floor to oppose a nomination of an American of Hispanic descent to such a high position; but we do it out of a principled view, and those principled views are based in the fundamental belief that the reason that we advocate for Americans of Hispanic descent who are qualified, who are competent, who have the judicial temperament and the experience to be able to serve admirably for all Americans on the bench is because we want to bring to that institution and to other institutions the experience of what it is to be a Hispanic American in this country, to bring the challenges and the obstacles in this case in the judicial system.

I will never forget when I was actually trying cases of having judges who would yell at me about having my client look at them straight in the eye when they were talking to them and having to explain to that judge that in the culture of which my client came from that in fact it was a sign of defiance to look the judge straight in the eye but a sign of respect not to be doing so. I will never forget the trucker with a family of four who was trying to keep his job and who had been given a ticket for refusing to take a Breathalyzer test, but when we looked at the videotape of his particular case and saw that an officer who was not bilingual was telling him to breathe in instead of to blow out into that Breathalyzer machine gave him a ticket for refusal which would have meant a loss of his license. Luckily that case was won. But they are two simple examples of culture and language that affected the livelihoods and the futures of individuals who came before the court system.

And having someone from the community, as the White House has heralded this individual being, it was the White House in the first instance who said that Miguel Estrada, we are nominating him and he is a Hispanic American, he has a great Horatio Alger story, and in fact we are proud to be doing so. Once one puts that as one of the merits of the individuals, then it is truly legitimate to look at what experiences that individual has in the context of our community.

When Mr. Estrada came before the Congressional Hispanic Caucus for nearly an hour, he demonstrated no sense of what it is to be Hispanic American in this country.

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He never participated in any national organization, he never participated in any State organization, he never participated in any local organization in the Hispanic communities. He never used the ability that he had as a lawyer to do work pro bono work on behalf of any individual or cause or community organization. He never used the opportunity in his firm to bring someone in from the Hispanic community, to open the door of opportunity for others.

He did not know some of the landmark cases that are crucial to the Hispanic community, like Lau v. Nichols, which is the question of what services a limited-English-proficient student should have, a landmark case. This was not to discuss how he would judge in the future, but simply to say, what do you think about that ruling? Did that ruling make sense? Do you agree with the ruling or disagree with the ruling? Did the court go too far? That was only one of many examples.

Now, either this candidate did not know, in which case it is rather appalling, because even those, Mr. Chairman, as you have suggested in some of our meetings, who may not be lawyers, know about these landmark cases because of how important it is to our community. Yet this individual did not.

Nor did he seek to answer other questions as it relates to other landmark cases that are well established as the law of the land. So either he did not know or he chose not to answer because he was hiding whatever his true positions are.

Now, this is a lifetime appointment. It is a lifetime appointment. And I believe when someone is going to get a lifetime appointment, we clearly have not only the right, but the obligation to know what this person's opinions are, what is their view on the role of the judiciary, what is their view on some of these landmark cases determined by the United States Supreme Court, so we can determine.

Also what is their temperament? To be very honest with you, Mr. Estrada, in the hour he spent with members of the Congressional Hispanic Caucus, in which he was treated with great respect, did not exhibit the temperament that one would want of a Federal District Court judge, or, in this case, a Federal Appellate judge.

He also has no experience. He has never sat on the bench at any level, in a municipal court, a State court, a Federal court, at any level. So that is like going from the stockroom at AT&T to being the CEO of the company. That just does not happen in real life.

Having some experience, especially when you are coming as a member of a minority community, seeking to get onto these benches, and then doing a great job so others will be considered as well, is critically important to us.

So whether it is his lack of experience, whether it is his unwillingness to answer questions about what are landmark cases, whether it is his total, it seems to me, disdain for having anything to do with the Hispanic community, we asked him, what do you view, and I am not quite sure I want to paraphrase the question, because I am not sure exactly how the question was posed, but what does it mean to be Hispanic to you in the context of being a judge, and he said it was irrelevant. Irrelevant.

Well, the White House cannot have it both ways. They cannot say, this is a great Hispanic appointment, and yet the man tells us his being Hispanic is irrelevant to any experience he might bring to the bench.

When we asked him whether he would or has considered in the past qualified law clerks who may be from minority backgrounds, that answer was not in the affirmative.

So, for a wide range of issues, I do not know how one gives consent when one does not even have the information necessary by which one devises consent. And that is why the other body, as it is debating at this very moment, I think, debates on the fundamental crucial issue, which is the constitutional obligation of Members of the other body to give advice and consent; but to give advice and consent, you must have informed opportunities to make a decision.

The reality is, if a candidate is unwilling to give you substantive answers to critical questions or there is nothing to read about his writings because they will not give you his legal writings, or there is no history to look at, how does one make informed consent under the constitutional obligations required of the Members of the other body? They simply cannot.

This is the most stealth candidate that has ever come before the other body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The gentleman will refrain from casting reflections on confirmation proceedings in the Senate.

Mr. MENENDEZ. Mr. Speaker, this gentleman did not cast any reflections on the Senate. The question was, how does one make a decision under the Constitution. Is the Constitution not permissible to be talked about in this body in the context of what roles the Members of the United States Congress have in terms of the Constitution?

The SPEAKER pro tempore. The gentleman can discuss, generally, Senate procedures on a factual basis, but to characterize Senate procedures with regard to particular confirmation proceedings would not be in order.

Mr. MENENDEZ. I am not characterizing Senate procedures in this case. I am raising the question of the obligation under the Constitution of Members of the other body. I thought one could not mention the word "Senate." You just did, Mr. Speaker.

Mr. Speaker, in any event, the fact of the matter is, I hope I am not upsetting people, but the fact of the matter is that we have a set of circumstances under which we cannot be supportive of a candidate who absolutely does not want to be forthcoming; that is not providing for informed advice and consent.

I would simply say, Republicans cannot have it both ways. The Congressional Hispanic Caucus has supported Republican, conservative judges nominated by this administration. A judge in Florida, a judge in my home State of New Jersey, got the unanimous support of the Congressional Hispanic Caucus.

This is nothing about partisanship. It has nothing to do with the question of ideology in terms of conservative or liberal. But those individuals received our support because they had the history and the background and the abilities with which we could in fact say, when they go to the bench, they are going to represent our community.

Lastly, I find it incredible to hear those voices who would suggest that those of us who represent Hispanic Americans in this country, over 10 or 12 million Hispanic Americans in this country, are being anti-Hispanic. That is just incredible.

Those voices who are saying they are anti-Hispanic, those are the ones that denied Judge Paez a hearing for 4 years. They are the ones who denied judges coming out of Texas even an opportunity to have their nomination be heard before the committee. Those are the voices that called us "enemies of the state" on this very floor during campaign finance reform debate. Those are the voices who say, we want to shut the door on you and we want to deny, as they just did on the welfare reform bill, that legal sons and daughters, brothers and sisters, mothers and fathers of the United States citizens living in this country legally, that they cannot receive any of the benefits that they pay taxes for.

So you cannot have it both ways, my friends. You cannot, as Republicans, come to this floor and question us, when you have consistently, consistently, acted in ways and voted in ways that dramatically hurt our community.

That is the most outrageous set of circumstances, and I applaud the Members of the other body who are doing everything they can to uphold their constitutional obligations under the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order to cast reflections on the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I wanted to thank the gentleman from New Jersey (Mr. MENENDEZ) for joining us tonight on this important issue.

One of the key things we want to mention is, Mr. Estrada has failed to answer the questions before our committee and before the other body. On at least seven occasions, Mr. Estrada refused to answer questions on Supreme Court cases, and on at least nine occasions, Mr. Estrada refused to answer whether he could name any Supreme Court case that he disagreed with.

My God, I am not an attorney, but if I were to ask, do you have any cases out there that you have some kind of disagreement with, I would have said, Plessy v. Ferguson and a lot of those other decisions that have discriminated against African Americans in this country. There are a lot of cases he could have named, but he chose not to respond or say anything.

I want to take this opportunity to indicate I know that the gentlewoman from California (Ms. SOLIS) had mentioned the letter that we had received about the statement by Mario Obledo.

I want to talk a little bit about Mario Obledo, because Mario Obledo is one of our founding fathers, one of our pioneers. He was a cofounder of the Southwest Voter Registration and Education Project, the first General Counsel and Past President of the Mexican American Legal Defense and Education Fund. He was a cofounder of the Hispanic National Bar Association, a former Harvard Law School professor, the recipient of the Presidential Medal of Freedom award and a past national president of LULAC.

Mr. Speaker, I want to thank Mario Obledo for coming forward, because I know it is difficult coming forward and indicating that a fellow Hispanic is not qualified to be a judge.

I also want to acknowledge the gentleman from Texas (Mr. GONZALEZ). I know, as a task force member, he has worked diligently on this issue. I want to thank him personally. I am not sure if he wants to continue on the dialogue and say a few words.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, first of all, I thank my colleague again for yielding this time. I am going to be very brief, because this is going to be the last you will hear from me tonight regarding the nomination of Miguel Estrada.

I hope everyone understands that the Congressional Hispanic Caucus has interviewed at least three different Latino nominees submitted by the White House. Judges Martinez and Inares were shown to be sterling examples of what a nominee should be to any of the Federal benches. Were they Republicans? I am sure they were. But it did not matter because they demonstrated that sensitivity and that understanding of what the role of a judge is and should be when it comes to all Americans, but in particular to minorities.

The civil rights groups that represent the Latino interests in this country oppose Miguel Estrada, and they do it for their own reasons, many of which are shared by the Hispanic Caucus. You have heard about Mario Obledo, a true trailblazer in the civil rights movement for Latinos.

We also wish to impress on everyone that this is not a question of whether a Latino nominee can speak Spanish, is truly bilingual or not, whether they were raised in East L.A., West San Antonio or in the barrio. That is not the issue. That is not what we are seeking. It is more important than just having the Hispanic surname. It is more important than simply being bilingual. It is about the heart and the soul of the Latino and the experience and the understanding of that experience.

Mr. Estrada was not as forthcoming regarding many of the questions that had been posed to him in this process. When he did answer, I have indicated that he failed the criteria established, which is basic in nature.

People will say this is all about politics. Well, probably everything is always about politics; is it not? I will be the first one to admit when the Republican administration is in office, they will appoint only Republicans, and when Democrats are in office, they only appoint Democrats. We know that is the nature of the game. So it is not a question of party affiliation.

But we do know something, that those individuals, regardless of party identification, ethnicity, race and gender, have incredible discretion, so we need to know something about them, that they will be fair and impartial judges. And the way we do that is through this process. People get to ask questions, and the nominees, if they are forthright, will fully comply and answer the questions so we can gather some insight about their ability to exercise that discretion in a responsible and fair and impartial manner.

You say, well, the law, black letter law, we passed the law, it is right there, we should know what it means. That is not true. If that was true, every decision of the Supreme Court of the United States would be 9 to 0.

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It is not. The President of the United States today occupies that position on a 5-to-4 ruling from the court, so the Constitution and the laws of the United States are open to interpretation. And we do need to know that individuals will go in there and make those determinations fairly and impartially.

I will end it with this: Associate Justice Felix Frankfurter put it this way, and he was being brutally honest, and any judge and any lawyer knows that this is the reality: The words of the Constitution are so unrestricted by their intrinsic meaning or by their history or by tradition or by prior decisions that they leave the individual justice free, if indeed they do not compel him to gather meaning, not from the reading of the Constitution, but from the reading of life. Members of the court are frequently admonished by their associates not to read their economic and social views into the neutral language of the Constitution. But the process of constitutional interpretation compels the translation of policy into judgment, and we know that for a fact, and we are here today recognizing that.

There is a litmus test, and I believe this should be the litmus test for Republicans, Democrats, liberals, conservatives, anyone that is going to ever occupy the bench. A dear friend of mine, Dan Pozza, was running for President of the State bar of Texas and they asked him why he became a lawyer, and we should ask, why do you want to be a judge? And this should be the answer, and if an individual cannot answer in this fashion, they should not occupy that bench and make those rulings.

This is what my dear friend said: "I came of age, as the saying goes, in the 1960s. The 1960s started off as an era decidedly not marked by diversity and pluralism. Women and people of color in particular were excluded from the important positions in our society. What that meant was that a large segment of society had little or no control over their own lives and their destinies. Much of what was accomplished in the 1960s and over subsequent decades can be attributed to the desire by those marginalized people to be heard. During this period, I came to recognize that law is power and that power, the law, had often been used to restrain the rightful interests of many of our citizens. I also recognize that we as a society would need law to liberate our citizens and provide them with the opportunity to succeed or fail in life on their own terms, rather than on the terms dictated to them by the powerful and the elite."

If Dan Pozza felt compelled to become a lawyer on that basis, that should be our test, and especially to those that will occupy and rule on cases day in and day out and interpret the Supreme Court of our land and the Constitution of the United States. Miguel Estrada did not meet that criteria when we interviewed him in June, and he does not meet it today in February 2003.

Mr. RODRIQUEZ. Mr. Speaker, I thank the gentleman for his hard work on this issue.

Let me take this opportunity to yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I just want to again just clarify that one of the misleading advertisements that is out there being presented to the public is that there are various Hispanic national organizations that are in support of Mr. Estrada and his nomination. I would like to just clarify that many of those organizations have bipartisan representation, and I would venture to say that many of them happen to agree with the Hispanic caucus position.

I have personally spoken to members of the GI quorum, the LULAC organization in my own State, and talked to various other organizations. So the ones that are purporting to say that they as Hispanic organizations are the voice for Hispanics alone I think is very misleading. I will not say that I am the voice for all Hispanics in the country, no. But I do want to make it very clear that one of the premises behind our caucus, the Hispanic caucus, is that we support the advancement of our community through means of protecting our rights and our liberties in this country, through actions that the court has taken to provide us with our civil rights, the right to vote, the right to be able to lead a life here in this country. I think that that is something that has to be made clear.

Mr. Speaker, I appreciate the opportunity to be here with my distinguished colleagues, including the gentleman from Texas (Mr. GONZALEZ), who led us in this endeavor this evening. Our Hispanic community appreciates the work of our leader, the gentleman from Texas (Mr. Gonzales), the chairman of the Hispanic Civil Rights Task Force.

Mr. RODRIQUEZ. Mr. Speaker, I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ) and the gentlewoman from California (Ms. SOLIS) for being here tonight and just indicate that we will not support anyone blindly and we expect them to move forward on answering the questions.

SHAMEFUL TREATMENT FOR OUR VETERANS

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 6 minutes, which is the balance of the leadership hour, as the further designee of the minority leader.

Mr. STRICKLAND. Mr. Speaker, I come to this Chamber tonight, and I enjoyed listening to my colleagues talk about this important court nominee. But I wanted to talk about another issue that is important to the American people, and that is the way this government and especially this administration is treating our veterans. I bring this chart to this Chamber as I did last night to illustrate the fact that if a veteran goes to a veterans hospital today and looks upon a bulletin board, they are likely to see this notice. It says: Did you know the medication copayment has changed from $2 to $7. Just about a year ago, the VA decided that they were going to increase the copayment that a veteran must pay for their medicine from $2 a prescription to $7 a prescription.

And at that time, I thought it was an outrageous act, that we would impose this additional financial burden upon our veterans.

But looking at the President's budget which he just released for 2004, he just released it a few days ago, they do not want to charge $7 a prescription as a copay, but they are actually suggesting that this be increased to $15 a prescription.

Now, think about that. At a time when we are preparing to send America's young men and women into a war, we are treating our veterans, those who have fought past wars, those who have served our country with honor, we are charging them more for the medicines they need to stay healthy or to simply maintain their lives. From $2 a prescription to $7 a prescription, and now, in the President's budget, $15 a prescription. Many veterans take 10 or more prescriptions a month. That is a lot of money, and many of our veterans are on fixed incomes.

Now, in the President's budget for 2004, he is also calling for an elimination of the taxation on dividends. About $674 billion, if that plan is enacted, about $674 billion will go to the richest people in this country, millionaires, multimillionaires. Why would we charge veterans more for their medicines while, at the same time, we are proposing to give $674 billion to the richest people in this country? Not only has the VA decided to raise the cost of medicine, but they have also decided in the President's budget to raise the cost of going to an outpatient clinic for care to see a doctor, from $15 to $20. Why would we raise the cost that a veteran must pay simply to go to see a doctor when, at the same time, we are giving $674 billion to the richest people in this country?

About a year ago, the VA put out a memo, and this memo went out to all other health care providers across this Nation. And it basically said, too many veterans are coming to our facilities for services. It is costing us too much money, so you are no longer able to market the services that veterans are entitled to receive. It is a gag order. They are actually telling the health care providers across this country that you cannot tell veterans what they are entitled to receive under the law. They were quite specific in their memo. They told these health care providers that they could no longer participate in community health fairs. They could no longer send out newsletters describing their services. They could no longer go to an American Legion post and sign up veterans for the services that they, under the law, are entitled to receive. I call it the "if they don't ask, we won't tell" policy. If the veteran does not ask what they are entitled to receive, the VA will not tell them what they are entitled to receive.

Then, a few weeks ago, the VA decided that they would do something else to save money. They decided to create a new priority group called Priority Group 8, and if you are a veteran and you make about $26,000 or $27,000 a year, you are no longer going to be permitted to enroll in the VA health care system. And under the President's budget, they are really suggesting that there be an annual enrollment fee imposed upon veterans, a brand-new enrollment fee. If you make $24,000 a year and you are a veteran, they are asking that you pay $250 a year just to enroll in the VA health care system.

Now, I do not think $24,000 is a lot, and people out there in the rest of the world need to know that those of us who serve here in this Chamber make about $150,000 or so a year. Mr. Speaker, $24,000 is not a lot. But in the President's budget, if a veteran makes $24,000 a year, they will be required to pay a $250 annual enrollment fee just to participate in the VA health care system.

Why are we doing this? Why do we not take part of that $674 billion that we are giving to the richest people in this country and use it to provide health care for our veterans? It is simply the right thing to do.

THE UNITED NATIONS, NATO, IRAQ, AND MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to address a couple of areas. The primary focus of my comments this evening will be on the United Nations, on NATO, and Iraq. But I cannot allow some of the comments that I have just heard in the last 45 minutes to go unrebutted, so I intend to take a few minutes here at the very beginning to rebut some of the remarks that were made.

I was a witness to a very aggressive personal attack on an individual called Mr. Estrada, and I can tell my colleagues that had Mr. Estrada been a Member of the United States Congress, the Speaker behind me would have ruled those kinds of comments out of order by the time they got to the second sentence, because they were so vicious and such a personal attack. It was not even a fair fight. Speaker after speaker after speaker stood up in front of all of us, just a few minutes ago, and while attacking Mr. Estrada, said, this is not a partisan issue, but yet it was Democrat after Democrat after Democrat after Democrat. They did not invite anybody else in to speak on the other side of the issue. Not at all. In fact, the statement was made by the gentlewoman from the State of California that, in fact, they had been very aggressive just to prove that they were not being partisan, just to prove that they were not attacking Mr. Estrada because he happens to be a Republican and a conservative Republican.

Just to prove that, the gentlewoman from California said we aggressively stood up in support of a Hispanic who was recently named to the bench, apparently in the State of California. I would just tell the gentlewoman from California, I have been here almost every night during Special Orders, and I have never seen, never seen her or any of her other colleagues who spoke this evening take that podium and speak in favor of this Hispanic judge or this Hispanic in California who happened to be a Republican and that they say adamantly and bravely stood up and spoke for.

I tell you what else I find a particular interest from the gentlewoman from California who, by the way, I consider a professional. In fact, I am surprised by the comments that I heard coming out of my colleagues this evening because I happen to have watched my colleagues over the time that I have worked with them, and I think they are pretty sharp people. I think they are very capable. I was surprised tonight at these remarks.

But back to the gentlewoman from California who, as I mentioned earlier, I think is a professional. I work on a committee with her. She made a comment about the right to vote, how hard the Hispanic community worked to get the right to vote, and I agree with her. But do we have a double standard here, when one party stands up and talks about the right to vote on one hand and yet on the other hand works in unison with the other body to deny the right to vote? We see what is going on here is a filibuster. They are afraid to have a vote on Mr. Estrada.

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Every one of these people, every one of those Democrats who voted this evening, sometime during their comments talked about the right to vote for Hispanics. And yet they stand here and in support of the denial of the right for a vote for Mr. Estrada.

Hey, let Mr. Estrada rise and fall on his own merits. Let the vote take place. That is what is being requested.

I am not here to try to convince my colleagues on the Democratic side that they need to support Mr. Estrada, but I am here saying it is incumbent, it is incumbent upon these Democrats to at least allow a vote on Mr. Estrada. If they want to vote no, if the Senate or the other body votes no, so be it. It fell on its own merits. But at least it got a vote.

So if you are going to stand here this evening and talk about the right to vote and how strongly your community, and I agree with that comment, how strongly your community worked to obtain equal status to get that right to vote, to be recognized as citizens, then on one hand, as you preach that you should, on the other hand, follow your own preaching and allow that vote to take place.

Let me make a couple of other comments in regards to that. I heard the thought that he is not qualified. He came to the Hispanic Caucus. I heard the chairman of the Democratic Caucus, comment after comment after comment assailed Mr. Estrada, attacked personally Mr. Estrada. And what surprised me is time after time I heard a very partisan Democratic attack that Mr. Estrada was not qualified.

Now, very few of these people speaking this evening ever went to law school, very few of these people ever practiced in a court of law. And let me say their focus on there is from the Democratic side. I am a Republican. So I tend to, obviously, I favor Republicans. That is the nature of the game. But in order to kind of neutralize, in order to look over the partisanship, we have another player in this game, and it is called the American Bar Association. And the American Bar Association evaluates not based on party affiliation, but evaluates the qualifications of a particular candidate. And Mr. Estrada was no exception.

They did not evaluate Mr. Estrada on whether or not he was Hispanic. They did not evaluate Mr. Estrada on whether or not he was a Republican. They did not evaluate Mr. Estrada based on whether or not he was a Democrat. They evaluated Mr. Estrada on his qualifications to serve as a judge on an appellate level. They are the most nonpartisan evaluation you have out there. In fact, in my opinion I think they are too liberally based.

But the fact is, the opinion that they issued, which was never even mentioned once during this vicious attack this evening by the Democrats and the Democratic leadership over here, and I say Democrats, that is too general, a very small group of Democrats and some leadership, they never even mentioned what the American Bar Association did.

By now your curiosity is probably up. Well, Congressman MCINNIS, what kind of evaluation did they come out with? They gave him an evaluation that rated its highest recommendation they issued, highest recommendation they issue. Why do you not, if you want to fight fair, why do you not bring out the facts? You ought to say, you know, we disagree with this, but the American Bar Association did say, did give their highest qualifications to Mr. Estrada. That is only fair.

Let me mention another thing that I think is a little remarkable for its lack, and that is that Mr. Estrada has no experience as a judge. You know what, there were some Congressmen this evening who were making those statements who had no experience, previous elected experience, or certainly did not have any of the experience at the level of being a United States Congressman before they were elected to the United States Congress. Yet, in my opinion, although it has been somewhat discounted this evening, in my opinion, those individuals who spoke were very qualified to be United States congressional people.

You know, I do not know what the background is, but I do not think the gentlewoman from the State of California held elective office prior to this that was equivalent to the United States Congress; yet, she is a very capable individual. And it is the same with any of a number of those individuals. They are capable, but they did not have to come in here with this prior experience.

And yet you turn around, while you lack that prior experience yourself, and serve in the United Congress, you turn around and assail, viciously assail, Mr. Estrada because he "does not have the experience."

Keep in mind, one, what you are supporting this evening through that tirade of comments was, you were supporting the effort to not allow a vote. Not you in the same boat, no. The effort you were supporting is, do not ever give him a chance to have a vote.

My position, whether you are Republican or Democrat, my position is, let Mr. Estrada rise and fall on his own merits. Allow him the vote. If you believe, as apparently you do, that for some reason, although the American Bar Association said he is highly qualified, you think you are more educated in your evaluation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The gentleman will suspend.

The gentleman will refrain from urging the Senate to take action.

Mr. MCINNIS. I stand corrected, Mr. Speaker.

Yet my colleagues over here who think that they can evaluate better than the American Bar Association are making an effort to deny the vote.

So, in summary on this, let me say, number one, let me say there was no need for that vicious, one-sided attack this evening. It was very partisan in its nature. It was not a fair fight and at least you ought to be fair. I think Mr. Estrada can stand up and lose the fight if he gets a fair fight. You did not even give him a fair fight.

In fact, you did not know I was coming this evening. I did not expect to make comments in this regard. But I felt that attack was so vicious and double standards were being utilized that somebody has to speak up for Mr. Estrada on this House floor.

By the way, I have never met Mr. Estrada. I would not know him if he walked in the door right here. There is no reason for me to stand up and defend him here tonight other than the fact that it was a one-sided attack by a small group of Democrats and their Democratic leadership, and that is fundamentally unfair. And it is fundamentally unfair for a group to work against a vote being taken, to deny that right to vote after they preach to us.

You were preaching, my colleagues were preaching to us about how hard they have worked in their community, and which, by the way, I agree with, their community worked hard to be sure that they had the right to exercise a vote. And yet on one hand you say, we have a right and we worked hard in our community to exercise the vote. But on the other hand, do not allow the vote for Mr. Estrada; but although the American Bar Association says he is qualified, we do not think he is qualified. And although we do not think he has experience, we did not have any experience before we came in the United States Congress. For some reason, it is okay for us, but it is not okay for Mr. Estrada. And by the way, we will do it on the House floor where nobody stands in defense of Mr. Estrada.

I find myself here not even knowing Mr. Estrada but feeling you are picking on the little guy, and it is not a fair fight.

I am willing to stand up to you. I know you out number me 10 to 1 tonight. I know you came here speaker after speaker after speaker, first giving a disclaimer that it was not partisan and then of course the rest of your comments were completely partisan.

So I am standing up for him. And I think he ought to have a vote. And I think you ought to take into consideration or at least say to the people when you make your comments, by the way, while I disagree with Mr. Estrada, you should know that the American Bar Association gave him its highest evaluation of what they think is required to serve as a judge on the appellate level in the Federal Government.

Enough. Enough of that.

I need to talk this evening and spend some time with my colleagues on the situation that is occurring in NATO, the situation at the United Nations, the situation in Iraq. I think at the very beginning it is important to distinguish between the United Nations and NATO.

NATO, of course, is the North Atlantic Treaty Organization. It is a family. It is a strong defense alliance built between America and its European neighbors. It is an alliance that is like a close-knit family. It is an alliance that has gone to war as an alliance, as in Kosovo. It is an alliance in which, like blood brothers, like blood brothers, you make the commitment when you join that alliance that a fight with anybody in the alliance, a fight upon any individual country within the alliance is a fight with the entire alliance. And for 50-some years that alliance, NATO, has stood strongly.

In the last 2 weeks we have had a breakup in the family. We have had a couple of members of the family, three members to be specific, who, despite the fact that the family has coddled them for 50-some years, despite the fact that the family has put their arms around them in a time of need, despite the fact that members of NATO like the United States of America, like on D-Day, put their arms around France and helped France. It was not Iraq that went to help France. It was not Iraq that was in Kosovo helping France. It is not Iraq and Korea helping South Korea. It is not Iraq out there doing anything for France other than selling them oil. And France left.

One of our family members has left, in my opinion, in part due to a business deal. It has shaken the entire foundation of the organization we know as NATO. And while we start let me mention, I just want to quote from an article, this is off Yahoo, New York Post, it is an op-ed piece, so I am quoting from the op-ed piece, "Mr. Howard Served in D-Day."

He is an American, an American citizen. He did not have a bone to pick, but he decided to go to answer the call for his country to fight for France, and this is what he said: "We were men of war and men of honor. The turncoats making policy in Paris and Berlin," speaking to what has happened in the last 2 weeks, "do not know the meaning of the words," referring to the words "men of war, men of honor." France was in trouble. Excuse me, let me step back.

Mr. Howard remembers why our young men went to war. He says, "France was in trouble and all of us had to do something about it. Simple as that." "France was in trouble and all of us had to do something about it. Simple as that. With this anti-American thing going on, I tell people loud and clear, I am an American, first and last. You got a problem? I think we all did our bit back then."

Now what has happened. Let me just take a look because there is a perception out there from the world-wide media. They sensed for obvious reasons that there is a breakup in the family, that a family that nobody thought they would ever see a crack in, a family that has had a strong history of partnership for 50-some years all of the sudden, in a matter of hours, suffered a major break. And the perception out there is that it is a fight between the United States of America and France and Germany.

It is not a split between the United States of America and France and Germany and Belgium. It is a division in Europe. Let me show you.

I have a chart to my left and I would like to refer you to the chart. I am going to circle the three members of the family. Let me first of all point out on the chart the members of the family. Take a look: United States, Portugal, Norway, Italy, Greece, Denmark, we have 19 of them, Turkey, United Kingdom, Netherlands, Iceland, Germany, Canada, Czech Republic, Spain, Poland, Luxemburg, France and Belgium. That is the family. I am introducing you to our family in the North Atlantic Treaty Organization.

And by the way, it is not the North Atlantic Treaty Organization that would be engaged in the conflict in an offensive fashion against Iraq. The issue with Iraq is separate from NATO. That is being handled by another unit called the United Nations and primarily through their Security Council.

□ 2115

Back to our family at NATO. All of these family members agree with this exception: Germany, France and Belgium.

My point in referring my colleagues to the posters is I would like my colleagues to see that it is not a split, an even split in the family. It is not even close to an even split in the family. Sixteen members of this family support another member and let me tell my colleagues who that other member is. That other member is the most moderate Muslim country in the world.

That other member, which is the country of Turkey, is a country that time and time and time again has come to the alliance and assisted the alliance. That is a member despite the pressure, and talk about pressure, France and Germany and Belgium have never seen pressure like the Turks have. Time and time again the Turks have been under intense pressure from some of the more radical countries in the Middle East to walk away from NATO. They have looked at Turkey and said how dare you stand with the United States of America, how dare you stand with Great Britain, how dare you stand with the Netherlands or Iceland or Canada or Greece or Italy or Spain. What are you doing in that organization?

But the Turks have stood tall. Time and time again the Turks have delivered to the family. Time and time again the Turks have proven that they are not only a stable, but they are probably one of the strongest members of the family, and time and time again the Turks have come to the assistance of the other members. It is like the big brother, always there to help. That is a good description of Turkey. That is not an accurate description of France or of Germany or of Belgium, but Turkey's always been there to help.

With the situation in Iraq, it appears because of remarks and indications that Saddam Hussein has made that the country of Iraq could very easily decide they want to pick a fight with Turkey and blindly attack Turkey with weapons, possibly weapons of mass destruction. For the first time in the alliance of NATO, Turkey has come under what we call section 4 of NATO. For the first time Turkey has come and invoked section 4, and they are the big brother who has always helped us, has now come into the family house and said can you help me.

Turkey has said can you help me, and you know what the brothers and sisters in that family house have said? The United States said, yes, and by the way, the United States now says if NATO will not stand up for you because of the actions of France and Belgium and Germany, we will. The United States, just be aware anybody in the world, you take on Turkey and we consider it a direct attack against the United States of America, and we will respond accordingly with overwhelming superiority.

But when the family was asked to pitch in and help Turkey, the United States stepped forward and they said yes. Portugal stepped forward and they said yes. Norway stood forward and they said yes. Italy stood forward and they said yes. Greece stepped forward and they said yes. Denmark stepped forward and they said yes. The United Kingdom obviously stepped forward and said yes. The Netherlands stepped forward and said yes. Iceland stepped forward and said yes. Canada stepped forward and said yes. The Czech Republic stood forward and said yes.

What is really neat about some of this, some of these countries are our little brothers and sisters. They are very small as far as military might, but they are very, very small countries; but by gosh, they stood forward and said we are going to help our brother Turkey. We are going to give it the best we got. Spain stepped forward and said yes. Poland stepped forward and said yes. Luxembourg, little reluctant, slow, yes. Hungary stepped forward and said yes.

But then some of the most prominent, some of the biggest members of the family, to the shock of every other member of the family, to the shock of the brothers, to our brothers and sisters, France stepped forward and said not only no, not only maybe, we will abstain from this, maybe we will stay in the house while you go out to help our brother Turkey. France stepped forward and said I am going to veto the right for you to help Turkey in any way. I am going to veto to make sure NATO cannot get out of the door of the house to go help our brother Turkey. Germany did the same thing. Shame on them. Belgium.

Remember what I told you about Mr. Howard, about what Mr. Howard said on D-day. France was in trouble and all of us had to do something about it. Simple as that. We were men of war. We were men of honor. It was that simple. Our brother France, it was in trouble. That is what Mr. Howard talks about, D-day, and yet how quickly and how shamefully the French and the Germans and the Belgians forget not what the United States did for them, although what we have done for that country whether it is the Marshall Plan or Hitler or bringing down the Wall, you cannot count all the assistance we have given to those countries, but speaking much more broadly than the United States, this assistance came from their fellow member of NATO, and in the last week, they shocked the family by saying we are not going to participate, we are not going to help Turkey.

How can they do that? I mean, it is like looking at your brother and saying how can you betray the family, how can you walk out on us like that, in a time of need, without warning? You walk out on the family. This has nothing to do with Iraq. That is not the issue here in front of NATO. That is the issue in front of the United Nations Security Council. Why are you using Iraq as a cover to defy your brother? Why are you walking out on your family? Why do you do this? What do you have to gain?

Have you made the choice that instead of putting your investment, your commitment with the people who have stood beside you for 50 years, whether it is Portugal or Spain or Italy or Hungary or Iceland, instead of putting your commitment with these people, you are now choosing to put your commitment with Saddam Hussein and Iraq? You are walking out of our family, not only the insult of leaving our family in a time of need, France and Germany and Belgium; but you are going across the street to help one of the worst men in the history of this world.

It is unanswerable unless, unless you begin to look a little deeper. Then you find out that the French signed an agreement with the Iraq government for the right to explore an oil field that they believe has 40 billion barrels of oil in it at a discounted price. Iraq knows that if they can win the public relations war, Iraq knows that maybe they can break America because America may not have enough guts to act without the French or without Germany.

If France and Germany, let us just say that the oil that they are getting from Iraq and the arms that they are selling to Iraq, and Germany's in there, too, and so is Belgium, let us just say that that is not the reason for leaving the family. If the reason for leaving the family is they do not want to go to war and somehow they tie NATO into the war, again, it is not the NATO issue with Iraq. It is the United Nations that is dealing with Iraq, two separate institutions, but if that is their concern, they, in fact, are making the war more likely, the probability of war higher because of the fact that they are now presenting a broken front, a nonunified family, a broken family.

The best way to settle this peacefully is stand nose to nose with Saddam Hussein with a unified international community that says disarm and disarm now.

The President of the United States has made this very clear. The President and Prime Minister of Italy has made this very clear. The Prime Minister of Great Britain has made this very clear. Many, many people throughout this world are willing to stand as a unified team as the President and Colin Powell says or the Vice President and Mr. Rumsfeld or Condoleezza Rice, with a coalition of the willing.

Every time France needed something, NATO became the coalition of the willing. Every time Germany or Belgium needed something, it was NATO that was ready to stand up to the plate. That was the deal. We are blood brothers. We made a commitment, a solemn commitment 50 years ago, and we have stood in honor only to be disgraced by the countries that we, America or many of these countries, we lost on D-day. It is stunning to the international community that NATO, which was perceived as probably the strongest alliance in the world of a multiple nation makeup would, in fact, be defied by its own family.

So let me say to my colleagues, this is not light discussions which are taking place right now. I, under the fine leadership of the gentleman from Nebraska (Mr. BEREUTER), who is the chairman of the parliamentary arm of the House for NATO, I am a member of that. I have been a member of that for a long time. I have witnessed the family. I know what a good family it is.

Tomorrow or the next day we will depart for NATO meetings, and I intend to be as strong in my comments in front of the French and the Germans and the Belgians as I am with my colleagues this evening. This is a serious rift. No one should take it lightly. The message I will deliver to the French and to the Germans and to the Belgians is, for God's sake, think about what you are doing. Think about the family that you are about to walk out on. Be selfish for a minute and think about your own future. Be totally selfish and think about is your future better with your brothers and sisters in the NATO alliance? Is your future better with Poland and the United Kingdom and the United States and Hungary and Spain and Italy and any number of these countries, the Netherlands, the Czech Republic, Canada? Is your future better with them or is your future better with the country of Iraq? I mean, it is so basic and yet so fundamental to the survival of this family.

Let me say that this split in the European community, France wants to be the big dog. France wants to always lead the parade. France wants to be the head of the EU and Germany wants to be France's little buddy.

Let me say, in my opinion, NATO will suffer from this but what will suffer the most is the investment that France and Germany and Belgium, the investment they are making with Iraq. They will suffer the most in the long run for they will find out you cannot deal with a madman. You cannot deal with a killer. You cannot appease, you cannot appease a cold-blooded killer who not only invaded two other countries, two of his neighbors, but also in cold blood used weapons of mass destruction, chemical gases, to kill his own people.

You are being dealt a bad hand, and I am going to say to the French and to the German and the Belgian colleagues, look at the hand that you have been dealt. You have got a great hand. You have got a hand that is shared by 16 other nations who have been with you for 50 years; and whether you have got a good hand or a bad hand, we have always been there and you have got a good hand right now, and you are about to throw it on the table and give it to the person who showed up, who does not have the best interests of anybody but himself, Saddam Hussein, in mind.

Let us move again, as I said earlier, we have the United Nations which we are going to speak about right now and we have NATO. My comments up to this point have been focused specifically on NATO, keeping in mind that the issue in front of NATO is not the issue of Iraq. The issue in front of NATO, the North Atlantic Treaty Organization, clearly is do we or do we not go to the assistance of one of our members, that is, the country of Turkey, which has invoked section 4, which requests help from its different colleagues? Do we, an organization that has been a solid family for 50-some years, do we in fact work to continue that family or should in fact NATO, the issue now in front of us, is our family now broken because three of our members, the Belgians, the French and the Germans have refused to honor their lifelong commitment, their blood brother commitment to stick with us?

□ 2130

That is NATO. The issue is not Iraq. The issue is, do we help Turkey, which faces imminent threat from Iraq? The issue is, do we or do we not help Turkey?

I can say for sure that America will help Turkey. And every one of those 16 countries voted to go immediately to assist Turkey. And France and Germany and Belgium, your failure to act will not cause a weakness for our friends, the country of Turkey. We will act.

The rest of the members of NATO, despite your veto threat, and unfortunately we will have to act outside the body of NATO, but whether it is a truck, whether it is a prayer, whether it is medics or mechanics or the military might of the United States and the British, we will protect Turkey. And you, France, and you, Belgium, and you, Germany, will see this as one of the largest and most significant mistakes of your country's history.

Now, let us move to the United Nations and talk just for a moment about the United Nations. The United Nations, really when it comes to the issue of Iraq, and keep in mind the United

Nations has about 189 members, I may be off one or two, but 189 countries or so. North Korea, for example, is in the United Nations. We have a number of different countries which are completely opposite of the United States and of the free world, in my opinion, in the United Nations. But we are not talking about the whole body. The real focus we have today, dealing with the problem of Iraq, dealing with the problem of weapons of mass destruction, dealing with the problem of, for example, North Korea and proliferation of nuclear weapons, that primarily focuses on the Security Council of the United Nations.

I wanted very quickly, if you look to my left at the poster, the United Nations Security Council, these are the members of the Security Council. These members, for example Russia, can carry a veto and prevent the United Nations from taking action as a body. For example, the Kosovo air war. The head of the Security Council persuaded the United Nations to oppose an air war in Kosovo. So it is a powerful body, but it is a powerful body within the scope of the United Nations.

This is the body of which we were in hopes would be strong enough, have tough enough teeth that it could bite into the problem and hold on to it after the Persian Gulf War of 12 or 13 years ago. It was the United Nations which issued the resolution, led by the United States and the joint members of the United Nations, to take action, to free Kuwait after Iraq overran Kuwait without cause, conquered its country, destroyed its oil wells, killed tens, maybe hundreds of thousands of people in the country of Kuwait. It was the United Nations that issued a resolution supporting military conflict, if necessary, to free the country of Kuwait.

It was the United Nations that kept the United States and the British, because we decided to be Mr. Nice Guy. We thought the United Nations could do something with Iraq after the Persian Gulf War, which was an overwhelming victory for the allies and America because of our military superiority. We had confidence, now as it appears, misplaced confidence, but we had confidence that the United Nations could help us rebuild Iraq through a series of resolutions, through a series of inspections, through disarming Iraq.

The United Nations assured us 12 years ago to not go in and exterminate, do not go in and destroy or eliminate Saddam Hussein. Stay out of Baghdad. It was the United Nations. It was not George Bush, Sr., who made the decision. It was not Margaret Thatcher and the United Kingdom who made the decision to stay out of Baghdad. It was not Norman Schwarzkopf who decided not to go into Baghdad. It was the United Nations who insisted that our mandate was simply to get Iraq out of Kuwait, to not go into the city limits of Baghdad and take down the regime of Saddam Hussein.

So we agreed to it because we were under the mistaken trust that the United Nations meant what they said. We were under the mistaken belief that the United Nations would carry through with its resolutions, that the United Nations, through its Security Council, would be sure that the resolutions that Saddam Hussein agreed in his own writing to follow, even proposed some of these resolutions.

We were confident. That may be too strong a word. We were cautiously optimistic that the United Nations would not be a paper tiger, that the United Nations, within a short period of time, would disarm Iraq of these weapons of mass destruction. We knew of munitions that Iraq had, and we were cautiously optimistic that Iraq, through the United Nations, would disarm and become a member of the world community.

It was a big mistake, and it is proving today that the United Nations itself does not have the gumption to do what it says. And it is the United Nations, not the United States, it is the United Nations that is on the brink of becoming what we call a paper tiger, an organization in the West they say is a cowboy with a big hat but no cows. The United Nations is right on the brink of making that decision. Do we once again become a paper tiger?

Now, let us look a little at the history. First of all, what kind of weapons are we talking about in Iraq? Are we talking about these missiles we discovered in the last few days that have a range that exceeds the maximum range that Iraq agreed they would restrict these missiles to? Are we talking about the shell casings that Iraq denied that they still had? What are we talking about?

Let me show you an inventory of what we are talking about and why we think it is important for the United Nations to not become a paper tiger. Again, let me refer you to my left. This is not what the United States or the Brits or any other ally says that Iraq has. This poster to my left does not reflect what the United Nations says Iraq has; this poster reflects what Iraq, what Saddam Hussein said he had. That is what this poster reflects. Take a look at it.

Weapons of mass destruction: Mustard gas, 2,850 tons of mustard gas. That stuff is lethal, and I am going to show you case after case after case where Iraq, under Saddam Hussein, used these weapons of mass destruction either against his war in Iran or against Kuwaitis or against his own people.

Sarin nerve gas, 795 tons. Do you realize what you could do to America or to Canada or to Portugal or to any neighbor of Iraq with 795 tons of sarin nerve gas?

VX nerve gas, 3.9 tons. This is a very, very vicious weapon of mass destruction. The last two words describe it most accurately, mass destruction.

Tabun nerve agent, 210 tons.

Anthrax, 25,000 tons. Now, we all have an idea of what anthrax does because of the anthrax attack we had here in the Nation's Capital. That killed servants of this country. That killed people serving this country with just a few drops of powder in an envelope.

He, under his own admission, has 25,000 tons of anthrax. He has 400 tons of uranium and he has 6 grams of plutonium. Under his own admission, he has these weapons of mass destruction.

Now, we do not know where he has them. He agreed, by the way, to destroy them. He agreed to turn these over to the allies. By the way, you do not just destroy them. You do not just go out and set them on fire. You have to go through a very complicated process to disarm these.

He has become an expert at sensing that the United Nations may be really nothing but a paper tiger, that it may follow the history of the League of Nations, which was charged with the responsibility, almost in a duplicate situation with Germany after World War I, to disarm Germany, and they backed down. Germany lied, and Germany, in fact, had weapons they said they did not have. The League of Nations did not enforce inspections. The League of Nations became a paper tiger, and Germany became a war machine. Unfortunately, many of us suffered. Many of our countries suffered during World War II.

The United Nations is heading down that direct path because they refuse to disarm Iraq. Instead, they are going to play this cat-and-mouse game.

Well, our President, thank goodness for our President, who has said enough is enough. He said earlier it is like a bad movie and he is not interested in seeing the rerun. You know what the rerun is? Let me show you what President Bush does not want to see a rerun of. Again, the poster to my left.

President Bush does not want to see a rerun of August of 1983, where mustard gas killed no fewer than 100 people. He does not want to see a rerun of February 1986, where Saddam Hussein used mustard gas and tabun and killed 8,000 to 10,000 people. President Bush does not wants to see a rerun of the October 1983 attack, where Saddam Hussein used mustard gas to kill 3,000 Iranians and Kurds. President Bush does not want to see a rerun of the December 1986 act by Saddam Hussein, mustard gas, where he killed thousands of Iranians. That is the rerun President Bush does not want to see.

Unfortunately, the person we would call "the dove," the person least likely to urge this country to go into a military conflict, is Colin Powell, a man of high integrity, highest popularity rating in the United States of America because they know this is a man of integrity, and he has said enough is enough.

Take a look at the team we have. President Bush put together the A Squad. We have DICK CHENEY, one of the most qualified Vice Presidents in the history of this country. Condoleezza Rice. By the way, DICK CHENEY is just north of us in Wyoming. The President from Texas. Condoleezza Rice schooled in Denver, Colorado. Condoleezza Rice, one of the brightest, most capable people in the area of international affairs, world affairs. Don Rumsfeld, one of the toughest guys I have ever met; one of the smartest men I have ever had the privilege to visit with. And, of course, Colin Powell.

These people do not want to see a rerun. These people, and every Member of the United States Congress ought to be standing up strong and saying to the United Nations, do not let this happen to any more generations, to any more people in the world. United Nations, you have the opportunity today, you have the opportunity today to make sure that this movie, which is reflected on the poster to my left, will never be rerun again; that no other family in the history of the world will suffer from the hands of Saddam Hussein by a weapon of mass destruction.

It is an inherent obligation of the world to stand up to this tyrant and to stop him. Yet, as we are on the verge of that, I fear that this tyrant is winning a public relations, a public relations effort with the United Nations, and the United Nations itself is about to become an unimportant organization because they did not stand up when standing up was called for. They did not answer to the call of duty when the most important call of duty came forward. They blinked. They blinked to the madman. They attempted to appease him.

Look at history. History is a teacher. I do not care what history teacher in America you pick. Any history teacher you want, of any political affiliation, whether prowar, antiwar, pro-this or anti-that, there is one thing they all share in common. Every history professor in America shares one thing in common. What is it they share in common? They share in common that the knowledge of history gives you a pretty good idea of the future: That history is often repeated, that history repeats itself.

To my left is the poster of history. It is the history of Saddam Hussein and the weapons of mass destruction. Not weapons that he has threatened to use, but weapons that he has used. It is the history of tens of thousands of people who died a horrible, horrible death. It is a history that the United Nations is on the verge of choosing to ignore. Maybe the United Nations should ask any historian anywhere in the world, forget the United States, ask anywhere else in the world if they think history will repeat itself.

□ 2145

Fortunately, we have a President who has built a coalition throughout this world. This is not America standing alone. This is America standing with many countries throughout the world, Spain, Italy, the United Kingdom, many, many different countries throughout the world.

So, okay, United Nations, maybe you are going to be a paper tiger, but we are convinced that history will repeat itself with Saddam Hussein, and we are at the end of our game. Even if it costs us some of our brave young men and women, we are willing to put the lives of our country's citizens on the line to stop this murderer. When duty calls, the United States under the leadership of our President and these other countries, the leadership of Tony Blair and the United Kingdom, et cetera, et cetera, have answered the call.

We are begging the United Nations answer the call while you have the opportunity. Come out of the foxhole. You have an obligation to get onto the field. We must stop history from repeating itself.

I could not speak with more serious or somber attitude than I am speaking to you this evening. Standing right in front of us is the history. We know the history. This inventory that Saddam Hussein has admitted himself is not a made-up inventory. Those are very, very lethal weapons. It is not like a single shot from a rifle where there is one victim. One vial of these inventories that Saddam Hussein has admitted to having, one vial can wipe out an entire community. History shows time and time and time and time and time and time again, this madman has used these weapons of mass destruction and killed thousands, tens of thousands of people.

Yet we have people of sound mind who stand back and put their hands over their eyes and pretend that history will not repeat itself, that pretend that the cancer does not exist and this is somehow going to go away if we try to appease the madman. If we say give us a little of that inventory at a time, we will be satisfied with your word that you will not attack, that history will not repeat itself.

I will tell Members what the United Nations is doing. They are making a bet, and anyone that supports allowing this madman to continue down his path, they are making a long bet. They are making a bet that the odds are so stacked against them that most of us would consider it a bet of insanity. It is a bet that no one in Las Vegas, no one that gambles, nobody that has ever gambled would ever take with the odds that face these people that do not want to stop this madman by military conflict, if necessary.

It is a bet that is based on the premise, it is a bet that is based on the premise that history will not repeat itself, and that this madman all of a sudden has turned a new leaf and that this madman all of a sudden wants to join the world community and is a man of integrity now and a man of honesty.

I am telling Members those that are making that bet, they are not just going to lose, you are making this bet on behalf of the entire world. And unfortunately, if we lose the bet because history repeats itself, we all lose. Tens of thousands, probably hundreds of thousands of people will have their lives snuffed out because of a foolish, foolhardy bet that has been made.

Everyone of us in this Chamber and everybody in an elected office or an office of leadership in this world, the time has arrived to stand up. The time has arrived to come out of the foxhole fighting. The time has arrived to make sure that we address the fact that history will repeat itself.

We have an opportunity today to, in my opinion, save hundreds, maybe hundreds of thousands, of people. It is not the only problem that we have out there. Sure, we have a problem with North Korea, and we have economic problems. We have the AIDS problem. But I am telling Members the problem that I think is the biggest threat is the one with the highest probability of repeating itself in history, and that is Saddam Hussein and the use of weapons of mass destruction.

Mr. Speaker, I commend the leaders of our country, including my colleagues in Congress who had enough guts to stand up and say enough is enough. But I am telling those people who are betting that history will not repeat itself, in my opinion, and I say this with a great deal of sincerity, and I do not say this with a lot of exaggeration, in my opinion you have let down every human being on the face of the Earth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. DELAY) for today after 4:00 p.m. on account of a congressional delegation trip to Afghanistan.

Mr. LINDER (at the request of Mr. DELAY) for today after 4:00 p.m. on account of business in Georgia.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Meek of Florida, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Ms. Carson of Indiana, for 5 minutes, today.

Mr. Case, for 5 minutes, today.

Ms. Corrine Brown of Florida, for 5 minutes, today.

Mr. Taylor of Mississippi, for 5 minutes, today.

Mr. Strickland, for 5 minutes, today.

(The following Members (at the request of Mr. Foley) to revise and extend their remarks and include extraneous material:)

Mr. Foley, for 5 minutes, today.

Mr. Pence, for 5 minutes, today.

Mr. Smith of New Jersey, for 5 minutes, today.

Mr. Paul, for 5 minutes, today.

Mr. Murphy, for 5 minutes, today.

Mr. Goodlatte, for 5 minutes, today.

Mr. Weldon of Florida, for 5 minutes, today.

Mrs. Blackburn, for 5 minutes, today.

Mr. Burns, for 5 minutes, today.

Mr. Thomas, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, pursuant to House Concurrent Resolution 41 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. Barrett of South Carolina). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to House Concurrent Resolution 41.

Thereupon, (at 9 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 41, 108th Congress, and its previous order, the House adjourned until Tuesday, February 25, 2003, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information: Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

681. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $70 million Federal credit instrument for Frontier Airlines; (H. Doc. No. 108—39); to the Committee on Appropriations and ordered to be printed.

682. A letter from the Secretary, Office of General Counsel, Securities and Exchange Commission, transmitting the Commission's final rule — Implementation of Standards of Professional Conduct for Attorneys [Release Nos. 33-8185; 34-47276; IC-25929; File No. S7-45-02] (RIN: 3235-AI72) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

683. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proxy Voting By Investment Advisers [Release No. IA-2106; File No. S7-38-02] (RIN: 3235-AI65) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

684. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

685. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone: Final Response to Remand [FRL-7428-7] (RIN: 2060-ZA11) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

686. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7428-6] (RIN: 2060-AH67) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

687. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Concerning Marine Communications [PR Docket No. 92-257]; Petition for Rule Making Filed by Regionet Wireless License, LLC [RM-9664] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

688. A communication from the President of the United States, transmitting a report pursuant to Public Law 107-243 entitled, "Authorization for Use of Military Force Against Iraq Resolution of 2002"; (H. Doc. No. 108—40); to the Committee on International Relations and ordered to be printed.

689. A letter from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rio Grande Silvery Minnow (RIN:1018-AH91) received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

690. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish [Docket No. 000629197-2192-03; I.D. 032900A] (RIN: 0648-AN06) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

691. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole Sideboard Limit in the Bering Sea and Aleutin Islands Management Area [Docket No. 021212307-2307-01; I.D. 011503C] received February 4, 20033, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

692. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 012303B] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

693. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye and Northern Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-2307-01; I.D. 012103F] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

694. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 021209299-2299-01; I.D. 112502B] (RIN: 0648-AQ19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Areas and Security Zones; Escorted Vessels — Philippine Sea, Guam, Apra Harbor, Guam and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands [CGD14-02-002] (RIN: 2115-AA97) received February 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares) — received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

697. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Consolidation of Customs Drawback Centers [T.D. 03-05] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Statutory Mergers and Consolidations [REG-1264 85-01] (RIN: 1545-BA06) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Functions (Rev. Proc. 2003-19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [TD 9040] (RIN: 1545-AY56) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

701. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [REG-116641-01] (RIN: 1545-BA17) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

702. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number (TIN) Matching Program [TD 9041] (RIN: 1545-BB88) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

703. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Definition of Foreign Personal Holding Company Income [TD 9039] (RIN: 1545-BA33) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

704. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare, Medicaid, and CLIA Programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications [CMS-2226-F] (RIN: 0938-AK24) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

705. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities [CMS-3047-F] (RIN: 0938-AK35) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[February 13 (legislative day of February 12), 2003]

Mr. YOUNG of Florida: Committee of Conference. Conference report on House Joint Resolution 2. Resolution making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–10). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 71. Resolution waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–11). Referred to the House Calendar.

[Submitted February 13, 2003]

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 342. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes (Rept. 108–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 389. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools (Rept. 108–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; with an amendment (Rept. 108–14). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 399. A bill to amend the Public Health Service Act to promote organ donation (Rept. 108–15). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. Lampson, Mr. DeLay, Mrs. Johnson of Connecticut, Mr. Pomeroy, Mr. Green of Wisconsin, Mr. Jones of North Carolina, Mr. Shimkus, Mr. Baca, Mr. Simmons, Mr. Frost, Mr. Kirk, Mr. Forbes, Mr. McIntyre, Mr. Berry, Mr. Mollohan, Mr. Wamp, Mr. Visclosky, Mr. Mario Diaz-Balart of Florida, Mr. Boozman, Mr. Crenshaw, Mr. Keller, Ms. Ros-Lehtinen, Mr. McHugh, Mr. McNulty, Mr. Gordon, Mr. Stenholm, Mr. Weldon of Pennsylvania, Mr. King of New York, Mr. Platts, Mr. Barrett of South Carolina, Mr. Bell, Mr. Calvert, Mr. Brown of South Carolina, Mr. Osborne, and Mr. Hoekstra):

H.R. 756. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. Brown of Ohio, Mr. Stark, Mr. Crowley, Ms. Norton, Mr. Lantos, Mr. Berry, Ms. DeLauro, Mr. Davis of Illinois, Mr. George Miller of California, Mr. Michaud, Mr. Wynn, Mr. McDermott, Mr. Grijalva, Ms. Woolsey, Mr. Frost, Mr. Doggett, Mr. Sanders, Ms. Roybal-Allard, Mr. Lipinski, Mr. Hinchey, and Ms. Slaughter):

H.R. 757. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mrs. Maloney, Mrs. Capito, Mr. Sherman, and Mr. Moore):

H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. WELLER (for himself, Mrs. McCarthy of New York, Mr. Hayes, Mr. Kirk, Mr. Shays, Mr. Hayworth, Mr. Rogers of Alabama, Mr. Buyer, Mr. Cox, Mr. LaTourette, Mr. Shimkus, Mr. Akin, Mr. Mario Diaz-Balart of Florida, Mrs. Myrick, Mr. Kline, Mr. Foley, Mr. Frelinghuysen, Mr. Upton, Mr. Janklow, Mr. Burton of Indiana, Mr. Cannon, Mr. Pearce, Mr. Fossella, Mr. King of Iowa, Mr. Sensenbrenner, Mr. King of New York, Mrs. Kelly, Mr. McCotter, Mr. Wilson of South Carolina, Mr. Platts, Ms. Berkley, Mr. Forbes, Mr. Barrett of South Carolina, Mr. Tiahrt, Mr. Boehlert, Mr. Crane, Mr. Ryun of Kansas, Mr. LaHood, Mr. Oxley, Mr. Johnson of Illinois, Mr. Weldon of Florida, Mr. Pitts, Ms. Ros-Lehtinen, Mr. Peterson of Pennsylvania, Mr. Beauprez, Mr. Franks of Arizona, Mr. Simmons, Mr. Gilchrest, Mr. Rohrabacher, Mr. Kolbe, Mr. Goode, Mr. Walsh, Mr. Sessions, Mr. Hostettler, Ms. Ginny Brown-Waite of Florida, Mr. Culberson, and Mrs. Emerson):

H.R. 759. A bill to amend the Internal Revenue Code of 1986 to accelerate the elimination of the marriage penalty in the standard deduction and in the 15-percent income tax rate bracket; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. Sensenbrenner, Mr. King of Iowa, Mr. Kennedy of Minnesota, Mr. Bachus, Mr. Brady of Texas, Mr. Cannon, Mr. Cantor, Mr. Cunningham, Mr. English, Mr. Green of Wisconsin, Ms. Hart, Mr. Hayes, Mr. Hefley, Mr. Hoekstra, Mr. Hunter, Mr. Jenkins, Mr. Kingston, Mr. Miller of Florida, Mrs. Myrick, Mr. Ney, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Toomey, Mr. Weldon of Pennsylvania, Mr. Pickering, Mr. Oxley, Mr. Crane, Mr. DeMint, Mr. Schrock, Mr. Tancredo, Mr. Aderholt, Mr. Tiahrt, Mr. Norwood, Mr. Shadegg, Mr. Burton of Indiana, Mr. Doolittle, Mr. Ehlers, Mr. Rogers of Michigan, Mr. Baker, Mr. Mollohan, Mr. Ballenger, Mr. McCrery, Mr. Renzi, Mr. Fletcher, Mr. Tiberi, Mr. Akin, Mr. Collins, Mr. John, Mr. Ryun of Kansas, Mr. Hostettler, Mr. Vitter, Mr. McCotter, Mr. Portman, Mr. Sessions, Mr. Souder, Mr. Shuster, Mr. Wolf, Mr. Pombo, Mr. DeLay, Mr. Camp, Mr. Barton of Texas, Mr. Costello, Mr. Bishop of Utah, Mr. Taylor of Mississippi, Mr. Everett, Mr. Blunt, Mr. Terry, Mrs. Cubin, Mr. Oberstar, Mr. Graves, Mr. Whitfield, Mr. Issa, Mr. Feeney, Mr. Stenholm, Mr. Goss, Mr. Smith of New Jersey, Mr. Hyde, Mr. Wilson of South Carolina, Mr. Gutknecht, Mr. Petri, Mr. Linder, Mr. Coble, Mr. Hayworth, Mr. Franks of Arizona, Mr. Burgess, Mr. Stearns, Mr. Beauprez, Mr. Hulshof, Mr. Rogers of Alabama, Mr. Burns, Mr. Platts, Mr. Brown of South Carolina, Mr. Rehberg, Mrs. Emerson, Mr. Kline, Mr. LaHood, Mr. Moran of Kansas, Mr. Tom Davis of Virginia, Mr. Boozman, Mr. Osborne, Mr. Lewis of Kentucky, Mr. Murphy, Mr. Simpson, Mr. RAHALL, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. GOODE, Mr. CHOCOLA, Mrs. NORTHUP, Mr. FORBES, Mr. SULLIVAN, Mr. GOODLATTE, Mr. PUTNAM, Mrs. BLACKBURN, Mr. TURNER of Ohio, Mr. PEARCE, Mrs. MILLER of Michigan, Ms. GRANGER, Mr. GINGREY, Mr. MANZULLO, Mr. COLE, Mr. FERGUSON, Mr. CALVERT, Mr. SMITH of Texas, Mr. GARRETT of New Jersey, Mr. STUPAK, Mr. BURR, Mr. RYAN of Wisconsin, Mr. JONES of North Carolina, Mrs. MUSGRAVE, Mr. CULBERSON, Mr. LATOURETTE, Mr. BOEHNER, Mr. BARRETT of South Carolina, and Mr. HENSARLING):

H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. RODRIGUEZ, Mr. FILNER, Mr. RENZI, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Mr. SANDERS):

H.R. 761. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to disabled members of the Armed Forces who remain on active duty pending medical separation; to the Committee on Veterans' Affairs.

By Mrs. CUBIN (for herself, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. MCINNIS, Mr. RADANOVICH, and Mrs. WILSON of New Mexico):

H.R. 762. A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 763. A bill to provide for the disposition of United States Government uranium inventories; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Ms. HARMAN):

H.R. 764. A bill to appropriate funds for grants by the Office for Domestic Preparedness of the Department of Homeland Security; to the Committee on Appropriations.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. DEFAZIO):

H.R. 765. A bill to amend title 49, United States Code, to allow cargo pilots to participate in the Federal flight deck officer program; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. HONDA, Mr. EHLERS, Mr. HALL, Mr. SMITH of Michigan, Mr. GORDON, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT of Maryland, Ms. LOFGREN, Mr. GUTKNECHT, and Mr. BISHOP of New York):

H.R. 766. A bill to provide for a National Nanotechnology Research and Development Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. DREIER, Mr. BRADY of Texas, and Ms. DUNN):

H.R. 767. A bill to amend the Internal Revenue Code of 1986 to encourage investing of foreign earnings within the United States for productive business purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, Mr. BALLENGER, Mr. MCINNIS, Mr. DREIER, Mr. HAYWORTH, Mr. BURR, Mr. WICKER, Mr. WELLER, Mr. TERRY, Mr. FOLEY, Mrs. JONES of Ohio, Mr. BECERRA, Mr. HONDA, Ms. DELAURO, Mr. FROST, Mr. CROWLEY, Mr. PETERSON of Pennsylvania, Mrs. CAPPS, Mr. KIND, Mr. ROSS, Mr. OLVER, Mr. MCHUGH, Mr. GRIJALVA, Mr. UDALL of New Mexico, Ms. WATSON, Mr. GRAVES, Mr. SIMMONS, Mr. MOORE, Mr. SWEENEY, Ms. BERKLEY, Mr. FILNER, Mr. JANKLOW, Mr. GORDON, Mr. MCINTYRE, Mr. KING of Iowa, Mr. PAUL, Ms. NORTON, Mr. QUINN, Mr. BARTLETT of Maryland, Mr. SIMPSON, Mr. SHUSTER, Mr. OTTER, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. SESSIONS, Mr. DOOLEY of California, Ms. ESHOO, Mr. CUNNINGHAM, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. GONZALEZ, Mr. REYES, Mr. CRAMER, Mr. GREEN of Wisconsin, Mr. DOOLITTLE, Ms. GRANGER, Mr. WELDON of Pennsylvania, Mr. RADANOVICH, Mr. CALVERT, Mr. ISAKSON, Mr. NETHERCUTT, Mr. WALSH, Mr. HASTINGS of Washington, Mr. REHBERG, Mr. GILLMOR, Mr. BAIRD, Mrs. LOWEY, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. SAXTON, Mr. YOUNG of Alaska, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. SCHIFF, Mr. CASE, Ms. WOOLSEY, Mr. CARDOZA, Mrs. BONO, Mr. OSBORNE, Mr. WEINER, Mr. FLETCHER, Mrs. CAPITO, Mr. OSE, Ms. HART, Mr. TURNER of Texas, Mr. PEARCE, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. POMBO, Mr. ROGERS of Michigan, Mr. BERMAN, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. GOODLATTE, Mr. CASTLE, Mr. POMEROY, Ms. SLAUGHTER, Mr. LEWIS of Georgia, and Mrs. CUBIN):

H.R. 768. A bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, and Mr. BALLENGER):

H.R. 769. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mrs. JOHNSON of Connecticut, Mr. ALLEN, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BALLANCE, Mr. BASS, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CAPPS, Mr. CLAY, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOGGETT, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FORD, Mr. GEPHARDT, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILL, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KLECZKA, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LEACH, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 770. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mr. WELLER (for himself, Mr. UPTON, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CRANE, Mr. BRADY of Texas, Ms. DUNN, Mr. FOLEY, Mr. HOUGHTON, Mr. HAYWORTH, Mr. HULSHOF, Mr. MCINNIS, Mr. CAMP, Mr. HERGER, Mr. RAMSTAD, Mr. GOODLATTE, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. JONES of North Carolina, Mr. SULLIVAN, Mr. REGULA, Mr. HOBSON, Mr. CUNNINGHAM, Mr. CHABOT, Mr. MURPHY, Mr. LAHOOD, Mr. GERLACH, Mr. BARRETT of South Carolina, Mr. LATOURETTE, Mr. KINGSTON, Mr. PENCE, Mr. GILCHREST, Mr. WALSH, Mr. KENNEDY of Minnesota, Mr. TIBERI, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. KOLBE, Mr. NUNES, Mr. FORBES, Mr. REHBERG, Mr. EHLERS, Mr. KELLER, Mr. SESSIONS, Mr. ISAKSON, Ms. HART, Mr. ROHRABACHER, Mr. TANCREDO, Mr. MILLER of Florida, Mr. SMITH of Michigan, Mr. BROWN of South Carolina, Mr. PORTER, Mr. ISSA, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. OTTER, Ms. GINNY BROWN-WAITE of Florida, Mr. MANZULLO, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. TAUZIN, Mr. NETHERCUTT, Mr. SOUDER, Mr. COBLE, Mr. DOOLITTLE, Mr. HAYES, Mr. BALLENGER, Mr. LOBIONDO, Mr. CULBERSON, Mr. KING of Iowa, Mr. BONILLA, Mrs. CAPITO, Mr. ISTOOK, Ms. ROS-LEHTINEN, Mr. OSBORNE, Mr. BISHOP of Utah, Mr. OXLEY, Mr. WALDEN of Oregon, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, and Mrs. BIGGERT):

H.R. 771. A bill to amend the Internal Revenue Code of 1986 to expand bonus depreciation to expensing for 18 months; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to provide that foreign base company shipping income shall include only income from aircraft and income from certain vessels transporting petroleum and related products; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. Rodriguez, Mr. Gutierrez, Ms. Velázquez, Mr. Reyes, Mr. Gonzalez, Mrs. Napolitano, Mr. Ortiz, Mr. Baca, Ms. Solis, Mr. Pastor, Mr. Acevedo-Vilá, Ms. Linda T. Sánchez of California, Mr. Serrano, and Mr. Grijalva):

H.R. 773. A bill to amend section 5318 of title 31, United States Code, to authorize financial institutions to accept matricula consular issued in the United States as a valid form of identification; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 774. A bill to amend the Electronic Fund Transfer Act to prohibit any operator of an automated teller machine that displays any paid advertising from imposing any fee on a consumer for the use of that machine, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. Smith of Texas, Mr. Hall, Mr. Forbes, Mr. Boyd, Mr. Goode, Mr. Graves, Mr. Gallegly, Mr. Cantor, Mr. Culberson, Mr. Shadegg, Mr. Burns, Mrs. Jo Ann Davis of Virginia, and Mr. Bartlett of Maryland):

H.R. 775. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Ms. Eshoo):

H.R. 776. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 777. A bill to authorize grants to States to fund arrangements between local police departments and public accommodations to have the accommodations serve as emergency domestic violence shelters; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself and Mr. Weldon of Pennsylvania):

H.R. 778. A bill to recognize the birthdays of Presidents George Washington and Abraham Lincoln; to the Committee on Government Reform.

By Mr. BECERRA (for himself, Mr. Wu, Mr. Rodriguez, Mr. Baca, Mrs. Napolitano, Mr. Matsui, Mr. Wexler, Mr. Abercrombie, Mr. Honda, Mr. Reyes, Ms. Solis, Ms. Roybal-Allard, Mr. Pastor, Ms. Velázquez, Mr. Hinojosa, Mr. Gonzalez, Mr. Acevedo-Vilá, Mr. Frank of Massachusetts, Mr. Ortiz, Mr. Serrano, and Ms. Linda T. Sánchez of California):

H.R. 779. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY (for himself, Mrs. Emerson, Mr. Taylor of Mississippi, Mr. Holden, Mr. Alexander, Mr. Turner of Texas, Mr. Scott of Georgia, Ms. Loretta Sanchez of California, Mr. Moore, Mr. Hill, Mr. Stenholm, Mr. Cramer, Ms. Harman, Mr. Israel, Ms. Slaughter, Ms. Woolsey, Mr. Sanders, Mr. Crowley, Mr. Frost, and Mr. Hinchey):

H.R. 780. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BIGGERT (for herself, Mrs. Maloney, Ms. Baldwin, Mrs. Jones of Ohio, Mr. Shays, Mr. Watt, Mrs. Wilson of New Mexico, and Mr. Frank of Massachusetts):

H.R. 781. A bill to amend the Gramm-Leach-Bliley Act to exempt attorneys from the privacy provisions of that Act; to the Committee on Financial Services.

By Mr. BRADY of Texas (for himself, Mr. Green of Texas, Mr. Foley, and Mr. Becerra):

H.R. 782. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 783. A bill to authorize the Secretary of Transportation to carry out a project to widen Interstate Route 35 East in Denton County, Texas; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. Pascrell, Ms. Kilpatrick, Mr. Kildee, Mr. Quinn, Mr. Ehlers, Mrs. Miller of Michigan, Ms. Bordallo, Mr. English, Mr. Rogers of Michigan, Mr. Shimkus, Mr. Levin, Mr. McDermott, Mrs. Davis of California, Mr. Stupak, Mr. Grijalva, Mr. Goodlatte, and Mr. McHugh):

H.R. 784. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Ms. Pryce of Ohio, Mr. Tanner, Mr. Foley, Mr. Boehner, Mr. Blunt, Mr. Ramstad, Mr. English, Mr. Hayworth, Mr. Crane, Mr. Brady of Texas, Mr. Rogers of Michigan, Mr. Oxley, Mr. Matsui, Mr. Sandlin, Mrs. Jones of Ohio, Mr. Skelton, Mr. Rodriguez, Mr. Ford, Mr. Carson of Oklahoma, Mr. Matheson, Mr. Frank of Massachusetts, Mr. Etheridge, Mrs. Wilson of New Mexico, Mr. Mica, Mr. McHugh, Mr. Pickering, Mr. Tiberi, Mr. Miller of Florida, Mr. Simmons, Mr. Wilson of South Carolina, Mr. Hayes, Mrs. Jo Ann Davis of Virginia, Mr. Shimkus, Mr. Hall, Mr. McIntyre, Mr. McGovern, Mr. Ross, Mr. Baca, Mr. Cramer, Mr. Wolf, Mr. Tom Davis of Virginia, Mrs. Miller of Michigan, Mr. Kolbe, Mr. Johnson of Illinois, Mr. LaHood, Mr. Ferguson, Mrs. Cubin, Mr. Sweeney, Mr. Norwood, Mrs. Myrick, Mr. Otter, Mr. Paul, Mr. Schrock, Mr. McCotter, Mr. Gillmor, Mr. Sensenbrenner, Mrs. Kelly, Mr. Crenshaw, Mr. Rehberg, Mr. Bachus, Mr. Walsh, and Mr. Ose):

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Matsui, Mr. Akin, Mr. Baca, Mr. Bachus, Mr. Blunt, Mr. Boehner, Mr. Bonilla, Mrs. Bono, Mr. Burgess, Mr. Cannon, Mrs. Capito, Mr. Cardoza, Mr. Carson of Oklahoma, Mr. Cole, Mr. Cramer, Mr. Crane, Mr. Cunningham, Mr. Doolittle, Ms. Dunn, Mrs. Emerson, Mr. English, Mr. Foley, Mr. Fossella, Mr. Gordon, Mr. Graves, Mr. Green of Wisconsin, Ms. Harris, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hinchey, Mr. Hoekstra, Mr. Isakson, Mr. John, Mr. Keller, Mr. Lewis of Kentucky, Mr. Manzullo, Mrs. Miller of Michigan, Mr. Ney, Mr. Otter, Mr. Pombo, Mr. Quinn, Mr. Radanovich, Mr. Rangel, Mr. Reynolds, Mr. Rogers of Michigan, Mr. Sandlin, Mr. Schrock, Mr. Sessions, Mr. Shimkus, Mr. Shuster, Mr. Simmons, Mr. Simpson, Mr. Sullivan, Mr. Tancredo, Mr. Thompson of California, Mr. Towns, Mr. Weller, Mr. Wilson of South Carolina, and Mr. McHugh):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 787. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself and Mr. Matheson):

H.R. 788. A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 789. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and the Workforce.

By Mr. COLE (for himself and Mr. Carson of Oklahoma):

H.R. 790. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installation of certain wind energy property; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. Neal of Massachusetts):

H.R. 791. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Pomeroy, Mr. Abercrombie, Mr. Boehner, Mrs. Capps, Mr. Lincoln Diaz-Balart of Florida, Mr. English, Mrs. Emerson, Mr. Etheridge, Mr. Farr, Mr. Graves, Mr. Latham, Mr.

Leach, Mr. Lynch, Mr. Markey, Mr. Gary G. Miller of California, Mr. McNulty, Mr. Paul, Mr. Towns, Mr. Young of Alaska, Mr. Kildee, and Mr. Frost):

H.R. 792. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 793. A bill to amend the Outer Continental Shelf Lands Act to authorized the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 794. A bill to amend the Mineral Leasing Act to provide for the development of Federal coal resources; to the Committee on Resources.

By Mr. DEUTSCH (for himself and Mr. Markey):

H.R. 795. A bill to require the Secretary of Energy to develop a plan to decrease the threat resulting from the theft or diversion of highly enriched uranium; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 796. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 797. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of any contribution made to a candidate for election for Federal office, or any donation made to an individual as support for the individual's activities as the holder of a Federal office, for the payment of a salary to the candidate or individual or to any member of the immediate family of the candidate or individual; to the Committee on House Administration.

By Mr. ENGLISH (for himself, Mr. Rush, Mr. Cannon, Mr. Platts, Mr. Green of Wisconsin, Mr. McHugh, Mr. Akin, Mr. Ehlers, Mr. Shays, Mr. Sessions, Mr. Ryan of Wisconsin, Mrs. Kelly, Mrs. Myrick, Mr. McCotter, and Mr. Simmons):

H.R. 798. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 799. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of motor vehicles powered by alternative fuels; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. Aderholt, Mr. Burr, Mr. Cannon, Mr. Mario Diaz-Balart of Florida, Mr. English, Mr. Flake, Mr. Franks of Arizona, Mr. Herger, Mr. King of New York, Mr. King of Iowa, Mrs. Musgrave, Mr. Sessions, Mr. Vitter, Mr. Wilson of South Carolina, Ms. Ginny Brown-Waite of Florida, and Mr. Pearce):

H.R. 800. A bill to provide for the withholding of United States contributions to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism, and for other purposes; to the Committee on International Relations.

By Mr. GREENWOOD (for himself, Mr. Deutsch, Ms. DeGette, Ms. Eshoo, and Mr. Kirk):

H.R. 801. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the cloning of humans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Mrs. Capps, Mr. Evans, Mr. Waxman, Mr. Payne, and Mr. Grijalva):

H.R. 802. A bill to amend the Elementary and Secondary Education Act of 1965 to require medically accurate factual information in any course material or instruction on human development and sexuality; to the Committee on Education and the Workforce.

By Mr. HAYWORTH (for himself and Mr. Pomeroy):

H.R. 803. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. Matsui, Mr. McCrery, Mr. Ose, Mr. Kennedy of Minnesota, and Mr. Hunter):

H.R. 804. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. Becerra, and Mr. Boehlert):

H.R. 805. A bill to amend the Internal Revenue Code of 1986 to clarify that certain settlement funds established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are beneficially owned by the United States and are not subject to tax; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. Cardin, Mr. Udall of New Mexico, Mr. Filner, Ms. Slaughter, Ms. Eshoo, Mr. McKeon, Mr. Payne, Ms. Woolsey, Mrs. Johnson of Connecticut, Mr. Matsui, Mr. McDermott, Mr. Ballenger, Mr. Foley, Mr. English, Mrs. Lowey, Mr. Nadler, Mr. Hinchey, Mr. Doggett, Mr. Frost, Mr. McHugh, Mr. Waxman, Mr. Platts, Mr. Baird, Mr. Weldon of Pennsylvania, Mr. McIntyre, and Mr. Lantos):

H.R. 806. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. Lewis of Georgia):

H.R. 807. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. Neal of Massachusetts, Mr. Kleczka, Mr. Crane, Mr. Becerra, Mr. Herger, Mr. Rangel, Mr. McInnis, Mr. Tanner, Mr. Brady of Texas, Mrs. Johnson of Connecticut, Mr. Pomeroy, Mr. Ramstad, and Mr. Ryan of Wisconsin):

H.R. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Greenwood, Mrs. Tauscher, Mrs. Johnson of Connecticut, Mr. Menendez, Mr. Boucher, Mr. Frank of Massachusetts, Mr. Hinchey, Mr. Wynn, Mr. Smith of Washington, Ms. McCarthy of Missouri, Mr. Kolbe, Mr. Kind, Mr. Moore, and Mr. Scott of Virginia):

H.R. 809. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Stark, Mr. Bilirakis, Mr. Brown of Ohio, Mr. Thomas, Mr. Rangel, Mr. Tauzin, Mr. Dingell, Mr. Ryan of Wisconsin, Mr. Portman, Mr. Cardin, Ms. Dunn, Mr. Greenwood, Mr. Kleczka, Mr. Lewis of Kentucky, Mr. Camp, Mr. Pomeroy, Mr. Shaw, Mr. Burr, Mr. McNulty, Mrs. Jones of Ohio, Mr. Crane, Mr. McInnis, Mr. Ramstad, Mr. English, Mr. McDermott, Mr. McCrery, Mr. Hayworth, Mr. Houghton, Mr. Nussle, Mr. Norwood, Mr. Gordon, Mr. Upton, Mr. Engel, Mr. Buyer, Mr. Pickering, Mr. Barton of Texas, Mr. Doyle, Mrs. Capps, Mr. Waxman, Mr. Pallone, Mr. Hall, Mr. Sam Johnson of Texas, Mr. Cantor, Mr. Foley, Mr. Weller, and Mr. Deutsch):

H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program: to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Cummings, Ms. DeLauro, Mr. Davis of Illinois, Mr. Sessions, and Mr. Crane):

H.R. 811. A bill to authorize the Secretary of Health and Human Services to make demonstration grants to promote the well-being and educational achievement of children through school-based health programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 812. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Ms. Kaptur, Mr. Paul, Ms. Millender-

McDonald, Mr. Crowley, Mr. Holden, Mr. Berry, Mr. Israel, Mr. Frank of Massachusetts, Mr. McGovern, Ms. Norton, Mr. Frost, Mr. Hastings of Florida, Mr. Sanders, and Mr. Wexler):

H.R. 813. A bill to rescind the Department of Veterans Affairs memorandum of July 18, 2002, in which Directors of health service networks in the Department of Veterans Affairs are directed to ensure that no marketing activities to enroll new veterans occur within their networks; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. Ney, Mr. Andrews, Mr. Ferguson, Mr. Israel, Mr. Kind, Mr. King of New York, Mrs. McCarthy of New York, Mr. George Miller of California, Mr. Oberstar, Mr. Payne, Mr. Platts, Mr. Quinn, Mr. Shimkus, and Ms. Woolsey):

H.R. 814. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. Gutierrez):

H.R. 815. A bill to require the Secretary of Health and Human Services to conduct a study with respect to aneurysms, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. Brown of Ohio, Mr. Houghton, Mr. Dingell, Mr. LaHood, Mr. McNulty, Mr. Reynolds, Mr. Lantos, Mr. Pallone, Ms. Hooley of Oregon, Mr. Cardoza, Mr. Wexler, Mr. Kildee, Mr. Filner, Mr. Stark, Mr. Rahall, Mr. McGovern, Mr. Lipinski, Mr. Udall of Colorado, Mrs. Jones of Ohio, Mrs. Maloney, Ms. Baldwin, Mr. Engel, Mr. Grijalva, Mr. Sweeney, Mr. Meehan, Mr. Watt, Mr. Thompson of California, Mr. Ackerman, Mr. Capuano, Mr. Quinn, Mr. Lynch, Mr. Towns, Mr. Berman, Mr. Doyle, Mr. Frank of Massachusetts, Mr. Inslee, Mr. Schiff, Mr. Hinchey, Mr. Farr, Mr. Boucher, Mr. Matsui, Mrs. McCarthy of New York, Mr. Pomeroy, Ms. Kaptur, Mr. Davis of Alabama, Mr. Costello, Mr. Michaud, Mrs. Lowey, Mr. Tancredo, Mr. Miller of North Carolina, Mr. Delahunt, Mr. Evans, Mr. Allen, Mr. Israel, Mr. Kind, Mr. Gutierrez, Mr. Davis of Illinois, Mr. Berry, Ms. McCollum, Mr. Lucas of Kentucky, Ms. Slaughter, Ms. Velázquez, Mr. Ross, Mr. Strickland, Ms. DeLauro, Mr. Murtha, Mr. Crowley, Mr. Gordon, Mrs. Kelly, Mr. Reyes, Ms. Woolsey, Mr. Dicks, Mr. Owens, Ms. Bordallo, Mr. Rush, Mr. Nadler, Ms. McCarthy of Missouri, Mr. Frost, Mr. Waxman, Mr. Holden, Mr. Deutsch, Mr. Bishop of New York, Mr. Emanuel, Ms. Norton, Ms. Lee, Ms. Linda T. Sánchez of California, Mr. Ford, Mrs. Christensen, Ms. Pelosi, Mr. Etheridge, Mr. McHugh, Ms. Roybal-Allard, Mr. Green of Texas, Mr. Price of North Carolina, Mr. Weiner, Mr. Foley, Mr. Boehlert, Mr. Mollohan, Mrs. Capps, Mr. Walsh, Mr. Pastor, Mr. McDermott, Mr. Carson of Oklahoma, Ms. Millender-McDonald, Mr. Smith of Washington, Mr. Rangel, Ms. Schakowsky, Mr. Baird, Mr. McIntyre, Mr. Serrano, Mr. Rodriguez, Mr. Brady of Pennsylvania, Mr. Ryan of Ohio, Ms. Solis, Mr. Snyder, and Ms. DeGette):

H.R. 816. A bill to provide certain temporary increases in the Federal medical assistance percentage (FMAP) under the Medicaid Program to help States finance increases in enrollment due to rising unemployment and to prevent reductions in health insurance coverage due to State budget crises; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. Hobson, Ms. Slaughter, Mr. Fossella, Ms. Ros-Lehtinen, Mr. Costello, Mr. Towns, Mr. Honda, Mr. Souder, Mr. Walsh, Mr. Tiberi, Mr. Boehlert, Mr. LaTourette, Mr. Neal of Massachusetts, Mr. Gordon, Mr. Oberstar, Mr. Reyes, Ms. Woolsey, Mr. Hinchey, Mr. Strickland, Mr. McHugh, Mr. Frost, Mr. Sweeney, Ms. Corrine Brown of Florida, Ms. Norton, Mr. Forbes, Ms. Bordallo, Mr. McIntyre, Mr. Rodriguez, Mrs. Capps, Mr. Ford, Mr. McNulty, Mr. Kildee, Mr. Meehan, Mr. Deutsch, Ms. Millender-McDonald, Mr. Bishop of New York, Mrs. McCarthy of New York, Mrs. Christensen, Mr. Terry, Mr. Pascrell, Mr. Simmons, Mr. Abercrombie, Mr. Taylor of Mississippi, Mr. Gutierrez, Mr. LoBiondo, Mr. Payne, Mr. Rangel, Mr. Davis of Illinois, Mr. Delahunt, Mr. Serrano, Mrs. Jo Ann Davis of Virginia, Mr. Ackerman, Mrs. Kelly, Ms. Linda T. Sánchez of California, Mr. Nadler, Mr. Owens, Mr. Etheridge, Mr. Farr, and Mr. Gonzalez):

H.R. 817. A bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the Medicare Program for screening and diagnostic mammography services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA (for himself and Mr. Ryan of Wisconsin):

H.R. 818. A bill to amend the Gramm-Leach-Bliley Act to further protect customers of financial institutions whose identities are stolen from the financial institution, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. Flake, Mr. Shadegg, Mr. Hayworth, Mr. Renzi, Mr. Pastor, Mr. Grijalva, and Mr. Reyes):

H.R. 819. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Appropriations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaHOOD:

H.R. 820. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. Abercrombie, Mr. Berman, Ms. Corrine Brown of Florida, Mr. Conyers, Mr. Crowley, Mr. Davis of Illinois, Mr. Delahunt, Mr. Engel, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Hoeffel, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Mr. Kirk, Mr. Lantos, Ms. Lofgren, Mr. Lynch, Mrs. McCarthy of New York, Mr. McDermott, Mr. McGovern, Mr. Moran of Virginia, Mr. Nadler, Mr. Pascrell, Ms. Schakowsky, Mr. Towns, Mr. Waxman, Mr. Weiner, Mr. Wexler, and Ms. Woolsey):

H.R. 821. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself, Mr. Dicks, Ms. Dunn, Mr. Smith of Washington, Mr. McDermott, Mr. Baird, and Mr. Inslee):

H.R. 822. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by law in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Resources.

By Mr. LARSON of Connecticut (for himself, Mr. Shimkus, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Van Hollen, Mr. Otter, Mr. Ryan of Ohio, and Ms. Watson):

H.R. 823. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut:

H.R. 824. A bill to authorize the National Science Foundation to carry out research projects to develop and assess novel uses of high-performance computer networks for use in science, mathematics, and technology education in elementary and secondary schools; to the Committee on Science.

By Mr. LIPINSKI (for himself, Mr. Rush, Mr. Jackson of Illinois, Mr. Gutierrez, Mr. Emanuel, Mr. Hyde, Mr. Davis of Illinois, Mr. Crane, Ms. Schakowsky, Mr. Kirk, Mr. Weller, Mr. Costello, Mrs. Biggert, Mr. Hastert, Mr. Johnson of Illinois, Mr. Manzullo, Mr. Evans, Mr. LaHood, and Mr. Shimkus):

H.R. 825. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building"; to the Committee on Government Reform.

By Ms. LOFGREN:

H.R. 826. A bill to amend the Internal Revenue Code of 1986 to expand the tax incentives for higher education; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. Serrano, Mr. Rangel, Mr. Towns, and Mr. Bishop of New York):

H.R. 827. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York (for herself, Mr. Emanuel, Ms. Norton, Mr. Owens, and Mr. Israel):

H.R. 828. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow certain applicants for approval of a generic drug to be eligible for a 180-day period of protection from competition, and for other purposes; to the Committee on Energy and Commerce.

By Ms. McCOLLUM:

H.R. 829. A bill to amend the Arts and Artifacts Indemnity Act to increase the amount of loss or damage coverage, in the aggregate and for single exhibitions, authorized by such Act; to the Committee on Education and the Workforce.

By Mr. McINNIS (for himself, Mr. Houghton, Mr. Camp, Mr. English, Mr. Lewis of Kentucky, Mr. Hefley, Mr. Tancredo, Mr. Beauprez, Mrs. Musgrave, Mr. Clyburn, Mr. Hayes, Mr. Peterson of Minnesota, Mr. Davis of Illinois, Mr. Green of Wisconsin, Mr. Murtha, Mr. Gordon, Mr. Case, Mr. McNulty, and Mr. Janklow):

H.R. 830. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. Young of Alaska):

H.R. 831. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Andrews, Ms. Baldwin, Mr. Becerra, Mr. Berman, Mr. Blumenauer, Mr. Brady of Pennsylvania, Mr. Brown of Ohio, Mr. Capuano, Mr. Case, Mr. Clay, Mr. Conyers, Mr. Cummings, Mr. Crowley, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Engel, Ms. Eshoo, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Gutierrez, Ms. Harman, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoeffel, Mr. Holt, Mr. Honda, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Mr. Kolbe, Mr. Kucinich, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney, Mr. Markey, Mr. Matsui, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mr. George Miller of California, Mrs. Napolitano, Ms. Norton, Mr. Owens, Mr. Olver, Mr. Pascrell, Mr. Pallone, Mr. Pastor, Mr. Payne, Mr. Rangel, Mr. Rothman, Ms. Roybal-Allard, Mr. Sabo, Ms. Linda T. Sánchez of California, Mr. Sanders, Ms. Schakowsky, Mr. Schiff, Mr. Serrano, Mr. Simmons, Ms. Slaughter, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Ms. Velázquez, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, and Mr. Wu):

H.R. 832. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. Lucas of Kentucky, Mr. Gillmor, and Mr. Gary G. Miller of California):

H.R. 833. A bill to combat unfair and deceptive practices in the high-cost mortgage market, establish a consumer mortgage protection board, and establish licensing and minimum standards for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. Blunt, Mr. Portman, Mr. Souder, Mr. Mica, Mr. Cannon, Mr. Calvert, Mr. Cummings, Mr. Coble, Mr. Towns, Mr. Goodlatte, Mr. Herger, Mr. Doolittle, Mr. Lewis of California, Mr. Latham, Mr. Radanovich, Mr. Udall of New Mexico, Mr. Bereuter, Mr. Gibbons, Mr. Walden of Oregon, Mr. Sessions, Mrs. Tauscher, Mr. Crane, Ms. Harman, Mrs. Wilson of New Mexico, Ms. Woolsey, Mr. Cunningham, Mr. Matheson, Mr. Wilson of South Carolina, Ms. Berkley, Mr. Nethercutt, Ms. Lofgren, Mr. McInnis, Mr. Costello, Mr. Aderholt, Mr. Carson of Oklahoma, Mr. Putnam, Mr. Dooley of California, Mr. Osborne, Mr. Cardoza, Mr. Graves, Mr. Filner, Mr. Terry, Mrs. Bono, Mr. Otter, Mr. Peterson of Pennsylvania, Mr. English, Mr. Gillmor, Mr. Lantos, Mr. Simmons, Mr. Holden, Mr. Issa, Mr. Pomeroy, Mrs. Jo Ann Davis of Virginia, Mr. Hunter, Mr. Sullivan, Mr. Hill, Mr. Ballenger, Mr. Case, Mr. Nunes, Mr. Upton, Mr. Ehlers, Mr. Leach, and Mr. Thompson of California):

H.R. 834. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER (for himself and Mr. Simpson):

H.R. 835. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR:

H.R. 836. A bill to amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself and Mr. Osborne):

H.R. 837. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 838. A bill to amend the Higher Education Act of 1965 to provide greater academic freedom for institutions of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself, Mr. Cardin, Ms. Pryce of Ohio, Mr. English, Mrs. Jones of Ohio, Mr. Bonilla, Mr. Terry, Mr. Gary G. Miller of California, Ms. Jackson-Lee of Texas, Mr. Burgess, and Ms. Harris):

H.R. 839. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. Reynolds, Mr. Houghton, Ms. Slaughter, and Mr. Walsh):

H.R. 840. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. Cardin):

H.R. 841. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs Medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself and Mr. Franks of Arizona):

H.R. 842. A bill to provide for the conveyance of certain Federal lands administered by the Bureau of Land Management in Maricopa County, Arizona, in exchange for private lands located in Yavapai County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. REYES (for himself, Mr. Evans, Ms. Corrine Brown of Florida, Mr. Filner, and Mr. Abercrombie):

H.R. 843. A bill to amend title 38, United States Code, to provide full service-connected disability benefits for persons disabled by treatment or vocational rehabilitation provided by the Department of Veterans Affairs and for survivors of persons dying from such treatment; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself, Mr. Leach, Mr. Green of Texas, Mr. Towns, Ms. Lofgren, Mr. Abercrombie, Mr. Frost, Mr. McNulty, Mr. Rangel, Mrs. Davis of California, Ms. Granger, Mr. Gutierrez, Mr. Waxman, Mr. Payne, Ms. Lee, Mr. Holden, Mr. Greenwood, Mrs. Tauscher, Ms. Norton, and Ms. Roybal-Allard):

H.R. 844. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 845. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of interest on bank loans made to churches and religious organizations; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mrs. JONES of Ohio, Mr. GUTIERREZ, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FATTAH, Ms. LEE, Mr. PAYNE, Mr. OWENS, Mr. McDERMOTT, Mr. WAXMAN, Mrs. MALONEY, Mrs. CAPPS, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-McDONALD, Mr. OLVER, Mr. ENGEL, Ms. WOOLSEY, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. KILDEE, Ms. McCARTHY of Missouri, Mr. WYNN, Mr. CONYERS, Ms. CARSON of Indiana, Ms. NORTON, Mr. BOEHLERT, Mr. CUMMINGS, Ms. HARMAN, Mr. HOLDEN, Mr. DINGELL, Mr. McNULTY, Mr. CASE, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. STARK, Mr. TIERNEY, Ms. DeLAURO, Mr. ETHERIDGE, Mr. NADLER, Mr. LANTOS, Mr. WATT, Mrs. BIGGERT, Mr. LaHOOD, and Mr. MORAN of Virginia):

H.R. 846. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. BURTON of Indiana, Ms. DeLAURO, Mr. CROWLEY, Mrs. EMERSON, Mr. BERRY, Ms. KAPTUR, Mr. McGOVERN, Mr. DeFAZIO, Mr. TIERNEY, Mr. DOGGETT, Mr. STARK, Ms. WOOLSEY, Ms. LEE, Mr. OLVER, Ms. SOLIS, Mr. EVANS, Mr. OWENS, Mr. SERRANO, Mr. ABERCROMBIE, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. SABO, Mr. JACKSON of Illinois, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. HINCHEY, Mr. KUCINICH, Mr. MEEHAN, Mr. LEVIN, Mr. PALLONE, Mr. BROWN of Ohio, Ms. BALDWIN, and Mr. FILNER):

H.R. 847. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs from Canada; to the Committee on Energy and Commerce.

By Mr. SANDLIN:

H.R. 848. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for prompt payment for health benefits claims; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 849. A bill to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. COX, Mr. BOEHNER, Mr. DREIER, Mr. HYDE, Mr. KOLBE, Mr. LEACH, Mr. OTTER, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina):

H.R. 850. A bill to amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 851. A bill to assess the impact of the North American Free Trade Agreement and the entry of the People's Republic of China into the World Trade Organization on American jobs, the environment, and worker rights; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself and Mr. WAXMAN):

H.R. 852. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. McHUGH, Mr. WALSH, Mr. McNULTY, Mr. HOUGHTON, Mrs. MALONEY, Ms. HOOLEY of Oregon, Ms. NORTON, Mr. RODRIGUEZ, and Mr. BISHOP of New York):

H.R. 853. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security (Select), and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. HOEFFEL, and Ms. SLAUGHTER):

H.R. 854. A bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. LARSEN of Washington, and Mr. INSLEE):

H.R. 855. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from the annual Federal budget baseline, to prohibit Social Security and Medicare hospital insurance trust funds surpluses to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from official budget surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STENHOLM:

H.R. 856. A bill to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; to the Committee on Resources.

By Mr. SWEENEY (for himself, Mr. SPRATT, Mr. SHAYS, Mr. FORD, Mr. SMITH of New Jersey, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ISAKSON, Mr. VITTER, Mr. CALVERT, Mr. GALLEGLY, and Mr. GREENWOOD):

H.R. 857. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. BOYD, Mr. JOHN, Mr. STENHOLM, and Mr. DAVIS of Tennessee):

H.R. 858. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. KANJORSKI, Mrs. BIGGERT, Mr. GONZALEZ, Mr. SHAYS, and Ms. HOOLEY of Oregon):

H.R. 859. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Mr. TOOMEY:

H.R. 860. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 861. A bill to provide that the individual income tax rate reductions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 862. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 863. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 864. A bill to authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2004 and fiscal year 2005, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAXMAN (for himself, Mr. BROWN of Ohio, Mrs. CAPPS, and Mr. MARKEY):

H.R. 865. A bill to protect the health and safety of individuals receiving smallpox vaccinations and to provide compensation and assured access to care for individuals injured by the vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Duncan, and Mr. Costello):

H.R. 866. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Transportation and Infrastructure.

By Mr. ISTOOK (for himself, Mr. Stenholm, Mr. Sensenbrenner, Mr. Chabot, Mr. Aderholt, Mr. Akin, Mr. Bachus, Mr. Baker, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Beauprez, Mr. Bilirakis, Mr. Bishop of Utah, Mrs. Blackburn, Mr. Boehner, Mr. Boozman, Mr. Brady of Texas, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Burton of Indiana, Mr. Calvert, Mr. Cannon, Mr. Chocola, Mr. Coble, Mr. Cole, Mr. Combest, Mr. Crane, Mr. Culberson, Mr. Cunningham, Mr. DeMint, Mr. Mario Diaz-Balart of Florida, Mr. Doolittle, Mr. Duncan, Mr. Edwards, Mr. Feeney, Mr. Flake, Mr. Foley, Mr. Franks of Arizona, Mr. Gibbons, Mr. Gilchrest, Mr. Gingrey, Mr. Goode, Mr. Goodlatte, Mr. Graves, Mr. Hall, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hoekstra, Mr. Isakson, Mr. Jenkins, Mr. Johnson of Illinois, Mr. Jones of North Carolina, Mr. Kennedy of Minnesota, Mr. King of Iowa, Mr. Kingston, Mr. LaHood, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas of Oklahoma, Mr. Manzullo, Mr. Marshall, Mr. McCotter, Mr. McKeon, Mr. Meehan, Mr. Mica, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mrs. Northup, Mr. Norwood, Mr. Ose, Mr. Otter, Mr. Pearce, Mr. Pitts, Mr. Radanovich, Mr. Rehberg, Mr. Ross, Mr. Royce, Mr. Ryun of Kansas, Mr. Sessions, Mr. Shimkus, Mr. Simmons, Mr. Simpson, Mr. Stearns, Mr. Sweeney, Mr. Tanner, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Terry, Mr. Tiahrt, Mr. Vitter, Mr. Walden of Oregon, Mr. Wamp, Mr. Weller, and Mr. Buyer):

H.J. Res. 22. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 23. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. CANTOR (for himself, Mr. Ney, Mr. Larson of Connecticut, Mr. LaTourette, Ms. Millender-McDonald, Mr. Cannon, Mr. Brady of Pennsylvania, Mrs. Myrick, Mr. Lantos, Mr. Wilson of South Carolina, and Mr. Frost):

H. Con. Res. 40. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. FOLEY:

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FROST:

H. Con. Res. 42. Concurrent resolution expressing the sense of Congress that a postage stamp should be issued in honor of Melvin Jones; to the Committee on Government Reform.

By Mr. LANTOS:

H. Con. Res. 43. Concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on International Relations.

By Mr. LEACH (for himself, Mr. Gutknecht, Mr. Evans, Mr. Kind, Mr. Manzullo, Mr. Nussle, Mr. Sabo, Ms. McCollum, Mr. Boswell, Mr. Latham, Mr. Oberstar, and Mr. Smith of Texas):

H. Con. Res. 44. Concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854; to the Committee on Government Reform.

By Mr. MILLER of Florida (for himself and Mr. Davis of Illinois):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. PAUL:

H. Con. Res. 46. Concurrent resolution expressing the sense of Congress that all United States Armed Forces should be withdrawn from South Korea and the United States should end its defense guarantee of South Korea; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. Conyers, Mr. Payne, Mr. Jefferson, Ms. Lee, and Mr. Meeks of New York):

H. Con. Res. 47. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on those descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on International Relations.

By Mr. SAXTON (for himself, Mr. Andrews, Mr. Hunter, Mr. Wilson of South Carolina, Mr. Hayes, Mr. Gilchrest, Mrs. Wilson of New Mexico, Mr. Schrock, Mr. Linder, Mr. Doolittle, Mr. English, Mr. LoBiondo, Mr. Simmons, Mr. Hefley, Mr. Foley, Mr. Miller of Florida, Mr. Israel, Mr. Taylor of Mississippi, Mr. King of Iowa, and Mr. McKeon):

H. Con. Res. 48. Concurrent resolution expressing the sense of Congress that the people and companies of the United States and the United States Armed Forces should not participate in the Paris Air Show, should the Government of France continue its opposition to the potential use of force to insure that Saddam Hussein complies with United Nations resolutions concerning weapons of mass destruction; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. Cardin, Mr. Wolf, Mr. Hoyer, Mr. Lantos, Mr. Wamp, Ms. Slaughter, Mr. Aderholt, and Mr. Hastings of Florida):

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on International Relations.

By Mr. STEARNS:

H. Con. Res. 50. Concurrent resolution to require the posting of the Ten Commandments in the House and Senate chambers; to the Committee on House Administration.

By Mr. STEARNS:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress that Congress should have the power to prohibit desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. Larson of Connecticut, Mr. Cox, and Mr. Turner of Texas):

H. Res. 77. A resolution providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress; to the Committee on House Administration. considered and agreed to.

By Mr. SKELTON (for himself and Ms. Harman):

H. Res. 78. A resolution expressing support for emergency first responders and States and local communities, which are on the front lines of the Nation's homeland defense; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H. Res. 79. A resolution electing Members, Delegates, and Resident Commissioners to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BOEHNER (for himself and Mr. George Miller of California):

H. Res. 80. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. Hefley, and Mr. McInnis):

H. Res. 81. A resolution expressing the sense of the House of Representatives that the North Atlantic Treaty Organization must begin to plan steps for the defense of Turkey as requested by that nation; to the Committee on International Relations.

By Mr. CUMMINGS (for himself, Ms. Eddie Bernice Johnson of Texas, Mr. Owens, Mr. Ballance, Mr. Davis of Alabama, Mr. Ford, Mr. Meeks of New York, Mr. Rush, Ms. Kilpatrick, Mr. Wynn, Mr. Watt, Ms. Carson of Indiana, Mr. Meek of Florida, Mr. Davis of Illinois, Mr. Fattah, Mr. Clyburn, Mr. Scott of Georgia, Mrs. Christensen, Ms. Corrine Brown of Florida, Ms. Waters, Ms. Watson, Ms. Majette, Mr. Thompson of Mississippi, Mr. Payne, Mr. Jackson of Illinois, Mr. Bishop of Georgia, Mr. Rangel, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, Mr. Clay, Mr. Jefferson, Mr. Conyers, Ms. Millender-McDonald, Ms. Norton, Mr. Towns, Mr.

Lewis of Georgia, Ms. Lee, and Mr. Scott of Virginia):

H. Res. 82. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H. Res. 83. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. PITTS (for himself, Mr. Wolf, Mr. Rohrabacher, and Mr. Smith of New Jersey):

H. Res. 84. A resolution calling for the immediate intervention in the conflict in Burma, and for other purposes; to the Committee on International Relations.

By Mr. PLATTS (for himself, Mr. Weldon of Pennsylvania, Mr. Hoeffel, Mr. Doyle, Mr. English, Mr. Holden, Mr. Fattah, Mr. Greenwood, Mr. Castle, Mr. Reynolds, Mr. Murphy, and Mr. Tom Davis of Virginia):

H. Res. 85. A resolution congratulating the Messiah College men's soccer team for winning its second National Collegiate Athletic Association Division III Soccer Championship; to the Committee on Education and the Workforce.

By Mr. ROGERS of Alabama (for himself, Mr. Boehner, Mr. Hoekstra, Mr. McKeon, Mr. Norwood, Mr. Isakson, Mr. Wilson of South Carolina, Mr. Burns, Mr. Kingston, Mr. Skelton, Mr. Ross, and Mr. McDermott):

H. Res. 86. A resolution recognizing the contributions of historically Black colleges and universities; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 694 memorializing the Congress of the United States to quickly pass the State Budget Relief Act of 2001, HR 3414, or any temporary increase in Medicaid funding to assist our State in its budget crisis; to the Committee on Energy and Commerce.

2. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 281 memorializing the United States Congress to enact the Hunting Heritage Protection Act; to the Committee on Resources.

3. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 282 memorializing the United States Congress to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; to the Committee on Resources.

4. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 601 memorializing the United States Congress to enact legislation to provide that taxpayers can deduct fully the cost of their health insurance premiums; to the Committee on Ways and Means.

5. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 602 memorializing the United States Congress to enact legislation to remove the "use it or lose it" restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year; to the Committee on Ways and Means.

6. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 603 memorializing the United States Congress to enact legislation to provide more flexibility for participants in medical care spending accounts; to the Committee on Ways and Means.

7. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 597 memorializing the United States Congress to expand Medicare to include a prescription pharmaceutical plan for low income seniors; jointly to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HOLT introduced a bill (H.R. 867) for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. Chocola.

H.R. 5: Mr. Cunningham, Mr. Burr, Mr. Dreier, and Mr. Cantor.

H.R. 13: Mr. Van Hollen, Mr. Houghton, Mr. Olver, Mr. Gallegly, Mr. Walsh, Mr. Ose, Mr. Hall, Mr. Wamp, and Mr. Bass.

H.R. 14: Mr. Davis of Illinois and Mr. Van Hollen.

H.R. 20: Mr. Watt, Mr. Stupak, and Mr. Souder.

H.R. 21: Mr. Akin and Ms. Eddie Bernice Johnson of Texas.

H.R. 24: Ms. Eddie Bernice Johnson of Texas.

H.R. 33: Ms. Ginny Brown-Waite of Florida, Mr. Watt, Mr. Boswell, Mr. Kennedy of Minnesota, and Mr. Bishop of Georgia.

H.R. 49; Mr. Rehberg, Mr. Sessions, Mr. Combest, and Mr. Carson of Oklahoma.

H.R. 51: Mrs. Blackburn.

H.R. 57: Mr. Manzullo.

H.R. 58: Mr. Miller of Florida, Mr. Norwood, Ms. Woolsey, Mr. Ackerman, Mr. Foley, Mr. King of Iowa, Mr. Gillmor, Mr. Towns, Mr. Dingell, Mr. Whitfield, Ms. Granger, Mr. Cardoza, Mr. Mica, Mr. Lewis of Georgia, Mr. Holden, Mr. Marshall, Mr. Dooley of California, Ms. Roybal-Allard, Mr. DeFazio, Mr. Frank of Massachusetts, Mrs. Napolitano, Mr. Meehan, Mr. Inslee, Mr. McIntyre, Mr. Pickering, Mr. Gibbons, Mr. McGovern, Mr. Turner of Texas, Mr. Filner, Mr. Johnson of Illinois, Mr. Weiner, Mr. LaTourette, Mrs. Miller of Michigan, Mr. Goode, Mr. Lincoln Diaz-Balart of Florida, Mr. Frost, Mr. Paul, and Ms. Corrine Brown of Florida.

H.R. 73: Mr. McDermott, Ms. Slaughter, Mr. Fossella, and Mr. Crowley.

H.R. 109: Mr. Foley, Mr. Calvert, and Ms. Ginny Brown-Waite of Florida.

H.R. 111: Mr. Evans, Mr. Gutknecht, Mr. Deutsch, Mr. Regula, Mr. Lucas of Kentucky, and Mr. Case.

H.R. 126: Mr. Bilirakis.

H.R. 141: Mr. Burr.

H.R. 152: Mr. Grijalva.

H.R. 167: Mr. Manzullo.

H.R. 168: Mr. Holden and Mr. Duncan.

H.R. 173: Ms. Baldwin, Mr. Watt, Mr. Bishop of Georgia, Mr. Ortiz, Mr. Clyburn, Mr. Oxley, and Mr. LaHood.

H.R. 193: Mr. Hall.

H.R. 218: Mr. Manzullo, and Mr. Gutknecht.

H.R. 235: Mr. Cantor, Mr. Radanovich, Mr. Cannon, Mr. Combest, Mr. Tauzin, Mr. Shuster, and Mr. Sweeney.

H.R. 260: Mr. Rothman.

H.R. 284: Mr. Wolf, Ms. Ros-Lehtinen, Mr. Rahall, and Ms. Corrine Brown of Florida.

H.R. 286: Mr. Boehner.

H.R. 300: Mr. Culberson.

H.R. 303: Mr. Weiner, Mr. Goode, Mr. Ose, Ms. Corrine Brown of Florida, Mr. Graves, Mr. Baker, Mr. LaHood, Mr. Gibbons, Mr. Doggett, Mr. Johnson of Illinois, Mr. Culberson, Mr. Kildee, Mr. LaTourette, Mr. Pastor, and Ms. Hart.

H.R. 336: Mr. Paul.

H.R. 339: Mr. Stearns, Mr. Akin, and Mr. Sensenbrenner.

H.R. 343: Mr. Delahunt and Mr. Smith of Michigan.

H.R. 352: Mr. Isakson.

H.R. 361: Mr. Davis of Tennessee, Mrs. Kelly, Mr. Kirk, Ms. Hart, Mr. Pence, Mr. Fletcher, Mr. Meehan, Mr. Berman, Mr. Watt, Mr. Lipinski, Mr. Chocola, Mrs. Emerson, Mr. Green of Wisconsin, Mr. LaHood, Mr. Moran of Kansas, Mr. Shuster, and Mr. Tiahrt.

H.R. 362: Mr. Simmons and Ms. Ros-Lehtinen.

H.R. 381: Mr. Culberson.

H.R. 401: Mr. Berman, Mr. McNulty, Mr. Weiner, and Mr. Frost.

H.R. 412: Mr. Foley, Mr. Ortiz, Mr. Culberson, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Cummings, Mr. Rogers of Michigan, and Mr. Carson of Oklahoma.

H.R. 441: Mr. Flake, Mr. Crowley, and Mr. Gillmor.

H.R. 442: Mr. Lofgren, Mr. Filner, Mr. Andrews, Mr. Bereuter, Mr. Snyder, Mr. Johnson of Illinois, Mr. Hayworth, and Mr. Cardoza.

H.R. 459: Mr. Sessions, Mr. Terry, Ms. Ginny Brown-Waite of Florida, Mr. Tancredo, and Mr. Blunt.

H.R. 466: Mr. Matsui and Mr. Gillmor.

H.R. 478: Mr. Bereuter.

H.R. 483: Mr. Bereuter.

H.R. 490: Mr. Clyburn and Mr. LaHood.

H.R. 501: Mr. Frank of Massachusetts, Mr. McDermott, and Ms. McCollum.

H.R. 502: Mr. Forbes and Mr. Crane.

H.R. 513: Ms. Ginny Brown-Waite of Florida.

H.R. 514: Ms. Hooley of Oregon.

H.R. 528: Mr. Souder and Mr. Kirk.

H.R. 534: Mr. Oxley and Mr. Foley.

H.R. 545: Mr. Calvert.

H.R. 548: Mrs. Myrick, Mr. Platts, Ms. Millender-McDonald, Mr. Hefley, Mr. DeFazio, Mrs. Capps, Mr. Allen, Mr. Hastings of Florida, Mr. Sweeney, Mr. Goodlatte, Mrs. Davis of California, and Mr. Clay.

H.R. 571: Mr. Shaw and Mr. Price of North Carolina.

H.R. 574: Mr. English, Mr. Paul, and Mr. Dreier.

H.R. 584: Ms. Ginney Brown-Waite of Florida.

H.R. 589: Mr. Lucas of Oklahoma, Ms. Kilpatrick, Mr. Udall of Colorado, Mr. Gordon, Mr. Hoyer, Mr. Watt, Mr. Meek of

Florida, Mr. WELLER, Mr. GEORGE MILLER of California, Mrs. KELLY, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, and Ms. WATERS.

H.R. 626: Mrs. JONES of Ohio and Ms. BORDALLO.

H.R. 627: Mr. BARTLETT of Maryland.

H.R. 643: Mr. MARKEY, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. RAHALL, Mr. HOEFFEL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. STARK, and Mr. OLVER.

H.R. 655: Mr. GOODLATTE, Mr. MCINNIS, Mr. LUCAS of Oklahoma, and Mr. WELDON of Pennsylvania.

H.R. 664: Mr. BECERRA and Mr. RANGEL.

H.R. 690: Mr. MCDERMOTT and Mr. GRIJALVA.

H.R. 692: Ms. WOOLSEY and Mr. GRIJALVA.

H.R. 693: Mr. BARTLETT of Maryland, Ms. ESHOO, Mr. PAUL, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, and Mr. HOSTETTLER.

H.R. 695: Mr. UDALL of Colorado.

H.R. 704: Mr. MCKEON.

H.R. 713: Mr. BOOZMAN and Mr. TIBERI.

H.R. 714: Mr. HEFLEY.

H.R. 715: Mr. KOLBE and Ms. HART.

H.R. 719: Mr. LAMPSON.

H.R. 720: Mr. CULBERSON and Mr. COMBEST.

H.R. 721: Mr. WALSH.

H.R. 723: Mr. MCGOVERN.

H.R. 726: Mrs. JONES of Ohio.

H.R. 728: Mrs. BIGGERT.

H.R. 737: Mrs. MOORE.

H.R. 752: Mrs. KELLY.

H.J. Res. 3: Mr. HASTINGS of Washington and Mrs. WILSON of New Mexico.

H.J. Res. 4: Mr. BURR and Mr. WILSON of South Carolina.

H. Con. Res. 23: Mr. HOSTETTLER.

H. Con. Res. 26: Mr. DEUTSCH, Mr. SABO, Mr. GRIJALVA, Mr. FARR, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. SOUDER, Mr. GUTIERREZ, Mr. LEVIN, Mr. MATHESON, Mr. FILNER, Mr. HAYWORTH, Mr. MICHAUD, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Ms. SOLIS, Mr. SANDERS, Mr. SIMMONS, Mr. SCHIFF, and Mr. LIPINSKI.

H. Con. Res. 37: Mr. BISHOP of Georgia and Mr. BARTLETT of Maryland.

H. Res. 39: Mr. SCHIFF.

H. Res. 49: Mrs. JO ANN DAVIS of Virginia, Mr. MCNULTY, Mr. GRIJALVA, Mr. RANGEL, Mr. CULBERSON, Mr. HONDA, and Mrs. LOWEY.

H. Res. 59: Mr. CALVERT and Mr. WATT.

SENATE—*Thursday, February 13, 2003*

The Senate met at 11 a.m. and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

PRAYER

The guest Chaplain, Monsignor Robert J. Fuhrman, offered the following prayer:

Lord God of life and love, Creator of heaven and Earth, morning has again filled the sky and we ask for Your grace. The men and women of this Senate and every American face a world of uncertain promises and fragile peace. Strengthen, bless, and guide our Senators with Your warm light. Then threats and fear will cease to make us weak, for we can do all things in You. Give the Senate wisdom, Lord, the intended at Your throne. With wisdom they will be courageous in leadership, proud servants of a free people. Perfect in them the art of willing service, Lord. Show them and all of us the way. Help us to know what is right and to protect that which is good in this wonderful Nation and this beautiful world. Bless us, protect us from all evil, and give us Your peace. Amen.

Mr. LAUTENBERG. Mr. President, I rise today to welcome the Reverend Monsignor Robert J. Fuhrman to the Senate. Monsignor Fuhrman hails from Saddle River, NJ, and we are very happy that he is joining us today as the Senate's guest Chaplain. Monsignor Fuhrman was ordained to the priesthood in 1981. He received his bachelor's degree from Seton Hall University in 1977 and he currently serves as pastor at St. Gabriel the Archangel Church in Saddle River. He is also currently on the board of directors of the Society for the Propagation of the Faith, which is a mission support agency of the Catholic Church. In this capacity he has daily contact with missionaries providing important services in developing countries around the world.

I am always excited when we can welcome someone from New Jersey to the Senate Chamber and I am honored to welcome Monsignor Robert J. Fuhrman to lead us in our morning prayer.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 13, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. The Senate will resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit. This is now the sixth day of debate on this judicial nominee. I thank Chairman HATCH, chairman of the Judiciary Committee, for leading the debate on Miguel Estrada last night. I believe Senator HATCH laid out very clearly the qualifications of this nominee, as well as the traditional practice and process of our judicial confirmations.

I thank all Members on this side of the aisle for their questions last night. I believe those questions and answers provide a great insight and clear away much of the rhetoric surrounding this well-qualified nominee.

Again last night I attempted to reach an agreement as to when we might have an up-or-down vote on the Estrada nomination. All of my proposals were rejected. I hope out of a sense of fairness my Democratic colleagues would rethink their objection and allow the time certain for an up-or-down vote on Miguel Estrada.

With respect to the omnibus appropriations conference report, the House filed the report late, very late, last night. The House is expected to act on that conference report later today. Therefore, it is my intention the Senate will be able to complete action on that measure on Friday.

I will be working with the Democratic leader in an effort to reach a time agreement on that conference report. Rollcall votes are, therefore, possible during today's and tomorrow's session.

The ACTING PRESIDENT pro tempore. The distinguished minority leader from South Dakota.

Mr. DASCHLE. I ask the distinguished majority leader if it is his intention to bring the bill up tomorrow? There have been questions about the schedule tomorrow. You did indicate it was more likely it would come up tomorrow rather than tonight?

Mr. FRIST. Mr. President, in response, it may well be tonight, in which case we could consider moving ahead tonight. It depends on when the House finishes their business and delivers it to us. A number of Senators have asked. Looking realistically, it is likely to be tomorrow. But if we receive it earlier, I will be more than happy to work on it tomorrow.

I might turn to the distinguished chairman and ask for his perspective on what we might see over the course of today.

Mr. STEVENS. Mr. President, it is my understanding the House will not get to the bill until quite late tonight so I presume we will not receive it until tomorrow.

Mr. DASCHLE. I thank the chairman and the distinguished majority leader.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session and the consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. The distinguished minority leader.

Mr. DASCHLE. I thank the presiding officer.

Let me say in response to the majority leader, it has been 8 days now since Miguel Estrada's nomination came to the Senate floor. The issue in this case is not only Mr. Estrada's qualifications. An even more immediate issue is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. Estrada's continued refusal to fill out what, for all intents and purposes, is a job application. Mr. Estrada is asking for a lifetime appointment to the second most powerful court in the land, the court just below the Supreme Court, and yet he refuses to answer the simple questions that are asked routinely of men and women who are nominated to the Federal bench.

We do not need more time to debate the nomination. We need more answers. Without those answers, debate is hollow because we lack the basic information we need to make an informed judgment about Mr. Estrada's fitness. We are prepared to wait as long as we have to for his answers. Whether that wait lasts an hour, a day, a week, or even longer, is up to the administration and Mr. Estrada.

The Constitution does not suggest, it does not hint that maybe it would be a good idea for us to advise the President on his nominees and withhold or offer our consent. The Constitution requires the Senate to advise the President on the nominees and offer or withhold our consent. By refusing to answer even the most basic questions, Mr. Estrada is not only stonewalling the Senate, he is undermining the Constitution. He is preventing the Senate from exercising our fundamental constitutional responsibility in this matter.

I will simply say to my colleagues: We will not relent on this matter. We are united in our resolve to fulfill our obligation under the Constitution.

There have been efforts made by some on the other side to confuse people. They want the American people to believe that Democrats have been unfair in our handling of judicial nominations. I think most people know better than that. In the last 17 months, we confirmed 100 Federal judges. All of those judges were nominated by President Bush and all of them, one can assume, are quite conservative judges.

Our Republican colleagues have even suggested that this debate may be about Mr. Estrada's ethnicity. Some of his supporters have suggested—incredibly—that if you ask Mr. Estrada to answer questions, you are somehow hostile to the rights of Hispanic Americans. They have asserted on the floor of the Senate and also on the floor of the House that those who ask questions are somehow anti-Hispanic.

That charge is desperate and, frankly, offensive, and it is obviously untrue. In fact, the Congressional Hispanic Caucus, which unanimously opposed Mr. Estrada's nomination, has actually demanded an apology from those who have made this false claim. Regrettably, we have heard no apology from those who have had the poor judgment to make such unfounded allegations. Even one of the groups that supports Mr. Estrada's nomination has denounced those allegations by Republicans. So I hope we are not going to hear any more of that ill-advised talk on the Senate floor.

The fact is, many groups have expressed concern over Mr. Estrada's refusal to answer the Senate's questions. Among them, few have spoken out more forcefully than the organizations representing Hispanic Americans.

His nomination is opposed by every member of the Congressional Hispanic Caucus, by the Mexican-American Legal Defense and Education Fund, and the Puerto Rican Legal Defense and Education Fund.

Leaders of the Mexican-American Legal Defense and Education Fund said:

> It is unclear whether Mr. Estrada would be fair to Latino plaintiffs as well as others who would appear before him with claims under the First Amendment, the Fifth Amendment, and Due Process clauses of the Constitution.

They continued:

> Further, we found evidence that suggests that [Mr. Estrada] may not serve as a fair and impartial jurist on allegations brought before him in the areas of racial profiling, immigration and abusive or improper police practices . . . .
>
> We have concerns about whether he would fairly review standing issues for organizations representing minority interests, affirmative action programs or claims by low-income consumers.
>
> We are also unsure, after a careful review of his record, whether he would fairly protect labor rights of immigrant workers, or the rights of minority voters under the Voting Rights Act.

All this, not from some Democratic Senator, not from some partisan Democrat, but from one of the most respected Hispanic groups to speak out on this issue, on either side.

Other Hispanic groups, including the Puerto Rican Legal Defense and Education Fund have expressed very similar concerns.

If these perceptions are inaccurate, Mr. Estrada could disprove them—if he would stop stonewalling. But, unfortunately, so far he has refused to do so.

As I said, there is far too much we don't know about Mr. Estrada. We will do everything we can to prevent his nomination from coming to a vote until he provides this Senate and the American people with some straight answers.

Perhaps the most troubling aspect of this situation is not the red herrings. It is not the cynical or false accusations of obstructionism or anti-Hispanic bigotry, as offensive as those charges are. What is even more troubling is what the Senate is not doing right now.

We have made it clear that the Senate cannot vote on the Estrada nomination until the necessary information is provided. Yet our Republican colleagues have chosen to force this fight onto the floor rather than to take up other, more urgent business.

Americans who watched as this debate stretched late into the night last night must have been mystified. They know we are facing daunting challenges at this critical moment in our history. Our Nation may be on the verge of war. We are told that America is at a high risk of terrorist attack. People are experiencing great anxiety about their safety and the safety of their loved ones. What is more, millions of Americans are out of work and our economy is in trouble.

Why—Americans must have asked themselves last night—with all of the great challenges confronting our nation, why has the Republican majority chosen to pick this fight at this time?

I don't understand, and I doubt that people at home do, either.

America faces serious, even life-and-death challenges: homeland security, the economy. That is what the Senate should be working on day and night. That is a good reason for an all-night session.

Miguel Estrada should stop the stonewalling. He should answer the Senate's questions and we should get on with addressing the real, urgent issues confronting our country—the economy, the terrorist attacks, and war in Iraq.

We can wait and we can talk, or we can set this nomination aside until we have the information to make an informed judgment and, in the meantime, we can deal with the issues that are of far greater consequence and far greater concern to the American people. Until we deal with those concerns, we are not really meeting our responsibilities.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 385 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I had an opportunity to come to the floor once before and express my views about the nominee who is before the Senate for confirmation, Miguel Estrada. But I want to make a few additional points at this time, and I hope I don't repeat myself.

I want to say for my part and for the part of many others in the body that this is not a debate we were eager to begin; this is not a debate we are eager to continue; but this is a debate that really goes to the heart of the separation of powers and the checks and balances that the Founders of this Nation so carefully crafted more than 200 years ago.

The President makes nominations to the Federal judiciary. This is true. But it is a judiciary that Congress fashioned, and it is a judiciary that the Senate has been given the constitutional responsibility to help fill, through our advice and consent role.

I am one who has always believed that every nominee should get a full and fair hearing and that every nominee should then get an up-or-down vote. For too long, I watched one after another Clinton nominee languish without any such courtesy, and with no explanation as to why. Many of his nominees were minorities who never even got the chance to speak to the Committee.

Chairman HATCH and I had many conversations during that time about moving more nominees through the committee. And I know he did more than many in his caucus would have liked him to do to move nominees. For that, I thank him. I believe deep in his heart he also believes nominees should move through and get a hearing. But still, too many nominees were stopped from even the most basic of rights during the nomination process—a hearing—a basic right for someone who is nominated to the Judiciary Committee. They should have a right to have a hearing, in my view.

In this case, the Democrat-controlled Senate gave Miguel Estrada a full and fair hearing and every opportunity to show the committee what kind of judge he would be. But he did not use that opportunity well.

Although I believe that every nominee deserves an up-or-down vote, an up-or-down vote on final confirmation should only occur after the Senate has had a full opportunity to learn about the nominee and to properly judge whether or not that nominee can serve impartially in the Federal judiciary. In this case, I don't believe we have enough information to make such a decision, as a direct result of the lack of cooperation by this nominee and by the White House. As a result, we should not be asked to make such an important decision.

I want to clearly state this is not an issue of retaliation, as some have suggested. It is true that the Republican Senate did block a number of very qualified Hispanic nominees—female nominees, and so on—under President Clinton.

And it is true that many on this floor have mentioned those nominees—Enrique Moreno, for instance. But they were mentioned not to begin some tit-for-tat exchange of blocked nominations. Quite the contrary. Under Chairman LEAHY, the Judiciary Committee and the Democrat-controlled Senate confirmed 100 nominees in just over a year.

Mr. Estrada has already been given far better treatment than many were given by the other side in the recent past. All we ask for is some basic answers to the most basic of questions. Think about this: Before us now, we have a 41-year-old nominee about whom we know little. He has been nominated to a crucial appellate court, the DC Circuit, which is, at present, evenly split. That raises the question, Do we have a right to know if this judicial nominee can be impartial? I believe we do.

In this case, this nominee, for some reason, has been very controversial from the beginning. We have heard from many who have worked with Mr. Estrada or even supervised him, and many who have watched him work throughout the years.

Without exception, all of these individuals believe Mr. Estrada is bright. And I am confident that every Democrat in this body agrees with that assessment. But that is not the problem. And that is not the question today.

Without exception, all these individuals believe Mr. Estrada to be well educated, as my colleagues on the other side of the aisle have indicated throughout the last few days. But that, too, is an issue that is not in doubt, and it is not the problem.

And essentially, without exception, all of these individuals believe Mr. Estrada is conservative. Some believe him to be very conservative, some less so, but all recognize him to be a conservative. Even Mr. Estrada himself, as I understand it, would likely describe himself in this manner. But make no mistake, this is not about whether or not Miguel Estrada is conservative.

I have already voted for nominees whom I know to be conservative, as have most, if not all, of my Democratic colleagues.

At the present time, I have just given my proxy to the Judiciary Committee that is considering three nominees to appellate courts who are, in fact, conservative. And I will vote yes on those nominees.

So the question is not whether this nominee—or any nominee—is liberal or conservative, White or Hispanic, Jewish or Catholic, or any other group or inclination. The question with this nominee—and with every nominee—is whether the nominee can put aside personal beliefs to rule fairly and impartially on the cases that come before him or her.

In some cases, we can get a clear idea of how a nominee would handle the responsibilities of a Federal judgeship. But in this case, as we tried to get a clear idea of how this nominee would handle these responsibilities, we were really stymied at every turn.

On the one hand, we have letters, phone calls. To my office, we have received almost 8,000 phone calls in opposition to this nominee; and less than 400 in favor. All these phone calls seem to indicate the belief that Mr. Estrada is an ideologue who cannot be trusted with a circuit court judgeship.

We have Professor Paul Bender, Mr. Estrada's direct supervisor at the Department of Justice, who said to the press that he believed Estrada to be so "ideologically driven that he couldn't be trusted to state the law in a fair, neutral way." Mr. Bender recently sent a letter to the chairman of the Judiciary Committee essentially reaffirming this statement.

We have major Hispanic organizations—just those groups one might expect to most strongly support Mr. Estrada—strongly opposing him instead.

On the other hand, as we look for facts to counteract such serious concerns, we have almost nothing.

Miguel Estrada has never been a judge, so we have no record of judicial decisionmaking to examine. This in itself is not dispositive, but it is the first area where we find no record to help us in our decisions.

Mr. Estrada is not a prolific writer, so again, unlike many, we have no real record of writings or speeches to examine. Again, this alone would not be dispositive, but, as I said earlier this week, in a sense, it is strike two in terms of where we can get information about this nominee.

We have not been granted access to the memos he wrote at the Department of Justice, so we can only take the word of the man who supervised him that those memos were ideologically driven and could not be trusted. That is strike three.

Mr. Estrada refused to adequately participate in his own confirmation hearing, so we have no real answers to these questions. And the questions are legitimate.

Even when given time to think about his answers, even when he was given questions in written form, he refused to answer those questions, using precisely the same language he used to refuse to answer at his hearing.

For instance, when Senator DURBIN asked this nominee, in writing: "Do you have an opinion on the merits of Roe v. Wade?" Mr. Estrada responded, as he did to me in committee, "it would not be appropriate for me to express such a view without doing the intensive work that a judge hearing the case would have to undertake—not only reading briefs and hearing the arguments of counsel, but also independently investigating the relevant constitutional text, case law, and history."

In the hearing, I asked him: Do you believe Roe was correctly decided? And he said he could not answer that question.

When Senator KENNEDY asked Mr. Estrada, in writing, how he would have resolved a case that came before the DC Circuit and was then decided by the Supreme Court—Hoffman Plastics—Mr. Estrada again answered that because he had not read the briefs and was not present at oral argument, he could not answer.

When Senator KENNEDY asked him about the Maryland/DC/Delaware Broadcasters case, again Mr. Estrada said he could not, or would not, answer.

When Senator DURBIN asked Mr. Estrada to name any judge, living or dead, whom he would seek to emulate, Mr. Estrada said he could name not one judge he would emulate.

In contrast, let me take a moment to talk about Judge Richard Paez, a well-qualified Hispanic nominee sent to the Senate by President Clinton and eventually confirmed to the Ninth Circuit Court of Appeals.

Judge Paez spent more than 1,500 days before this Senate before he finally got a vote. And this came despite the fact that he answered every question put to him.

For instance, Senator SESSIONS asked him: "Which Supreme Court Justice or federal judge has most influenced your judicial philosophy?" Judge Paez named Judge Harry Hupp, a man he appeared before as a litigator, and a colleague of his on the district court bench.

Senator SESSIONS asked Richard Paez: "In your opinion what is the greatest Supreme Court decision in American history?" Judge Paez did not refuse to answer, or claim that he could not give an answer because he had not been present at oral arguments. Instead, he simply named Brown v. Board of Education.

Senator SESSIONS then asked: "What is the worst Supreme Court decision?" Judge Paez answered: "Dred Scott." This is the decision where the Supreme Court ruled, essentially, "once a slave, always a slave."

Miguel Estrada, on the other hand, would not answer these types of questions.

Senator SCHUMER asked him to name any Supreme Court case he thought was wrongly decided.

He did not simply say he thinks Plessy v. Ferguson was wrongly decided. That is the case that upheld the concept of separate but equal. And even the Supreme Court has since overturned it. I know of few people who would claim Plessy was correctly decided. But Miguel Estrada apparently thinks he could not say so without having heard the oral arguments. He did not say he disagreed with the Dred Scott decision, which upheld slavery. He did not say he believed Korematsu, which upheld the right of the United States to put American citizens of Japanese descent into internment camps. He named none of these cases. He simply said he could not answer the question.

This is in direct contrast to a recent experience with Jeffrey Sutton during his hearing less than 2 weeks ago. Mr. Sutton is also a controversial nominee, but he answered every question put to him. We got a good sense of how he would think and act as a judge. I, myself, who was concerned about him initially, felt he was a strong advocate, but he knew the difference. He could separate himself from the positions of advocacy and become a fair and impartial judge. So I have given my proxy right now to be carried out to vote yes for Judge Sutton. Mr. Estrada, on the other hand, did his best to keep from putting himself on record on any issue of real substance.

Quite frankly, there are options. One, return this nominee to the Judiciary Committee for answers. The Senate deserves the answers. Democratic nominees were asked by distinguished Republican Senators to answer questions such as this, and they did. Even of those, many had judicial records. Many had prolific writings. Many had speeches so that there were tools we could go to to understand what their thinking was. But in this case we have no speeches. We have no writings. We have no record. Therefore, the answers to the questions become extraordinarily dispositive. They also become meaningful to any Senator who wants to cast an informed vote.

It is that simple. That is what this debate is about. We cannot possibly fulfill our constitutional duty to advise and consent to nominees if we are not given the necessary information about the nominee.

In a case where you have a critical circuit such as the DC Circuit, not only the plumbing grounds for the U.S. Supreme Court, but handling environmental appeals, Superfund appeals, wetlands appeals, OSHA appeals, all kinds of administrative case law appeals, how this court is tilted becomes important to us, particularly if we take this job of confirmation of nominees seriously.

There is another option. That option is appoint Miguel Estrada to a district court. Give him an opportunity to gain that record. He is 41 years old. He is younger than my daughter. Give him an opportunity to gain that record. Remember, this is a man who will serve for 30, 40, possibly even 50 years. It is a lifetime appointment. We are entitled to answers to these questions.

In Miguel Estrada's questionnaire, he admitted to having written no books, articles, or reports of any kind, save one Law Review article in law school. That was titled "The Policies Behind Lending Limits." He wrote that in 1985. At Miguel Estrada's hearing, he would not comment on whether any case had ever been wrongly decided, even cases that have been overturned. He would not name any single judge he would want to emulate on the bench in any way. He would not answer written questions put to him that would help us learn more about how he thinks about cases and how he would judge them. He would not even try to convince the Justice Department to turn over some of the memos he wrote for the Solicitor General's Office, nor would he himself turn them over.

If this nominee is confirmed, we believe we would be sending a signal that stonewalling the Judiciary Committee and the full Senate is the way to succeed on the way to a judgeship. That is the wrong signal and the wrong message.

In effect, we would be abdicating our constitutional role, our constitutional duty to advise and consent to nominees, because we would never again be able to learn enough about a nominee to make reasoned decisions.

Nominees could become increasingly young, increasingly ideological, and increasingly silent. The courts would soon be packed with judges of unknown disposition, unknown temperament, and unknown proclivities to judge fairly and impartially.

We should take our constitutional duties more seriously than that. We simply are determined not to let that happen.

I would like to read the concluding sentence from the editorial in today's New York Times:

> The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague from California. She laid out the facts beautifully. I will attempt to try and talk about this issue from my perspective as someone who worked so hard on getting a couple of nominees through the Senate. Senator FEINSTEIN touched on those particular cases. They are relevant to what we are doing here.

I remind colleagues—I know they are aware of this, but it is worth repeating—we are talking about a lifetime appointment to one of the most important courts in the Nation, the U.S. Court of Appeals for the District of Columbia. It is a lifetime appointment. It is very important when we are looking at these types of appointments.

I have voted for well over 90 percent of the President's appointees up to this time. It is very unusual for me to stand up here and say: We need more information. It is important to go back to the Constitution and read exactly what it tells us we have to do. Section 2:

> [The President] shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for . . .

There has been a lot of discussion that we are in essence interfering with the rights of the President. It is very clear: If we sit back and don't do the work of advice and consent, we don't deserve to be in the Senate. This is where the rubber meets the road. This is where we have to play a role. Advice and consent just means that.

I want to relate a story, when Senator HATCH, who is now distinguished chairman of the Judiciary Committee, was chairman before Senator LEAHY and President Clinton was President at that time. Senator HATCH had a very direct conversation with me, and I am sure he did with other Democrats. What I like about Senator HATCH is, you kind of know where he is coming from.

He said: Senator BOXER, you have to send me moderates. Don't send me any liberals. Don't send me any progressives. Don't send me any activists. I want moderates for the bench. I am telling you here now, if they are not, they are not going anywhere. I had a little conversation with him about that but realized this was the pragmatics of politics and this is what we are going to do.

In essence, the nominees I had recommended to the President and President Clinton were mainstream moderate candidates. Even with that, a lot of them had a hard time here. But they made it, and I want to talk about how long it took and how many questions they had to answer and what we went through to make it happen.

I feel sometimes like Alice in Wonderland when I hear the kind of double standard that seems to be coming forward. This man, Mr. Estrada, cannot answer any questions, but look at how many questions they asked Margaret Morrow. Margaret Morrow—we recommended her to President Clinton. She was a distinguished lawyer in a business law firm. She is as straightforward as motherhood and apple pie. They asked her question on question on question. These are Republicans on the Judiciary Committee. She waited maybe 2 years before she could be voted on. Here is the interesting thing. Not only did the Republicans ask her every question known to humankind about everything she had ever written, they had to see everything she ever wrote, and everything else. They then went back and asked her how she voted in elections in California dealing with referendum. It was amazing. The first question was, How did you vote on every memorandum, I think it was, in the last 10 years. She was so stunned with it, she said: Barbara, this is between me and the secrecy of the ballot box. I said: If you want to move forward, you are going to have to respond.

We went to Senator GRASSLEY, who wanted answers to these questions, and he limited it to the 10 most controversial referendums. I am talking about the ones that deal with every single hot button issue. She answered the questions. Believe me, it is really a personal issue, how you vote when you get to the ballot box.

Now there is a big fuss about our getting answers to questions such as: Will you give us one Supreme Court case you didn't agree with or send us your writings, for which there is adequate precedent.

So under the Constitution, the President and the Senate share the power to appoint the principal officers of the United States. I read the Constitution and, if we were to do otherwise, it really would be a dereliction of our duty if we rolled over and said whatever any President wants, just go ahead and roll over the Senate. Not me; I don't care if I have to stand here all night—and I might have to at the rate this is going.

I am here because I have to represent the 35 million people of California. When someone comes up to me in the grocery store and says, I noticed they had a vote on Miguel Estrada to the second most important court in the land, what does he think? I would say that I have no idea.

I have to tell you, there are a lot of groups against Miguel Estrada and they have their reasons. I will list the groups—a lot of Hispanic groups and a lot of other civil rights groups. They have their reasons.

I need to see what he stands for. If I get these papers—that is the reason we are not permitting a vote because if we would get these papers, we would permit a vote here. He may well win that vote or he may lose that vote. That is the fair thing. But advise and consent—before you can consent, you have to see who this man is. Maybe when I see his writings—and I hope we get answers to our questions—I certainly would have no interest in holding this up at all.

Blind judgment is not the proper way to confirm someone to the Federal court. As I said, if I were to engage in blind judgment, I would not be true to my constitutional responsibilities and what I owe the people of my State. Frankly, I told them I would vote for mainstream people, just as President Bush said he would nominate mainstream people. That is what he promised us. The night the Supreme Court decided the election, he said eloquently, "I am going to govern from the center."

Maybe Miguel Estrada is from the center. Nobody here can tell you because he cannot even name one Supreme Court case he disagreed with—even the one on making slavery legal. So these are very serious matters, very serious matters.

Stealth maneuvers are appropriate for the military but not for judicial nominees. By evading questions about his record, Mr. Estrada is trying to slip into a lifetime position on the Federal bench without sharing information about his record. So if we were to just say, OK, we don't know anything, the man cannot name a case he disagrees with and won't show us any writings, and we just have the vote, what will happen when we get a Supreme Court nominee for a vote?

We have reason to believe there are some who are advising these nominees not to say anything about anything. I will talk about that later. It was really at a Federalist Society luncheon last year that a panelist coached potential nominees on how to get confirmed by the Senate. This has been written about in the legal times.

The simple instructions that came were—I am quoting because this isn't very nice language, but it is the language that was used—"Keep your mouth shut."

What a situation. It is an honor to be nominated by the President, a chance to tell people what you believe in—not to talk about a case before the court or one that is coming. That is not what we are saying.

I represent the largest percentage of Hispanics in the United States. There are close to 11 million Californians who are Latinos. That is approximately 33 percent of my State. I resent roundly some of the comments by my colleagues on the other side that somehow those of us who are saying to Miguel Estrada: answer the question, be a grown up, this is a serious job, that are against minorities. If it wasn't such a serious charge, it would be, in a way, laughable.

I could tell you that the organizations that oppose Mr. Estrada, or have raised concerns, most of them are Latino. They know, in the case of the Democrats in my State, who fights for the Latinos. That isn't even a question. I fought hard to get a Mexican-American nominee, Richard Paez, a position on the Central District Court of California. Mr. President, he became the first Mexican American to sit on that court, and it was a struggle. It was a struggle. President Clinton nominated him. Judge Paez was so stellar in the district court that he was nominated by President Clinton to the circuit court. He had to wait 4—count them—not months, not weeks, but 4 years before the Senate acted on his nomination.

Judge Paez was voted out of committee three times, Mr. President, three times, and still he had to endure 4 years of waiting before the Senate acted on his nomination.

He was nominated in three different Congresses before his confirmation in March 2000. He was the first Hispanic to sit on the district court. He had extensive experience as a judge on State courts, as well as Federal courts, with lawyer reviews in the Almanac of the Federal Judiciary such as "well prepared," "runs a good courtroom," "excellent judicial temperament," "fair," "evenhanded," and "gets to the right result."

Who held him up for 4 years? Not the Democrats. The Republicans.

He answered every question. Every single bit of his writing was analyzed. There were more written questions asked and answered. He was strongly supported by Hispanic groups, such as the Mexican American Legal Defense Fund, in contrast to Mr. Estrada, who has a huge number of Hispanic groups with great concern about his nomination.

I have to tell you when I hear some of the comments from the other side—

it is really amazing—I can only think that this is all about politics because reality is not even in the game. This Republican Senate fought so hard against Judge Paez. Four years they made him wait and made him answer question after question—written and oral—and would not stop there.

When his nomination finally came to the floor, there was a filibuster, and it was finally broken.

I have to say as someone who fought for that first Latino to sit on the court in California and for one who fought to get the first Asian American judge on the Eastern District of California, Anthony Ishii, another wonderful appointment by President Clinton. It is extraordinary to me to hear some of the rhetoric from the other side. I have some news for the other side: Tell the man to answer the questions just as they asked Richard Paez, just as they asked Margaret Morrow, just as they asked every single nominee by President Clinton. They asked them to answer the questions. They called them back. They sent them long questionnaires in the mail. How about saying the man the Republicans support has to do the same? It is pretty simple. Then we will not be here wasting this precious time we should be using to discuss homeland security and other issues.

I will tell my colleagues right now, I will stand here as long as it takes until I get answers to those questions because otherwise, I do not deserve to be here. My people in California should boot me out if I roll over and play dead simply because the President says: I want this man; he does not want to answer the questions; and the Federalist Society tells him to keep his mouth shut. This is not what we do in an open society. In an open society, there is no room for secrecy in the judge selection process.

This is the greatest country in the world. If somebody is nominated for this position, they should be proud to talk about what are the Supreme Court cases they may not agree with or some they do. They should be proud to say: Yes, I will make sure you get my writings because I am proud of my writings.

The American people do not like secrecy. They do not like it. I hope they are, in fact, listening to this debate because I want to state again what we Democrats are doing. It is not a handful. The President said a handful of people—I forget his exact words. I think it was a handful of people were stopping this nomination. The fact is, there are a lot of us from different parts of the country and different philosophies who are saying: Just give us the information. Some of us may wind up voting for Mr. Estrada; some of us may not. Give us the information. We need it. We deserve it. It is in the Constitution.

The Constitution does not say the President shall have everyone he wants. Read it. It gives equal power—equal power—to the Senate. I say to my colleagues on the other side, where is their self-respect for the Senate? That is what it is about. It is unfortunate it turned out to be a partisan split.

I keep remembering back to Margaret Morrow and how many questions the Republicans asked her. Oh, my God. There were two hearings: One in 1996 and one in 1997. There was round after round of followup questions, including how she voted in every California ballot measure for 10 long years. I ask you, Mr. President—maybe you would remember. If you lived in California, I assure you, there would be, oh God, hundreds of referenda. Finally, Senator GRASSLEY, who was asking her this, said: OK, just tell us how you voted on the 10 most controversial ballot measures.

I want to read a partial list of people who are supporting us in this delay: The Congressional Hispanic Caucus; the Congressional Black Caucus—these are elected leaders who have fought hard to get minorities on the bench. This is extraordinary for them to have to stand up and say: We want more minorities on the bench, but we want to know who they are; we do not know who this guy is.

Hispanic organizations: Puerto Rican Legal Defense and Education Fund; Mexican American Legal Defense and Educational Fund; National Association of Latino Elected and Appointed Officials, National Council of La Raza, National Puerto Rican Coalition, California La Raza Lawyers, Puerto Rican Bar Association of Illinois, Southwest Voter Registration Education Project, Labor Council for Latin American Advancement, 52 Latino labor leaders.

Mr. President, these are people who fight hard to put minorities on the bench, and they are very concerned. Do you think this is easy for them? This is not easy for them. It is brave of them. They are doing it because they are very concerned.

There is a list of 52 leaders. I will not read the list. We also have the Leadership Conference on Civil Rights and the Alliance for Justice. We have the Mexican American Legal Defense and Education Fund, Lawyers for Civil Rights Under Law, Alliance for Justice, and it goes on.

I also want to read an article that was in the Legal Times. We put it in the RECORD, but I think it is worth listening to it:

> President George W. Bush's judicial nominees received some very specific confirmation advice last week: Keep your mouth shut.
>
> The warning came from someone who had been a part of the process, Laurence Silberman, a senior judge at the U.S. Court of Appeals. . . .

And it goes on. He advises: Don't answer any questions. Don't answer them and, he basically said, you will land a judgeship.

This is dangerous. Talk about the role of the Senate. The Senate cannot do its work on advice and consent if we are stonewalled.

My view on this nomination is clear. I am happy to vote up or down on this nominee any day of the week, but he has to answer the questions. Period. End of quote.

Someone who is afraid to answer questions either does not know the answer, has something he does not want to say, or is hiding something. It makes no sense at all. Answer the questions. If Senator HATCH brings the committee back and Mr. Estrada gets a chance to answer these questions that Senator FEINSTEIN and others have laid out—believe me, I have no interest in knowing how he voted for the last 10 years like the Republicans asked one of my nominees. I think that is going way too far. I do not care about that. I thought it was outrageous when the Republicans asked that of Margaret Morrow. I could not believe it. She was stunned, but she answered it. Even though it is a secret ballot, she answered it because she respected the Senators who asked her the questions. She respected the process. She respected the Constitutional requirement of advice and consent.

So we go from a woman who was asked by the Republicans to tell how she voted on a series of referenda in her home State on the most controversial issues to a candidate where the Republicans say it is fine, forget about it, we are not going to give any answers. It is a remarkable thing. I make that point today. We need to hear from this nominee. We owe it to the American people.

What do my colleagues think this is? This is not some dictatorship. This is not some situation where one man, the President, nominates someone and says, OK, that is it, I can tell the Senate who I want and that is the end of it. If the Founders wanted that, they would not have written this article, which is very clear. As was pointed out by Senator SCHUMER, if we go back to the Federalist Papers, there was a big debate over who should have the power. At one point, it was going to be the Senate that had the full power, but then in the end it was a compromise. So if we assume that what is written in this Constitution is what we swore to uphold, then to do any less is to essentially throw this away.

I do not care what people say, I am not going to do that. They can say anything they want about me, it is OK. I will take the case to my people. I will tell my people it would be far easier to roll over, but I am not going to do it. If Mr. Estrada answers the question, I will not be standing here. I will be calling for a vote and let the chips fall where they may.

I do not know how my Republicans friends will vote on Mr. Estrada. I am assuming they will support him, and he will be a judge. Or maybe they will find out something in his record that is worrisome that they do not like. I do not know what is in the record because he will not show us the record.

As long as this Constitution is the basis of our Government, we should respect it. What happens when the next judge comes before us? The President may say this is a good deal, my guy did not have to answer anything and he will go on to do whatever he wants, and then he sends someone else who has no record and will not show writings and will not answer questions and listens to the Federalist Society where they say keep your mouth shut, which is exactly what they said. Where are we headed?

This is not a partisan question. I would feel the same way if President Clinton were still President and sent down a nominee who would not answer questions. I went out of my way on Margaret Morrow and on Richard Paez. One was held up for 22 months. One was voted out of three Congresses, waited 4 years. There were oral questions, written questions, more questions. The session ends, and there is a renomination. Again, there are questions; appearances again, writings again. If we go down this road of not asking questions and not demanding answers to basic questions such as was there ever a Supreme Court case you did not agree with, and a man or woman says, you know what, I cannot answer that question, that is a frightening answer. Maybe he agreed with all of them. I do not know, because he will not answer the question.

Mr. President, I believe I have the floor until 12:30, although I technically have it as long as I wish.

The PRESIDING OFFICER (Mr. BENNETT). There is no unanimous consent. The Senator has the floor as long as she is able to stand.

Mrs. BOXER. I thank the Chair. I see one of my colleagues. I do not intend to go on much longer than about 15 minutes, but I want to talk about a couple of other issues.

THE CHALLENGES FACING OUR NATION

Mrs. BOXER. Mr. President, we are making the case about advise and consent but many of our people around the country are worried about what is coming in these next couple of days. The country is on alert. People are asking me, should I really go out and get duct tape? What can I do?

I have been around politics for a very long time. I was elected to the House in 1982. These are the toughest times I have seen, and I have seen some tough ones. We have an economy that is not performing. We have a budget which has turned from surplus to deficit.

The very people who said deficits were terrible when Democrats were in the majority are saying deficits are now fine as long as they are not more than so many percent of the gross national product, no problem. Unfortunately for those people, Alan Greenspan said deficits do matter, and we have an economy that is the worst that it has been in 50 years. On top of that, we have Osama bin Laden who apparently issued a warning to Americans and he told the Iraqi people that if the Americans come in there, do what it takes to hurt them all around the world.

We have the tragedy and sadness of the Shuttle *Columbia*. We have the news that North Korea possesses perhaps the ability to hit the west coast, where I live and my people I represent live and not far from where the Presiding Officer lives. We have a lot of challenges.

What I say today is measured in my comments because whatever the future holds for us, and I think many people fear it is war, we are going to pull together as one. Looking at all of these challenges I mentioned, and I exclude from that the shuttle tragedy, but the North Korea situation, the Iraq situation, the Osama bin Laden situation, the economic situation, I believe this administration has seen these crises and they have amplified them. I do not think they are solving them. I think they are amplifying them. I do not see the path to a prosperous economy in any of the plans. I see more deficits as far as the eye can see. I do not see a path for job creation. I do not see a path where we are protected in our homeland. I see my local responders saying, Where is the help that was promised?

I do not see that. I do not see a path to peace in Iraq. I see a lot of energy and focus on a path to war. I do not see the path—and I have lived through many administrations, Republican and Democratic. I wish the President would put the same focus and attention on avoiding war and disarming Iraq as he does on war to disarm Iraq. War may be inevitable. It should not be a first resort or a second. It should be a very last.

Looking at North Korea, why are we not talking to them? We have brilliant people in the State Department.

As far as I can tell from my post on the Foreign Relations Committee, we have not elevated this to the same level as Iraq in any way, shape, or form. They keep saying we will resolve this diplomatically. I am glad. But I don't see that focus. What I see is when the North Koreans want to talk, they fly to New Mexico to talk to Bill Richardson. Something is wrong with that. We need to do better.

I see issues turning into problems, turning into crises, and I don't see them being resolved; I see them getting worse. I can tell you, when I go home, people are coming up to me in the supermarket—Democrats, Republicans, Independents—tugging at my sleeve, literally. They say: We are anxious. We are worried. We are scared.

I am waiting for the type of leadership in this administration on all of these issues that will help us see the light at the end of the tunnel. We will pull together as Americans, regardless. The greatest Nation in the world, we will meet our challenges. But there is much more we need to do—not more deficits as far as the eye can see. That is not going to help. Not talk about war, war, war, and ignoring the chance that we can avoid it and achieve the total disarmament of Iraq. I don't see the kind of help to our hometowns, if you will, to get ready.

Someone said it right—this is not original on my part; I believe it was a mayor of one of our Midwest cities. She said when people fear an attack by a terrorist, they are going to call 9–1–1. They are not going to call the Senate, and they are not calling the President. They will call 9–1–1.

What are we doing? We lauded the firemen and the policemen, as well we should have. The best way to honor them is to give them the help they need. Guess what this administration is doing. It is canceling the COPS program. These are the grants to our local law enforcement people who are going to get the 9–1–1 call if, God forbid, there is an attack on our homeland.

This President is spending a lot of money in the budget. But talk to the people back home, and they are not happy with the unfunded mandates they are seeing. We see an unprecedented attack on the environment. Talk about danger, I will tell you about danger. As we worry about chemical and biological attacks, Osama bin Laden, why have we lost the focus on getting him? The President was fierce in his resolve to get Osama bin Laden, and we have not achieved that up until this point. We fear the chemical and biological attack.

Seventy million Americans—and that includes 10 million children—live within 4 miles of a Superfund site which contains these dreadful chemicals that harm our children and all of us. What have they done? They have slowed the cleanups and are now telling taxpayers they have to pick up all of the costs of that program because they do not want to continue a fee on the polluters, which was something put into place under Republican and Democratic administrations. This is a crisis, and it is being amplified by this administration.

I look around and I see the fund sites proliferating. Under President Clinton, we cleaned up an average of 87 sites a year. It is down to 40 sites. It is down to the taxpayers now picking up the tab, and people are beginning to be very fearful about their children's health.

There are many issues that confront us. I will close with this. Last night, the Republicans stayed in the Chamber to make their point. That was a good thing to do. I am in the Chamber today to make my point. Give me the information, folks. Tell this man to answer the same number of questions you asked Richard Paez. Tell this man to answer the same number of questions you asked Margaret Morrow to answer. Tell this man to answer the same number of questions and in the same depth as President Clinton's nominees answered. And if you do not like that approach, simply ask him to answer the questions that some of President Bush's nominees answered.

We are not going to stand here and treat this Constitution as some relic. We have equal power with the President. If we were not to ask for these answers, we do not deserve to be here.

I see a couple of my friends on the floor, and I have to say, I am ready to vote on Miguel Estrada as soon as he answers the questions. I am not going to roll over for any President, Republican or Democrat, if they send us people who are either too scared to answer the questions or we are told by some Federalist Society expert to keep your mouth shut and it will go well. It is wrong.

I have some self-respect as a Senator. Do you know who gave it to me? I was not born with it. The people who sent me here—35 million strong—believe me, they did not all send me here, but of those who voted, a majority did. Do you know what I told them? I told them that the makeup of the courts is very important and the power of the courts is very important. I promised them that before I cast a vote, aye or nay on anyone, I would have information and I would always tell you why I was voting yes or no. And I have voted for more than 90 percent of this President's nominees. I don't know how I will vote on this one. I might vote for him if I see his writings. I might. I might not. I may find that he does not come from the center, which is what President Bush promised. We would get judges from the center.

They can stay here all night and talk and talk and talk and talk. But I will be ready to vote when I have seen the answers to the questions, the same kind of questions they asked Margaret Morrow, Richard Paez, and every one of Bill Clinton's nominees.

Double standards do not sell with me. I worked very well with Senator HATCH and colleagues on the Judiciary Committee on both sides of the aisle when I had people I was very interested in getting through the process. And I said to them: You deserve to know every single thing you are asking for, and I will work with these nominees and make sure they give you those answers.

That is respect. That is respect for the job we are supposed to do. I respect this job. I respect the people I represent too much to roll over and say to this President or any other: Send nominees down who will not answer questions. It does not matter to me. It is your choice.

If I were to do that, I would be belying this Constitution. When I got elected to this body, I held up my hand and I swore to protect and defend it. It means everything to me. It is more important than me. It is more important than any other Senator. It is more important than any President. This is the document that has kept us going as the greatest democracy in the world all these years. And God forbid we turn our back on it. If we do, we will not recognize the country we will have.

I see coming, if we roll over on this one, a judge selection process that is essentially a secret process. That is something I cannot support, I will never support, even if I am the only one left who feels that way—and I doubt that will be the case because there are very strong feelings on my side of the aisle that the judicial selection process should be an open process, an honest process, a fair process.

I appreciate the chance to express my views on these issues and other issues. It is time we solve the problems we are facing and not create new ones. A new problem we are creating is judicial nominees who will not talk. That is a new problem. I hope, as a result of what we are doing today, the Republicans will go back, they will chat with Mr. Estrada, they will tell him to answer the questions, and we can get on with a vote and the other important business we have before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the Honorable Senator from California laid out a very touching and moving litany of the times in which we live. These are difficult times, with the prospect of dealing with a brutal dictator in Iraq, a dictator who has used weapons of mass destruction against his own people, has shown no hesitation to use poison gas, chemicals, and biological weapons, a dictator who clearly has ignored resolution after resolution of the United Nations over a 12-year period, who poses a threat to all of us. That crisis looms out there. The day of decision is coming soon. As the President has noted, Saddam Hussein will either disarm or be disarmed. We have to be concerned about what is happening in North Korea where they are talking about restarting a nuclear program that they agreed to abort.

We have problems of recession. A lot of folks in my State are worried about where the next paycheck is going to come from, worried about the state of the economy. We have a lot of concerns out there. This is a time of great uncertainty. This magnificent, august body, the Senate, one of the greatest deliberative bodies in the world, instead of focusing its efforts on dealing with those issues of great concern, we are involved and engaged in trying to break off a filibuster from my honorable colleagues on the other side who are not going to allow us to have a vote, a simple up-or-down vote—that is all we are asking for—on the nomination of Miguel Estrada to the circuit court of appeals.

I have been here a little over a month. I don't have that great sense of history that my colleagues, such as Mr. BYRD, the Honorable Senator from West Virginia, has. He is a walking history of the Senate. I sit here in awe as I listen to him.

I listen to the honorable chair of the Judiciary Committee, Senator HATCH, who has been here a long time. I still get chills standing where I am standing, looking at this great sense of history. Yet we are sitting here, and I was listening last night, and we are talking about the nomination of the first Hispanic to serve on the circuit court, and what I am listening to is a litany of who did what to whom before. You would almost think that we were the Hatfields and McCoys instead of Democrats and Republicans. You would think we were the Earps and Youngers at the OK Corral.

I don't know who did what in the past. I don't know why a particular judge in the past perhaps took a long period of time before they got a chance to have a vote on the floor of the Senate. I don't know who was right yesterday and who was wrong. But this is today. This is a time when I got elected. I can tell you the citizens of Minnesota were saying they wanted to get past the bitter partisanship that stops the Senate from doing its business. They want public figures to simply get something done, move on, take care of the flood problem, the disaster problems we have had in northwest Minnesota, the drought that is affecting other parts of the country, get an energy bill through, get a budget—that would not be a bad thing for the U.S. Government—get a budget passed. Moms and dads have to deal with that all the time. We have folks out there clamoring for us to just do what we have been elected to do, to do our business.

Instead, I listened last night to the Honorable Senator from New York and the Honorable Senator from Illinois, and they had pictures of candidates in the past who, for some reason or other, did not get through the Judiciary Committee fast enough. We went back and forth and back and forth and back and forth. You know, that was yesterday.

We are never going to be younger than we are today. The proverbial: Today is the first day of the rest of your life. What would be so hard for us, as a deliberative body, to say we are going to start with today, we are going to make sure—we are going to put aside all the sins of yesterday and make sure that, from here on, when folks come up, they have a hearing and they have a vote?

By the way, I have to say I have heard my honorable colleagues on the other side of the aisle talk about Mr. Estrada not answering questions. This has been shown last night; Senator HATCH showed it many times. This is the transcript of the hearing, the all-day hearing in which he answered question after question after question. Maybe he gave answers folks on the other side of the aisle did not like, but he answered questions. He answered questions. Then, after the hearing itself, a few Senators—I understand two Senators on the other side of the aisle—sent written questions, which he answered. So he has answered the questions.

What we have today, unfortunately, is we are getting caught up in the worst kind of partisan wrangling based on what folks did yesterday.

I think we are better than that. I think this august, deliberative body is better than that. I think it would be good for America today, in this new millennium, this new century, to forget what happened in the last millennium. Let's move forward on this one and say what we are going to do and say a nominee of any President, whether it is a Republican President or President not of my party, will get a fair hearing and a vote, up or down. In fact, when I ran for office, I answered a question in one of the debates, and I said I would use the same standard to judge a nominee from the President of another party as I would to judge a nominee from President Bush. That is what I think we were elected to do.

If we can just get past what happened yesterday, if we can stop talking about who said what to whom and when, then we can kind of move on here to act fairly, act deliberately, and, by the way, act with great respect for this Constitution that we all love.

I heard a wonderful discourse from the Senator from New York yesterday about the Constitution. I love the Constitution. What we are asking for Mr. Estrada is follow the dictates of the Constitution.

Does the Senator from Pennsylvania have a question?

Mr. SANTORUM. I ask the Senator from Minnesota to yield for a unanimous consent request.

Mr. COLEMAN. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1 p.m. today, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask my friend from Minnesota through the Chair how much longer he is going to speak because we do have a Member in the Chamber who wishes to speak.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, I will speak not more than 10 minutes if this understanding is accepted.

Mr. REID. We have two over here. That leaves only 5 minutes for each of them. They have been here waiting for some time.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, less than 10 minutes. I can move to the other portion of what I was going to speak about if the Senator from Nebraska seeks the floor.

Mr. REID. If my friend would be kind enough to divide the remaining 20 minutes between Senator NELSON of Nebraska and Senator STABENOW of Michigan?

Mr. COLEMAN. I have no problem with that.

The PRESIDING OFFICER. Is that proposed as a unanimous consent request?

Mr. REID. It is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Without objection, it is so ordered.

Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO MEET

Mr. SANTORUM. I further ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup past the hour of 1 o'clock.

Mr. REID. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. In deference to my colleagues, the Senators from Nebraska and Michigan, I will shorten my comments with regard to the Estrada nomination.

I want to say this to America. I hope they are listening. They should be listening. These are important times. What my colleagues on the other side are doing by engaging in this filibuster is really changing the constitutional standard. And we love this Constitution. It talks about the Senate's role in providing advice and consent. In practice that has always meant 51 votes—a majority. The Constitution specifically lays out when a super majority is needed. What we are witnessing now is a change in the way we abide by this important document, where we will now require 60 votes to get our nation's judges confirmed. That is not good for America, and that is certainly not what our Founders wanted to do.

The PRESIDING OFFICER. The Senator from Michigan.

URGENT NEEDS FOR HOMETOWN SECURITY

Ms. STABENOW. Mr. President, I rise today to speak, once again, about the urgent needs in our local communities for hometown security—efforts for us to support local police and firefighters and emergency medical workers, including those in our local emergency rooms at our hospitals. These people are on the front lines of any terrorist attack that our citizens may face in the days or weeks or months ahead.

Many of us have been talking, since just after 9/11, about the importance of partnering with local communities, and that it is not enough to ask our local sheriffs, firefighters, police officers, and others in the communities, to assume this additional set of duties relating to national security without having the support and assistance of the Federal Government.

I commend all of my colleagues and the President for coming together to make sure our men and women in the armed services have what they need at this critical time. We have come forward with substantial increases in the Department of Defense, and I am sure we will continue to do so.

But when it comes to the home front, we have not yet done what needs to be done. There is a growing sense of urgency and bewilderment in our communities here at home about why this has not occurred and why the President is not supporting the efforts that we have put forward.

I have been holding meetings around Michigan—I believe eight different meetings now—from Detroit to Macomb County, Oakland County; I was in Port Huron, MI, on Monday; on over to Lansing and Kalamazoo, and all the way up to Marquette in the Upper Peninsula of Michigan—and I hear the same thing over and over: We need help purchasing updated radio equipment; we can't talk to one another; the city versus the county or county to county. In some cases, in smaller communities, the fire department cannot talk to the police department. We need a better dispatch system. We need better communications systems. We need, frankly, to be doing this on a statewide and national basis. But the communities do not have the resources to do it alone.

We hear about training, not only having a trainer come in—whether it is for bioterrorism, whether it is other types of training that is needed—but we are hearing from local law enforcement and others that when you have a training certification, and you take 10 police officers away from their normal duties of patrolling our streets and keeping the citizens safe, and they sit in training, no matter how important it is, the police chief still has to replace those 10 officers so the citizens remain safe while that is happening, while the training is occurring. That takes additional dollars.

There are multiple costs to training that we need to be supporting in order to be able to get this done as quickly as possible and as thoroughly as possible. And certainly we need additional personnel, different kinds of personnel, in our local communities.

I am sure my colleagues have received many letters. I have received many letters in addition to the personal conversations that I have had with people across Michigan. Let me share parts of a couple letters from mayors in Michigan.

The mayor from the city of Birmingham wrote to the President and sent me a copy:

> Mr. President, I am writing to express my deep concern that funding for first responders promised nearly a year ago has still not been provided to America's cities, towns and villages. As you know, the nation's local municipalities have carried the burden for homeland security during the 15 months since the September 11 attacks, with only the promise of federal support.

This was written back in December.

> The absence of federal funding for police, firefighters and emergency response staff has been a disappointment for many city leaders across the country as their concerns were voiced at the recent National League of Cities conference held earlier this year.

I have a similar letter that has come from the mayor of Cadillac, in northern Michigan, again expressing grave concerns and saying:

> At the recent National League of Cities conference in Salt Lake City, city leaders from across the country voiced their deep disappointment regarding the absence of federal funding for police, firefighters and emergency response staff.

The city of Fenton, in Michigan, the city of East Lansing, in my own home county—mayors, county officials, police chiefs, sheriffs—and of both parties; this is not Republican and Democrat; this is not urban and rural; this is not a question of one part of the country against another—everyone, every community is saying this same thing.

I am deeply concerned not only about past actions but what is occurring right now in this current budget bill that we will have in front of us tomorrow.

Let me, first, indicate and remind us that last summer we passed an emergency supplemental that included $2.5 billion, passed by the Senate with bipartisan support, passed by the House with bipartisan support, and sent to the President, an emergency supplemental including $2.5 billion for local communities. It was on the President's desk. All he had to do was sign it. And he would not declare it as an emergency and would not sign it and release the funds.

We have come back again and again. Twice this last month, in January, Senator BYRD stood in this Chamber and eloquently spoke about the needs of communities and first responders. Again, we could not get the support.

And now in the omnibus budget bill that will be coming before us, despite a unanimous Senate appropriations vote back last July on a series of items that deal with transportation security, border security, community policing, Federal emergency management, firefighter grants, equipment and communications, emergency operations, port container security—and on and on and on—we now have in front of us a bill that, in fact, will cut from that amount supported unanimously by the Senate Appropriations Committee $4.4 billion from homeland security from what we passed, what the Appropriations Committee passed and recommended to us last summer based on the needs presented to them from communities.

We could go down the list. I am deeply concerned when I see the cuts in community policing, the firefighter grants, the inoperable communications equipment grants, which I am hearing so much concern about, emergency operations, et cetera.

It is time for us to act. It is time for us to hear what our communities are saying. I urge my colleagues to join with us in making sure we truly keep our communities safe.

The PRESIDING OFFICER. The time of the Senator has expired.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 1 p.m., recessed subject to the call of the Chair and reassembled at 2:07 p.m., when called to order by the Presiding Officer (Mr. ALEXANDER).

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—*Continued*

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

(The remarks of Mr. EDWARDS pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will discuss the topic on the floor, the nomination process.

It is interesting the Senator from North Carolina has a bill he thinks is important and probably is important, yet questions are not able to move forward on any of those bills because we are tied up in doing something that is not at all useful, not at all productive, but it continues. Those important things we have to do are not being done, and as a matter of fact will not be done, apparently, for some time.

I rise more to talk a little bit about the disappointment I have in the process in which we find ourselves. There is not much point in talking about the nominee, Mr. Estrada. He has been talked about forever. I can't think of another thing that could be said that has not already been said. What we can do is talk a little about the process being created. Talk about the obstruction that is taking place and the Congress that is faced with a great many important issues we need to get considered.

We all recognize in any issue, particularly of a nominee, it is perfectly legitimate that people have different points of view. That is not unusual. Indeed, that is the way it ought to be. It also is appropriate for people to come to the floor after the committee has acted and to share those points of view and to do whatever they feel appropriate to try and convince others to share that point of view. That is the way it is supposed to be. Finally, after that is done in a reasonable limit of time, we have a vote, an up-or-down vote, so those who feel one way can vote one way, those who feel the other can vote the other. Not a very unusual process. On the contrary, it is the very well-accepted process.

That is not what has happened here. That is not what has happened.

As has been said before, it is time to move forward. It is time to move on. It is time to deal with the dozens of other important issues out there for this country and for the people of this country, issues that to people in the country are much more meaningful and have more to do with their business and welfare than we have here. I cannot imagine there is more to say from the other side of the aisle in opposition. They are opposed; fine. That is fine. They are able to convince anyone else? I don't think so. We have been working on this for about a week. It looks as if we will be here some more.

It is very disappointing for those who would like to do things that are most important to do. Among other things, of course, the White House has responded. The letter was sent to the President renewing the request to him for confidential judicial memoranda that have never before been released. The response of Mr. Gonzales, the counselor to the President, basically indicates they respect the Senate's constitutional role in the confirmation process, and they agree the Senate must make an informed judgment consistent with the traditional role and practices. However, requests for these kinds of papers have no persuasive support in history and the precedent of judicial appointments. It is not there. It has not been done.

Relevant history and procedures convincingly demonstrate that would be shifting standards. There is no basis for doing that.

In conclusion, the President's counselor said: Miguel Estrada is a well-qualified, well-respected judicial nominee with very strong bipartisan support. Based on our reading of history, we believe you have ample information about this nominee and have had more than enough time to consider questions about his qualifications and his ability. We urge you to stop the unfair treatment and the filibuster and allow an up-or-down vote to confirm Mr. Estrada.

I agree with that. Certainly, that is the case. I am not here to talk about the legal aspects of it, just the operational aspects of it, and make it clear, this man was before the committee from 10 in the morning until 5 in the evening, answering all the questions, answered written questions subsequent to that, and we continue to carry on with it.

It is interesting that a number of newspapers throughout the country who generally do not get very involved in these things have in this case. The St. Louis Post-Dispatch editorial, entitled "A Filibuster is No Fix," said:

> Democrats are trying to decide whether to filibuster the nomination of Miguel Estrada to the powerful federal appeals court for the District of Columbia. They consider Mr. Estrada a stealth conservative who is being groomed for the U.S. Supreme Court as a Hispanic Clarence Thomas. The Democrats' fear may turn out to be valid. But the filibuster is the parliamentary equivalent of declaring war. Instead of declaring war, the Democrats should sue for peace and try to fix the process.

That is the St. Louis Post-Dispatch.

The Atlanta Journal-Constitution:

> Miguel Estrada, a Harvard-educated lawyer who has argued 15 cases before the Supreme Court, is well qualified for the federal appellate bench. Democrats, who are threatening to stall a vote on this confirmation, are choosing the wrong target.

The Florida Times-Union:

> If the system were functioning as the founders intended, Miguel Estrada would be confirmed quickly to the federal D.C. Circuit Court of Appeals.
>
> He is extremely qualified in both education and experience—and the American Bar Association unanimously ordered its highest possible rating.

We heard all that. We know that.

People out in the country are saying this is not the right process. We have been through this. We have had enough. We need something different.

The Tampa Tribune:

> Leading the charge are committee members picked by the Democratic leadership precisely because of their ideological bent. Until the new Congress was seated, they thought nothing of thwarting the constitutional mandate that gives the Senate—the full Senate—the advise and consent power over the judicial nominations.

So it goes on, and most remarks are very similar all over the country. The Washington Post, not known for its conservatism, particularly, has indicated this is not the way. This nomination in no way deserves a filibuster.

It is not just being talked about here, it is pretty much all over the country.

I go back to the point I made in the beginning, that we have a lot of things to do. We are supposed to be dealing now, and hopefully, today or tomorrow, we will deal with the 11 appropriations that were not passed last year. We have been operating almost half of this year on CRs, instead of doing what we are supposed to do with appropriations.

Certainly, as the Senator discussed, we have homeland security at a new threat level. I can't imagine people in the country are thinking more about this nomination than they are about terrorism and homeland security and the economy and health care and pharmaceuticals. Where do you suppose this would rate among those things? Or national energy policy, which again we didn't do last year because it was pulled out of the committee.

We had a pretty dysfunctional Congress last time. Now we have a chance to move forward and do some things, and we are blocking ourselves by carrying on this kind of conversation.

Mr. Estrada has had a full hearing, under both Republican and Democrat control. There is nothing left to say. It is time to come to the snubbing post and decide for or against. It is time to have an up-or-down vote. We have been considering this nominee since last week. Obviously, it is becoming nothing more than a delaying tactic. We owe the nominee, we owe ourselves, we owe the American people a decision, and then to move on to all those other issues that confront us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I concur with everything just stated by Senator THOMAS. We have been debating this nomination, now, for over a week. As a new Member of this body, and as a new member of the Senate Judiciary Committee, I have a difficult time understanding, as a lawyer, why the delay when you have an individual who has the qualifications this man has, who has the legal background this man has, who has the legal training this man has—both from an educational standpoint as well as a practical standpoint, having practiced law.

He clerked for a judge. He was involved with the Government side of practicing law, being in the Solicitor General's Office. He argued cases at the appellate level, at every appellate level all the way to the U.S. Supreme Court. He has been very successful at every level in his judicial career. Why, just from a purely legal standpoint, we have not already moved to a vote on this man is just beyond me.

But it goes a little further than that. Miguel Estrada is a true success story. He is a man who, if anybody ever lived the American dream, is living it. He is a man who, at 17 years of age, came to the United States from Honduras speaking very little English. He is a man who was not self-taught but who entered the educational system in this country and took advantage of that educational system, just the way all Americans subscribe to do.

This man not only had a great academic record but he went on to law school at Harvard University and was editor in chief of the Law Review.

As a law school student at the University of Tennessee—where the Presiding Officer formerly served as president—I did not make the Law Review. I worked hard, but I didn't quite get there. But here is a man who achieved great success. Anybody who is editor in chief of the Law Review at any school of law is the most outstanding student in his class at that law school—in almost every situation. Miguel Estrada achieved that pinnacle in his education career.

He then went on to clerk for a judge, and not just any judge, he clerked for a judge at a very high level. Then, as I said, he went to work for the Federal Government, as an assistant to the Solicitor General, not just in a Republican administration but also in the Clinton administration.

So he is not a judge who should be perceived in any way as an activist, particularly a conservative activist. I don't look at other graduates of this great institution, graduates from Harvard, who are particular activists. They are good solid citizens, but they are not conservative activists, certainly. To perceive Miguel Estrada as an activist—I have heard him so characterized—certainly doesn't fit the man when you look at his background.

I want to highlight a few things about Miguel Estrada. He is truly an American success story who represents the mainstream of American law and American values. He came to this country, at age 17, an immigrant from Honduras, speaking very little English. He has risen to the top of his profession, a magna cum laude graduate of Harvard Law School, law clerk to Supreme Court Justice Anthony Kennedy, Federal prosecutor in New York, Assistant to the Solicitor General of the United States for 1 year in the Bush administration and for 4 years in the Clinton administration, and leading appellate lawyer at a national law firm.

Miguel Estrada has argued 15 cases before the Supreme Court of the United States, including 1 case in which he represented a death row inmate pro bono.

He has strong bipartisan support from prominent Democrats, including many high-ranking officials in the Clinton administration such as Ron Klain, Seth Waxman, Bob Litt, and Randy Moss.

The American Bar Association unanimously rated Miguel Estrada well-qualified. That is its highest possible ranking.

Miguel Estrada has strong support in the Hispanic community, including from LULAC, the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, and numerous other Hispanic organizations. This is truly a very historic appointment.

If confirmed, Estrada would be the first Hispanic ever to serve on the DC Circuit Court. Many consider the DC Circuit Court to be the second most important Federal court in America. Miguel Estrada's nomination has been pending now since May 9, 2001. We should bring this nomination to the floor of this body and let it go for an up-or-down vote.

Those who have been very vocal and emotional and very passionate, pleading against the confirmation of Miguel Estrada, will have their day. They can vote no. But this man, and America, deserves to have a vote on this very well qualified lawyer, and a very well qualified man.

Those of us who believe strongly that Miguel Estrada should be confirmed will also have our day. We will have our opportunity to stand up and say: You have earned this, Mr. Estrada. You have earned the right, not just to have your nomination brought to the floor of the Senate, but we think you have earned the right to be confirmed to the Circuit Court for the District of Columbia.

You have been here in America for now over 25 years. We think you have worked hard to achieve the educational benefits that have been afforded to you. We think you have worked hard to come from a very lowly—not necessarily menial background, because I don't know all the details of his background, but I know Honduras is a very poor country. I know he started out with a very rough, hard life before he came to America—and probably for awhile after he got here.

But he has taken advantage of the opportunities that were presented to him, the same opportunities that everybody in this body has had over the years, to achieve an education and a profession in America—America, the land of the free and the home of the brave. This man chose to come to our country and abide by all of the laws, take advantage of the opportunities that were afforded to him, and he has done that. He has achieved great success.

Everybody who has written in support of him and from the standpoint of folks who have worked with him, both Republicans and Democrats, have said two things consistently about this man.

First, from an intellectual standpoint, he is second to none. He has all of the intellect necessary that would be required of any member of the bench.

The second thing that has been said about him by every individual Republican or Democrat that has written and who he worked for is that this man is one of the hardest working men and one of the most dedicated men they have ever had in their employment. That is true, irrespective of whether it is the law firm in which he has worked, whether it is the judges he has clerked for, or whether it is the individuals in the Office of the Solicitor General for whom he worked. They have been very consistent in stating that this man deserves to be confirmed by this body.

We have just had another hearing this morning on another set of judges before the Judiciary Committee. I went to the meeting this morning with the idea that we were going to vote out a minimum of three judges who have been appointed by President Bush for circuit courts in different parts of the country. When I got to that meeting today, it became very obvious that the same folks who are opposing Miguel Estrada's confirmation on the floor of the Senate did not want those nominees to be voted out of the Judiciary Committee today. We did, in fact, wind up voting out 1 nominee, but we left on the table probably 8, 9, or 10 other judges who should have been voted out. There was no reason not to vote those judges out.

But once again, it was a dilatory tactic being imposed on the judicial system in this country by the same folks who are now opposing Miguel Estrada within the Judiciary Committee who decided we should not vote those nominees out.

I just do not think that is right. I don't think that is the real system that our forefathers intended us to operate under when it comes to the appointment of judges to the Federal bench in this country.

I say in closing that I am overwhelmed by the opportunity to serve the people of my State in this great institution. I am in awe of the individuals with whom I serve here on both sides of the aisle who I know are very passionate. They are here for the same reason I am here; and that is, to make America a better place for us and for our children to live.

But I don't understand sometimes why we take issues such as the confirmation of Miguel Estrada and delay and delay and delay and obstruct and obstruct and obstruct at a time in the history of our country when we are fighting to win the war on terrorism—when we are literally under siege.

If you go outside today on the streets of Washington, DC, you see police cars on virtually every corner with their lights flashing indicating they are on high alert. At a time in the history of our country when we are on the brink of possibly going to war and putting young men and women who wear the uniform of the United States of America in harm's way, I just don't understand. And the people who are calling my office don't understand why we are not dealing with issues of that nature instead of seeing the obstructionist attitude that is taking place on the floor of the Senate.

I certainly hope we are able to conclude this debate which has been long lasting now for over a week. There has been much said on both sides of the aisle about this man. I think it is time to bring the nomination of Miguel Estrada to a vote. Let those folks who have been vocal and have been emotional cast their vote in the way they think is proper and let those of us who believe—I think a majority of us do believe—he is qualified and he ought to be confirmed have a vote to confirm Miguel Estrada to the Circuit Court for the District of Columbia.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to speak about the nomination which, sadly, strikes me as, frankly, an arrogant nomination and an anticonstitutional nomination of Miguel Estrada to be the very first "secret" judge ever nominated for the U.S. Court of Appeals for the District of Columbia, or for any other court in the Federal system.

Over the past few days we have had a considerable amount of debate on this nomination. While I believe the debate has been good, I have been troubled by several of the accusations put forward about the nature of the opposition to the nomination of Mr. Estrada. I wanted to come to the floor today to discuss this nomination.

Let me set the record straight about what this debate is about and what it is not about.

First, this debate is not about obstructing President Bush's judicial nominee. Under Senator LEAHY's leadership, Democrats have had a remarkable record of approving President Bush's nominees to the Federal court. While Democrats controlled the Senate, we confirmed more than six nominees per month. The rate of confirmations by the Republican-led Senate was much lower in comparison—3.2 nominees confirmed per month during the 104th Congress; 4.25 nominees confirmed per month during the 105th Congress; and 3.04 nominees confirmed per month during the 106th Congress. In fact, the Democrat-led Senate confirmed more nominees in 1 day than the Republican majority confirmed during the entire 1996 session.

On November 14, 2002, the Senate confirmed 18 judicial nominees. In 1996, the Republican majority allowed only 17 district court judges to be confirmed and did not confirm a single circuit court nominee.

Some of the outrage and some of the expressions of self-righteousness, if you will, strike me as badly put.

Personally, I have voted for more than 98 percent of President Bush's judicial nominees—98 percent—including three judges who were unanimously confirmed earlier this week—all conservative Republican judges, no doubt, with my support and my vote.

The record demonstrates our commitment to move qualified nominees quickly through the hearing process and to have a vote on the floor in order to fill the backlog of vacancies on the Federal bench that was created, frankly, by a failure to confirm President Clinton's judicial nominees.

Let me also state—I am saddened this has to be even raised in this Chamber—that this debate is not about race. I have heard some colleagues say the only reason the Democrats are opposed to Mr. Estrada's nomination is that he is Hispanic. Nothing could be further from the truth. Closer examination of the facts reveals what I think everybody knows; that is, the Democrats have a solid record when it comes to approving Latino candidates to the bench. In fact, 80 percent of the Hispanic appellate judges currently serving were appointed by President Clinton.

During the 107th Congress, Democrats held hearings and swiftly confirmed six of President Bush's Hispanic judicial nominees—six of President Bush's Hispanic judicial nominees approved by a Democratic Senate.

Using race as an issue in this debate is a red herring. And that is a kind way to put it. To understand this, you have to only look at the ever-growing list of Hispanic organizations that have expressed their strong opposition to Mr. Estrada's nomination—the Hispanic organizations that have expressed their opposition to Mr. Estrada as a "secret" nomination. These groups include the Congressional Hispanic Caucus, the Mexican American Legal Defense Fund, the Leadership Conference on Civil Rights, and the Puerto Rican Legal Defense and Education Fund, to name but a few.

To claim that Democrats oppose Mr. Estrada's nomination based on his race is offensive, and it is not worthy of the great traditions of this Senate.

So if the opposition to Mr. Estrada's nomination is not about obstructing President Bush's judicial nominees or about race, then what is this debate about? Simply put, it is about the constitutional duties of the Senate.

When I was sworn in to this Senate, with great pride, great conviction, I swore an oath to God to uphold the Constitution of the United States. Article II, section 2, of the U.S. Constitution gives the President the power to appoint judges with the "Advice and Consent of the Senate." I take this responsibility very seriously.

The Senate is not a rubberstamp for the nominations of a President—Republican or Democrat. The Senate has a coequal role to play in the approval of nominees from a President. The Constitution requires this body to play that role.

I must follow my constitutional duty to carefully scrutinize each nomination as it comes before the Senate. I render my best judgment as to whether or not the individual is fit and qualified to serve on the court to which he or she has been nominated.

In order to make that judgment, I rely on material provided to the Senate Judiciary Committee by the nominee, his or her legal record, and independent analysis of outside organizations, such as the American Bar Association. In addition, I use the statements and responses to questions put to the nominee during his or her confirmation hearing. All of these sources allow me to make an informed decision on each nominee's qualifications to serve.

I have attempted to follow this process as I have examined Mr. Estrada's nomination, as I have the dozens and dozens and dozens of previous President Bush nominees for whom I have voted, conservative Republican judges, and I voted for them with pride.

But throughout my time in the Senate, I have never seen a nominee with more of a stealth record than Mr. Estrada. Despite a full hearing by the Senate Judiciary Committee, there is simply not enough information about Mr. Estrada's judicial views for me to be able to fulfill my responsibility of advice and consent.

Let me take a few moments to outline Mr. Estrada's failure—utter failure—to provide the information necessary to confirm his nomination to the U.S. Court of Appeals for the District of Columbia.

We are talking here not about a Cabinet position, a political position that will come and go. We are talking about the approval of an individual for a lifetime appointment, someone who will serve in the second highest court of the land for the rest of the lifetimes of many of us here in this body.

First, during his confirmation hearing, Mr. Estrada refused to comment on a single Supreme Court case. Now, this is an individual who has never served on the bench and so has no record on the bench. He has not been an academic scholar, so he has no writings that are publicly available for anybody to review.

Most other nominees have long experience either on the bench or in academia, and we can examine their record with great scrutiny. I may approve or disapprove of their views on one thing or another, but at least I know what their views are. And overwhelmingly I have voted for them because I knew what their views were. I may have disagreed with some of their views but, nonetheless, found them to be competent, capable individuals for whom I could vote.

But in this instance, Mr. Estrada refused, and has no other record, and refused to comment on a single Supreme Court case. While I understand that nominees often do not like to comment on cases and issues that one day may be appear before them—and I understand that, certainly—Mr. Estrada refused to give the committee a single example of a Supreme Court decision that he disagreed with throughout the entire history of the U.S. Supreme Court.

Mr. Estrada may not want to create a record for himself by stating his views on a controversial case such as Roe v. Wade—I understand that—but did his coaching to avoid answering questions include commenting on, say, the Dred Scott case? Rather than addressing the issue, he simply refused to give the committee an answer.

Several attempts were made by members of the Judiciary Committee to get Mr. Estrada to elaborate on his approach to legal issues. Despite being asked specific questions about his judicial philosophy, he refused to give the committee an answer—refused. Even when asked to name a single judge—living or dead—whom he admires or would like to emulate, he refused to give the committee an answer.

Finally, members of the Judiciary Committee have asked Mr. Estrada to provide the Senate with legal memos or other analysis which he has prepared in the past and which could possibly shed some light on his judicial thinking. So far, Mr. Estrada has refused to provide this additional information as well.

One of our colleagues has argued that this request for information is merely a delaying tactic or beyond what is truly needed to confirm Mr. Estrada. Yet our Republican friends had no problems asking Democratic judicial nominees for extensive documentation. This included asking Marsha Berzon, nominated to the Ninth Circuit, for the minutes to every single meeting of the California ACLU during her entire membership period with that organization. It was argued, then, that such information was required by the Senate to be diligent in examining the qualifications of judicial nominees.

If this type of information was necessary to confirm judges in the past, I believe it is fair to ask Mr. Estrada to supply enough information to the Senate to help us understand his judicial philosophy. No stealth judges. No secret judges.

Conservative Republican judges? Yes, of course. President Bush is President of the United States. He is our President. He has the opportunity and the authority to nominate these individuals to the bench. And they have been overwhelmingly approved by this Senate, Democrats and Republicans alike. That is not the question.

The question is, What kind of precedent are we going to set to begin to approve individuals to lifetime appointments to the bench while having utterly no concept of where the individual is in terms of his judicial philosophy?

Mr. Estrada may well be qualified to serve on the U.S. Court of Appeals. He may well be qualified. Unfortunately, it appears he has been coached, he has been advised to say nothing, to elude all questions, and to avoid providing the Senate with any information that would help us to construct an opinion about his thoughts on judicial issues.

I ask each of my colleagues to consider the precedent we will set for future Presidents, future nominees, and, indeed, for this Senate if we confirm a nominee who has refused to provide the Senate with sufficient information. I fear it is a step toward making the Senate merely a rubberstamp for this or any other President's nominations and would, in fact, be an abrogation of our constitutional duties.

We swore an oath to uphold the Constitution of the United States, not to surrender the role of the Senate's responsibilities for advice and consent. The precedent that would be set here would lead to a circumstance where Presidents, perhaps of both political parties, in the future would routinely nominate people to the bench who had some ideological ax to grind, some out-of-the-mainstream judicial views, but who had never sat on the bench before. It would be considered to be a disadvantage to have served on the bench before. It would be considered to be a disadvantage to have been a scholar and written about your views. And we would wind up getting a succession of these stealth candidates who had no record and who also, on top of that, refused to respond to the Senate relative to their judicial philosophy. This would be catastrophic to the integrity of the Federal bench.

Unless we are able to get more complete information, I will vote against Mr. Estrada. My vote is not based on race. I am proud to have voted for Hispanic nominee after Hispanic nominee. That is not the question. Nor is it an attempt to block President Bush's nominees because I am proud of the dozens and dozens and dozens of President Bush nominees for whom I also have voted.

Even though I may have disagreed to some extent with their political and judicial philosophy, at least I understood where they were coming from, and I knew what they were. They seemed to be, in my best judgment, largely in the mainstream of contemporary American jurisprudence.

I will vote against Mr. Estrada because I believe it would make a mockery of my constitutional obligation for advice and consent to confirm a nominee to a lifetime appointment to the appellate bench, the second highest court in the land, who has refused to answer basic questions and who has no record. What a precedent, what an ugly precedent it would be for this Nation to accept that. This Senate deserves better. The American people deserve better.

I lay before my colleagues my rationale for taking this position on this particular individual. It is my hope that never again will we see this kind of stealth, secret process, this assumption that the Senate will abrogate its advice and consent obligations brought before this body.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

TONGASS LAND USE MANAGEMENT

Mr. STEVENS. Mr. President, the appropriations bill, the omnibus bill, as we call it, will be here soon. I wanted to comment about stories pertaining to a provision I have in the bill and the change I sought to make in it.

The Tongass language in this omnibus bill that will come back to the Senate is the same language in the bill when it passed the Senate. It was not challenged in the Senate. The language provides that the record of decision for the 2003 supplemental environmental impact statement for the 1997 Tongass Land Use Management Plan shall not be subject to administrative appeal or judicial review.

During the consideration of the omnibus bill, I did suggest some modification of that language. It led to considerable discussion in the press. I might add there are a whole series of provisions in this bill as it comes back that were modified in conference by many Senators, many Members of the House of Representatives. The process by which we do that in many ways has been discussed by other Senators. At a later time I want to discuss the process by which Senators comment upon the work of other Members of the Senate.

In any event, for instance, in the Los Angeles Times, Senator BOXER said:

> The stewardship proposal could allow logging of 10 million acres in California if the riders remain in the bill. I intend to discuss them at great length on the Senate floor.

My amendment did not apply to California at all.

The Senator from California also is reported as saying in another release I have that:

> This is a dangerous backdoor attempt to silence the public, states, and localities, and to stop our citizens from going to court to protest these destructive riders.

The provision to stop going to court was in the Senate bill.

In another article in the Grand Forks Herald, there is this statement:

> The riders would remove Alaska's Tongass and Chugach forests from protection under the national roadless policy and require the Forest Service to offer timber sales to meet market demand regardless of the effects on habitat and the forests' other resources.

I could go on and on with these articles that are in the papers and in the news releases throughout the country.

What I want to do is set the record straight on what the situation is in the Tongass and how we got where we are today. It is a long saga. It takes a little while to relate to the Senate.

In 1997, after 10 years of planning and $13 million of the taxpayers' money, the Tongass Land Use Management Plan was completed. I opposed that plan because it contained drastic reductions in the timber harvest. I thought the levels were much lower than they needed to be. There were numerous scientists who found the Tongass could sustain far greater development support than what was included in the report.

Today, just 6 years later, that plan seems like the golden age of the Tongass timber industry. I now find myself defending that plan, which Democrats and environmentalists then supported because those same extreme environmentalists and their friends from the previous administration have done so much damage to Alaska's timber industry since that time.

The Tongass Land Use Management Plan reduced the allowable sale quantity (ASQ), for the Tongass to 267 million board feet. That is the plan I am talking about that we are now defending. Of the allowable 267 million board feet of timber, less than 220 million board feet would be economically harvestible under the plan. It provided access to only 676,000 acres of the 17 million acre Tongass National Forest.

Furthermore, it established that timber harvesting on Federal land would be managed over 100-year and 120-year rotations. These rotations provided more than enough time for forest revitalization.

The Tongass is the only forest in Alaska in which timber may be harvested. I call the Senate's attention to this. Our other forest, which is 5.5 million acres, the Chugach, is under a forest management plan which has reduced timber harvesting to zero. This renders the Chugach forest almost completely closed to logging. There are some small inholding tracks that could be logged, but none of them are being logged, to my knowledge. Last year less than 1 million board feet of salvageable timber ravaged by disease was sold from the Chugach. There is no real commercial harvest there.

Many groups and individuals frame the current debate about the Tongass as an argument about whether or not the forest should be saved. The terms of the 1997 plan made by the Clinton administration make it clear that framing the issue this way is very misleading. The 1997 plan set aside 93 percent of all forested areas in the Tongass National Forest in my home State.

Under the Tongass amendment I asked Congress to approve, that land will remain completely untouched. It will not touch any of the land, 93 percent, that is reserved, set aside. It would remain completely untouched. Clearly the vast majority of the Tongass has already been saved for future generations. Yet they want more. There is 7 percent of the forest that is still open to logging under the agreement made in 1980.

My State's timber industry has experienced a swift decline, threatening thousands of Alaskan families who depend upon that industry for their livelihood. Today timber communities in southeast Alaska have been devastated by unemployment due in large part to jobs lost in the timber industry. I point out to the Senate this bill we will vote on tonight will contain $3.1 billion for the farm community that has been devastated by about a 15 percent reduction in income. My timber industry will receive nothing even though it has been totally devastated by the actions taken by the Clinton administration.

The Tongass once supported 4,000 timber jobs. Today two-thirds of those jobs have disappeared, and all of them will disappear if the roadless policy is applied to the area set aside for logging in the Tongass format and the Tongass Land Use plan.

In the last 10 years, diseased supply and frivolous lawsuits waged by extreme environmental groups have led to the closure of all of our pulp mills. There is not a single pulp mill left in Alaska. When those mills closed, they took southeast Alaska's best jobs with them. I hasten to point out, as I said, when farming fell 15 percent, Congress declared a disaster. That is $3.1 billion we put up for the farmers. They are no different than loggers. The only difference is, loggers have been affected by actions of the Department of Agriculture. It is the Department of Agriculture that asks us to protect the farmers.

The situation in the Tongass has not only cost us thousands of jobs, it has also cost the Government valuable tax dollars. The Government may soon have to pay the Alaska Pulp Company $750 million for the Clinton administration's illegal cancellation of timber contracts in the Tongass. That money should be paid to Alaska's workers.

The rapid decline in Alaska's timber industry is due to two main causes: the Clinton administration's policy barring logging and roadbuilding on 58.5 million acres of national forest, including the Tongass, and frivolous lawsuits brought by the multibillion-dollar environmental lobby in an effort to lock up public resources on public land.

First, let me talk about the plan implemented by the Clinton administration's final days in office. When Congress passed the Tongass Act in 1947, we set what we called the ASQ level for the Tongass at 1.38 billion board feet per year. That level was slowly eroded. In 1980, the level was reduced to 450 million board feet per year under the Alaska National Interest Lands Act. In 1997, the Tongass land management plan further reduced the level to 267 million board feet. By 2001, the harvest level in the Tongass was only 48 million board feet—from 1.3-plus billion board feet to less than 48 million board feet. When you talk about a disaster, clearly this drastic reduction is one of the most serious disasters for the timber industry.

To give my fellow Senators some perspective, Southeast Alaska has more than 18 million acres of forest land, 95 percent of which is in a national forest and only 850 timber jobs left today. Arkansas has 19 million acres of forest land, 8 percent of which is national forest and 43,000 timber jobs.

Pennsylvania has 17 million acres of forest land, 2 percent of which is in a national forest, and 82,000 timber jobs.

New York has 19 million acres of forest land, 4 percent of which is national forest, and 51,000 timber jobs.

Last year, while Alaska harvested 34 million board feet, New York harvested nearly 900 million board feet of timber.

This history and disparity between how national forest lands are administered in other States and how they are administered in Alaska shows that reductions in the ASQ levels are unfair, unreasonable, and unlawful.

The 1980 Alaska National Interest Lands Conservation Act provided the proper balance between protecting and preserving Alaska's heritage and providing economic and social opportunities to the people of the State of Alaska. That 1980 Act specifically prohibited the changes the Clinton administration made to the Tongass management plan in 1999. Section 708(b) of the 1980 Act specifically states that there will be no "further statewide roadless area review and evaluation of national forest systems lands in the State of Alaska" without the express authorization of Congress—none. We call that one of the "no more clauses." That was the one concession Congress gave to us when it withdrew over a hundred million acres of our State for national interest lands and disallowed any type of development by the people of the State of Alaska.

Section 1326 of that same act—again, deemed the "no more clause"—prohibits review of any future conservation area greater than 5,000 acres without congressional approval. Clearly, the study of the 18 million acre Tongass was not authorized; it was not previously reviewed by Congress.

The roadless plan was first announced by the Clinton administration in 1999. I hope Senators will listen to this. In the fall of 2000, I received a call from the Clinton administration assuring me as chairman of the Appropriations Committee and the Senator from Alaska that the Tongass would be excluded from the roadless plan. The proposed rule upon which hearings were held specifically excluded Alaska.

Let me consider that now, and I hope the Senate will consider it. As chairman of the Appropriations Committee, the Clinton administration sought my help on many issues in the year 2000 as we considered the 2001 appropriations bills. I was in a position then to hold them to their commitment on the roadless areas.

After the election was over and the appropriations bills had passed, President Clinton personally applied the roadless plan to the Tongass by Executive order. It was not included in the proposed rule upon which hearings were held, but at the last minute the President personally added Alaska to the plan.

In their rush to lock up Alaska on their way out the door, the administration ignored the concerns of my State, the Alaskan Natives, and our timber communities, and they specifically violated the law.

Lawsuits brought by extreme environmentalists have created an equally troubling situation. The lawsuits have forced the Forest Service to keep revising its plans. The groups filing these suits are abusing the National Environmental Policy Act, an act which I cosponsored along with Senator Jackson in the 1970s.

As a cosponsor, I believe I knew the original intent. When we passed that act, we intended it to be used to assess the environmental impact of major Federal decisions. Radical environmentalists have used it to create an absolute barrier to resource development or commercial use on any public lands.

Each time we complete an environmental impact study, it costs the taxpayers up to $10 million and locks up public resources for years. In effect, this practice has created a class of professional environmental lawyers whose only practice is to prevent the utilization of resources on public lands.

I have been a lawyer for 50 years and I have never seen such development. I have never seen such single-minded people who use a law designed to protect our environment to produce income for themselves, at a cost to the taxpayers and the people of this Nation.

No one seeks to limit due process or debate on these issues, but the extremists have exhausted the time period for a reasonable review process. I ask colleagues to remember new roadless areas are illegal in Alaska under these clauses I have read, unless specifically approved by Congress. This would not even be an issue if the Clinton Justice

Department had raised the "no more clause" when they defended the Tongass land management plan in Federal court. Neither did the Federal district court judge.

Mr. President, I have a letter from the Ketchikan Gateway Borough, one of our major political subdivisions in Alaska. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KETCHIKAN GATEWAY BOROUGH,
OFFICE OF THE BOROUGH MANAGER,
Ketchikan, AK.

Re: Amendments relating to Tongass timber issues

Senator TED STEVENS,
Hart Building, Washington, DC.

DEAR SENATOR STEVENS: On behalf of the Ketchikan Gateway Borough, I would like to thank you for your efforts at bringing closure to what has become a decade long dispute crippling the economy of many Southeast Alaska communities, Ketchikan included.

Specifically, with TTRA in 1990, the intent was to bring peace and stability to the timber industry, providing enough timber to meet the demand, and not overproducing and unbalancing normal market forces. The result, however, was an ineffective provision. The phrasing "seek to meet" demand was interpreted in a way which resulted in the demand not being met, and led to a downward spiral of ever reduced capacity and employment. Removing the words "seek to" from this provision would go a long way toward helping the economies in Wrangell, Ketchikan, Prince of Wales Island, and throughout Southeast Alaska recover from the adverse impacts of the prior error.

Second: In addition to the restrictive effect which the "seek to meet" language has had on timber supply, the uncertainty caused by protracted litigation over both the 1997 ROD and the Roadless Rule issues has brought the timber industry almost to a standstill. It has constricted the timber supply to the point where unemployment is threatening the viability of communities. New investment for more environmentally friendly secondary processing is difficult to secure because of the uncertainty as to timber supply and the effect of litigation on the ability of the Forest Service to put out sales.

It has been nearly 6 years since the issuance of the 1997 ROD, a planning document which took nearly a decade to complete. It is time for the decision to be accepted and for people to move on. It will only be a few more years before it is time to begin the next TLMP ROD process. Continuing uncertainty caused by protracted litigation over land use plans is killing the economy in Southeast Alaska. The Ketchikan Gateway Borough has lost nearly 10 percent of its population since 1996, and 2 percent just in the last year. Review of individual sales offers adequate opportunities for appeals if there are issues requiring review.

Third: In regard to the Roadless Rule, the whole process was a rushed pre-determined decision. Application of the rule to Alaska, however, stands out as the most significant injustice of the entire process. Throughout the public comment period the proposal was described as clearly not impacting Alaska. It was only after the comments were closed that the final rule was issued to apply to Alaska as well. This is fundamentally unfair and improper. Further, the "no more" clause of ANILCA precludes such an action.

Even if the process were not flawed, the impacts are drastic and unconscionable. If the Roadless Rule were applied here it would virtually guarantee that there would not be any meaningful timber industry employment in secondary manufacture in Southeast Alaska. The amount of timber available from the largest National Forest would end up as exports in the round and small production of likely less than 100 MMBF of sawlogs and chips.

Further, the ability to build new infrastructure or even support existing infrastructure, would be jeopardized. If the economy in the area continues with such constriction and uncertainty there will be additional loss of population and continued increases in social problems associated with poverty.

The Ketchikan Gateway Borough urges you to use your best efforts to ensure the passage of the riders which address these three issues.

Thank you for your attention to this issue.

Sincerely,

ROY ECKERT,
Borough Manager.

Mr. STEVENS. Mr. President, this letter is from Roy Eckert, borough manager, concerning amendments relating to Tongass timber.

I want to put into the RECORD another letter that has been written to the Secretary of Agriculture and signed by Petersburg city council member, of the Recreation/Wilderness Program manager of the Tongass National Forest, Bill Tremblay. It is a factual letter setting forth parts of the comments that I have made. I hope Members of the Senate will read it.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SECRETARY, thank you for receiving other members of the Petersburg City Council. I would like to take this opportunity to join my voice with the other council members in noting our strongest opposition to the recently signed Roadless Area Conservation Policy. I take exception to this as a member of the City Council and as a Forest Service employee. Some action is needed to address the devastating impacts of this decision to the captive communities within the boundaries of the National Forests in Alaska, particularly on the Tongass National Forest in southeast Alaska.

THE TONGASS NATIONAL FOREST, FINDING THE FACTS

The Tongass is almost 17 million acres and is one of the oldest forests in the entire National Forest System. The forest is about the size of West Virginia and has more coastline that the entire west coast in the lower 48. More than 95% is federally owned. The forest has almost 5.8 million acres Congressionally designated as wilderness (19 wilderness areas in all) with another 500,000 acres also designated by Congress for recreation purposes (Land Use Designations II (LUD II) through the Tongass Timber Reform Act of 1990).

Attached is some of the literature used by environmental groups to support the Roadless Rule, I'm providing this to highlight some of the misinformation used to solicit comments. National environmental groups continually portrayed all 17 million acres at risk. Of course the result of this effort was the generation of thousands of postcards endorsing the Roadless Rule. Federal courts have ruled that comments to environmental documents must be timely and substantive. Comments cards parroting misstatements of fact are not substantive. Many of these cards were the basis of Chief Dombecks' assertion that "overwhelming public comments in favor of the Roadless Rule" supported the decision. Decisions affecting the management of our resources are suppose to be based on science, federal policy, and the ability of the lands to sustain the proposed action. If we're going to use vote counting as a method of management then I doubt we need the current organizational structure for the Forest Service.

Just a side note, it was well minded people like these that had the Forest Service respond to the need to protect the "Mendenhall Penguins" during the Forest Planning process for the Tongass. Somehow, someone put a message out noting that such creatures existed at the Mendenhall Icefield near Juneau. As a result, there were several hundred letters mailed to the Tongass Land Management Planning Team. I think a lot of the comments received for the protection of the remaining roadless areas on the Tongass were done with just as much understanding of the issues to be addressed.

Please review the evaluation of the comments carefully. Before the President's decision, I overheard members of a regional environmental organization talking about how they had the phone number for making comments on his speed dial so they could call every morning. The process set forth in the National Environmental Protection Act (NEPA) is not a voting process. Again, allowing for the accumulation of one opinion from one person doesn't meet the test for a substantive comment.

ARE FOREST PLANS DEAD?

In 1999 the Tongass National Forest completed a 13 year, $10 million dollar Forest Plan. To resolve the appeals to the Regional Foresters decision, the final decision was taken away from the Chief of the Forest Service and made by then Undersecretary Jim Lyons. In April 2000, a GAO report on the Process Used to Modify the Forest Plan for the Tongass decision showed that this move, while legal, was unprecedented. I'll also note for the record that Mr. Lyons specifically addressed Roadless in his decision.

After his decision, Mr. Lyons came to Sitka, Alaska to talk with the mayors of the affected communities, and other community representatives. Mr. Lyons, addressing the mayors on behalf of the administration, assured affected communities that the forest plan would provide guidance for the management of the forest for the next 10 to 15 years. Only a few months later we learned that Mr. Lyons was clearly out of touch with his own administration as the Tongass was to be included in the Roadless Rule. The potential inclusion of the Tongass and Chugach National Forests in the Roadless Rule prompted the Governor of Alaska to publicly announce that the State had been "stabbed in the back". The Governor of Alaska is a Democrat and the Republican led State legislature has just voiced their own opposition to the Roadless Rule in passing a bill supporting the Governor's position.

Both actions related to the final forest plan decision and the Roadless Rule fly in the face of other rules filed by the administration encouraging more cooperation at a local level in decision making and the delegation of the decision of Forest Plans down to the Forest Supervisor level. I have been looking over priorities of this new administration and have found their focus on local collaboration and participation is also in concert with these ideas.

The process used to implement the Roadless Rule places the integrity of the Forest Planning process at risk on a National Scale. The Tongass Plan completed and signed in 1997 by the Regional Forester was environmentally sound, scientifically based and legally defensible. The only flaw in the decision was that it didn't meet the values of members of the past administration. If we are going to have local decisions continually made at the Washington level then we need to resend the new planning regulations and reissue the new procedures to follow to be fair to the public.

THE ROADLESS RULE DOCUMENT

The Roadless Rule FEIS failed miserable in its contents. Many of the points made in the analysis were flawed, inaccurate, incomplete, and not site specific as is required by the CFR's for an environmental analysis. The problems in the analysis should have been identified in the review of the document by the Council on Environmental Quality (CEQ). However, since Mr. Frampton was the head of the CEQ at the time, there wasn't concern about the content and more on the outcome. When a delegation of mayors met with Mr. Frampton, Secretary Glickman, and other in early December, it was evident to them that Mr. Frampton clearly was in charge of the process.

ECONOMIC IMPACTS ANALYSIS

One example of the poor analysis was in the discussion of the economic impacts of this decision. The document notes that nationally the impacts are not significant. In specific reference to the Tongass, it identifies the loss of almost 900 jobs direct and indirect) and an estimated $17 million loss of annual income to the region. The document notes that the passage of the Secure Schools Act, which makes up the loss of forest receipts, will help deflect the impacts. If you examine the trends of the impacts to communities of southeast Alaska over the past 5 years you'll see that the money generated from this Secure School Act only mitigates the impacts from the falling receipts from previous years. It does nothing to address the Roadless Rule. Attached is a better depiction of the impacts of the rule as provided to the CEQ by the State Director of the USDA Rural Development Program. After looking at her comments we can see that the impacts go far beyond just the payments to the State. I did attached the USDA State Director's comments to my response to the final FEIS but I cannot see were these were ever addressed in the document.

What is not discussed in the document is how southeast Alaska is unlike other regions in the lower '48 States. Displaced workers in southeast Alaska cannot commute to other nearby communities to look for jobs. Because of the isolation of our communities, people without jobs are more likely to be forced to leave the State.

Arguments in favor of the Roadless Rule note that other areas of economic growth available to southeast Alaska, such as tourism and fisheries. Tourism is growing in southeast Alaska but only through the commercialization of communities as though we were a third world entity. More than 80% of the tourism in southeast Alaska comes from large cruise ships. These ships do drop passengers off in communities to participate in shore excursions, but most of these trips are negotiated by contract prior to the season. The free time given to passengers is generally short and allows enough time to these tourists to shop "locally" in shops. Many shops, that use to be local, are now largely owned by the tour ship companies. (See the attached Southeast Empire where the Skagway economy is discussed.) The season for this activity occurs is normally from the first of May to the beginning to September (about 120 days). This leaves the other 240 days of the year with little to no recreation or tourism economy. May of the service industry workers now follow these companies to other parts of the world to maintain their year round employment. Although there are sales taxes generated and wages generated in the summer season, most of the earned wages leave wit the seasonal workforce so there is a minimal economic multiplier effect. Many communities are now voting in a head tax for these cruise ship passengers to help support the infrastructure of the communities.

The Chugach National Forest in southcentral Alaska enjoys almost year round use because of its proximity to the largest population center of the State, available roads, and better winter conditions. Poor weather conditions and little infrastructure for access virtually eliminates tourism travel from October to early May in southeast Alaska. These facts were not presented in the Roadless Rule analysis and should have been.

The potential growth in fishing is even bleaker. Glacier Bay National Park in the northern area of southeast Alaska has just recently closed itself to fishing in many places traditionally used. Actions taken by the National Marine Fisheries Service to protect the stellar sea lions put more of our local citizens out of work. Farmed fish from around the world has depressed world salmon prices. Other federal actions are also threatening the fishing and recreation industry. Did you know that one of the mitigations proposed in lieu of breaching the three Snake River dams in Idaho was to stop all troll fishing in southeast Alaska? The troll fisheries are generally small businesses, many of them are guides who came to this business when they lost their lumber jobs because of the decisions by our agency to reduce timber harvesting. While many of these actions are outside the scope of the Roadless Rule decision and our agency, they are federal actions that contribute to the negative cumulative effects to our economy but were never addressed in the analysis.

I raised these economic issues in my comments to the Draft Environmental Impact Statement. I cannot say I am satisfied with the results in the FEIS.

EFFECTS TO THE TIMBER INDUSTRY

When I first got to the Tongass in the early 1980's. Congress had mandated that 450 million board feet (MMBF) annually be made available for sale through the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Most of this timber was required to meet our obligations for the two remaining 50-year timber sale contracts. Volume not tied up in the contacts was also made available to independent timber sale operators. ANILCA also resolved the Alaska native lands settlement and the issue of lands the State of Alaska was entitled to through statehood. The settlement of other land ownership combined with poor timber market conditions never allowed the Forest Service to sell more that about 350 MMBF annually for most of the 1980's.

During the initial work in the revision of the Tongass Land Management Plan, Congress modified ANILCA and the timber sale contracts when they passed the Tongass Timber Reform Act in 1990 (TTRA). In this action they also removed the 450 MMBF annual timber target required by ANILCA. The final decision for the Forest Plan made by the Regional Forester in 1997 set a timber harvest level of approximately 286 MMBF for the annual allowable sale quantity. This was reduced to approximately 150 MMBF in Mr. Lyons 1999 decision. Mr. Lyons decision protected some roadless areas but has forced the agency to plan for some harvesting other roadless areas to meet the allowable sale quantity. The Roadless Rule decision makes some assumptions that some losses in areas to cut timber might be made up in areas where roads already exist. This statement ignores the 200-year timber rotation put in place by Mr. Lyon's decision for the Tongass. The 200-year rotation will make many of the roaded areas unavailable for timber harvesting for another 160 years.

The Roadless Rule decision suggests that some agency funding might be diverted in a way that would benefit communities impacted by the decision. In the 1990's actions were taken by the agency to cancel the two 50-year timber sale contracts on the Tongass. The cancellation of the first contract resulted in a court' settlement that made the agency pay $100,000,000 to the contractor and allowed them three years of the contracted timber volume for a transition. The second cancellation has just resulted in a $1.5 billion judgment against our agency. With these financial burdens, what funds are available to help our local communities? The misrepresentation of the facts by this agency alone should be cause enough to find a way to reverse this decision as it impacts the forests in Alaska.

To its credit, the agency has taken some steps to address the downward trend of the timber industry. We have encouraged smaller sawmills or advocated for more secondary processing to take place through grants and bringing in consultants. A new veneer plant has just opened in Ketchikan through much encouragement by this agency and several grants. The Ketchikan mill alone can process 135 MMBF annually. There are several other mills in southeast Alaska that also require a minimal amount of volume to stay viable. The Roadless Rule only allows for an estimated 30 MMBF in annual timber sales off of National Forest System Lands. The agency has purposefully deceived communities and businesses with their intent which has resulted in meaningless investments if the Roadless Rule is allowed to stand. Is there any wonder why the timber industry and the State sued the agency over the Roadless Rule decision?

PREDETERMINED DECISION

More than a week prior to issuing the Draft Environmental Impact Statement for public review, Chief Mike Dombeck addressed Federal Employees noting the accomplishments of the Forest Service. His first statement was; "You are moving ahead with plans to protect a special resource on our national forests and grasslands—54 million areas of roadless areas."

This statement does several things. First it acknowledges the intent of the administration to protect ALL roadless areas before the public had any chance to comment. Second, the acreage immediately included the Tongass which had just had the roadless issue resolved by Mr. Lyon's decision.

It's also interesting to note that the recent Forest Service Strategic Plan for 2000 states the first objective is that, "we will protect roadless areas through the roadless area conservation policy". This strategy was mailed to the printer in October, which was a month before the final EIS was available for review by the public. I will also note that the Forest Service Strategic Plan for 2000 was being distributed to field offices prior to the final decision signed by President Clinton. (I got a copy four days to the final decision.) The predetermined way this document was completed makes a mockery of the entire process and opens the question of our agency standards to public ridicule. It specifically calls to question whether or not the comments to the Roadless Rule were being reviewed for content as required by NEPA or just being processed for a response.

The line officers within the Forest Service were not briefed about the decision prior to the invitations being sent to environmental groups for the White House signing party. In fact, many our line officers heard of the final decisions through the environmental community before they knew about it from their supervisors.

We have spent years getting our communities and constituents to work with us on a local level in forging decisions that affect the resources and their quality of life. To see our objective environmental analysis process used for a political gain is an embarrassment. While there may be some in favor of the rule, many people within and outside of the agency object to the Roadless Rule primarily because the way the decision was made. If asked, Forest Service employees would pass a vote of "no confidence" for this Chief.

LACK OF SCIENCE IN THE ROADLESS DECISION

We are being told that science played a role in the Roadless Rule decision. When reading this analysis I fail to see where the science was used. In specific reference to the Tongass, what were the measured benefits to the resources provided by the Roadless Rule that were not provided by the 1999 decision made by Mr. Lyons? If you were to look at the planning record for the Tongass Land Management Plan, you'd find that there were only minor concerns for resources expressed by the agency in the 1997 decision made by the Regional Forester. Mr. Lyons 1999 decision more than made up for any shortcomings for resource concerns in the 1997 by issuing a decision based more on values than science (Which is still in court). The Roadless Rule provides additional protections but fails to make a case for who or for what? More roadless is more roadless but it has not been demonstrated that it is needed. This again is a flaw in the environmental analysis which should cause it to be overturned.

LOCAL RESOURCE MANAGEMENT

As previously noted, this decision was made far away from the field, in an apparent partisan way, without science, and in a way that didn't account for local knowledge. By including the Tongass in the Roadless Rule, the administration acknowledged that they don't trust their employees to manage the 3.5% left to manage for resource development in the 1999 decision from Mr. Lyons. They have also put an end to a very cooperative process that has been ongoing for the management of National Forest Systems lands in Alaska.

SOLUTIONS

From what I can see, this administration has four options: (1) Live with the Roadless Rule; (2) Start the process to revise the Roadless Rule; (3) Have Congress overturn the Roadless Rule; (4) Work on something through the courts.

The Roadless Rule can't be ignored because of the tremendous impacts to communities. I'm not sure the Forest Service has the millions of dollars it would take to do another analysis. I also think that the decision might be too controversial to be addressed by Congress that is so closely divided.

This leaves the court system to resolve the conflicts over the Roadless Rule. My suggestion to the agency is to accept the lawsuit filed by the State of Alaska and agree to remove the Tongass and Chugach from the Roadless Rule decision.

The Roadless Rule decision is harmful to the State of Alaska and doing a single purpose study dealing the agency had gone against provisions specifically prohibiting this action as stated in ANILCA. I know the State of Alaska is willing to pursue this in court because of the impacts this will have on our economy, does our agency want to spend this kind of money defending such an unpopular decision? The agency could cite the cost of the trial, clause of ANILCA it violated, the inadequate evaluation of the impacts in the analysis and find that adequate protection is already provided to the remaining roadless areas of the Tongass through the implementation of the 1999 Tongass decision. With all of the reasons I've presented, I believe the agency has sufficient cause to withdraw the Alaska forests from the Roadless Decision and not defend the decision in the courts.

CLOSING

The day the Roadless Rule was signed, I sent a note directly to the Chief. I told him that in my 20 years as an employee that it was the first day I was ever embarrassed to be a Forest Service employee. I have spent most of my career in the Alaska Region and I have never had a cause to feel this way previously. I am proud of what this agency and its employees have accomplished for the benefit of all people in the management of the resources within the State of Alaska. More than just our management of the resources, we bring some tremendous skills to our communities where we participate fully as community members. The partisan way the Roadless Rule was completed goes counter to everything our agency has been trying to build in community trust and involvement over the past 30 years.

Some people within the community and at work have questioned my persistence in trying to overturn the Roadless Rule. Speaking as a council member for the community, I feel I have an obligation to make every effort to protect our community from harm. As a Forest Service employee, I just want to be proud of who I work for again.

Sincerely,

BILL TREMBLAY.

Mr. STEVENS. Mr. President, I go back to my original statement. I have been here going on 35 years now and I have never seen people make statements that are so unfounded and unfactual about things that I am doing.

I am warning the Senate that if Members of the Senate accuse me of doing things that are not proper and they are absolutely unfactual, I intend to come here and, on a basis of personal privilege, bring those Senators to the floor and demand an apology. This has gone too far. Senators are saying my amendment covers 9 million acres. It does not. It protects 1.7 million acres. The reason we are discussing this here today is that at the last minute, the Clinton administration added my State to the roadless rule. Notwithstanding the fact that the Clinton administration called me personally and said Alaska would not be included in their roadless rule plan because they knew of the provisions of ANILCA. No hearing was ever held on the implications such a rule would have on Alaska, no hearing was held on the proposal, and no request to Congress to include Alaska in the roadless area was ever made. I have never seen anything more deceitful than the conduct of the Clinton administration in their pursuit of the roadless rule.

I intend to pursue this now. I would hope that before my colleagues make statements on the floor or to the media, they review both the Tongass amendment and the Alaska National Interest Lands Conservation Act. I am literally warning Senators that we are going to have it out here on the floor of the Senate if they keep accusing me of doing something which I have not done. That, to me, is a violation of the Senate rules.

When Judge Singleton ordered the Forest Service to review 9.7 million roadless acres, the Forest Service complied. They reviewed the Potential wilderness and roadless areas even though it was in direct violation of ANILCA. There wouldn't even be a review if the Clinton Administration had not ignored ANILCA, which specifically prohibited such review.

Alaskans seek two remedies to the current problems with Forest Policy in the Tongass. First, we want the Forest Service to uphold the law and declare the roadless rule in the Tongass an unlawful violation of ANILCA.

Second, we ask that when the Forest Service issues its decision later this year on the Tongass plan, we declare that it is the final decision on this issue. Judge Singleton's mandate entitled The Environmental Groups to a Review, it did not entitle them to a Forest Service recommendation that is favorable to their position. It did not entitle them to hold up the use of public resources indefinitely. We have been through the process and we all must recognize and abide by the Forest Service's final ruling.

And, if this issue goes before a Federal court again, I expect the Judges to uphold the law—especially the specific provision which we call the "No More Clause."

Alaskans understand the need to conserve our public lands and resources better than anyone else. We have protected more land than any other country on Earth and more than the other 49 States combined.

We were the pioneers of the Nation's last great frontier and our lives have always depended on the sustainability of our natural resources.

Our time in the great wilderness of our State has taught us that man forges a fragile pact with his surroundings. He needs the land and its resources, but he must also preserve them. That is why my State has fought so hard to make sure that our land and waterways and the species that inhabit them will be there for generations to come.

Consistent with our commitment to the environment, we have designated over 58 million acres as pristine wilderness, which represents 55 percent of all wilderness areas in the United States.

Because only 1 percent of Alaska's lands are privately owned, it is imperative that the Federal Government allow us to use some of our resources on the 235 million acres managed by the Federal Government.

We will always manage our lands in a way that ensures their vitality. Timber is a renewable resource, it can be and will be managed this way under the measures provided in this bill.

Much of my State will always be pristine wilderness. But, we need some degree of certainty that we will be able to harvest small portions of the forest that is not wilderness. We need to know that we will be able to sustain the timber industry we have today. We need assurances that our efforts will not be met with more lawsuits and more resistance. In the days ahead I will pursue this subject again and again.

I ask unanimous consent to have printed in the RECORD letters from my constituents and communities who have been severely impacted by the lawless actions of the previous administration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENATOR STEVENS: This is just a short note to let you know you have huge support for what you are doing with the Tongass riders. You have my support and the support of thousands of Alaskans. Don't consider for a moment that the environmental "wackos" represent the majority view of Alaskans. Keep up the great work on this crucial issue. Thanks for a job well done!!

Please pass this on to Congressman Young if you get a chance. Thanks. Alsc, Congressman Young did a great job on the call-in show on APR yesterday.

DAVE CARLSON,
Petersburg, AK.

SENATOR STEVENS: Thanks for your efforts to get the timber industry back on its feet. The current effort will remove an obstacle that has held back investment and added to the cost to operate. The continuous delay resulting from challenges to the Forest Plan has been one of the industries biggest problems.

GEORGE WOODBURY,
Wrangell, AK.

SENATOR STEVENS: We in SE Alaska support Senator Stevens and staff in your efforts to pass the Tongass riders. We support the 1997 Tongass plan's determination that no more wilderness is required in the Tongass. We also support the exemption of Alaska from the roadless determination, as originally promised by Clinton. Adequate timber supply is absolutely essential to our Prince of Wales communities and critical to our mill, Viking Lumber, the only viable mil in SE Alaska. Our mill employs 35 year-around and only needs 30 million board feet per year to continue operating. These riders will provide adequate timber for this family-owned mill in the Craig/Klawock area.

Please know that we support your efforts and are prepared to speak out if and when needed.

Hang in there.

TOM BRIGGS,
Craig, AK.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, one of the great privileges of being a Member of the Senate is to recommend to the President names of people who should be members of the Federal judiciary—that is either the Federal district court, circuit court of appeals, but certainly not the U.S. Supreme Court because that is out of the purview of recommendations by a single Senator.

Since I have been in the Senate, I have been able to recommend to a Democratic President at least two. We are not a large State so we have the opportunity to only recommend two people to the Federal bench.

The first one I was able to recommend was a circuit court of appeals judge and the second was a district court judge. This decision was so important to me that I went out of my way to make sure whoever I recommended to President Clinton at the time would be someone the President would want to nominate to be confirmed as a member of the circuit court of appeals. In this case it was the Ninth Circuit Court of Appeals. Montana is included in the Ninth Circuit.

What did I do? First, I went out of my way to put together a group of Montanans—6, 7, 8, 10 Montanans—and I selected the best folks I could find in my home State to represent a cross-section, a broad array of interests and points of view. Some were lawyers; some were not lawyers.

I said to each one of them: I want you to suggest to me the very best three people in the State of Montana who should serve on the Ninth Circuit Court of Appeals. I do not care whether they are Republicans. I do not care whether they are Democrats, liberals, conservatives; I just want the best, the most solid people, the people who have deep common sense, have a tremendous sense of history in our country, the highest integrity. I just want the best.

The committee I appointed came back to me several weeks, maybe a month later with three names. I sat down with each of the three for an interview, and I spent about 3 hours with each of the three to try to determine for myself who was the best person that President Clinton could nominate from Montana to sit on the Ninth Circuit Court of Appeals.

It was a very difficult process. It was very difficult because the three the group suggested to me were all very good. I made a selection finally. It was Mr. Sid Thomas, who President Clinton appointed and who now sits on the Ninth Circuit Court of Appeals.

He has been a tremendous credit to not just the State of Montana and the Ninth Circuit, but the Nation. In fact, many members of the judiciary, including the U.S. Supreme Court, talked to me specifically about Judge Thomas and indicated to me they are very proud of him. He is a "solid person," a very solid man, a solid judge.

The second instance was virtually the same. I put together another group. There was an opening in the Federal district court in Montana. I put together seven, eight, to nine people I thought would do a terrific job in coming up with the very best person to sit on the Federal district court in Montana.

I interviewed each of the three persons the group gave me. I had the same criteria for the committee: I want the best. I do not care if they have brown eyes or blue eyes. I do not care if there is any acid test. That is not relevant to me. I want the very best, most solid, thoughtful people with the highest integrity and a deep sense of the law and history of our State and our Nation.

I do not care whether they are Republicans, Democrats, liberals, conservatives—that does not mean anything to me. I just want the best.

They came up with three names. I interviewed the three people. I, again, had the excruciating choice to make because they were all very good. I made a selection finally, and I recommended to President Clinton a person who I think has done great credit to the U.S. Federal district court in Montana, Judge Don Malloy.

I can tell you, the bar in Montana thinks he is terrific. The plaintiffs bar, the defense bar—they all have the highest regard for him. Why? Because he is smart, he is hard working, and he does not play favorites. He is what a Federal district court judge should be.

Why do I say all that? I say that because we are now faced with whether or not the Senate should confirm to the DC Court of Appeals Miguel Estrada. Should we or should we not? Let me roll back history a bit.

Several years ago, I was on the Judiciary Committee. In fact, it was quite a few years ago. At that time, Justice Sandra Day O'Connor, not then a Justice, was nominated by the President to sit on the U.S. Supreme Court. With all deference to Justice O'Connor, that was the first time, at least in my memory, when a nominee essentially did not answer very many questions.

I asked her questions, other members of the committee asked her questions, and she essentially began this tradition of not answering the questions. Again, I have the highest regard for Justice O'Connor. I think she has been a great Justice of the U.S. Supreme Court. It bothered me as a member of the Judiciary Committee that a nominee was not answering questions. It just did not seem right.

We at that time decided, OK, she seems like a very good person. She was in the State senate in her home State of New Mexico, so let's vote to confirm her.

We are now faced with the situation where Mr. Estrada is not answering any questions whatsoever, and he is not providing other information to the committee. I am not now on the Judiciary Committee but I take this responsibility of whether or not the Senate should confirm a nominee to the circuit court of appeals, Federal district court, or the U.S. Supreme Court very seriously. I know all of us in this body do.

There are not very many decisions we can make that will be more important. There are not very many. Why is that? That is because these are lifetime appointments.

Mr. President, you run for reelection, I do, everybody in this body, every few years, every 6 years. Everybody in the other body runs for reelection every 2 years. Every Governor runs every 4 years, sometimes 2 years. Every President runs every 4 years, except those who cannot run because of the constitutional requirement. We face voters. We are held accountable. Voters have a chance to either reelect us or not. But boy, once someone is put in the U.S. Federal judiciary, an article III position, that is for life.

I believe that is the way it should be. Why? Because these are the people we want to be totally impartial to do what is right and not be swayed by temporary whims and vogues of the moment. We try not to as elected officers. It is our job to represent people in our State. If they want something, we should give that to people, given what we think makes sense and is right for our home States and right for the country.

Federal judges are held to a different standard. State judges are not lifetime appointments. I do not know any who are. Federal judges are appointed for life. That is a huge responsibility they have.

We have to make sure we get the right people. It is our responsibility. When voters elect us, they basically say: Senator, we do not know all the ins and outs of what goes on in Washington, DC, but we want you to do the right thing. Just do not do something nutty or crazy, but, basically, do the right thing.

Most people give us a lot of latitude. So long as it sounds right, fits right, and smells right, it really is all right.

It does not sound right, it does not fit right, it does not smell right, it does not seem right, for this body to confirm somebody who will not answer any questions, who will not give us relevant information, and who has no prior history so it is hard for us to know.

I will bet this: At that Justice Department and perhaps at the White House, they sat down with Mr. Estrada and asked him a lot of questions. I bet he gave them a lot of answers. I bet there is somebody in this operation who is supporting his nomination in the executive branch who knows a lot about Mr. Estrada, who had long conversations with him. If they did, which is entirely proper—in fact, it is imperative and an obligation they have to ask him questions, particularly before the President suggests a nominee for the DC Court of Appeals. If they do, so should we have the information in the Senate. We have an equal responsibility to know how he feels about certain issues.

I am not saying he should address how he feels about certain cases decided by the Supreme Court or cases decided by even the court of appeals. I am not asking for that because judges have to be impartial. I am saying we have a responsibility to know who this fellow is: What makes him tick? What does he really think about? What are his values? What does he stand for? Will he be impartial? What does he think about our Constitution? What does he think about the court as the third branch of Government? There are tons of questions one could come up with, and we have that responsibility.

Why do I say we have that responsibility? I have already said it is a lifetime appointment, but in addition the Constitution tells us we have that responsibility. The advice and consent provision is in the U.S. Constitution.

When our Founding Fathers wrote the Constitution, they debated the advice and consent clause. They did not know what it should provide. There are various interpretations, but they knew it was very serious. One interpretation, that is one view, that was advanced very seriously when our Founding Fathers wrote the Constitution, was this: That the Senate should send a selection of three, four, or five names to the President and then the President makes the decision. The Senate would give the names to the President and then the President would decide. It is kind of like what I did a little bit when I was interviewing people in Montana. I got a bunch of names of the best people, and I made a decision who I thought was the best person.

Why did our Founding Fathers really wrestle over this question over what the proper mechanism would be for the Senate to jointly decide with the President who should or should not be on the Federal judiciary? It is pretty simple. It is our third branch of Government. It is the third of the three branches of Government, and it is not right that one branch of Government should dictate who does or who does not sit on the U.S. Supreme Court. That is not right. Rather, it is a joint decision. It is a decision which, just as the President took very seriously, we have an obligation to take equally seriously.

It reminds me a little bit of a number of years ago when an earlier President, President Franklin Roosevelt, decided he did not agree with the Supreme Court decisions. What did he do? He came up with an idea to add more Justices to the U.S. Supreme Court. It is colloquially referred to as court packing by President Roosevelt.

The Senate stood up. It said: No, that is the wrong thing to do. I am very proud to say that the Senator who stood up was from Montana. It was Senator Burton Kendall Wheeler. He said: No, it is not the right thing to do.

Just as he stood up, I think we have an obligation in the Senate to stand up when it is the wrong thing to do; that is, to pass judgment on—to agree with the President's nominee where we have no information, where he will not answer questions, he will not tell us what he thinks. What is this person really all about? What is the sense of the man? Where is he? Where is his soul? Who is he? That is what we have to determine in deciding whether he should be placed on the DC Court of Appeals. And I say that very respectfully.

I might add that the DC Court of Appeals is no ordinary, garden variety appellate court. It is a special appellate court, and that is because so many decisions made by Federal agencies go to the DC Court of Appeals as opposed to the Ninth Circuit or the Fourth Circuit. There are so many of them. There are environmental laws, for example, and labor laws that go primarily to the DC Court of Appeals, for which Mr. Estrada has been nominated, much more than to other courts. These decisions affect all of us around the country. They do not just affect the DC Circuit or people who reside in the DC Circuit. They affect all Americans. The DC Court of Appeals jurisdiction extends to the National Labor Relations Board, the Occupational Safety and Health Administration, the Federal Communications Commission, the Federal Elections Commission, the Environmental Protection Agency.

Obviously, decisions made by those agencies have a great effect on all Americans. When they are reviewed by the DC Court of Appeals, the decisions the DC Court of Appeals makes certainly have the same effect upon all Americans. Those rulings affect our workers, our businesses, our national environment, our families, and our homes. They affect political elections. They affect directly the present occupant of the chair, just as they affect me directly.

About 50 percent of the DC Court's caseload consists of appeals from regulations or decisions made by Federal agencies. Fifty percent of the DC Court of Appeals caseload is appeals of Federal agencies. In many cases, the DC Court of Appeals is the last word, too, on Federal decisions. We all know this.

The U.S. Supreme Court is taking fewer cases on appeal. The caseload of the U.S. Supreme Court has fallen off dramatically in the last couple or 3 years, which means that the courts of appeals' rulings are that much more important. They are almost like a supreme court in many respects because the U.S. Supreme Court is taking fewer cases.

I will give an example of the power of the DC Court of Appeals in my State of Montana. This is Montana. Don't forget we are in the Ninth Circuit—not the DC Circuit—as is the State of the Presiding Officer. The DC Court of Appeals has exclusive jurisdiction over cases brought against the Environmental Protection Agency, particularly regarding the Superfund.

I know in the Presiding Officer's State there are huge Superfund issues. They are dramatic. Superfund is tremendously important to my home State of Montana as well. In the town of Libby, MT, for example, they have suffered from decades of asbestos contamination at the hands of W.R. Grace. It is just tragic. It happened to the people of Libby, MT. As a result, Superfund cleanup efforts are now taking place in an attempt to make the town and its residents whole again. It is a gigantic undertaking.

Libby is not the only Superfund site. As the Presiding Officer knows, we have Superfund sites around the country. In Montana, for example, we have the largest Superfund site in the Nation. It is called the Clark Fork Basin. It starts up in Butte and ends up eventually down in the State of the Presiding Officer. It is huge. These sites threaten the health and well-being of so many people not only in my State but in other States as well.

When Congress created the Superfund, our goal was to ensure that the public health and environment were protected and made whole, particularly the cleanup. So decisions made by the DC Court of Appeals overseeing the Environmental Protection Agency obviously greatly influence whether the intent of the law is actually fulfilled on the ground; that is, in Montana or any other State in the Nation, because EPA is all over America. It is not only the Ninth Circuit where the Presiding Officer and I live. There is no question that in the State of Montana we have a terrific interest, a big interest, in who sits on the DC Circuit Court, given that court's influence over our Nation's health, safety, and welfare laws.

Different Members may disagree with different decisions made by the DC Court of Appeals, but we do agree we want a very thoughtful, fully considered, and impartial decision. That is what we want. That is what we expect. That is why, in my judgment, this body has to go to extraordinary lengths to determine whether nominees to the courts of appeals, district courts, and the Supreme Court, are the right people. It is our duty.

We cannot just pass it off and say, oh, the President appointed him. We cannot stop there. It would be irresponsible. When we are elected, we are elected by people in our States to hold up the Constitution of the United States. Certainly the President can appoint, but just as certainly the Senate has the right and, indeed, the obligation to advise and consent and, given the tradition of the advice and consent clause and balance of powers, give it the same weight as the President.

That is why I think at the bare minimum the Senate has the right to ask for more information. Who is this man? Find out more about him. Look at his writings. What is he hiding? What is there to hide? We all know the more information in the public arena, the more likely it is we will make the right decision. We know that. It is only proper the White House ask Mr. Estrada to answer some questions and give some information. This is not rocket science. This is pretty easy. This is simple stuff.

I do not feel it is proper for the Senate to confirm Mr. Estrada. This is very important. I cannot think of many decisions we make that are ultimately more important, particularly regarding the DC Court of Appeals. We may have different conclusions when he gives us information, but at least he should talk to us.

(The remarks of Mr. BAUCUS pertaining to the submission of S. 396 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I continue to oppose the Estrada nomination. What is at stake in this nomination is a lifetime appointment to the second highest court in the land. The D.C. Circuit Court of Appeals makes decisions that affect millions of Americans every day—whether they will drink clean water and breathe clean air—whether workers will be safe in the workplace, and can join unions without fear of reprisal by their employer—whether minorities and women will be able to stop workplace harassment.

Yet our Republican colleagues want us to rubber stamp the nomination of Miguel Estrada to this important court. They say to us, you do not need to look at his record. You do not need to ask him what kind of judge he would be. You do not have to ask him to explain the serious discrepancies in the answers he gave during his hearing in the Judiciary Committee. They even make the preposterous and shameless claim that Mr. Estrada is being opposed because he is Latino.

Our Republican colleagues obviously do not appreciate the importance of the position that Mr. Estrada seeks. If they did, they would not be in such a rush to confirm a divisive nominee about whom we know so little.

Our duty under the Constitution is not to rubber stamp. It is to provide informed advice and consent in the nomination process. Our duty is to ensure that the Federal judiciary is fair and independent, a place where everyone, even the most vulnerable among us, can obtain protection of their rights. If we become a Senate that simply rubber stamps judicial nominees, the nomination process becomes a charade. Whoever happens to have the favor of the White House can become a Federal judge simply by refusing to give the Senate the information necessary to provide real advice and consent. The Federal courts would become a political lackey of the executive and legislative branches, and would lose their essential independence.

We all know the importance of this judicial independence and the critical role that the Federal courts have in the lives of millions of our fellow citizens, especially those who are minorities.

The Latino experience is typical of minority groups that seek justice. When the executive branch has failed them, when the legislative branch has failed them, it is the Federal courts, independent of political forces, that have protected their rights. Federal courts have protected Latinos' right to fair redistricting rules in Lopez v. Monterey County. Federal courts have also protected Latinos' right to bilingual education. They have protected Latinos' right to sit on a jury free from challenge on the basis of their race. They protect Latinos' right to be free from racial profiling.

When the Senate considers a judicial nominee, it must take this history into account. We must consider whether the nominee accepts the historic role of the courts in the protection of basic rights. One of the most serious concerns raised by the Congressional Hispanic Caucus, which met with Mr. Estrada, was that he does not understand and appreciate this history. The Hispanic Caucus does not lightly oppose the nomination of a Latino to a Federal court. In fact, they have never done it before. It would have been far easier for them to decide that a Latino judge on the DC Court of Appeals could be called a victory for them. But they realized it would be a victory in name only. They saw that Mr. Estrada would not uphold the basic rights of the

Latino community, and they decided—unanimously—to oppose his nomination.

When the Hispanic Caucus reviews a judicial nominee, they look for a person who will have a sense of fairness, who will be sensitive to claims of racial bias and discrimination, and who are aware of the fundamental role of the Federal courts in ending these injustices. Mr. Estrada failed to satisfy them on each of these important points.

The Hispanic Caucus asked Mr. Estrada about his legal work on two cases in which he defended anti-loitering ordinances. Statutes such as these have too often been used for racial profiling and to harass minorities performing lawful activities. The members of the Hispanic Caucus left that meeting convinced that Mr. Estrada did not understand the effect of these anti-loitering statutes on minorities, or that he did not care about them.

Mr. Estrada has also demonstrated his lack of sensitivity on issues affecting Latinos in his numerous statements about race and affirmative action. He has been dismissive of the under-representation of Latinos among law clerks in the Supreme Court. You do not have to be Latino to understand that there are long-standing barriers to full participation by Latinos. But Mr. Estrada does not see it that way. Perhaps this is why Mr. Estrada has never tried to improve opportunities for Latino lawyers or law students.

But if you cannot see the problem, you cannot be part of the solution. I am deeply concerned, given these statements by Mr. Estrada, that he would oppose basic programs, that have done so much to open the doors of opportunity for minorities throughout our Nation.

In light of all of these facts, the Hispanic Caucus has decided to oppose this nomination. As I said, they did not make this decision lightly. They have supported the nomination of conservative judges in the past, including judges nominated by the current administration. Jose Martinez, for one, was nominated by this administration. The Caucus met with him. Not all of the members of the Caucus agreed with Mr. Martinez's politics, but they saw that Mr. Martinez was sensitive to the needs and experience of the Latino community. He understood the historic and important role of the Federal courts in the lives of Latinos. So the caucus supported his nomination and Judge Martinez is now a United States District Judge for the Southern District of Florida.

When Democrats oppose Mr. Estrada, we are standing with these groups. We are standing up for the rights of Latinos and other minorities. In fact, it has been Senate Republicans who have unfairly blocked the confirmation of Latino nominees. The last Republican-controlled Senate unfairly refused to confirm eight—eight—qualified Latino nominees. Two who were nominated to the Fifth Circuit Court of Appeals from Texas were not even given hearings by the Republicans.

The Fifth Circuit is one of the areas where the highest percentage of minorities in this country live. Where were our Republican colleagues when these qualified judges were waiting for confirmation? Where were our Republican colleagues when Richard Paez waited for confirmation longer than any other nominee in U.S. history? Where were they? They were in control of the Senate.

When Republicans call on us to rubberstamp a judicial nominee, telling us that we have no right to look into his record to see what kind of judge he may be, they are ignoring their own history, and they are ignoring the proper role of the Senate. President Bush, more than perhaps any other President, has made it his goal to pack the courts with judges who will roll back basic Federal rights, including civil rights, workers' rights, and environmental protections. Ideology clearly guides the President's decision to nominate judges. It clearly guided the decision to nominate Mr. Estrada. It would be wrong to ask Senators now to ignore his ideology. Judges should be committed to basic principles and ideals. They should respect our judicial system and the co-equal relationship between the executive, legislative, and judicial branches. It makes no sense for the Senate, in fulfilling its constitutional role, to adopt a head-in-the-sand approach and abandon all ideological considerations in deciding whether to confirm Mr. Estrada.

Now we have, instead, a Republican stampede to confirm a nominee we know very little about. Despite the critical importance of the Federal courts, and despite the immense power of the appellate court to which he has been appointed, Miguel Estrada has not answered the questions put to him. He has not been forthcoming about the views that he would bring to the bench. He has failed to resolve the serious discrepancies in his answers to the questions put to him during his hearing. The Bush administration refuses to turn over important documents to the Senate as we consider this nominee, despite clear precedent for doing so.

At the same time, what we do know about him clearly indicates that he fails to appreciate the role of the Federal courts and Federal rights in the protection of the most vulnerable members of our society. On this inadequate and unsatisfactory record, the Senate should not confirm a nominee to such an important position.

IRAQ

Mr. President, tomorrow, the United Nations inspectors will report to the Security Council about Iraq's weapons of mass destruction. In all likelihood we will continue to hear from Mr. Hans Blix that the inspections are proceeding, but that Iraqi authorities need to be much more cooperative. We know that the administration is lobbying Mr. Blix to submit the strongest possible case that Iraq is not cooperating.

We all agree that Saddam Hussein is a dangerous and deceptive dictator. We live in a dangerous world and Saddam must be disarmed. The question is how to do it in a way that minimizes the risks to the American people at home, to our armed forces, and to our allies.

I am still hopeful that we can avoid war. War should always be a last resort.

Earlier today, President Bush quoted President Kennedy and referred to the Cuban missile crisis. President Bush praised my brother for understanding that the dangers to freedom had to be confronted early and decisively.

President Kennedy did understand this. But he also genuinely believed that war must always be the last resort. When Soviet missiles were discovered in Cuba—missiles far more threatening to us than anything Saddam has today—some leaders in the highest councils of our government urged an immediate and unilateral strike. Instead, the United States took its case to the United Nations, won the endorsement of the Organization of American States, and persuaded even our most skeptical allies. We imposed a blockade, demanded inspection, and insisted on the removal of the missiles—all without resorting to full-scale war.

As he said then:

> Action is required . . . and these actions [now] may only be the beginning. We will not prematurely or unnecessarily risk the costs of . . . war—but neither will we shrink from that risk at any time it must be faced.

I continue to be concerned that the Bush administration is persisting in its rush to war with Iraq, even as we face grave threats from al-Qaida terrorism and North Korea's nuclear ambitions. The administration has done far too little to tell Congress and the American people about what our country and our troops will face in going to war with Iraq, especially if we have little genuine support from our allies.

We are nearing decision time. I urge President Bush to come clean with the American people about this war. Before endangering the Nation's sons and daughters in the Iraqi desert, our citizens deserve full answers to four questions.

First, the President must explain what he considers victory in Iraq. The American people deserve at least this much. Is it disarmament? Is it the overthrow of Saddam? Is it the establishment of a stable, democratic government? If we get rid of Saddam, but leave his bureaucracy in power, will that be a victory? Or, as General Zinni has said, will we be doing what we did in Afghanistan—drive the old Soviet Union out and let something arguably worse emerge?

This should be a basic consideration in committing American lives to this war. Our country should know what we are fighting for. But the administration has failed to define even this most basic question for the American people.

Second, the President must explain whether we are doing all we can to see that America will be secure at home. A war in Iraq may well strengthen al-Qaida terrorists, not weaken them, especially if the Muslim world opposes us. We have not broken Osama bin Ladin's will to kill Americans. Our Nation has just gone on new and higher alert because of the increased overall threat from al-Qaida. What if al-Qaida decides to time its next attack for the day we go to war? The war against al-Qaida must remain our top priority.

In fact, our Nation's intelligence experts have maintained consistently since 9/11 that al-Qaida terrorism is the greatest threat to our security here at home. They also fear that an American attack on Iraq will only make matters worse by inflaming anti-American sentiments across the Arab world.

Third, the President must fully explain how long, even after the war ends, we will have to commit our forces and economic resources to deal with the consequences of the war. This war will be different than the Gulf war. We will not stop short of Baghdad. If we want to change the regime, we may well have to fight in Baghdad and engage in hand-to-hand combat and urban guerilla warfare. When the war is over, our troops will become an occupying force, possibly for many years. The tribal, ethnic, and religious fault lines that Saddam has held together through repression may fall apart—much as they did in the brutal civil wars in the former Yugoslavia, in Rwanda, and other countries.

Will the United States have to manage Iraq for years to come on our own? Are we prepared to commit billions of American dollars to Iraq for years to come? Will our troops be part of a United Nations force? Will they become sitting targets for terrorists?

Finally, the President must explain whether our Nation is prepared to use this war as the new foreign and defense policy for the future. Are we prepared to invade any nation that poses a threat?

Iran, Libya—forget Libya. Pan Am 103; 67 American servicemen who were killed; 13 families in the State of Massachusetts; scores of families in New Jersey and other States—a country that has used chemical warfare against its neighbors and against Chad in the south.

Libya, Iran, with all of the harboring of terrorists and Hamas—the terrorists that are so active in Syria, and these other countries. What are we going to do about these nations as they continue to move forward in developing weapons of mass destruction? What are our policies going to be about them? Which country will be next? Will we attack them, too?

Are we really prepared, as the administration is considering, to radically change our nuclear weapons policy and use nuclear weapons in Iraq and other conflicts? Even contemplating the first use of nuclear weapons in Iraq under current circumstances and against a non-nuclear nation dangerously undermines the crucial and historical distinction between conventional and nuclear arms. It undermines our international commitment to the Nuclear Non-Proliferation Treaty that we will not consider a first strike against a country that is a nonnuclear country. If we use the Nation's nuclear arsenal in this unprecedented way in Iraq, it will be the most fateful decision since the nuclear attack on Hiroshima. All of us are hopeful we will not use the tactical nukes. We have abundant testimony that our conventional weapons are quite capable and able to handle any of the challenges we are going to face in terms of deep bunkers and other activities. But we have to listen to those in the administration who are talking in a different way about the development of a tactical nuke, and also about perhaps changing what they consider to be the STRAPP amendment that limits the research to 5 kilotons and the administration's consideration of that.

Obviously, implications of any use of any nuclear war in Iraq would inflame the people not only of that nation but certainly of Arabs all over the world—and not only the Arabs and the move towards developing smaller, more easily usable nuclear weapons and all of the challenges we would have of being more attractive to use under certain circumstances with the dangers of proliferation and the fact these weapons could be proliferated and stolen and used and captured by terrorists.

On each of these questions, the President must reassure the American people. They deserve to know that we are not stepping into quicksand and that this military operation is well thought out. He must convince the Nation that we are putting as much effort into thinking about how we get out of Iraq as we are about getting into Iraq.

We must take both the short-term and the long-term view of this enormous problem. Whether war with Iraq will be a sprint or a marathon we must always remember the finish line.

There is no more important decision by Congress or the President under the Constitution than the decision to send our men and women in uniform to war. The administration must make a compelling case that war with Iraq is now the only alternative and explain it to the American people

The administration says we can fight a war in Iraq without undermining our most pressing national security priority—the ongoing war against the international al-Qaida terrorist network.

al-Qaida—not Iraq—is the most imminent threat to our national security. Our citizens are asked to protect themselves from Osama bin Ladin at home with a roll of duct tape, while the administration sends the most deadly and sophisticated army in the world to go to war with Saddam Hussein. Those are the wrong priorities.

On Monday, Tom Ridge, the Secretary of Homeland Security said that the heightened security warning that has millions of Americans stocking up on food, water, duct tape, and plastic sheeting is connected to al-Qaida and not "the possibility of military involvement with Iraq."

On Tuesday, FBI Director Mueller told the Senate Intelligence Committee that "the Al Qaeda network will remain for the foreseeable future the most immediate and serious threat facing this country."

On Wednesday, CIA Director Tenet told the Senate Armed Services Committee that the heightened alert issued this week is because of the threat from al-Qaida—not Iraq.

For any Member of this body who thinks we have done what we need to do in homeland security, call any mayor in your State, call any mayor in a major city or a small city in your State, and ask them whether they have received the support for the training of first responders. Ask them if they have the various vaccines, how that program is going—and it isn't going, because we have failed to develop a compensation fund for that and to match our determination for vaccines with the other kinds of supportive efforts in terms of health care.

Ask any mayor in any sized city what degree of support they are getting and whether they believe they are receiving the kind of assistance they need—whether it is in the radios, in the communications, whether it is in the training, whether it is in the wide area of support for public health interests—and you will get the answer that all of us heard—that I heard—within the last 10 days when the mayors across this country came together and met here. And the answer is clearly: No, no, no, it is not there.

In addition to threatening American lives, Saudi Arabia has indicated it will ask American troops to leave its soil. NATO's division over war has threatened the alliance. The Chairman of the Federal Reserve, Alan Greenspan, has said uncertainty over Iraq is slowing our Nation's economy,

There you have three activities: Osama bin Laden, wherever he is, American troops out of Saudi Arabia, division in the alliance, stagnation here at home in the economy. And we are all blaming Osama bin Laden. We are about to send our troops on into Iraq, not giving inspections a chance to finish. The wrong priorities, Mr. President.

As I mentioned in terms of what we are doing here at home, I am concerned about the state of our preparedness. Clearly, there is much more we need to do at the Federal, State, and local levels to strengthen our defenses against a terrorist attack.

First responders are not adequately prepared for a chemical or biological attack. The radios are not interoperable, and they lack the training and gear to protect them in the event of an emergency. Ask any of your mayors, as I mentioned, across the country. You will get your answer.

This isn't just a Democrat pointing this out. Last week, our former colleague, Senator Rudman, of the State of New Hampshire, said:

> There was no rational answer for the White House failure to seek more funds for the domestic security in the 2004 budget. I'm very concerned. We have to put more money into the Coast Guard, into communications gear, into preparedness for the use of weapons of mass destruction, into police and firefighters. We have to spend a huge additional amount of money on port security. Money isn't the only answer, but it is a pretty clear indication of a nation's priorities in this area, and it has not been there in terms of the support on homeland security.

Even before the war has begun, we hear of possible threats from a wave of suicide bombers. War with Iraq could swell the ranks of terrorists and trigger an escalation in terrorist acts. As GEN Wesley Clark told the Armed Services Committee last September, war with Iraq could "super-charge recruiting for Al Qaeda."

These are real dangers—dangers that the administration has minimized in its determination to attack Iraq.

The administration maintains there are convincing links between al-Qaida and Iraq that justify war. But al-Qaida activists are present in more than 60 countries, including Iran, Pakistan, Afghanistan, and also in the United States. Even in the administration, there are skeptics about the links with Iraq. Intelligence analysts are concerned that intelligence is being politicized to justify war, as the New York Times pointed out in a recent article which I will ask to be printed in the Record.

Mr. President, I ask unanimous consent that article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Split at C.I.A. and F.B.I. on Iraqi Ties to Al Qaeda

(By James Risen and David Johnston)

Washington, Feb. 1—The Bush administration's efforts to build a case for war against Iraq using intelligence to link it to Al Qaeda and the development of prohibited weapons has created friction within United States intelligence agencies, government officials said.

Some analysts at the Central Intelligence Agency have complained that senior administration officials have exaggerated the significance of some intelligence reports about Iraq, particularly about its possible links to terrorism, in order to strengthen their political argument for war, government officials said.

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. "We've been looking at this hard for more than a year and you know what, we just don't think it's there," a government official said.

The tension within the intelligence agencies comes as Secretary of State Colin L. Powell is poised to go before the United Nations Security Council on Wednesday to present evidence of Iraq's links to terrorism and its continuing efforts to develop chemical, biological and nuclear weapons and long-range missiles.

Interviews with administration officials revealed divisions between, on one side, the Pentagon and the National Security Council, which has become a clearinghouse for the evidence being prepared for Mr. Powell, and, on the other, the C.I.A. and, to some degree, the State Department and agencies like the F.B.I.

In the interviews, two officials, Paul D. Wolfowitz, deputy defense secretary, and Stephen J. Hadley, deputy national security adviser, were cited as being most eager to interpret evidence deemed murky by intelligence officials to show a clearer picture of Iraq's involvement in illicit weapons programs and terrorism. Their bosses, Defense Secretary Donald H. Rumsfeld and the national security adviser, Condoleezza Rice, have also pressed a hard line, officials said.

A senior administration official said discussions in preparation for Mr. Powell's presentation were intense, but not rancorous, and said there was little dissension among President Bush's top advisers about the fundamental nature of President Saddam Hussein's government. "I haven't detected anyone who thinks this a not compelling case," the official said.

Mr. Bush asserted in his State of the Union address this week that Iraq was protecting and aiding Qaeda operatives, but American intelligence and law enforcement officials said the evidence was fragmentary and inconclusive.

"It's more than just skepticism," said one official, describing the feelings of some analysts in the intelligence agencies. "I think there is also a sense of disappointment with the community's leadership that they are not standing up for them at a time when the intelligence is obviously being politicized."

Neither George J. Tenet, the director of central intelligence, nor the F.B.I. director, Robert S. Mueller III, have publicly engaged in the debate about the evidence on Iraq in recent weeks, even as the Bush administration has intensified its efforts to build the case for a possible war.

The last time Mr. Tenet found himself at the center of the public debate over intelligence concerning Iraq was in October, when the Senate declassified a brief letter Mr. Tenet wrote describing some of the C.I.A.'s assessments about Iraq.

His letter stated that the C.I.A. believed that Iraq had, for the time being, probably decided not to conduct terrorist attacks with conventional or chemical or biological weapons against the United States, but the letter added that Mr. Hussein might resort to terrorism if he believed that an American-led attack was about to begin.

Alliances within the group of officials involved have strengthened the argument that Mr. Bush should take a firm view of the evidence. "Wolfowitz and Hadley are very compatible," said one administration official. "They have a very good working relationship."

There were some signs that Mr. Powell might not present the administration's most aggressive case against Iraq when he speaks to the United Nations, leaving such a final definitive statement to the president in some future address.

"You won't see Powell swing for the fences," the official said. "It will not be the end-all speech. The president will do that. The president has to lay it out in a more detailed way."

Deputy Secretary of State Richard L. Armitage told the Senate Foreign Relations Committee last Thursday that Mr. Powell would not assert a direct link between the Iraqi government and the September 11 attacks on New York and Washington.

In demonstrating that there are links between Iraq and Al Qaeda, Mr. Powell is expected to focus on intelligence about possible connections between Mr. Hussein, an Islamic militant group that may have produced poisons in a remote region of northern Iraq and a Qaeda terrorist leader, Abu Mussab al-Zarqawi. Much of the intelligence had been publicly known for months.

Some of the most recent intelligence related to Mr. Zarqawi centers on charges that he orchestrated the plot on Oct. 28 in Amman, Jordan, in which two Qaeda followers—under Mr. Zarqawi's direction—stalked and shot to death Laurence Foley, an American diplomat.

In December, the Jordanian authorities announced that the two men had confessed to killing Mr. Foley and that they had been directed by Mr. Zarqawi.

The connection to the Foley killing was important because the United States had evidence that Mr. Zarqawi, a Jordanian of Palestinian descent, has spent time in Baghdad earlier in 2002. American officials describe Mr. Zarqawi as a major figure in Al Qaeda's leadership and say that after he was wounded in the fighting in Afghanistan after September 11, he made his way to Iraq in the spring of 2002.

He was hospitalized in Baghdad for treatment of his wounds, and then disappeared in August, after Jordanian officials told the Iraqi government they knew he was there. There have been recent reports that he is in hiding in northern Iraq, but that has not yet been confirmed.

But despite Mr. Zarqawi's earlier presence in Baghdad, American officials have no evidence linking Iraqi officials to Mr. Foley's killing, or direct evidence that Mr. Zarqawi is working with the Iraqi government.

"All they know is that he was in the hospital there," one official said.

If he is in northern Iraq, American officials believe that Mr. Zarqawi may be with members of a militant group there called Ansar al-Islam. There is evidence that he has links to the group, and that he may have been working with it to develop poisons for use in terrorist attacks, possibly including a recent plot to poison the food supply of British troops.

But intelligence officials say there is disagreement among analysts about whether

> there are significant connections between Ansar al-Islam and the Baghdad government. Some administration officials, particularly at the Pentagon, have argued that Ansar al-Islam has close ties to the Iraqi government, but other intelligence officials say there is only fragmentary evidence of such a link.
>
> Intelligence professionals have expressed fewer reservations about the administration's statements concerning Iraq's weapons programs. There is broad agreement within intelligence agencies that Iraq has continued its efforts to develop chemical, biological, and probably nuclear weapons, and that it is still trying to hide its weapons programs from United Nations inspectors.
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> Officials said the United States had obtained communications intercepts that show Iraqi officials coaching scientists in how to avoid providing valuable information about Iraq's weapons programs to inspectors. At the United Nations, Mr. Powell may also display American satellite photographs showing Iraqi officials moving equipment and materials out of buildings before they can be inspected by the United Nations.
>
> Still, there have been disagreements over specific pieces of intelligence used publicly by the White House to make its case, including the significance of one report that Iraq had imported special aluminum tubes for use in its nuclear weapons program.
>
> In testimony before the Senate Foreign Relations Committee on Thursday, Mr. Armitage acknowledged that the administration had at times relied on inconclusive reports that had not served to strengthen Washington's case.
>
> He agreed with the suggestion of Senator Joseph R. Biden Jr. of Delaware, the committee's ranking Democrat, that the administration should instead stick with the indisputable evidence that Iraq has in the past stockpiled chemical weapons, tried to make biological weapons, and has continued to deceive United Nations inspectors.
>
> "As we used to say in the Navy, KISS, 'Keep it simple, sailor,'" Mr Armitage said. "Go with your strong points."

Mr. KENNEDY. Although the U.N. inspectors have found no evidence so far of a revived nuclear weapons program in Iraq, there is ample evidence in North Korea. North Korea possesses 8,000 spent nuclear fuel rods capable of being reprocessed, by May, into enough plutonium to make up to 6 nuclear bombs. With inspectors gone and North Korea gone from the Non-Proliferation Treaty, we face an urgent crisis, with nothing to prevent that nation from quickly producing a significant amount of nuclear materials and nuclear weapons for its own use, or for terrorists hostile to America and our allies.

North Korea has already provided missiles to deliver chemical, biological, and nuclear weapons to terrorist states, including Iran, Syria, and Libya. We understand that. North Korea has already provided the missiles to deliver chemical, biological, and nuclear weapons to terrorist states. Desperate and strapped for cash, North Korea can easily provide nuclear weapons or weapons grade plutonium to terrorist groups, which could be used against us in the very near future. And we are talking about the production of weapons grade plutonium in the next few weeks. There is no division of opinion on that, absolutely none. There is no division of opinion on that. As some have described it, it would be a cash cow for North Korea that is absolutely strapped for cash.

Despite these alarm bells, the administration refuses to call the situation on the Korean peninsula what it is: a genuine crisis. If this is not a crisis, I don't know what is.

The administration refuses to directly engage the North Koreans in talks to persuade North Korea to end its nuclear program. By ignoring the North Korean crisis in order to keep focus on Iraq, the administration has kept its eye on the wrong place.

The administration says we can handle the war in Iraq, we can handle the war against al-Qaida, and we can deal with the problems of the nuclear crisis in North Korea. Any administration should seek to avoid three simultaneous foreign policy crises. In this case, we can, and we should, by not rushing to war with Iraq.

It is far from clear that we will be safer by attacking Iraq. In an October 7, 2000, letter to the Senate Committee on Intelligence, CIA Director George Tenet said the probability of Saddam Hussein initiating an attack on the United States was low. But his letter said: "should Saddam Hussein conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions."

Yesterday, Admiral Jacoby, the Director of the Defense Intelligence Agency, told the Senate Armed Services Committee that Saddam Hussein would use weapons of mass destruction "when he makes the decision that [his] regime is in jeopardy." CIA Director Tenet agreed with this assessment.

This assessment begs the question: If Saddam will not use weapons of mass destruction against the United States until his regime is about to fall, why is it in our national security interest to provoke him into using them?

The administration must be more forthcoming about the potential human costs of war with Iraq, especially if it pushes Saddam into unleashing whatever weapons of mass destruction he possesses. The administration has released no casualty estimates, and they could be extremely high. Many military experts have predicted urban guerilla warfare—a scenario which Retired General Joseph Hoar, who had responsibility for Iraq before the gulf war, says could look "like the last 15 minutes of 'Saving Private Ryan.'"

Nor has the administration fully explained the ramifications of large-scale mobilization of the National Guard and Reserve—especially its effect on police, firefighters, and others, who will be on duty for Iraq but who are needed on the front lines here at home if there is a terrorist attack on the homeland. In Massachusetts, 2,000 citizens have been called to active duty in the Armed Forces. Many of them are police, firefighters, first responders, and other health workers.

Nor has the administration been candid about the humanitarian crisis that could result from war.

Refugee organizations are desperately trying to prepare for a flood of as many as 900,000 refugees. Billions of dollars and years of commitment may well be needed to achieve a peaceful post-war Iraq, but the American people still do not know how that process will unfold and who will pay for it.

No war can be successfully waged if it lacks the strong support of the American people. Before pulling the trigger on war, the Administration must tell the American people the full story about Iraq. So far, it has not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak in support of the nomination of Miguel Estrada.

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAMBLISS. Mr. President, I recognize that we are now in our ninth day of debate leading up to an ultimate vote on whether or not Miguel Estrada should be confirmed as the nominee of President George W. Bush to the Circuit Court of Appeals for the District of Columbia. As part of the debate on both sides of the aisle, there has been a continual question asked on this side of our friends by the other side who are in opposition to the appointment and confirmation of Mr. Estrada. That question has been: Give us a reason we should not have a vote on whether or not Mr. Estrada should be confirmed.

I have great respect for the Senator from Massachusetts. He has certainly been a part of this institution for a long time. I listened very closely to his comments which I respect. And I respect his opinion and his right to hold his opinion in opposition to Mr. Estrada. But I think what we have just heard for the last 20 minutes is very indicative of what we have heard for the last 9 days. And that is, there is no reason Mr. Estrada should not be confirmed.

There have been reasons put forth from the other side, and every time one of those reasons has been put forth, the chairman of our committee, Senator HATCH, or someone else, has risen to refute that argument. What the other side has now done is, instead of concentrating on the argument in opposition to Mr. Estrada, they have gotten off extensively on to other issues.

I go back to the same question we have asked: Why do we not vote on Mr.

Estrada? What is the reason you have that Mr. Estrada should not be confirmed as President Bush's nominee to the Circuit Court for the District of Columbia?

There has been a lot of debate about what was said and the opinion that came out of the conversation between Mr. Estrada and the Hispanic Caucus over on the House side. Let me tell you about some of the folks in the Hispanic community who have come out in support of the nomination of Mr. Estrada: The League of United Latin American Citizens, which is the Nation's oldest and largest Hispanic civil rights organization, has come out in support of the nomination and confirmation of Mr. Estrada; the U.S. Hispanic Chamber of Commerce; the Hispanic National Bar Association; the Hispanic Business Roundtable; the Latino Coalition; the National Association of Small Disadvantaged Businesses; the Mexican American Grocers Association; the Phoenix Construction Services; the Hispanic Chamber of Commerce of Greater Kansas City; the Hispanic Engineers Business Corporation; the Hispano Chamber of Commerce de Las Cruces; Casa Del Sinaloense; the Republican National Hispanic Assembly; Hispanic Contractors of America, Inc., and Charo Community Development Corporation—a long and distinguished list of Hispanic entities that have come out in strong support of the nomination and confirmation of Miguel Estrada.

Let me go further and quote from statements from some individuals who are involved in some of these organizations. The League of United Latin American Citizens, the oldest and largest Hispanic civil rights organization—the president of that organization is a gentleman named Dovalina. Here is what he says about Miguel Estrada:

> On behalf of the League of United Latin American Citizens, the nation's oldest and largest Hispanic civil rights organization, I write to express our strong support for the confirmation of Miguel Estrada. . . . Few Hispanic attorneys have as strong educational credentials as Mr. Estrada, who graduated magna cum laude and Phi Beta Kappa from Columbia and magna cum laude from Harvard Law School, where he was editor of the Harvard Law Review. He also served as a law clerk to the Honorable Anthony M. Kennedy in the United States Supreme Court, making him one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth.

The Latino Coalition, of which the president is, Mr. Robert Deposada—here is what he said about Mr. Estrada:

> To deny Latino's, the nation's largest minority, the opportunity to have one of our own serve on this court in our nation's capital is unforgivable.

The president of the United States Hispanic Chamber of Commerce, Ms. Elizabeth Lisboa-Farrow, stated:

> We unanimously endorse this nominee and strongly urge you to move on the confirmation of Miguel Estrada. As a judge, he will be a credit to the federal judiciary, the President, Hispanics, and all Americans.

That emphasizes something I said on the floor a few days ago. There has been a lot of debate about Mr. Estrada being a Latino. Mr. Estrada is a Latino. I am sure he is very proud of that. But the thing I like about Mr. Estrada is that he is qualified to be appointed to the Circuit Court for the DC Circuit. He is qualified because he is an intellectual. He is bright. His record proves that. He is a world class lawyer who happens to be a Latino. This man needs to be appointed and confirmed to the DC Circuit Court of Appeals because he is a good lawyer. Even more than that, he is an outstanding lawyer.

The president of the Hispanic National Bar Association, Mr. Rafael Santiago, stated as follows:

> The Hispanic National Bar Association, national voice of over 25,000 Hispanic lawyers in the United States, issues its endorsement. . . . Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination. I urge the Senate Committee on the Judiciary to schedule a hearing on Mr. Estrada's nomination and the U.S. Senate to bring this highly qualified nominee to a vote.

Mr. Henry T. Wilfong, Jr., president of the National Association of Small Disadvantaged Businesses, stated as follows, in a letter to Senator LEAHY on July 12, 2001:

> The [National Association of Small Disadvantaged Businesses] would like to add our support . . . for Miguel Estrada's nomination as United States Court of Appeals Judge for the District of Columbia Circuit.
>
> Mr. Estrada is a brilliantly talented and accomplished attorney who will make an outstanding addition to the prestigious DC Circuit. . . . While we do not dwell on symbolism, we feel that Mr. Estrada's appointment as the first Hispanic member of the DC Circuit will be of benefit to us in further illustrating the wide range of talent in the minority communities, just wanting to be effectively and fully used.

Well, I could go on quoting comments from other members of the Hispanic organizations around the country. All of the major Hispanic organizations have said this man needs to be confirmed to the DC Circuit Court of Appeals. He needs to be confirmed, yes, because we are proud of him as a Latino, but he needs to be confirmed because he is one of America's outstanding lawyers.

Now, some of the criticism that has been directed at Mr. Estrada has been for totally unfounded reasons. I wish to talk about a couple of those. I wasn't here back in September of 2002, when the hearing of Mr. Estrada was held before the Senate Judiciary Committee. But at that point in time, the Judiciary Committee was controlled by the Democrats. The chairman of that committee was Senator LEAHY, who I have come to know. He is a very fair man. He is a very strong advocate for his beliefs. But I have seen him operate within the Judiciary Committee, and I know him to be a person who is very deliberate in the way he presents himself on that committee. So I have no doubt that at the time of Mr. Estrada's hearing in September of last year, Mr. Estrada was treated very fairly and was given due accord.

One of the criticisms that has been repeated today is the fact Mr. Estrada, during the course of that hearing, in September of last year, was that he was nonresponsive to questions that were presented. Under the leadership of Senator LEAHY, the hearing began at around 10 o'clock in the morning. I am told it lasted until 5:30 in the evening; and although there were few district court nominees who were also testifying at that hearing, the great bulk of the time was given to Mr. Estrada. That is the case, as I have seen it, over the last several weeks since I was elected and sworn in as a Member of this body and appointed to the Judiciary Committee.

After the hearing, every member of the Judiciary Committee was given an opportunity not just to ask every question they wanted to ask, but if they weren't satisfied with the answers they received, whether it was what they wanted to hear or not, they had the opportunity to ask that Mr. Estrada come back for another series of questions. But they did not do so. He was not asked to come back and appear before the Judiciary Committee again.

In addition to that, at every hearing we have on judicial nominees—and I know this to have been the case last year under the direction of Senator LEAHY—every member of the Judiciary Committee has the opportunity to submit written questions to every nominee who has their confirmation hearing before the Judiciary Committee. So if there was any member of that committee who was not satisfied with the answers they received, or wanted a written answer in addition to the verbal answer that was given that day, or if they didn't feel as if the nominee was being totally forthcoming, they could ask the question again and get an answer in writing.

After the hearing of Mr. Estrada before the Judiciary Committee, only two Democratic Senators submitted written questions. Some of those folks who are on the other side of the aisle, over the last 9 days who have been complaining the loudest about not knowing enough about Mr. Estrada, did not submit any written questions at all. Is that fair? Is that reasonable? Is that the way this body ought to function with respect to the confirmation of our judicial nominees? I don't think so. I don't think that is the way our Founding Fathers intended this body to operate.

Let me look at another couple of objections that have been raised by the other side with respect to Mr. Estrada.

There has been an issue regarding the fact that he has no judicial experience and, therefore, he should not be confirmed.

Well, let me say that if that were the case, if experience in an area in our line of work, politics, was a requirement to be elected, I never would have been elected to the House of Representatives where I gained experience before I was elected to the Senate. I had never run for political office before. You know what? I brought a lot of assets to the House of Representatives because I was not involved in politics before. I had about 72 other Republican classmates in my class in 1994. Some of them had been involved in politics. The one common thread we all had was that we came from a business background. Most of us have had to meet a payroll, and we knew and understood about business and about balancing budgets. And one of the focuses of the class of 1994 in the House of Representatives was to move forward to balance the budget of this country, which had not been balanced for decades prior to that election. We achieved that. We achieved it because we knew and understood that is what was required of families in America who sit around their kitchen table every single month, and it was only right to ask Congress to do that. That is the kind of lack of political experience that my class had when we were elected in 1994.

For the contention to be made that Mr. Estrada has no judicial experience and that is why he ought not to be confirmed, I think is just ludicrous. I think because he lacks judicial experience, that may be an asset. There have been some pretty significant judges appointed to the bench who did not have judicial experience. Byron White, nominated by President Kennedy, and William Rehnquist, currently Chief Justice of the U.S. Supreme Court, had no judicial experience when they were appointed to the court. Of the eight judges who are today serving as members of the same court to which we seek to have Mr. Estrada nominated, five had no previous judicial experience at the time they were nominated and confirmed by this body. I don't know whether the same objection was raised then or not, but if it was, it has obviously been proven that it was not a valid objection.

There has been an allegation that the administration has refused to produce memoranda that Mr. Estrada wrote as an Assistant to the Solicitor General. Mr. Estrada was Assistant to the Solicitor General both in the Clinton administration as well as in the Bush administration. There is just a wealth of knowledge that he gained by virtue of the fact that he worked for the Government in addition to serving in the private sector as a lawyer.

But while he was in the Solicitor General's Office, sure, he did what his boss told him to do. If it required research and giving his boss a memorandum on a particular issue, he did what he was told to do and, obviously, did it in a very efficient manner, because every single living Solicitor General has come forward, including those for whom Mr. Estrada worked, and has said that it would be improper for the Justice Department to produce the memoranda that Mr. Estrada worked on and provided to his boss. And also, the Solicitor General for whom he worked, both in the Clinton administration as well as in the Bush administration, have both talked about how highly qualified and how competent this individual is.

For an objection to be made that he failed to produce memoranda that the Justice Department says would not be proper to present, and that Republican and Democratic Solicitor Generals say would not be proper for the Justice Department to present, I think totally negates any argument about the fact that those memoranda have not been produced.

I could go on and on about the issues relative to Mr. Estrada's nomination that had been presented by the other side. I repeat, every time one of those issues has been raised, Chairman HATCH or some other member on this side has totally refuted that argument.

I go back to the point of why are we here? Why are we, 100 Members of this body, here? We are here to do the people's work. We are here to do what is in the best interest, not just of our constituents, but in the case of judges, we are required—and I agree with the Senator from Massachusetts, we ought not be a rubberstamp. But we have a process we go through to nominate and confirm judges. We ought to have full, open, and free debate on each and every one of those nominees, and we have done that.

We are here to do the work of the people of the United States of America. The people of the United States of America elected us to have full, free, and open debate on judges, as well as the many other issues with which we have to deal. We have done that. We have had 9 days of debate on the nomination of Miguel Estrada. It is time now that we do what the people elected us to do, and that is to vote. If a Member thinks he ought not be confirmed, vote against him.

I think he ought to be confirmed because he is well qualified and his time to go to the Federal bench has come. I am going to vote to confirm him. Because we are here as elected officials and because we have a duty to represent not just the people who sent us but the people of America when it comes to the confirmation of judges, we owe those people who sent us here and the people all across America a response to that obligation. We should move this nomination forward to a vote.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I wish to take an opportunity to discuss the appointment of Miguel Estrada to the circuit court and to raise an objection I share with other colleagues on this side of the aisle.

I come out of the business world. I think of how I might react if I were interviewing a senior executive candidate, and if that individual refused to answer relevant questions about his experience or her views, or what kind of a life attitude had developed in that person's mind, I sure would not be putting them on my payroll.

To respond to our colleague from Georgia who raises legitimate questions about why there is opposition on our side, the Senator challenges the fact that Mr. Estrada's lack of experience—I think if I heard him correctly—could even be an asset.

The Senator also alluded to the fact he came here without experience. I certainly did. I came here directly from the business community. I came here without experience. He and I and the occupant of the Chair have a job that is less than permanent. My colleague from Georgia and my colleague in the Chair got here because they terminated someone else's tenure in office. If that was the condition, if we were not talking about a lifetime appointment, we would not be having this debate, in my view. I am sure we would have had a vote and probably approved for Mr. Estrada to assume the appeals court bench.

That is not the case. Nor is it the case that the advise and consent relationship of a recommendation that comes from the President means automatic consent. We are supposed to take these responsibilities seriously. I am not a lawyer, but I feel the full measure of a democracy is the way justice is dispensed. We have a separation of powers to make sure there are checks and balances. That is why we protect the judiciary from being tossed out of office willy-nilly. They are able to exercise their will and exercise it to the best of their ability. But we have an obligation to confirm what the best of their ability is.

I am not happy about entering this discussion like this because I do have respect for colleagues on the other side of the aisle. I think they should have every right to add their views of support, to register those views as diligently and as forcefully as we have seen.

This is a two-way street. When a Democratic President sent up nominations, the delays were interminable. We heard last night about 1,500-day delays without being able to get a hearing. That is over 4 years.

I register my opposition to the confirmation of Mr. Estrada for the Circuit Court of Appeals for the District of Columbia. My opposition stems from several reasons, particularly questions about his unwillingness to come forward to discuss his views, to say to the American people—because they are ultimately the folks who are listening—that he is unwilling to participate in the system as it exists; that he is challenging the advice and consent aspect of the Senate's approval of asserting himself as a viable candidate for the United States Court of Appeals; that he is unwilling to open up his views to the people who are responsible for making the judgment.

Last night, I listened eagerly to the debate that took place. I listened to the distinguished chairman of the Judiciary Committee—a friend, someone I have known for a long time—talk about how unfair we are being to the President of the United States in not giving him full recognition of the fact he is the President and he is entitled to make his recommendation. The Constitution is so clear. The Constitution says the nomination has to come to the Senate for advice and consent. That is the process. We are not violating any rule by raising these questions.

Last night, it was even insinuated there might be some racial issue tied up here, and that borders on the ludicrous. I point out that the Puerto Rican Legal Defense and Education Fund, the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, NAACP, and the Congressional Hispanic Caucus all oppose Mr. Estrada's nomination. These organizations obviously are not prejudiced against Hispanics.

Any illusion, any suggestion, any insinuation that there could be a racial concern here is an outrageous claim.

So we are going to leave those comments behind. They are without merit and without consideration. I have real substantial concerns about this nominee.

His former supervisor at the Justice Department concluded:

> He lacks the judgment and is too much of an ideolog to be an appeals court judge.

We have a right to hear what his views are. It is especially troubling because we are talking about a nominee to the DC Circuit, the most important court outside the Supreme Court in this country. The DC Circuit overseas enforcement of critical environmental, consumer, and worker protection laws. Three sitting U.S. Supreme Court Justices have come from the DC Circuit. It is an enormously important position and it is, once again, a lifetime position.

If we were to do anything except fully exercise our conscience to make sure that we understood as clearly as each one of us has not only the right but the obligation to do to examine what this individual brings to the position, we would be shirking our responsibilities.

Last night we heard talk about the fact that the Mexican American Legal Defense and Educational Fund, and other groups, have raised concerns about Mr. Estrada's view on a subject that I am particularly concerned about: racial profiling. The concern is that Mr. Estrada's support for so-called antiloitering laws were actually a guise for racial profiling.

Racial profiling is a terrible problem. We had a very difficult time in the State of New Jersey with that issue. I introduced racial profiling prohibition legislation in the Senate, and I am pleased to work with my colleague from Wisconsin, Senator FEINGOLD, on that issue now.

Driving while black, walking while Hispanic—we have heard those phrases—should not be crimes. I think the courts must do all they can to prevent this practice. I am worried that Mr. Estrada's views go in another direction.

Another major problem with this nominee is that he seems to be hiding the ball, not playing the game the way it ought to be, refusing to discuss his basic legal theories and beliefs. The Constitution does not say the President of the United States has a unilateral right to put anybody he wants to on the Federal bench. Presidential appointments require, as I said before, the advice and consent of the Senate, and that certainly does not suggest automatic consent.

We have a constitutional obligation to evaluate the President's choices. As all judicial nominees, Mr. Estrada had his job interview before the Judiciary Committee. At his Judiciary Committee hearings, Mr. Estrada refused to answer important questions. My colleagues who serve on that committee asked the appropriate questions about his judicial philosophy, such as his views on key Supreme Court decisions, but he failed to respond or was unwilling to respond to fundamental and simple questions expected of a nominee before that committee.

I mentioned that before I came to the Senate I ran a pretty good sized company, and when we would interview people for important positions in our company we would expect them to be completely responsive to our inquiries. If someone was evasive, refused to answer reasonable questions, we would not hire them. It would not be fair to our shareholders, our customers, and the other employees of the company to hire someone who refused to answer basic questions about how they would handle the job.

In the case of Miguel Estrada, we have someone who refused to answer questions regarding his nomination for a lifetime position. We, in the Senate, have a constitutional responsibility to review the nominees fully and have our consciences clear when we decide their fate. This nomination should not move forward because Mr. Estrada has left too many questions unanswered. He has kept many of his views on important legal matters a mystery, and that is not how this process should work. That is not how it is going to work.

This has nothing to do with anyone's ethnic background. That is silly. This Democratic caucus is always looking to expand diversity, and everybody knows that. This debate is about a nominee who is not cooperating. If he thinks Roe v. Wade is unsound law, let him say it. If he thinks it is settled law and respects it as a judge, let him say that. I do not think this nominee should move forward until serious questions about his legal philosophy have been answered.

Some of my colleagues on the other side act as if this is unprecedented for a Presidential nominee to not receive a vote, but there were Clinton nominees who could not even receive a hearing, no less a vote. I wish to remind the Senate of some of the names we heard from our Democratic whip the other day, people such as Judith McConnell, John Tait, John Snodgrass, Patrick Toole, Wenona Whitfield, Leland Shurin, John Bingler, Bruce Greer, Sue Ellen Myerscough, Cheryl Wattley, Michael Schattman, James A. Beaty, Jr.; J. Rich Leonard, Anabelle Rodriguez-Rodriguez, Helene White, Jorge Rangel, Jeffrey Coleman, James Klein, Robert Freedberg, Lynette Norton, Robert Raymar, a fellow from New Jersey whose name came up, could not get a hearing, Legrome Davis, Lynne Lasry, Barry Goode, H. Alston Johnson, James Duffy, Elana Kagan, James Wynn, Kathleen McCree-Lewis, Enrique Moreno, James Lyons, Kent Markus, Robert Cindrich, and the list of those who waited for such long periods is rather lengthy. We are talking about 57 nominees who were never allowed votes by the Republican-controlled Senate: 31 circuit and 48 district judges, 57 of those never allowed votes; 31 circuit court nominees, 22 blocked from getting a vote or being confirmed. There is person after person. One person waited more than 1,500 days, Helene White, never to be allowed a hearing or a vote. Richard Paez waited more than 1,500 days, finally confirmed. The list goes on.

So when I hear the complaining about how unfair the Democrats have been, I just say look back over our shoulder not too long ago and see the number of people who waited and waited and could not get any attention at all.

Mr. Estrada is getting attention, a lot of attention, and if he was responsive appropriately, I am positive a vote would have taken place and we would all have registered our opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD wished to come to the floor and speak for about 45 minutes. I spoke to him a few minutes ago. He indicated he would be ready to go at quarter after 5. The Senator from Washington wishes to speak for 10 or 12 minutes. So I do not think it would greatly inconvenience anyone if I ask unanimous consent that the Senator from Washington be recognized for up to 12 minutes, and following her statement that Senator BYRD be recognized for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to discuss the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia. Throughout my service in the Senate, we have struggled with judicial nominations. I know we can make the process work.

In Washington State, I worked with a Republican Senator and a Democratic President to nominate and confirm Federal judges, and today, with a Republican President I am working with my Democratic colleague from Washington State on a bipartisan process to recommend judicial candidates.

I have also seen the process work in the Senate. My Democratic Senate colleagues agreed to confirm 100 Federal judges during the period of the 107th Congress when Democrats were in the majority. That is a great accomplishment for a Democratic Senate and a Republican President.

There were also periods during the Clinton administration where the Republican Senate confirmed significant numbers of judges appointed by a Democratic President. It is important to put this standoff in the proper context. We are considering a nominee to the DC Circuit Court which is widely acknowledged as the second highest court in our country.

This court has jurisdiction over a broad array of critical issues involving workers rights, civil liberties, disabilities, and environmental regulations. Judges at the DC Circuit Court are often given serious consideration for service on the United States Supreme Court. This is a lifetime appointment. Neither the President nor the Senate can revisit this nomination once it has been confirmed.

All of these factors—the importance of the DC Circuit, the potential of consideration for the Supreme Court, and the lifetime appointment—signal Members to proceed with caution. We are not considering a nomination to a commission or an ambassadorship or some other Senate-confirmable position. This is different. This is a lifetime appointment for a Federal judge whose rulings over the next 30 or 40 or more years will have ramifications for every single American.

I respect President Bush's role in nominating Miguel Estrada. I respect the majority's right, working with the President, from the same party, to promptly move judicial appointments. I come to the floor today to ask my colleagues to respect the Senate's constitutional advice and consent responsibilities. As Senators, we are elected to serve our constituents. We are asked to confirm judges whose decisions can change U.S. history and shape the lives of the American people for generations to come. That is a tremendous responsibility. I know all Senators take it very seriously.

Let me say a few words about the nominee now before the Senate. Miguel Estrada, by all accounts, is an accomplished lawyer with a compelling personal history. But I owe it to my constituents to make an informed judgment on his nomination. At this time I am simply not prepared to move forward with a vote on the nomination of Miguel Estrada because there is too little information for me to make an informed decision. I encourage the majority leader to take this nomination off the floor at this time. We expect Federal judges to provide the proper check in our system of checks and balances outlined in the Constitution. Without it, our system does not function properly.

We must ensure each nominee has sufficient experience to sit in judgment of our fellow citizens, will be fair to all those who come before their court, will be evenhanded in administering justice, and will protect the rights and liberties of all Americans. To determine if a nominee meets those standards, we need to explore their record, ask questions, and weigh their responses. Miguel Estrada and the administration have failed to address these basic issues. And without addressing these basic issues, I cannot assess the nominee's qualifications. From my perspective, the Senate has been asked to confirm a candidate about whom we know very little. I cannot at this time vote to confirm Miguel Estrada for lifetime service on the DC Circuit Court.

As several of my colleagues have done, I need only to invoke the words of the chairman of the Judiciary Committee to describe my hesitancy to move forward with the Estrada nomination. Speaking of President Clinton's judicial nominees and the Senate, Senator HATCH said the Senate will have "to be more diligent and extensive in its questioning of nominees' jurisprudential views."

Mr. Estrada and the administration have failed to meet the same standard set out by Senator HATCH. Mr. Estrada has failed to provide through his writing, his experience, or through answers to questions at the Judiciary Committee, any meaningful insight into his likely decisionmaking process as a Federal judge. He has very limited scholarly or judicial experience. He did work in the Solicitor General's Office at the Department of Justice during the 1990s. But, unfortunately, the administration has refused to provide the Senate with or characterize any opinions he wrote or had while at DOJ.

Despite repeated requests from Senators, the nominee and the administration have refused to provide information that can help all Senators determine whether Miguel Estrada is deserving of confirmation to a lifetime appointment to the Federal bench. Allowing Senators to access the memoranda he wrote while at the Solicitor General's office is particularly important.

Unlike most judicial nominees, he has nothing on paper to give us any indication as to how he would rule on the bench. In fact, Mr. Estrada has not had any published legal writings since he was in law school.

Time and again, we are told by the administration that Miguel Estrada is a brilliant lawyer and more than qualified to serve on the D.C. Circuit Court. Yet, all we have to base a decision on his nomination are the endorsements of others. I appreciate these endorsements, but each of us as Senators must reach our own conclusions based on the facts. I am greatly troubled by the silence we have heard from the nominee himself.

The path to confirmation for a judicial nominee is indeed a difficult one. But in the case of Mr. Estrada, the nominee and the administration went beyond anything we are accustomed to and brought great difficulty upon themselves. At his confirmation hearing before the Judiciary Committee, Mr. Estrada refused to give Senators straight answers to most of their questions.

Many of our Judiciary Committee colleagues have discussed this nomination at great length here on the floor. I have listened to the statements from both Democrats and Republicans on the Judiciary Committee.

The words of Senator FEINSTEIN stands out as I look at this nomination. Let me share them again with the Senate.

Senator FEINSTEIN said:

> I have been reviewing background materials about Miguel Estrada, talking to those who have concerns about him, and I have reread the transcript from Mr. Estrada's hearing.
>
> I must say that throughout this process, I have been struck by the truly unique lack of information we have about this nominee, and the lack of answers he has given to the many questions raised by Members of this Committee.
>
> He, essentially, is a blank slate. And, if confirmed, he could serve for 30, 40, or even 50 years on one of the highest courts in the Nation. We had better be right about this decision.

Mr. President, I agree with that assessment. The Senate must be right about this decision. That is why so many on this side of the aisle have asked the majority leader to help us be right about the Miguel Estrada nomination.

At a minimum, Mr. Estrada should be sent back to the Judiciary Committee for more questioning. In the Committee, he should be more forward in answering the questions of Senators. He should be more willing to release information regarding his opinions about important judicial matters.

Mr. Estrada was asked to name any case in the history of the Supreme Court with which he disagreed. Surely, Mr. Estrada—who served as the editor of the Harvard Law Review—can cite a case that he disagrees with. At his original confirmation hearing, Mr. Estrada could not cite a single case before the Supreme Court he disagreed with. The Senate should give Mr. Estrada another opportunity to answer this question before the Judiciary Committee.

Mr. Estrada was asked to name a Supreme Court judge that he admired. When he refused to answer this question, Mr. Estrada was asked to name any Federal judge that he admired. Again, Mr. Estrada refused. The Senate should give Mr. Estrada another opportunity to answer this question before the Judiciary Committee.

Unless the Senate is able to learn more about Miguel Estrada, I am left to conclude that this nominee has no judge he would try to emulate, no judicial philosophy he follows, and no opinion on any important case that has ever come before the Supreme Court.

Without so little information to determine how Mr. Estrada will rule as a Federal judge on important matters of labor rights, rights of privacy, civil rights and environmental regulation, I cannot consent to considering his nomination at this time.

I strongly encourage the majority leader to withdraw this nomination and send it back to the Judiciary Committee. I encourage the President and the nominee to address the many issues raised by Senators.

The ultimate fate of the Miguel Estrada nomination—was well as the Senate's ability to move forward with bipartisan support for judicial nominees—rests with the majority leader and the President of the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the distinguished Senator from West Virginia, who is to be recognized following the statement of the Senator from Washington, has agreed the Senator from Arkansas could speak for up to 6 minutes prior to his speech. There is no one here on that side, so I don't think it inconveniences anyone.

I ask unanimous consent that the order now in effect be changed to allow her to speak for up to 6 minutes before Senator BYRD speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly thank my colleague from West Virginia for his courtesy and kindness in letting me go forward. I appreciate it.

Mr. President, I come to the floor today to express my frustration with the nomination of Miguel Estrada to the Court of Appeals for the DC Circuit. I have never before opposed a judicial nominee, but after much prayer and reflection I cannot support this nominee until he is able and willing to cooperate with the Senate in its Constitutional responsibility to advise and consent. I believe all executive and judicial nominations that come before the U.S. Senate are entitled to courtesy and respect. I also believe the U.S. Senate's role of advise and consent is an important check and balance that our forefathers instituted, and it is an obligation that I do not take lightly. I know our forefathers put it there for a good reason. Each nominee is entitled to a thorough and fair hearing, and I have fully evaluated each of President Bush's nominees as the Constitution mandates. In every case before us, I have supported President Bush's nominees. Yet I can not in good conscience support this nominee at this time based on the lack of information that has been made available and the manner in which this nomination has been presented. Is it too much to ask of a person who is being offered a lifetime position to simply answer a few questions?

As a nominee seeking Senate confirmation, Mr. Estrada has the burden of proof to demonstrate his fitness for the high office he seeks. During the confirmation process, a nominee can meet this burden in many ways depending in part on the background and experience of an individual at the time of appointment. Another consideration is the level of scrutiny warranted for a life-time appointment to an important judgeship. Finally, one critical element I look for in all nominees is a willingness to cooperate with the Senate and show deference and respect for the process we engage in here in the Senate.

As many of my colleagues have already established, Mr. Estrada comes to the Senate with a very limited written record upon which to make an informed judgment. To make our job even more difficult, the administration has refused to release relevant information that would shed much needed light on this nominee's judicial philosophy and reasoning. Moreover, Mr. Estrada seemed determined to be evasive and unresponsive to questions put to him during his confirmation hearing.

After weighing these factors, reviewing the committee record, meeting personally with Mr. Estrada, and considering the views of hundreds of constituents and interested organizations, I am not satisfied that Mr. Estrada has met the burden required for confirmation to such an important position.

Even though Mr. Estrada is reluctant or unwilling to say so, I assume Mr. Estrada has a conservative ideology and that he and I would disagree on many issues. But after voting for every judicial nominee to come before the Senate since I took office, I can say with credibility that Mr. Estrada's ideology doesn't prevent me from supporting his nomination. A nominee's particular views or political beliefs don't bother me, so long as I am confident that nominee can separate his personal beliefs and opinions from his duty as a Federal judge to follow established precedent and interpret the law and Constitution fairly and without political bias.

What concerns me a good deal, however, is the unwillingness of the administration and Mr. Estrada to respond directly to reasonable requests for legitimate information. How hard is it to answer questions about Supreme Court cases that have been on the books for years? Why is the administration so unwilling to allow U.S. Senators to review written material that would help us discharge our duty under the Constitution?

I believe having judges from different backgrounds is important, and I salute President Bush for nominating an Hispanic to serve on this court. I fully support efforts to diversity the Federal judiciary so that it is more representative of our society. But I cannot support Mr. Estrada simply because he is Hispanic.

Charges of racial insensitivity have no place in this debate. This Senate has already confirmed unanimously seven of President Bush's Hispanic judicial nominees.

Like all nominees that come before the Senate, Mr. Estrada must answer questions put before him. I want to make clear that the questions Democrats asked of Mr. Estrada are no different than the questions Republicans have asked of nominees. In fact, when the current Attorney General served on the Senate Judiciary Committee, he asked a judicial nominee the same question that Mr. Estrada refused to answer. The question was: "Which judge has served as a model for the way you would conduct yourself as a judge and why?" Mr. Estrada was asked and refused to answer a similar question.

When I let my boys off at school this morning—they are 6 years old and in the first grade—they were having problems with a buddy at school, in their class. They were saying: What do we do with this, Mom? How do we handle it?

Do you know what I said to them? I said: Work with him. Figure it out. Work with him.

That is simple, and it is simply what Democrats have told Mr. Estrada: Work with us. We are trying to do our job, to satisfy our constitutional responsibility, in good conscience, to meet the job we are sent here to do by the constituents who believe in us. If that means reviewing oral arguments and briefs of a few cases so that Mr. Estrada can state an opinion on at least one case decided by the Supreme Court in the last 40 years, why not do it? No one disagrees that Mr. Estrada has a distinguished academic and professional background. He is a very nice man. I met with him. My responsibility is not just to put nice people into judgeships.

He graduated magna cum laude from Columbia and magna cum laude from Harvard Law School, served as editor for Harvard Law Review, and clerked for a Supreme Court Justice. It should not take him more than an afternoon, or less, to do a little research so that he could answer the questions that members of the Judiciary Committee have put before him.

I call on the administration to let Mr. Estrada answer the questions the Senate has put before him, in good faith, so that the Senate can vote on Mr. Estrada. Is it really too much to ask, to simply say we need more information to make an important judgment on a very important, lifetime nomination? Please, give us the ability to execute our responsibilities under the Constitution. Is it too much to ask of one man, who is before us, who has the burden of proof, to show us his capabilities? Is it too much to ask, to simply say let's spend a couple of more hours, answer a few questions, and move forward? Because this Nation has a great deal to deal with. We have many issues on our plates and many things we need to address immediately. I simply say to my colleagues, is it too much to ask, to simply answer a few questions?

Mr. President, I especially thank my colleague from West Virginia for his yielding to me and allowing me to move forward.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Arkansas, my favorite Supreme Court Justice was John Marshall. It is not a very hard question to answer.

U.S. RHETORIC GOES OVER THE TOP

Mr. BYRD. Mr. President, the language of diplomacy is imbued with courtesy and discretion. Diplomats the world over can be counted on to choose each word of every public statement with precision, for an ill-received demarche could turn allies into adversaries or cooperation into confrontation.

Like most professions, diplomacy has its own lexicon. As John Kenneth Galbraith wrote in 1969, "There are few ironclad rules of diplomacy but to one there is no exception: when an official reports that talks were useful, it can safely be concluded that nothing was accomplished." And when we hear a seasoned envoy refer to a "frank and open discussion," we know that he is actually talking about a knock-down, drag-out fight behind closed doors. While negotiation can steer great powers away from a course that would lead to war, we can usually count on public statements about diplomacy to be underwhelming—not overwhelming but underwhelming.

There have been exceptional times when bold statements have energized world opinion. When President Reagan stood on the Berlin Wall in 1987 and proclaimed, "Mr. Gorbachev, tear down this wall," he spoke to millions of Germans who longed to be freed from oppression. While I would not go so far as to credit a single phrase with hastening the fall of the Eastern Bloc, certainly President Reagan's statement reflected the resolve of the West to oppose communism.

There have also been a fair number of bold statements to the world that have backfired. For example, Nikita Khrushchev squandered whatever credit he might have gained through a goodwill tour of the United States in 1959, when he visited the United Nations the next year. The Soviet Premier famously exclaimed to the West, "We will bury you," while slamming his shoe on the table in front of him. This ill-advised outburst was a vivid depiction of an irrational and out-of-control superpower.

Fortunately, the United States has a tradition in foreign policy of being slow to anger. We have nurtured a reputation of being rational and deliberate. I doubt that Americans would have much tolerance for a president who used the United Nations as a forum for testing the construction of his footwear on the nearest table. It would be a great departure for the United States to use its foreign policy organs as a means to spread divisive rhetoric.

Unfortunately, the tone of our foreign policy in recent months has been in a steady decline. To some of our allies, the United States, through its words and its actions on the crisis in Iraq, is beginning to look more like a rogue superpower than the leader of the free world. Many newspapers in European capitals criticize U.S. policy toward Iraq. Moderate Muslim nations, such as Jordan and Turkey, are growing progressively suspicious of American motives in the war against terrorism. An increasing number of people in Arab countries are coalescing around an outright hatred of the United States.

Let us remember that President Bush came to office promising to change the tone in Washington. I wonder if the current tone of American foreign policy is what he had in mind? One source of alarm is the tone of the National Security Strategy released by the White House in September 2002. In broad strokes, the strategy argues that the United States should use its overwhelming military power to engage in preemptive strikes to prevent others from ever developing the means to threaten our country. The strategy notes a preference for working with allies to keep the peace, but underscores the willingness of the United States to act unilaterally.

The content and the tone of these important pronouncements in the National Security Strategy sparked outcry, in the United States and around the world. The report gave critics plenty of ammunition to make their case that the United States is a 400 pound gorilla that will stop at nothing to get its way. Our strategy leaves much of the world the impression that Americans agree with the quotation of the late Chinese leader, Zhou Enlai, which turned the axiom uttered by the military strategist Carl von Clausewitz on his head: "All diplomacy is a continuation of war by other means."

There are many examples of provocative rhetoric that have escalated the stakes of our standoff with Iraq. In his 2002 State of the Union Address, the President coined an "Axis of Evil," comprised of Iran, Iraq, and North Korea. In October 2002, the White House press secretary suggested that regime change in Iraq could be accomplished with "the cost of one bullet." On December 30, 2002, President Bush said that Saddam's "day of reckoning is coming." The next day, he chided a reporter who asked about the prospect of war in Iraq by saying, "I'm the person who gets to decide, not you." The President's coarse words did nothing to ease criticism of American unilateralism.

Several members of the President's national security team warned Iraq in January 2003 that "time is running out" for Iraq, and that such time was measured in weeks, not months. On Sunday talk show interviews on January 29, the White House Chief of Staff refused to rule out the use of nuclear weapons in a war against Iraq. On February 6, President Bush ominously declared that "the game is over." With each of these statements, the chances of war appeared to grow.

To be fair, the President and his advisors have repeatedly stated a preference for the peaceful disarmament of Iraq. But as I speak right now, many Americans believe that war is inevitable. Through words and through action, the United States appears to be on a collision course with war in the Persian Gulf. Stating a preference for a peaceful solution is not enough to alter the heading of our great ship of state.

If our rhetoric toward Iraq is not alarming enough, the last weeks have seen an appalling increase in criticism of our allies and the United Nations.

On September 12, 2002, President Bush delivered a strong and effective speech that urged the United Nations to take action to disarm Iraq. The President said: "All the world now faces a test, and the United Nations [faces] a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?"

The President threw down the gauntlet, and the United Nations acted. Inspectors have returned to Iraq, and they are doing their job. The inspectors have asked for more time, but the President has now challenged the U.N. to authorize the use of force, or again face irrelevance.

And so, the world is now wondering, which is the greater threat to the relevance of the U.N.: a rogue nation that flaunts the will of the international community; or a permanent member of the Security Council that views the institution as useless unless the institution submits to its will? This hand has been overplayed. More threats of U.N. irrelevance will only portray the United States as a bully superpower.

European allies who do not share our view on the crisis in Iraq have recently been in the cross hairs for verbal bombardment. Secretary of Defense Rumsfeld has lumped Germany in with Libya and Cuba as the principal opponents of war in Iraq. He also characterized Germany and France as being "Old Europe," as if their economic and political power does not matter as compared to the number of Eastern countries that comprise New Europe.

Richard Perle, a senior advisor to the Department of Defense, has also had choice words about our European allies. In October 2002, Mr. Perle recommended that German Chancellor Schroeder resign in order to improve relations between our two countries. On January 30, Mr. Perle followed up this charge by saying: "Germany has become irrelevant. And it is not easy for a German chancellor to lead his country into irrelevance." Spreading his criticism around, Mr. Perle stated that "France is no longer the ally that it once was." So far as I can tell from press reports, Mr. Perle, who is the Chairman of the Defense Policy Board, has not been admonished for his inflammatory statements.

Such vindictive criticism of our European allies has had repercussions. According to a new poll, published in the Financial Times Deutchland on February 10, 57 percent of Germans agree with the statement, "The United States is a nation of warmongers." And now we find ourselves in a pointless stalemate with our NATO partners over military assistance to Turkey. If we had been more temperate in our rhetoric, perhaps we could have worked through the anti-American tone of the recent elections in Germany. Instead, we find ourselves escalating a war of words against two great European powers, who were powers—and who were great powers—before ours became a republic.

And so, Mr. President, how we communicate our foreign policy makes a difference. We expect North Korea or Iraq to use inflammatory propaganda to speak to the world, but we are a more dignified nation. There are ways for our country to indicate resolve without resorting to bellicosity. The subtext to nearly every new White House statement on Iraq is that the United States has run out of patience. The administration is signaling its willingness to use an extreme amount of military force against Iraq when many still question the need to do so, when many in our own country still question the need to do so, when some in this Senate still question the need to do so at this time. We need to change our tone.

Impetuous rhetoric has added fuel to the crisis with Iraq and strained our alliances. Before committing our Nation to war with Iraq and the years of occupation that will surely follow, we should repair the damage to our relations with our allies. I urge the President, and the administration, to change the tone of our foreign policy—to turn away from threatening Iraq with war, to turn away from insulting our friends and allies, to turn away from threatening the United Nations with irrelevance. Our rhetoric has gone awry, our rhetoric has gone over the top, from giving an indication of our strength to giving an indication of our recklessness.

I have learned from 50 years in Congress that it is unwise to insult one's adversaries, for tomorrow you may be in need of an ally. I have found in my 56 years in politics that today's opponent may be tomorrow's friend. There will come the day when we will seek the assistance of those same European allies with which we are now feuding. But serious rifts are threatening our close relationship with some of the great powers—the truly great powers of history—some of the great powers of Western Europe. The Secretary of State said yesterday that NATO is at risk of breaking up. Mr. President, it is time that we pause. It is time that we take a look at ourselves. It is time to put our bluster and swagger away for the time being. I urge the President to calm his rhetoric, repair our alliances, and slow down in the charge to war.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, last night I sat in my office listening to my colleagues, most on the other side of the aisle, debating the issue of Miguel Estrada's nomination to the second most powerful court in the country, the District of Columbia Circuit Court of Appeals. Even after all of the debate, some people may not realize that the D.C. Circuit Court is the overseer of all Federal agencies. It is the court that is most likely to make decisions about whether Federal regulations will be upheld or overturned, whether reproductive rights will be retained or lost, or whether intrusive Government actions will be allowed or curtailed.

I understand why some of my colleagues last night may have become heated with the determination of our side of the aisle to filibuster this nomination. Many of my colleagues wanted to know why we believed we had no other choice but to filibuster the nomination.

It is time we quit dancing around the issue. The question that has gotten so many of us concerned is whether this body is going to approve Bush administration nominees to the court of appeals who are out of step with the mainstream views of America.

Someone said last night: Maybe that side of the aisle doesn't want to appoint conservatives.

That is not the issue. What is at issue is we don't want to appoint someone who clearly refuses to answer questions on key issues of the constitutional right to privacy, only later to find out they will not uphold current law on protecting a woman's right to choose!

Upholding a woman's right to choose is an important issue of privacy and something about which we should all be concerned, It is an issue on which we have 30 years of settled law, and women across America count on that right.

But there are other stories and other issues of privacy we should also be concerned about. We are at a unique time in our country's history, a time when U.S. citizens have been treated as enemy combatants and imprisoned without access to counsel or trial by jury. We are at the tip of the iceberg of the information age where businesses may have access to personal information and exploit that information. Where health care industry people might have access to your most personal medical information. Where the Government has established a process of eavesdropping on and tracking U.S. citizens without probable cause. Where the Government has the ability to use and develop software that can track one's use of web sites and information on their personal computer without their consent or knowledge.

These are all important privacy questions that deserve to have the attention of any nominee to the Circuit Court of Appeals. When Miguel Estrada refused to answer the questions my colleagues on the Judiciary Committee posed to him about the issue of privacy, and if he in fact believed in a constitutional rights to privacy, it was troubling to me and to my colleagues who are opposing this nomination. We need to have answers to these questions before Miguel Estrada can be confirmed.

Make no mistake—the public is hearing a lot of bickering in the Chamber about numbers. How many nominees on this side have we pushed through, how many nominees have they pushed through, when a particular party was in charge. I am not sure the public wants to follow that debate.

But one debate I am sure they want to follow is the failure of Miguel Estrada to tell us what he believes. A 2001 poll shows that seventy four percent of the American public believes the question of judicial philosophy should be asked of nominees to the appellate court and that answers should be given. Over 50 percent of Americans, in a survey done in 2001, believe Members should not vote to confirm otherwise qualified nominees if they think their views on important issues are wrong.

Of course we cannot even make that judgement and we aren't left with a lot of options, when Miguel Estrada won't specifically answer the questions.

Some have said that the issue is simply that we don't like his answers to the questions. I do believe that it is important to view this debate in a larger context. This debate is about what this Administration means when it says we should appoint people to the court and who have a strict constructionist view of the Constitution. Like most Americans, I was not entirely sure what that phrase means. So I looked for further clarification. I found some that was very interesting. In January 2000, the President appeared on one of the Sunday talk shows. And he was asked about strict constructionism. He was asked the following:

With regard to strict construction, we will put up on our screens some words from Justice Scalia pertaining to abortion.

[Justice Scalia] said: "There is no constitutional right to abortion. I reach that conclusion because of two simple facts: One, the Constitution says absolutely nothing about it and, two, the longstanding traditions of American society have permitted it to be legally proscribed."

The host then asked the President, "Would you ask a nominee that question? Do you agree with that?"

The President responded:

> I guess you would have to say that is my idea of a strict constructionist.

So when people talk about a strict constructionist, very often they are talking about someone who doesn't believe in the constitutionality of a woman's right to choose.

An editorial in the Atlanta Journal Constitution makes the point as well when they wrote:

> The same spirit of deception is apparent when the topic turns to abortion. Bush is committed to overturning the U.S. Supreme Court decision legalizing early term abortion; but in most settings, he dares not mention the truth because he understands how unpopular it would be. So instead of being frank about his stance, he talks in code of appointing judges who believe in strict construction of the U.S. Constitution.

Mr. President, I don't think that is what this body should support. And in this context I do not think we should approve nominees who will not answer questions about their view on whether the right to privacy is guaranteed in our Constitution.

Make no mistake about it. This is not about someone's political views, this is about each nominees' judicial philosophy. We had a very interesting debate before the Senate Judiciary Committee on a nominee to the Tenth Circuit, Michael McConnell. A man who in private practice and as a law professor had espoused many views in opposition to abortion rights and was very critical of the decision in Roe v. Wade. I do not agree with probably any of the political views of Michael McConnell. Yet he came before our committee and, for hours, outlined his judicial philosophy, his understanding of stare decisis, his view on where the right to privacy exists within the Constitution and how it evolved. He was very specific in saying he thought the issue had been settled. In just one of the many, many answers he gave on privacy he said:

> I think most scholars would agree. In Roe, the Court canvassed several different possible textural bases and said it didn't matter which one of the bases. It was only in Planned Parenthood v. Casey that the Court finally came down to a single methodology and identified the privacy right as rooted in the substantive due process of the 14th amendment.

Mr. McConnell went on:

> Not only was Roe v. Wade decided by the Supreme Court, but a lot has happened in the 26 to 27 years, or however many it has been, since Roe v. Wade. That decision has now been considered. It has been reconsidered and reaffirmed by justices appointed by Presidents Nixon, Ford, Reagan, Bush, and Clinton after serious re-argument. At the time when Roe v. Wade came down, it was striking down State statutes of 45 of the 50 States of the Union. Today it is much more reflective of the consensus of the American people on the subject.

I offer this as an example of a nominee who was confirmed! Approved with bipartisan support. Was it because we agreed with his political views on abortion? No. It was because he came before the Senate and answered the question about the constitutionality of people's right to choose.

Now, some may say, well, this particular nominee, Miguel Estrada doesn't want to be that specific. We have all heard about this particular court, the District of Columbia, and how important it is to our country—the second highest court in the land—and the particulars of why this particular nominee may be so important. But again we also have to look at this nominee in context. This is not the first troubling nominee this administration has supported. They have put before us other individuals who, I believe, have been judicial activists in their role on various courts. We have been successful in defeating their nomination. Although we may be going to see them sometime in the future.

Several months ago, the President nominated Priscilla Owen to the Fifth Circuit. In a series of cases interpreting a new Texas law on parental consent, Owen suggested that a minor, even in the case of rape and incest, should be required to demonstrate that she had received religious counseling before receiving medical care.

She insisted that her holding followed Supreme Court precedent, yet she was unable to demonstrate where in the Supreme Court precedent the requirement on religious counseling existed. That is because it doesn't. Our law does not require those seeking abortion to have religious counseling. Her dissent in a similar case was called an "unconscionable act of judicial activism," by White House Counsel, Alberto Gonzales.

Another Bush nominee, Charles Pickering, received an unfavorable vote from the Senate Judiciary Committee last year after it became clear he had intervened on behalf of a convicted cross burner, calling prosecutors, including high-level officials in the Department of Justice, in an effort to lower the sentence of the convicted cross burner. The victim in this case said, after learning for the first time about the role that was played by Judge Pickering, that her "faith in the judicial system had been destroyed."

This is the context in which we view the nomination of Miguel Estrada. It is not clear where Miguel Estrada stands on the issues. He doesn't have a record like Priscilla Owen, or like Judge Pickering, about which we can ask questions. So the fact that he refuses to answer those questions, and the fact that the administration has proclaimed that they are very interested in nominating people with "strict constructionist" views about the Constitution, has left us very concerned about this particular nominee.

Let me be clear. The public doesn't care about our bickering on numbers, but they do care about us doing our job and asking questions about the nominee's views on important issues.

Another survey that was done last year asked whether individuals thought the views of nominees on specific issues should be taken into account, that Senators are expected to have a viewpoint by the people who elect them and not simply rubberstamp the nominees the President sends to the Senate. And 77 percent found that to be the persuasive argument to which they agreed.

The public was also asked whether the views of nominees on specific issues should be taken into account since Federal judges serve for life and are not elected by the people, and no one should be put on the bench if that person holds a position on an important issue that Senators think is simply wrong. Again, 77 percent of the public believed that was a persuasive argument and correct.

The issue is that the public does want us to do our job. They want us to find out the positions of these nominees.

It was not that long ago we had another issue before this body, a nomination to the Supreme Court of Justice Clarence Thomas. At that time, Judge Thomas refused to answer questions on the right to privacy, saying he thought there had been too much controversy on the issue and he did not have a personal view on whether Roe v. Wade had been rightly decided. But then, only one year later, he dissented in Planned Parenthood v. Casey stating that Roe v. Wade should be overturned!

This debate is very alarming to Americans. It is alarming because they want to know that their judiciary represents the views of the mainstream public; they want to know that the judiciary will uphold current law; that they will follow stare decisis. They want to know that the right of privacy, as it has been recognized in the Constitution, will be upheld.

We have to go back and do our homework on this particular nominee. I think most people in America understand if you go to take a pass-fail test and you do not answer the questions, it is very hard for you to pass. We have all heard of oral exams where you have to show and understand the material you have been studying for years. If you do not show the comprehension of that material, you do not pass. I think people here understand that if you come before the Senate Judiciary Committee and fail to answer the questions, you do not pass as well.

Maybe we will not agree on the types of positions this side of the aisle would support for a nominee. Maybe that side of the aisle does support people of strict constructionist views who do believe that Roe v. Wade should be overturned, but let's not put forth and continue to pursue a nominee who refuses to answer the questions. These are questions that deserve an answer. These are questions about which this body should hold its head up high and say, as we continue in an age where privacy is going to become more important, we will continue to fight for the rights of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I haven't had the opportunity in the last couple of days to have my say on Mr. Estrada. I thought I would take the time now to talk a little bit about the nomination of Miguel Estrada for the D.C. circuit court.

I have to say that there has been a lot of nonsense bandied about in the Chamber on the nomination and the idea of whether we are holding something up. Facts are bothersome things, as they say. What some people say in the past may come back to haunt them in the future.

It was Mo Udall, former Congressman, who coined the wonderful phrase. He always said: O Lord, let me always utter kind and humble words for tomorrow morning I may have to eat them.

I was looking back through the record. The current chairman of the Judiciary Committee in 1997 addressed the Utah chapter of the Federalist Society. This is what the current chairman of the Judiciary Committee said:

> The Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists. Determining who will become activist is not easy since many of President Clinton's nominees tend to have limited paper trails. Determining which of President Clinton's nominees would become activist is complicated and would require the Senate to be more diligent and extensive in its questioning of nominees' jurisprudential views.

That is interesting because when Mr. Estrada refused to answer even the most simple, straightforward questions, that sure doesn't help us in questioning his jurisprudential views. There is no doubt in anyone's mind that Mr. Estrada is a movement person. He will be a movement judge, one who will try to move the court in a certain ideological direction.

What also concerned me was something my colleague Senator HATCH from Utah said the other day. He said:

> An up or down vote, that is all we ask. If the Democrats have enough votes to defeat Miguel Estrada, I will not complain about it. I might feel badly about it and I might say it was the wrong thing to do, but they have a right to do it. If my colleagues who disagree do not like this, they can speak out. They can give their reason. They can vote no. Politics ought to be left out of it.

That is what the Senator from Utah said last night. Unfortunately, I am sorry that his sentiments didn't exist when President Clinton's nominees came up for confirmation. I recall saying just about the same thing over and over again on the nomination of Bonnie Campbell to serve on the Eighth Circuit. She received her hearing in May of 2000 and then her nomination was stopped cold. Despite the fact she had the ABA stamp of approval, a long and distinguished history in the field of law, including her work as Iowa's attorney general. Members on both sides of the aisle supported her nomination. On September 21 and October 3, I tried to bring it up. Then during the month of October I brought up Bonnie Campbell's nomination seven times and seven times the Republican majority objected.

The Senator from Utah kept talking last night about the Democrats' double standard. My first instinct is to call that claim laughable. But in reality, it is outrageous and duplicitous to us because so many extremely well-qualified nominees never got an up-or-down vote on the floor, never got a vote in committee, and many never even got a hearing.

Bonnie Campbell had a hearing, but then they stopped her cold. Senator HATCH suggested Bonnie Campbell's nomination came too late in the last year of the last administration. I know for a fact that two of Senator KYL's district court judges were nominated after Bonnie Campbell was, and they were confirmed on October 3, 2000.

And now back to Mr. Estrada. We're not holding Mr. Estrada up because we feel like spending all of our time through the wee hours of the night talking about him. We're holding up because he hasn't told us anything. He hasn't answered the soft ball questions that nearly all judicial nominees have more than willingly answered. What's he got to hide?

I don't know Mr. Estrada. To the best of my knowledge, I never met him. But I do know we have heard from people who do know him, who have associated with him, some of whom have termed him "scary" in his outlook, scary in what he might do as a judge. I don't know if he is or not, but I know the people who have associated with him have called him that. They think he is some kind of a rightwing kook. I don't know if he is or not. How do we know? Well, the stealth candidate hasn't helped when he won't even answer the most simple, straightforward questions. So we have no way of knowing one way or the other.

It is our job as Senators to examine nominees, their background, their way of thinking to determine what kind of judges they would be and whether or not they can fairly and impartially administer the law. And as far as this Senator is concerned, I keep coming back to the same conclusion: we don't know enough about him to make an informed decision on his nomination to a lifelong appointment to the second most important and influential court of the land.

Even after I find out more about him, I may vote against him, but I don't think we even have to bring him up for a vote until we know more about Mr. Estrada. Is he a rightwing kook? I don't know. Some people say he is. Some people say he is scary. We have no way of knowing at this point in time. That is why we should not bring his name up. We should not move forward on this until we find out more—unlike Bonnie Campbell, who answered all the questions and gave all the documents they ever asked of her. Yet, they would not even bring her name to the floor.

So to my friend from Utah who says there is a double standard, I say look in the mirror.

Mr. President, with that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if my friend will yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank the Chair. The two managers of the bill—which we hope will be on the Senate floor before long—will return before long, just so the distinguished Senator from Utah is aware of that.

Mr. HATCH. On the appropriations bill.

Mr. REID. Yes.

Mr. HATCH. I will be happy to yield at any time to them.

Mr. President, before I came to the floor, I understand the distinguished Senator from Iowa criticized me for having a double standard. If I recall correctly, he said, I believe, I should look in the mirror when I talk about double standards.

Also, during last night's debate, several of my Democratic colleagues attacked my record on moving Clinton nominees. I heard some of these attacks repeated this morning by the Senators from California. This surprised me and it very much disappointed me since I worked hard to get not only Judge Paez but also Marsha Berzon, now Judge Berzon, confirmed, despite the opposition to their nominations, and there was serious opposition. That is one reason it took so long for Judge Paez, and there were some very serious allegations. But I was able to fight through those, and I can guarantee this body that neither of those judges would have gone through had it not been for my work.

I might add, neither would have a whole bunch of the 377 Clinton judges who did get through—the second highest total of confirmed judges in the history of the country—had it not been for what I was trying to do to help my colleagues on the other side.

I understand my dear friend from Iowa is very bitter about what happened to one of his judicial nominees. I do not blame him for that. He has always been a friend. I am disappointed that he would attack me on the floor and accuse me of a double standard because he knows better, and if he does not know better, he ought to know better.

I was unable to get his nominee through for a variety of reasons. I do not want to go into them here. I feel badly because of that. I personally liked his nominee, but there were things I was able to do as chairman and there were things I was unable to do. The one point nobody can rebut is that President Clinton was treated very fairly in getting the second highest total of Federal judges through in the history of the country of any President. President Reagan got 382 judges through, 5 more than President Clinton. With regard to those 382 judges, President Reagan had 6 years of a Republican—his own party—Senate to help him.

President Clinton had 6 years of the Republican Party in charge of the Judiciary Committee, and I was chairman during those 6 years.

I think he would be the first to say that I helped him, or he would be a baldfaced liar. I know he is not that. So I would presume that he would be willing to admit, as a decent honorable person, that Senator HATCH worked closely with him in trying to get those 377 judges through.

Unfortunately, I was not able to get some through some nominees about which some of my colleagues on the other side of the aisle feel very bitter. I apologize to them. I feel badly about that because there are things I could do and things I just could not do. There were a lot of things people did not think I could do that I did do. I am not perfect any more than anybody else, but I can say this: I do not think any other Senator could have gotten done what I got done with regard to fairness for the Clinton nominees.

In contrast, I do not think what is happening to President Bush's nominees is fair at all. In fact, here we are in a filibuster for the first time in history against a Hispanic judge who has risen to the top of his profession, even though he has a disability. That bothers me a lot, to be honest with you.

I did work hard to get Judge Paez and Judge Berzon through and confirmed, despite the opposition to their nominations, which opposition was not without merit. There were some legitimate concerns on the part of some of the Senators on this side of the floor.

The fact remains that I lobbied for cloture on those two nominees, and they were afforded an up-or-down vote, something Miguel Estrada is not being afforded. They were afforded an up-or-down vote as a result of my efforts. They were both confirmed and both sit today on the Ninth Circuit Court of Appeals, a very prestigious circuit court.

Let me say this. I will stay here all day and all night, if I have to, to defend my record on Clinton judges because it is very unfair for anybody who looks at the record to say I personally did not treat him well.

With regard to my friend from Iowa, I am disappointed he would attack me on the floor of the Senate, but I will say to him, I understand his feelings, his very deep feelings, and he felt very bitter that his nominee did not get through, a personal friend and somebody whom I personally liked.

With my Democratic friends complaining so vociferously about the Republican treatment of Clinton nominees, which is totally unjustified, in my opinion, it leads me to believe that this shabby treatment of Miguel Estrada is driven in large part by a Democratic goal of retribution. That is all we heard last night in the questions from the Democratic side: Why didn't you do this? Why didn't you do that?

If that is the way we play the game, my gosh, I can give 100 cases where this side ought to have some retribution against them. I, frankly, do not believe in that. Call it tit for tat if you want to, call it payback, call it what you will, but I, for one, am becoming more and more convinced with each Democrat who takes the floor to complain about the Republican treatment of Clinton nominees that their opposition to Miguel Estrada is more about revenge than it is about Mr. Estrada. That bothers me a lot, to be frank.

Mr. President, I also understand the distinguished Senator from Iowa said that people who know Mr. Estrada have called him a right-wing kook. I do not know anybody who has called him a right-wing kook, not anybody on the face of the Earth. The only persons who would do that are those who act irresponsibly, and I have not even heard any irresponsible people do that. So there is little or no reason for anybody on the floor of this Senate to demean Miguel Estrada, and that is what this debate has devolved to, and it bothers me.

I caution my colleague from Iowa to respect other people. We all make mistakes, and we all say things that perhaps we should not say, and I will treat it that way this one time. But I do not want ever again to hear anybody on this floor call Miguel Estrada a right-wing kook or any other nomination by President Bush, any more than we should have called some of the far-left judges who were nominated by President Clinton left-wing kooks.

We never did that, or at least I do not ever recall doing that. I certainly did not, and I do not recall anybody else doing it on our side.

I just wonder who those mystery people are who called Mr. Estrada a right-wing kook. The only person I know of who has gone on record saying anything negative about Mr. Estrada, out of all the persons who have worked with him, is Mr. Bender, who has been more than, I think, rebutted, both in committee and on this floor, by his own performance reviews of Miguel Estrada that could not have been more glowing. And then when he has a chance to say something nasty because Miguel Estrada is now nominated to the circuit court of appeals, he chooses to do so. It is beneath the dignity of a law professor to do that, especially after giving those glowing performance reviews, even though he says everybody got those. Everybody knows that is not true.

If it is true, then it is a sad commentary for our Government. But then again, even though he admits everybody got those glowing performance reviews, he claims the reason for that is because these are the best lawyers in the country. Reading between the lines of his letter, that is what he basically said. That is as much as saying Miguel Estrada is one of the best lawyers in the country.

How can he be so inconsistent? He is the only one I know, and even he, as low as his comments are, did not call Miguel Estrada a "right-wing kook."

He has no credibility. I am just sorry in some ways for the law students who have to take his classes. I would prefer law professors—I do not care if they are liberal or conservative. Most of them are liberal, but I would prefer them to be honest people. I prefer them to have some dignity about their comments. I prefer them to be decent people teaching our young adults.

It is a pathetic thing that almost every law school in this country has a whole raft of left-wing professors who, if they had to, probably could not make a living at the practice of law. Maybe they could make a living, but they could not stand the rigors and the difficulties of practicing law. It is a lot easier to teach two classes a week and pontificate from their high perches as liberal law professors to the detriment of some of these law students. It is a pathetic thing. Anybody who has gone to law school knows how far left an awful lot of those professors are.

Are they bad people because they are far left? No. Some of them are terrific teachers and terrific people. Most of them are honest, which is something I cannot say for Mr. Bender with the way he has approached this thing.

I remind my friend from Iowa that we have a standard in the Senate against relying on anonymous allegations, even though I have seen people on that side bring up anonymous allegations where Mr. Estrada could not even confront those making the allegations. That is just hitting below the belt. Senator BIDEN made it clear that should never happen, and yet it has happened in this Chamber and it has happened in committee. I, for one, am fed up with that kind of inappropriate behavior by Senators. It is beneath the dignity of these Senators to do something like that. Senator BIDEN's policy was: if they are not willing to face the person they are accusing, then they are not worthy of being listened to. I agree with him, and I intend to stick to that very same policy.

I am going to forget these derogatory comments by the distinguished Senator from Iowa. I have never held a grudge. It is one of my weaknesses as a Senator. I just plain cannot hold a grudge against my colleagues. I have had some of my colleagues come up to me and say, boy, you ought to have a grudge against that guy. I just cannot do it.

Personally, I love everybody in this body. And I think everybody knows that. It is against everything I believe to hold a grudge. So I am not going to do that and I am going to forget what was said today, but I do not want it ever said again. Nor do I want to have some stupid staffer putting words in the mouth of another Senator. That happens every once in a while. We should not allow staffers, no matter how bright they are or how stupid they are, to cause us to do things that are inappropriate on the floor of the Senate and to make accusations that are not justified against somebody who worked his guts out to try and help President Clinton get his judges through, because I believe the President of the United States has a right to have his judges voted on up or down.

I have made that clear throughout my tenure as chairman, and everybody knows it. I have had countless Democrat Senators say they know I am not responsible for some of the problems that happened. Then again how many are responsible over on my side, because 377 Clinton judges went through?

We were the opposition party putting them through. And they are complaining? We are in the second month of a brand new session of Congress and we cannot even get the first circuit court of appeals nominee, the first Hispanic nominated to the Circuit Court of Appeals for the District of Columbia, we cannot even get him a vote up or down because for the first time in history a true filibuster is being conducted against this Hispanic nominee. Now, that is a real double standard, not the one the distinguished Senator from Iowa is talking about.

People get emotional sometimes. I may be a little bit myself right now. I think I am somewhat justified under the circumstances, and I make allowances for that. I hope my colleagues will make allowances for me right now.

I keep hearing that Miguel Estrada has no record. That is a slander. And for those who have written it, it is a libel. The Judiciary Committee has confirmed numerous Clinton court nominees who, like Miguel Estrada, had no prior judicial experience. What a ridiculous argument, that a person should not be on the bench because he has no prior judicial experience. Where would all those Clinton judges be? They would not be on the bench today if we had that as a rule, and neither would many of the top Supreme Court Justices in history, including Thurgood Marshall, whom nobody in this body would be against today—bless his departed soul. He, of course, had no prior judicial experience when he was nominated to the federal appellate bench.

A number of Clinton nominees worked in the Justice Department or other branches of the Federal Government, like Miguel Estrada, but Senate Democrats made no demands for their internal memoranda or privileged work product and, I might add, neither did we Republicans. We did not make those demands. We knew that would be a red herring to slow down the nominee.

We know this is a fishing expedition, and nobody in their right mind who understands government, who understands the separation of powers, who understands privilege, and who understands the right of the Solicitor General's Office to keep its own memoranda of recommendations on appeals, on certiorari, and on amicus briefs confidential would make this demand. It is one of the most ridiculous assertions I have seen, and yet that is the basis on which they are hanging this filibuster. There is nobody in any administration who would allow the Senate to muddle around and make public and politicize legal memoranda and recommendations, in those three areas at least—in other areas as well, but especially those three areas—appeal, certiorari, and amicus curiae recommendations.

Democrats are saying Miguel Estrada has no judicial experience, and therefore he should not be on the bench. What about Merrick Garland? I personally pushed Merrick Garland through. There were those who did not want to push him through, but before the end they all realized he was an exceptional man, a very good person, no more than Miguel Estrada is, but pretty darn exceptional, and he still is. He is a good judge. He was confirmed as a judge for the DC Circuit in 1997. He had never been a judge before. He had held several positions in the Department of Justice. Like Mr. Estrada, he was a partner in a prestigious DC law firm. But did anyone seek confidential memoranda from his time at the Justice Department? Absolutely not. We would not have stooped that low. To use it as a red herring so they could justify a filibuster, that is even stooping lower.

William Bryson is another one who was confirmed as a judge on the Federal Circuit in 1994. He had never been a judge. He held several positions at the Department of Justice and was an associate at a prestigious firm in town. Senate Democrats never asked for the confidential memoranda he wrote during his time at Justice. The list goes on.

Blane Michael was confirmed as a judge on the Fourth Circuit in 1993, his first judgeship, never having been a judge before. Why is it that he can be a judge and we should work to get him on the bench but Miguel Estrada should not be a judge because he had no prior judicial experience? Well, neither did Blane Michael, but he is sitting on the Fourth Circuit Court of Appeals, his first judgeship. He had been a Federal district court clerk and served as a Federal prosecutor in New York and West Virginia before becoming a partner in a law firm. He had virtually no published writings, just like Miguel Estrada. Again, however, no one tried to gain his confidential privileged memoranda from his time as a Federal prosecutor before confirming him, and we would not.

Arthur Gajarsa was confirmed to the Federal Circuit in 1997. He was a clerk to a Federal district judge, then worked as an in-house counsel at an insurance company and later as a special counsel at the Department of Interior before joining a law firm. Did Democrats demand his internal memoranda? After all, he, like everyone else mentioned, had never been a judge. But, no, he was confirmed like the rest without anyone reviewing his confidential work product.

Then there is Eric Clay, confirmed to the Sixth Circuit in 1997. He never had been a judge before. He was a law clerk to a Federal district court judge, and worked in a law firm. What did we know about him that we do not know about Mr. Estrada? Absolutely nothing. We did not seek his confidential memoranda. We confirmed him anyway. We did what was right.

Another was John Kelly, whom we confirmed for the Eighth Circuit in 1998, yet another Clinton nominee to the circuit court who had never been a judge. He had worked in the Office of General Counsel for the Secretary of the Air Force before going into private practice. But Republicans never sought his internal memoranda, and he had very few published writings.

What about Sid Thomas? He was confirmed to the Ninth Circuit Court of Appeals in 1996 and had never been a judge. In fact, he had not even had a clerkship. He also had very few published writings. Democrats, however, did not cry out about his lack of a record. The entire transcript of his hearings takes up less than 2 pages in the RECORD. Why is it that he was treated differently than Miguel Estrada? I suspect it is because we gave President Clinton's nominees the benefit of the doubt in almost all cases. But this crew on the other side is not giving this President the same fair treatment that we gave to President Clinton.

I could go on and on but I think I made the case. Democrats opposing Miguel Estrada consistently failed to seek internal memoranda for Clinton nominees who had no prior judicial experience and little in the way of publications. The Democrats' claim that they have to do so now for Miguel Estrada simply does not hold water.

Now, naturally, I guess they wouldn't want to get internal memoranda to use against their own president's nominees. They wouldn't want to go on a fishing expedition that might hurt their own nominees, but neither did we. Now why are we using this red herring to justify a filibuster against one of the finest nominees I have seen in 27 years on the Senate Judiciary Committee—Miguel Estrada?

Let me address, once again, the Democrat demand to hold Mr. Estrada's nomination hostage for confidential internal memoranda. The Department of Justice historically has not disclosed confidential, deliberative documents from career lawyers in the Solicitor General's Office in connection with a judicial nomination. The Senate historically has not even asked the Department to do so.

My Democratic colleagues are creating a new double standard that applies only to the nomination of Miguel Estrada. A double standard, why is that? I ask the people out there who are watching C-SPAN, why is it that all of a sudden they are asking for all these things from the only Hispanic nominee in the history of the Circuit Court of Appeals for the District of Columbia? I think everyone out there must know by now. I don't think I even have to spell it out, but maybe I should spell it out a little bit.

Every living former Solicitor General has denounced the Democrats' demands. Every one of them, four of whom are eminent Democrat former Solicitors General. I have said this before but I think it is worth repeating. That letter was signed by Democrats Seth Waxman, Clinton's Solicitor General; Walter Dellinger, one of Clinton's top people in the White House; Drew Days, and Archibald Cox; and by Republicans Ken Starr, Charles Fried, and Robert Bork.

All seven have said, in essence, that this is ridiculous, that the Justice Department should not turn over confidential recommendations on appeals, certiorari petitions, and amicus curiae petitions.

The Solicitors General explained that the frank exchange of ideas on which their office depends "simply cannot take place if attorneys have reason to fear their private recommendations are not private at all but vulnerable to public disclosure."

The letter concludes that:

> [A]ny attempt to intrude into the Office's highly privileged deliberations would come at a cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Now, longstanding historical practice confirms that deliberative memoranda are off limits during confirmation hearings. Since the Carter administration, the Senate has confirmed former Justice Department employees—even those with no prior judicial experience, as I have already explained—without demanding to see their confidential memoranda. It should not adopt a new double standard for Mr. Estrada's nomination.

Since 1997, the Senate has approved 67 appellate nominees who previously worked at the Justice Department, including 38 with no prior judicial experience. The Department did not disclose deliberative memoranda for any of those nominations. In fact, the Senate did not even request such documents. Seven of the 67 were in the same position as Mr. Estrada. They had worked for the Solicitor General and had not been judges previously. These seven nominees were nominated by Presidents of both parties and were confirmed by Senates controlled by both parties. Again, the Justice Department did not disclose deliberative memoranda in any of these nominations. The Senate did not even request such a disclosure for good reason, because we knew it was improper.

None of the so-called disclosures cited by the Democrats are precedent for the sweeping demands they are making regarding Mr. Estrada. In fact, only two of their purported "precedents" have even involved lawyers who worked in the Solicitor General's Office. And the Democrats' examples did not involve turning over what the then-chairman of the committee, Senator LEAHY of Vermont, demanded—amicus, certiorari, and appeal recommendations.

Let me address some of the specific examples my Democratic colleagues have represented as pressing for their demand. One is Frank Easterbrook, who is a judge on the Seventh Circuit. The Democrats' mere possession of a single memoranda, a 2-page amicus recommendation that Mr. Easterbrook wrote as an Assistant to the Solicitor General, does not suggest that the Justice Department waived any privileges or authorized it to be disclosed. The official record of the Easterbrook confirmation hearing contains no references to this document.

After comprehensively reviewing its files, the Justice Department concluded that it never authorized the release of the documents. It was probably leaked by some Democrat in the Justice Department. That makes it wrong. Yet it is being used as an example on the floor.

Last fall I sent a letter to Senator SCHUMER, then to Senator LEAHY, specifically asking for information about how the Democrats obtained this memorandum. To this day I have received absolutely no response to my question. I think there is good reason for that—because the document should never have been leaked to begin with.

This single document provides no precedent for the Democrats' sweeping request for every document Mr. Estrada ever prepared, which is what they have asked.

Mr. President, I ask unanimous consent that the letters I wrote to Senator SCHUMER of New York and Senator LEAHY of Vermont, inquiring about the source of the Easterbrook memos, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 1, 2002.

Hon. CHARLES E. SCHUMER,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR SCHUMER: Thank you for chairing last Thursday's hearing on the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia Circuit. I write to seek your clarification on a matter which you raised at the hearing.

You reiterated your belief that the Department of Justice should turn over certain appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General. As precedent for this request, you noted that during the nomination of Judge Frank Easterbrook to the Seventh Circuit Court of Appeals, similar memos were turned over to the Committee. You produced those documents and placed them into the hearing record. When Republican staff requested copies of the documents, only one of the three documents we received appeared to pertain to Judge Easterbrook. That document consists of a two-page memorandum referencing another memorandum prepared by someone else.

At the hearing, you did not explain whether the Committee had ever formally requested this document, or the other two documents, from the Department of Justice, or whether the Department of Justice consented to their disclosure. The written record of Judge Easterbrook's hearing contains no such documents, or even a mention of them. So that the record of Mr. Estrada's hearing is as complete as possible, please advise whether you have any information that the Committee requested these documents from the Department of Justice and whether the Department consented to their disclosure to the Committee. If the documents were neither requested of nor produced by the Department of Justice, please indicate the manner in which the Committee came to possess them.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

ORRIN G. HATCH,
Ranking Republican Member.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 10, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: On October 1, I sent a letter to Senator Schumer seeking clarification of questions about certain documents that he submitted for the record at Miguel Estrada's confirmation hearing. These documents consisted of memoranda that Senator Schumer stated were provided to the Committee by the Department of Justice during the nomination of Judge Frank Easterbrook to the Seventh Circuit. Senator Schumer cited these documents as precedent for your request that the Department release to the Committee appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General.

When Republican staff requested copies of these documents, however, only one of the three documents provided appeared to pertain to Judge Easterbrook. That document consists of a two-page memorandum referencing another memorandum prepared by someone else. The written record of Judge Easterbrook's hearing contains none of the three documents, or even a reference to them.

Enclosed is a copy of my letter to Senator Schumer, which seeks clarification of whether the Committee requested these documents from the Department of Justice in connection with Judge Easterbrook's confirmation and whether the Department consented to their disclosure to the Committee. It also asks for an explanation of the manner in which the Committee came to possess the documents in the event that they were neither requested of nor produced by the Department of Justice.

Yesterday, Senator Schumer's office advised my staff that the full Committee provided him with the documents at issue and, for this reason, he is deferring to you for a response to my letter. I look forward to hearing from you, particularly in light of the October 8 letter of Assistant Attorney General Dan Bryant, which stated the Department's conclusion that it did not authorize the release of the Easterbrook memorandum.

Sincerely,

ORRIN G. HATCH,
Ranking Republican Member.

Mr. HATCH. Let's take a closer look at another one of the Democrats' alleged examples. William Rehnquist, the current Chief Justice, during his hearings to be Associate Justice, refused to reveal the private advice he had given to other Justice Department officials while he was Assistant Attorney General for Legal Counsel.

He stated:

> [I]nsofar as I may have been asked for advice in the process of making administration policy decisions upon which the administration has not taken a public position, there, I think, the lawyer-client privilege very definitely obtains.

By the way, he was confirmed as a Justice on the Supreme Court.

Furthermore, on November 5, 1971, the Attorney General specifically refused to waive the attorney-client privilege after a Senator asked him to do so, stating:

> I can well appreciate your personal, intense interest in probing into all aspects of Mr. Rehnquist's work while at the Department of Justice. I am sure you appreciate, however, that it is essential to the fulfillment of my duties and obligations that I have the candid advice and opinions of all members of the Department. Further, I am sure you realize that if I should consent to your request or other requests to inquire into the basis and background of advice and opinions that I receive from the members of my staff, it would be difficult to obtain the necessary free exchange of ideas and thoughts so essential to the proper and judicious discharge of my duties.

The Rehnquist example is irrelevant for the additional reason that none of the information sought related to amicus, certiorari, and appeal recommendations. Indeed, Chief Justice Rehnquist never served in the Solicitor General's Office.

Let's look at a third example that my Democratic friends claim justifies the release of confidential Solicitor General Office memos—Benjamin Civiletti. During his 1979 confirmation hearings to be Attorney General—and I was there in the Senate Judiciary Committee at the time—the Senate did not request materials that he had prepared previously as a Department of Justice official. Rather, it simply sought assurances that Civiletti would cooperate with the Senate's oversight of the Justice Department in the future. Mr. Civiletti never specified which documents he would be willing to turn over or which documents would be privileged.

During his 1978 hearings to be Deputy Attorney General, the Senate obtained documents related to allegations that Mr. Civiletti had interfered with an investigation of an alleged kickback scheme involving Members of Congress. The documents related to specific charges of misconduct. Unlike during Mr. Civiletti's confirmation, there have been no allegations that Mr. Estrada engaged in any improper behavior or otherwise failed to discharge his duties.

As I recall it, Mr. Civiletti was not found to be wanting in that area either. None of the Civiletti materials were amicus, certiorari, or appeal recommendations. Indeed, Mr. Civiletti never served in the Solicitor General's Office.

Now let's turn to Brad Reynolds. The Senate sought and received materials in the course of pursuing specific allegations that Mr. Reynolds, while Assistant Attorney General for Civil Rights, failed to enforce the Voting Rights Act and the Civil Rights Act. As with Mr. Civiletti, the Department's disclosure was limited to specific cases of alleged misconduct. There have been no allegations that Mr. Estrada engaged in any improper behavior or failed to discharge his duties while working at the Solicitor General's Office. Significantly, although Mr. Reynolds had previously served as assistant to the Solicitor General, and it was a very-hard fought confirmation, the

Senate never suggested that his appeal, certiorari, or amicus recommendations should be divulged—never. Nobody would have stooped to that level at the time.

Another alleged example that our friends have brought up is Jeffrey Holmstead. In 2001, the Senate requested 41 files that Mr. Holmstead created during his service as Associate Counsel to the first President Bush. The White House declined. After Mr. Holmstead's hearing, the Senate, based on its particularized concerns about one specific subject, requested documents related only to that matter. Because of the specificity of the Senate's concerns, the White House accommodated the committee by permitting review of documents related to that one subject matter while expressly preserving all privileges. Mr. Holmstead is no precedent for the current set of sweeping requests for every appeal, certiorari, or amicus recommendation that Estrada prepared during his years in the Solicitor General's Office.

The criticism that Miguel Estrada is refusing to provide the Senate with insight into his personal views does create a double standard. My Democratic colleagues did not require nominees of President Clinton to answer questions of this sort. In fact, many Clinton circuit court nominees refused to answer such questions. President Clinton's appeals court nominees routinely testified as to their judicial approach without discussing specific issues or cases that could come before them as a judge. A few examples illustrate the point.

Each of the nominees I am talking about was confirmed to one of the circuit courts of appeals.

First we have Merrick Garland. In the nomination of Merrick Garland to the DC Circuit, Senator SPECTER asked him:

> Do you favor, as a personal matter, capital punishment?

Judge Garland replied only that he would follow Supreme Court precedent:

> This is really a matter of settled law now. The Court has held that capital punishment is constitutional and lower courts are to follow that rule.

Senator SPECTER also asked him about his views of the independent counsel statute's constitutionality, and Judge Garland responded:

> Well, that, too, the Supreme Court in Morrison v. Olsen upheld as constitutional, and, of course, I would follow that ruling.

Another example is Judith Rogers. In the hearings on Judge Rogers' nomination to the DC Circuit, she was asked by Senator Cohen about the debate over the evolving Constitution. Judge Rogers responded:

> My obligation as an appellate judge is to apply precedent. Some of the debates which I have heard and to which I think you may be alluding are interesting, but as an appellate judge, my obligation is to apply precedent. And so the interpretations of the Constitution by the U.S. Supreme Court would be binding on me.

My gosh, where is that any different from Miguel Estrada's answers? They are the same. Why the double standard? Why are we now demanding of Miguel Estrada something we didn't demand of the Clinton nominees?

She then was asked how she would rule in the absence of precedent and responded this way:

> When I was getting my master's in judicial process at the University of Virginia Law School, one of the points emphasized was the growth of our common law system based on the English common law judge system. And my opinions, I think if you look at them, reflect that where I am presented with a question of first impression, that I look to the language of whatever provision we are addressing, that I look to the interpretations of other State courts, and it may be necessary, as well, to look to the interpretations suggested by commentators. And within that framework, which I consider to be a discipline, that I would reach a view in a case of first impression.

Where is that different from Miguel Estrada's answers? Miguel Estrada answered basically the same way.

Judge Rogers also was asked her view of mandatory minimums and stated:

> I am aware, Senator, of some of the debate on the pros and cons, and certainly before I was a judge I was engaged in comment on them. But as a judge, I have been dealing with them strictly from the point of view of legal challenges to them. I have sat on a case where a mandatory minimum sentence was challenged, and we upheld it.

Finally, she was asked her view of the three-strikes law and stated:

> As an appellate judge, my obligation is to enforce the laws that Congress passes or, where I am now, that the District of Columbia Council passes.

Why is there a different standard for Miguel Estrada? Those are the same answers, basically, that Miguel Estrada gave to these similar types of questions.

Let's take another example: Kim Wardlaw. In the hearing on Judge Wardlaw's nomination to the Ninth Circuit, she was asked about the constitutionality of affirmative action. She stated, in an answer similar to Miguel Estrada's answer to the same question:

> The Supreme Court has held that racial classifications are unconstitutional unless they are narrowly tailored to meet a compelling governmental interest.

Why is there a double standard with regard to this Hispanic nominee when it was not utilized against these other nominees? These answers were perfectly all right and acceptable for these other nominees.

Now let's turn to Marsha Berzon and Robert Katzmann. In a hearing on their nominations to the Ninth and Second Circuits, Senator SMITH asked each whether legislation to prohibit partial-birth abortion was unconstitutional. Judge Katzmann responded as follows:

> I would say that that is an issue that—Senator—that is a very important issue, and that as a judge, I would really have to evaluate that issue in the context of a law that is actually passed, and then in terms of a case or controversy. In terms of adjudication, there are restrictions on judges rendering advisory opinions on particular pieces of legislation in the advance of passage. And then even after passage, I think what a judge has to do is to evaluate the case in the context of a real case or controversy.

Judge Berzon responded with the following:

> And I essentially agree with that answer. . . . .It would obviously be inappropriate to say anything further on that precisely because the issue might come before a court on which Mr. Katzmann or I could be sitting.

Why the double standard? Why aren't the answers Mr. Miguel Estrada gave given the same credibility as the answers of these two Clinton judges? Why is there a double standard? Why is he being treated differently?

I have heard countless colleagues get up over here and complain and moan and groan and try to come up with excuses for their vote against Miguel Estrada and for their filibustering for the first time in history a Hispanic judge, the first ever nominated to the Circuit Court of Appeals for the District of Columbia.

I have heard a lot of complaining. But there has not been one statement of substance. Why is he being treated differently? Why should a Hispanic judicial nominee be treated differently than all these other non-Hispanic judges? It seems to me that he ought to be treated similarly, afforded respect. This is a man who has fulfilled the American dream as an example to countless Hispanic young people that you can make it in this society. But can a Hispanic who is deemed to be not only a Republican but a conservative—can that type of Hispanic make it? Well, I sure hope so.

Now, back to this Berzon and Katzmann matter, I interrupted Senator SMITH's questioning on partial-birth abortion and noted to Senator SMITH:

> Well, Senator, if I could interrupt, you have asked some very appropriate and good questions. . . Both of them have said, in my opinion that they are not sure how they would decide the case, and that they wouldn't want to give the opinion that they have now without hearing all the facts and evidence. . . . But they both say that that could likely come before them and that they are going to have to decide it at that time.

Now, those two Clinton judicial nominees, Judge Berzon and Judge Katzmann. Some might say that they provided nonanswers to important questions they were asked. But I think they provided legitimate answers for the important reason that those questions might come before them someday in the event of their confirmation.

Why should Miguel Estrada be treated any differently by my colleagues on their side when I personally counseled one senator on my side that the answers of these Clinton judges were sufficient?

They were appropriate answers that they gave because they shouldn't have been talking about cases that could possibly come before them.

Let me go to Judge Maryanne Trump Barry.

I am now talking about circuit judges who made it through the system without any of this rig marole that has surrounded trying to defeat Miguel Estrada.

In the hearing on Judge Barry's nomination to the Third Circuit, Senator SMITH asked whether "an unborn child at any stage of pregnancy is a human being."

Senator SMITH is not an attorney. But anybody on the committee can ask any question they want to ask. He asked whether "an unborn child at any stage of pregnancy is a human being."

That was a loaded question—no question about it.

Judge Barry responded:

> Casey is the law that I would look at. If I had a personal opinion—and I am not suggesting that I do—it is irrelevant because I must look to the law which binds me.

My goodness. Why is Miguel Estrada being treated differently than Judge Barry, or any of these other circuit court of appeals judges who were not Hispanic? Why is he being treated differently? Why isn't he accorded the same respect? Why is he expected to do more? Why is it that it is tough for him? Why is it that my friends on the other side of the aisle who claim to be for civil rights and who claim to be for equal rights and who claim to be helpers to minorities are treating this man this way?

I hope everybody in America is asking that question—because I don't think they can answer it. I have to say that a lot of political things are done for political reasons. We are fighting for a Hispanic nominee to the circuit court of appeals. And you saw virtually every Republican in the Chamber last night fighting for Miguel Estrada.

Where were the Democrats? Backbiting, raising false issues, raising lousy issues, raising I think sometimes immature issues, raising irrelevant issues, raising red-herring issues, treating him totally different from the way they wanted their caucasian nominees to be treated.

Why is this different? Is it because Mr. Estrada is Hispanic? I don't believe that. I don't believe my colleagues are prejudiced against Hispanics. But I believe they don't want a Republican Hispanic to serve on the Circuit Court of Appeals for the District of Columbia no matter who is President, but especially when there is a Republican President. I don't think you can conclude anything else.

After watching these proceedings and after listening to these statements, where is one point of substance against that nominee? In all of this debate, where is it? It isn't there.

Why do they think his answers are insufficient when they are virtually identical to their non-Hispanic nominees' answers? Is it because they are trying to do a better job for the judiciary than the Republicans were trying to do? I don't think so—no better than this Republican was trying to do, I will tell you that. I was in a position to do a lot.

How about Raymond Fisher? In the hearing on Judge Raymond Fisher's nomination to the Ninth Circuit, Senator SESSIONS asked about Judge Fisher's own personal views on whether the death penalty was constitutional.

He had a right to do that. But Judge Fisher also had a right to respond. He responded:

> My view, Senator, is that, as you indicated, the Supreme Court has ruled that the death penalty is constitutional. As a lower appellate court judge, that is the law that I am governed by. I don't want in my judicial career, should I be fortunate enough to have one, to inject my personal opinions into whether or not to follow the law. I believe that the precedent of the Supreme Court is binding and that is what my function is.

That is exactly, in essence, the language that Miguel Estrada used. Yet he is being criticized. Why? Is it because, as some of the Hispanic Caucus in the House said, he is just not Hispanic enough; or that he hasn't done enough for the Hispanic community? What more can a young man do than to rise to the top of his profession as a Hispanic and as an example to every young Hispanic in this country—man and woman?

They are telling us what a Hispanic has to do to be accepted by the Democratic Hispanic Caucus in the House which is so partisan that they are undermining the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia. I think they should be ashamed.

As for Congressman MENENDEZ asking me for an apology—is he kidding? I think the apology is owed to the whole Hispanic community by the Democrat Hispanic Caucus over in the House which is undermining every Hispanic judicial nominee in the future, if they are saying—if they did, if I recall it correctly—because he has no judicial experience he should not have the privilege of sitting on the Circuit Court of Appeals for the District of Columbia.

I have previously gone through more than two dozen Clinton nominees who had no prior judicial experience and who are now sitting on the circuit court of appeals.

In the joint hearing on Judge Fisher and Judge Barry, Senator SMITH asked whether the nominees would have believed that there was a constitutional right to abortion without the Roe v. Wade precedent.

This is very similar to questions that Senator SCHUMER of New York asked certain nominees.

But I interrupted Senator SMITH to say—to my own colleague on my own side, one of my close friends in the Senate—as chairman, I said: "That is not a fair question to these two nominees because regardless of what happened pre-1973, they have to abide by what has happened post-1973 and the current precedents that the Supreme Court has."

Think about that. I basically told my own colleague that he was out of line in asking that question, even though he had a right to do it.

Everybody knows I am pro-life. Nobody doubts that. I have stood up for that, and I will always stand up for it because it is the right thing to do. It is the moral, upright thing to do as well. To have 39 million abortions in this society and millions more around the world primarily because of Roe v. Wade is something that every American ought to be analyzing and asking, What is going on here?

When we find that so many on the other side of the aisle support even partial-birth abortion where a full-of-life baby capable of being born outside of the mother's womb and living is basically killed by a doctor by ramming scissors into the back of its skull before that baby is pulled out so they can suck the brains out—and then say that is not a human being?

I don't see how anybody can stand up with that kind of barbaric practice, but it has been done.

Every time I think of one of these judges and how well we treated them and how fairly we treated them, and then I see the contrast of how they are treating Miguel Estrada, I want the American people to know this. This is pure bunk on their side. Where is the substance? Why would they be filibustering for the first time in history and establishing this dangerous precedent where both sides can require 60 votes for anybody to become a judge in this country? And the Presidents will no longer control this process. Presidents will have to succumb to the almighty Senate if that becomes the rule.

That is what they are playing with over there. It is unbelievable. Presidents will no longer control the nomination process in any respect. They will have to do whatever the Senate says.

I cannot think of a worse thing that could happen to this country, because the judiciary is one-third of the separated federal powers in this country.

My gosh, let me go to Richard Tallman, since we are going through to show how they treated their nominees a lot differently than they are treating this Hispanic nominee.

I hope every Hispanic in this country is listening because it affects every Hispanic in the country, Democrat, Independent, and Republican.

Richard Tallman. In followup questions to his hearing on his nomination to the Ninth Circuit, Senator SMITH asked Judge Tallman whether "there are any questions that you feel are off limits for a Senator to ask?"

Judge Tallman's response:

> A Senator may ask any question he or she wishes. Judicial nominees are limited by judicial ethical considerations from answering any question in a manner that would call for an "advisory opinion" as the courts have defined that or that in effect would ask a nominee to suggest how he or she would rule on an issue that could foreseeably require his or her attention in a future case or controversy after confirmation.

Senator SMITH also asked Judge Tallman several questions regarding how he would have decided certain Supreme Court cases, including Brown v. Board of Education and Roe v. Wade. Judge Tallman's answer to the Roe question was as follows. His answer to the other question was the same:

> It is entirely conjectural as to what I would have done without having the opportunity to thoroughly review the record presented on appeal, the briefs and arguments of counsel, and the supporting legal authorities that were applicable at that time. I would note that the Supreme Court has since modified Roe v. Wade, in Planned Parenthood v. Casey.

Look, that is an answer no different than the answers for which they are criticizing Miguel Estrada. Why is that? Why is it they are not being fair to this Hispanic nominee? Why is it they do not care about fairness? Why is it they are not being fair to the nominees of the President of the United States? Why is it they are not observing the Senate practice of not filibustering nominees to the Federal courts of this country? Why is it Miguel Estrada's answers, which were basically the same as these answers, are considered nonanswers when these were considered substantive answers? Why is there a double standard? I do not understand this. Why is there a double standard?

I got off on this because of the comments of the distinguished Senator from Iowa that I have set a double standard. I defy him to show where I have, because I have been fair. Again, I will repeat, the all-time confirmation champion was Ronald Reagan, with 382 confirmed Federal judges. That was amazing. Everybody thought that was amazing. Democrats have been mad ever since, that we could have confirmed 382 Reagan nominees to the Federal bench, almost all of whom have served with distinction in the best interest of this country, working with Democrat judges as well.

Reagan had 6 years of a Republican Senate to help him get those 382 through. President Clinton got virtually the same number, and he had 6 years of an opposition party in control of the Senate. He did not have 6 years of his own party helping him. He actually had 6 years of an opposition party. I was chairman, and he got virtually the same number—astounding. He was treated fairly.

And for anybody to walk on this floor and criticize me because we were unable to get through some of the judges at the end of the session is disingenuous. There were much fewer left over at the end of President Clinton's tenure than there were at the end of Bush 1. We did not complain that there were 54 judges left over at the end of Bush 1 and, in essence, only 42 left over at the end of Clinton.

But I do bitterly resent anybody coming in here and saying I had a double standard, when I worked so hard, and had to overrule a number of my colleagues—not a big number, but a small number of colleagues—who wanted, yes, some of them wanted to filibuster, and I helped to overrule that. And they all realize today why they should have never even contemplated that. And this has helped to bring it into even greater focus.

I am calling on my colleagues on the other side to bring it into focus and realize this is dangerous stuff they are playing with here. It is dangerous. It could cost this country and all future Presidents control of the nominations process.

Now, they do not control it completely. We have an obligation, too. Our obligation is to advise and consent. Now, advise and consent does not mean advise and filibuster. It does not mean advise and obstruct. It does not mean advise and help some people but treat others with a different standard, like Miguel Estrada is being treated here. It does not mean that. And advise and consent does not mean advise and filibuster, to go back to that point.

If they succeed in this, they will have established, I believe, an unconstitutional precedent I am not sure we can get rid of afterwards. And I believe you are talking about upwards of 60 votes needed for every future judge of any quality and, I have to say, taking away a great deal of the President's power to nominate these judges, to select these judges, because no President would be able to have the right to select judges, not without the absolute blessing of the Senators. It is almost that bad now anyway.

Well, Mr. President, I think I have more than made a case that there is a double standard here. I think I have more than made the case that a lot of these Democrat judges have been treated differently from the way Miguel Estrada is being treated, and that is even not considering the filibuster.

When you consider the filibuster, that is like throwing nuclear waste all over the judiciary process, because that really is going to cause problems around here like we have never even dreamed of before.

It is inadvisable, it is wrong, it is constitutionally unsound. And it is a travesty. And it is—to use a very important word—unfair, unfair to Miguel Estrada, unfair to the President, who has nominated him, unfair to this process, unfair to Republicans on this side who treated Clinton judges fairly and well. It is unfair to our procedures around here.

With that, I yield the floor.

Mr. LEAHY. Mr. President, last night, White House Counsel Alberto Gonzales responded to the letter that Senator DASCHLE and I sent to the President this week, renewing the request that the Judiciary Committee made for the Justice Department work records of Mr. Estrada. This is a request that the Judiciary Committee first made nearly a year ago, and it is a request that has been made repeatedly since then.

I regret that, at this point, the White House remains recalcitrant and continues to stand in the way of a solution to this impasse.

For an administration that engages in lawyer-bashing at every turn, there is some irony in the fact that the White House has put a bevy of lawyers to work to compose a lawyer's brief rather than a straightforward response to Senator DASCHLE's good-faith effort to resolve this standoff.

But the letter from Mr. Gonzales does provide some new information that is quite interesting in one respect, at least. Buried within the 15-page letter is a new admission that the Justice Department and Senate Republicans had previously refused to make. The administration has finally acknowledged that there is precedent for providing the very types of documents the Judiciary Committee requested almost a year ago in connection with Mr. Estrada's nomination.

Interestingly, the administration in this letter makes no claim of legal privilege or executive privilege to withhold these documents from the Senate. Instead, the White House Counsel's Office insists on substituting its judgment for the Senate's and tells the Senate that we already have sufficient information about this nominee.

We on this side of the aisle are making the simple request that judicial nominees for these lifetime positions fully and forthrightly answer legitimate questions so the Senate can make informed decisions. Even more important than this or any other nomination itself is the straightforward principle that no nominee should be rewarded with a lifetime appointment to the second highest court in the land for stonewalling the Senate and the American people. Getting a lifetime post on the Federal courts is a privilege, not a right.

I have voted for many, many judges whose judicial philosophy I disagreed with, but at least I knew what their judicial philosophies were. In fact the Democratic Senate confirmed 100 of

President Bush's judicial nominees by the end of last year, and I voted for nearly all of them. The same can be said for each and every Senator on this side of the aisle.

I hope that after getting this letter off its chest, the administration will now begin to work with us. If they did we could end the stalemate they have created.

Those of us who want to resolve this in a way that upholds the principle of the Senate being able to make an informed judgment on this and on any judicial nominees welcomed the constructive discussion on the floor yesterday that Senator BENNETT initiated, about the potential for reaching agreement on making the Justice Department documents available to the Senate. I hope this is a signal that there is at least a chance that the administration will yet comply with our request, so that this standoff can be resolved.

With the White House, the House and the Senate now all controlled by one party, we are already seeing an erosion of accountability. Democratic members of the Senate are standing up for the Senate's constitutional role in the installation of judges on the Federal courts.

Beyond the difficulties we have encountered in obtaining straightforward answers from Mr. Estrada and in obtaining his work documents, in recent weeks the overall process of evaluating judicial candidates has begun to resemble a conveyor belt for rubber stamping nominees. The conveyor belt has been going faster and faster—so fast that the nominations have begun piling up at the end of the belt. We should be trying to minimize and not maximize those kinds of "I Love Lucy" moments. We have had an unprecedented hearing in which not one but three controversial circuit court nominees were considered, en bloc.

In the 107th Congress, the Democratic Senate confirmed 100 of President Bush's nominees, and we did so in an orderly process and with a steady pace of hearings every single month that greatly improved on the slow and halting pace set by the previous Republican Senate in the handling of President Clinton's judicial nominees. The choice does not have to be between the slow pace of the earlier Republican Senate in the handling of President Clinton's nominees and the frenetic pace of the new Republican Senate in the handling of President Bush's nominees. We can and should find a responsible pace somewhere between those extremes.

The court to which Mr. Estrada has been nominated, the Circuit Court of Appeals for the District of Columbia, has been called the second most powerful court in the land, and for good reason. This court, in particular, affects every single American in many ways, in its decisions on everything from clean air and water issues to the voting rights of Latinos and other minorities to the health and employment rights of working men and women.

No circuit court in the Nation is more important to Hispanic Americans than the DC Circuit. I commend the Congressional Hispanic Caucus for the time, the effort its members have invested and the courage its members have shown in closely examining the record, in interviewing Mr. Estrada, and in offering its judgment about the importance of this nomination for the interests of Hispanic Americans everywhere.

What kind of cases does this court handle, and what is at stake in the decisions it renders? There is a big hint in a front page story that ran a few days ago in Roll Call, in which leaders on the other side of the aisle are reminding lobbyists for big business groups that they have a major stake in who gets on this crucial circuit court.

This process starts with the President. With a simple directive to the Justice Department, he can help the Senate resolve this. I was encouraged early in his term when the President said he wanted to be a uniter and not a divider. Yet he has sent several judicial nominations, selected foremost for their ideology, and not for their fairness, that have divided the American people and divided the Senate. And in terms of fairness, it also needs to be pointed out that the Republican Senate blocked President Clinton's nominees to this very same court.

What are we asking for? It is a simple request: We ask only for sufficient answers and information so that the Senate can make informed decisions about candidates for lifetime appointments to the Federal judiciary.

The PRESIDING OFFICER. The Senator from Alaska.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority whip.

Mr. REID. Mr. President, Senator STEVENS had asked some time ago if we could move things along. The Senator from Iowa has agreed to allow the Senator from Minnesota, who has been waiting here a long time, to give a speech on a subject, I believe it is Iraq. And he originally wanted to speak for 20 minutes. I asked him if he would speak for 10, and he has graciously consented to do that. It is my understanding the Senator from Arizona wishes to speak.

I ask unanimous consent that following the Senator from Minnesota speaking for 10 minutes, the Senator from Arizona be recognized for a period not to exceed—how much time?

Mr. McCAIN. One hour.

Mr. REID. One hour. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Actually, I object. I will not take a time agreement at this time. I will agree. I withdraw my objection.

Mr. REID. I say, before the Chair enters that, if the Senator from Arizona needs more time, we will certainly arrange that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my colleague from Nevada for this agreement. And I thank the distinguished senior Senator from Alaska, Mr. STEVENS, and Senator McCAIN also for graciously granting me this opportunity.

IRAQ

Mr. DAYTON. Mr. President, the Senate has been dealing with some important matters these days, with a judicial nomination to the second highest court in the country, and shortly to bring up an appropriations bill that will determine spending across this country with hundreds of billions of dollars for the rest of this fiscal year.

But there is something else going on in this country which is of overwhelming importance which really should supersede all of this, and that is the imminent prospect of a war against Iraq.

At the same time we are talking about these other matters, this country is under a condition code orange, the second highest level of security we have. Our citizens have been told in the last few days to go out and get duct tape and sheets of plastic and water.

Today at the Senate Armed Services Committee hearing, of which I am a member, the Secretary of Defense called the time that we are in now "the most dangerous security environment that the world has ever known." It is for those reasons I wrote the majority leader and urged we not take a recess as planned next week, that we stay in Washington, stay in session, because I think this is a matter of such urgency and such paramount importance to our country and to the world that we should be continuing to focus on that matter.

The ominous forewarnings of this last couple of days affirm to me what Robert Kennedy said after the Cuban missile crisis. He said:

> No action is taken against an adversary in a vacuum. The escalation on one side brings a counterresponse. A government of people will fail to understand this only at their great peril.

For the last 55 years the leaders of this country have understood that principle. They, too, faced dangerous dictators who possessed weapons of mass destruction, who headed countries that were hostile to the United States, the former Soviet Union, China, North Korea. But they didn't attack another country to eliminate those threats, even though they persisted, even though we disagreed with those countries, what their leaders did to their own people, the threats they were around the world. The principal reason was we understood the doctrine of mutual assured destruction. We understood their destruction against the United States would be an intolerable cost for our destruction of them and for the objectives we might accomplish militarily.

I believe these forewarnings we have received the last few days should cause us to ask this administration why would they expect Iraq to be any different. If the United States intervenes and begins to destroy that country and its cities, cause civilian casualties, why would we not expect Iraq to retaliate with every destructive force it has available to it within our own borders, against our own cities and our own citizens?

Why wouldn't we expect Osama bin Laden to do his worst to exploit this situation, to twist facts to be seen by the rest of the world other than as they are, but in ways that would be destructive to United States standing around the world and to our own national security now and in the days and months ahead?

Why does this administration believe it should disregard the lessons that other Presidents, Republican and Democrat, have recognized and observed and proven to be as valid then as they are today? What is different about this situation?

At the Senate Armed Services Committee hearing this morning I asked the Secretary of Defense his assessment of our ability to protect our citizens from retaliatory attacks against them if we were to invade Iraq. I asked that question twice. How do you assess, Mr. Secretary, our ability to protect our citizens in their homes and their schools and our cities from an enemy attack? Neither time did I receive a direct answer to that question. Neither time. I have the highest regard for the Secretary of Defense. He has an enormous responsibility. He brings tremendous experience and ability and a heroic dedication to our country to this task. But if all this administration can offer the American people, when our national security alert is raised to the second highest level, is duct tape, sheets of plastic and water, there is something very seriously wrong, if this administration intends to start a war, not against the most urgent threat to this country, not the threat that endangered us before, attacked us before and endangers us now, according to many of their own officials, al-Qaida, Osama bin Laden, the tape that was released this week that issues that threat against us and our citizens once again, not an attack against al-Qaida but against Iraq, against a country that, no question, is ruled by an evil man, a dangerous dictator, a man who almost certainly, as the Secretary of State has demonstrated, the President in the State of the Union, possesses biological and chemical weapons and has for the last 12 years, ever since the first President Bush made a strategic decision at the conclusion of the gulf war to leave him in power, which may have been the right decision given the other options that were available.

Yes, an evil dictator, but one who has been constrained in key respects by active, ongoing efforts of diplomacy with our allies and containment by international forces by both former President Bush and by President Clinton. Contained, constrained, not perfectly, not easily, certainly not voluntarily on his part, but effectively, more effectively than has been acknowledged in recent months. He is weaker, according to reports I have seen, militarily in most respects than he was before the gulf war. He does, by all accounts that we can obtain, not possess nuclear warhead capabilities at this time, which I agree with the President would be intolerable for this country to permit. He has not attacked his neighbors—not because he wouldn't like to, probably, but because he has not had the capability to do so under these containment policies for the last 12 years. And as far as I have been informed in various briefings, he was not actively threatening our country or his neighbors or anyone else when he was dusted off the shelf by this administration right after Labor Day.

The President has properly refocused the world spotlight on this man and his intent. The President has drawn a line very clearly, which I support, that it would be intolerable for this Nation to permit that dictator to possess nuclear weapons or the missile capabilities to deliver those warheads or any warheads against this country or against neighbors in the region surrounding him.

Certainly after September 11 and Operation Enduring Freedom, no one in this world could question the steely resolve of our President and his willingness, if necessary, to use military force. After Operation Enduring Freedom, no one could raise a doubt about the might of the United States Armed Forces and the strength we can bring to bear anywhere in the world as a last resort, as truly a last resort.

But there is another lesson from September 11, which is that no matter how great our military might, we are not invulnerable. We are too big a country. We have too wide an expanse. We have too many possible targets for terrorists. And we saw on September 11 tragically, horribly, the damage and the destruction and the cost of human life and the untold human suffering and misery of families that a very small number of fanatical men could cause.

I don't think we should back down or be deterred by any threat. I think we should do what we must to defend this country, and the principles we have established in the last half century of dealing with these threats have been ones that have prevented war, preserved our peace, and strengthened this country economically and socially in its position of leadership in the world.

It would be a very dangerous precedent if we were to do, except as a very last resort, what no President in this country has done before, which is to start a war, which is to launch a preemptive attack against another country based on what it might in the future do to us. And I think we should consider what that precedent would mean if other nations were to follow that example. If we set a precedent in this "new world order," as it has been called, that a preemptive attack against a possible future threat is the way to resolve crises or standoffs, what will happen when other countries adopt that path?

We have seen now—and we have been forewarned—that the nuclear proliferation that we are seeing other countries undertake is the worst nightmare that many predicted years ago, decades ago if we didn't—the superpowers—bring to a halt the nuclear arms race and remove them from the shelves of the nations of the world. Now we are told that half a dozen countries—and more to come soon—will have them. That should be and must be a warning to us. What happens if we lead down a path on which we don't want other nations to follow?

If we set a precedent of preemptive attack, that path is one that the world will follow at its peril. I urge the President to take that into the most careful consideration as he makes this fateful decision.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized for up to 60 minutes.

OMNIBUS APPROPRIATIONS

Mr. McCAIN. Mr. President, usually I begin my diatribes on the appropriations bill by lifting up the appropriations bill for all to see; one, it hasn't been delivered and, two, I note by the size of the existing copy down by the desk of the manager that it would be quite a task to pick up this year's appropriations bill. At my advanced age, I might be in danger of sustaining a hernia. But I still think that this probably is—if I may borrow a phrase from one of our longtime adversaries—the mother of all appropriations bills. It is some 5,000 pages.

I can safely say that I have not read it. My staff has been feverishly going through certain parts of it, each being parceled out. Clearly, we have a mammoth conference report on this omnibus appropriations legislation, which nobody has been able to review, examine, and debate. I say that not without sympathy for the Senator from Alaska, who is faced with a situation where negotiations—in fact, they are going on almost as we speak, or are being completed as we speak. Certainly, the reasons for the delay—some 4 months of delay—was not under his control. But I want to discuss this very briefly in context.

The context that we are looking at with this legislation is a huge looming deficit that is in front of us and growing in size almost as far as the eye can see. The eye used to be able to see for 10 years. Now we have changed the procedures where the eye can only see for 5 years. But only a short time ago, we were awash in huge surpluses. I will never forget when Alan Greenspan testified before Congress in favor of the 2001 tax cuts because we wanted to make sure we didn't spend down the debt too fast. We didn't want to spend down that debt too quickly because that would have some bad effects on our economy.

Well, we don't have to worry about spending the debt down too quickly now. In 2001, we had a $127 billion surplus. We are living in a different time now. The Congressional Budget Office recently forecast a larger than expected deficit of $199 billion for this year; and last week, with the result of the President's budget for 2004, the OMB projected record deficits of $304 billion this year and $307 billion next year.

I have, as chairman of the Commerce Committee, seen enough of our needs for security and safety at our airports, railway stations, ports, all over America, to tell you that we have very large expenditures ahead of us. Those expenditures are justified when we are talking about the security of this Nation. The funding for the Transportation Security Administration was justified. I am proud that we not only passed the legislation, but we funded that enormous effort to ensure the security of our airports, which is still not complete. But the fact is, we will soon run out of borrowing authority and might have to look to other sources of funding, such as the Social Security trust fund, in the absence of a legislated increase in the debt ceiling.

There are a lot of words that are not used anymore around here, but the one that has completely and totally disappeared is the good old "lockbox." I wonder what happened to the good old lockbox. That was the one we were going to put Americans' payments into Social Security into and we were never going to touch it again.

Not only is our economy in distress, we are also one step closer to war. There are threats to national security that must be disposed of. Yet this appropriations bill, in my view, has not changed since last year. In fact, it is predictably about 11 times worse. The amounts associated with each earmark may not seem extravagant, but taken together they represent an incredible diversion away from Federal programs that have undergone the appropriate merit-based process.

I have two problems with this process. One, of course, is the appropriating of moneys that are really unnecessary and unauthorized and wasteful, very wasteful, but also in this legislation are many fundamental policy changes and, of course, I object, as chairman of the Commerce Committee, that it didn't go through my committee. But I object to it even more when we have not had the open debate and votes taken on matters that have national implications that are fundamental policy decisions.

Let's go back to some of the necessary earmarks: First, $280,000 for asparagus technology and production in Washington; $220,000 to research future foods in Illinois—only in Illinois, of course.

My colleagues may note, as usual, the need for these earmarks are nearly always geographically based.

Next is $700,000 for the Midwest poultry consortium in Iowa; $250,000 for research on the interaction of grapefruit juice and drugs. I always wondered what kind of experiments these are. One of our all-time favorites, made famous a number of years ago, is money that was spent to study the effect on the ozone layer of flatulence in cows. One always wondered about the testing procedures used to determine those effects on the ozone layer. This is another one that intrigues the observer. Regarding the interaction of grapefruit juice and drugs, of course, one's imagination can be stimulated by the prospect of the interaction of grapefruit juice and drugs.

Then we have $600,000 for tristate joint peanut research in Alabama; $500,000 for Missouri, Iowa, and Illinois Corn Growers Association for a pilot program to develop "production protocols."

Again, I have to sometimes display my ignorance. I didn't know that in order to grow corn, there was a particular requirement for a protocol regarding production.

I see that the Senator from Iowa just came on the floor. He may be able to illuminate me on the production protocols associated with corn growing. But whether he can or not, there will be $500,000 being split up between his State, Missouri, and Illinois to their corn growers associations. But this won't be an overall production protocol; this is only a pilot program. So I am sure there will be a great deal of additional money coming once we develop the pilot program for production protocols of growing corn.

Next is $50,000 to combat "feral hogs" in Missouri. You know, somewhere I had a little depiction of feral hogs. I did not know that they were a threat to civilization as we know it, or at least enough to require $50,000 to combat feral hogs. Sometimes one would get the impression that perhaps the people in Illinois could fund their own combat scenario with feral hogs. Nonetheless, we will be coming in with 50 grand to combat those feral hogs, which I am sure are a serious scourge.

There is $500,000 to continue hybrid poplar research in Wisconsin. I am sure next year we will have a continued program to develop production protocols for growing corn; $2 million for the biomass gasification research facility in Birmingham, AL. Again, I look forward to seeing what that is all about.

And then, staying right on this important mission of gasification, we have another $500,000 for the gasification of switchgrass in Iowa. Perhaps switchgrass can be part of the production protocol of corn. But one doesn't know; $1 million for the National Agricultural Based Industrial Lubricant Center; $10 million to develop a high-speed data transmission between the Library of Congress and education facilities, libraries, and networks serving western North Carolina. I did not know there was a special need in the western part of North Carolina, as there might have been for other parts of the country. But we will spend $10 million to do that; $500,000 to be split between the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the celebration of the Louisiana Purchase bicentennial celebration; $200,000 for the replacement of Minton tile in the Capitol complex; $1 million for a company called Culpepper Glass in Warrenton, VA, that produces glass display cases for the Library of Congress. I assume, of course, there is no other company that could produce glass display cases for the Library of Congress. That is why the Culpepper Glass Company in Warrenton, VA, had to be designated in this legislation; $3 million for an award to the National Technology Transfer Center for a coal slurry impoundment pilot project in southern West Virginia; $1 million for an automated nursery project in Mississippi; $500,000 for Vermillion Community College in Ely, MN, for the development of a professional forest harvester program.

Mr. President, if my colleagues will indulge me, I have to go back to my favorite from last time for just a moment. I know the hour is late, but this is too much. We were able to keep, through very serious contemplation and discussion among conferees, $1 million for a DNA bear sampling study in Montana; $1 million will be spent to sample the DNA of bears in Montana.

Because these appropriations are never discussed with nonmembers of the Appropriations Committee, one can only imagine and conjure up an idea as to how this might be used. Approach a bear: That bear cub over there claims you are his father, and we need to take your DNA.

Approach another bear: Two hikers had their food stolen by a bear, and we think it is you. We have to get the DNA. The DNA doesn't fit, you got to acquit, if I might.

I think it is important to appreciate that this $1 million for a DNA bear sampling study could solve a lot of crime in Montana. It is a pretty high-crime area. It seems to me that is, indeed, a very worthwhile expenditure of the taxpayers' dollars.

While we are at it, I want to jump out of line here a second: $202,500 to the National Peanut Festival Fairgrounds for the construction of the National Peanut Festival Agriculture Arena in Dothan, AL. I was interested in the National Peanut Festival. I did not see it much on television or hear much about it. So I went to the Web site, and I think you will be comforted to know we are spending this $202,500 for the 9-day celebration of the peanut harvest, which includes a variety of competitions, including recipe contests, beauty pageants, and tennis tournaments. Included for your viewing pleasure on this Web site is a very interesting picture. I am sorry my colleagues cannot see it, but I would be willing to provide them with copies, but there are three individuals standing by a contraption that I have not seen before, and it says farmers demonstrate antique peanut harvesting equipment at Pioneer Peanut Days. Again, it seems to me that is a worthwhile investment of $202,500.

I have also one more that is kind of interesting: $900,000 for the Show-me Aquatic Center for Development; $900,000 for the Show-me Aquatic Center in Missouri. We found a picture of it. It says: "Please Touch Me Museum, 210 North 21st Street, Philadelphia"—this is the 270,000 Please Touch Me Museum, I apologize. That is for kids and grownups. Of course, I had that confused with the very important facility that is in Missouri. I certainly would not want to confuse the different States.

One of the more remarkable aspects of this bill is in the HUD section, under EDI. There are 885 individual earmarks. Some of them are very interesting. Of course, there is $202,500 to continue the rehabilitation of the former Alaska Pulp Company mill site in Sitka, AK. I am reluctant to ask the Senator from Alaska how much that continuing rehabilitation is going to cost us overall.

We have a lot of important construction: $45,000 for the city of Tuscumbia, AL, for construction of facilities associated with the Helen Keller Festival; $90,000 for the city of Prattville, AL, for the Boys and Girls Club of Prattville.

I mentioned the peanut festival. Here are a couple new ones: $810,000 for the city of St. Louis, MO, for lighting sidewalks, curb, and street furniture along Kings Highway Boulevard and Chippewa Street. It must be a fairly serious situation there that we need to spend $810,000 down there on Kings Highway Boulevard and Chippewa Street in St. Louis.

I mentioned the Show-Me Aquatic Center in Missouri; $105,000 for the Food and Agriculture Policy Research Institute in Columbia, MO, to analyze commercial shipping alternatives; $90,000 to the city of Natchez, MS, for a feasibility study to develop a slack water port. That is just for a feasibility study; $135,000 to the Culinary and Hospitality Academy Center of Las Vegas, NV, for construction related to the expansion of an education training center. For those of you who have not visited Las Vegas lately, I can tell you it is a very depressed and deprived area, and I can certainly understand why the Culinary and Hospitality Academy Center would need $135,000. I thought they could use some of mine.

For the arts, we have $162,000 for facilities renovations and improvements for the Woolworth Theater in Glens Falls, NY; $162,000 for the Catskill Mountain Foundation in Hunter, NY, for reconstruction of the Tannersville Theater; $180,000 to the Bethel Performing Arts Center in Bethel, NY, for construction of a performing arts facility; $225,000 to the village of East Syracuse, NY for the renovation of the Hanlan pool; $270,000 to Garth Fagan Dance Studio in Rochester, NY, for construction of a new theater for the Garth Fagan Dance Studio; $121,500 to the Bedford County Agricultural Society in Pennsylvania for facilities improvements at the Bedford County Fairground; $202,000 to the New York Agricultural Society for facilities improvements to the New York Expo Center Arena and Livestock Expedition Hall, and I mentioned the Please Touch Museum in Philadelphia, PA.; $810,000 to the City of Fort Worth, TX—another impoverished area—for waterfront facilities construction for the Trinity River Basin Project; $180,000 to the Shenandoah Valley Discovery Museum for facilities expansion; $216,000 to the Virginia Living Museum in Newport News, and the list goes on.

There is a certain common thread one will find throughout these 885 projects. I am sorry I did not have time to total it up, but it would have to be in the tens of millions of dollars. There is one common thread. About 95 percent of these projects that are earmarked belong to the States that are represented by members of the Appropriations Committee.

I joke a lot about this, and I will continue to do so, but that is not right. That is not the right thing to do.

I regret the conferees choose to adopt a special interest provision for one foreign cruise ship company at the expense of all other companies. The last time Congress meddled in this area with hollow promises of spurring the American shipbuilding industry, it ended up costing the American taxpayers $185 million in loan guarantees. It was one of the most egregious I have seen of egregious things to take the money from a billionaire that—excuse me. We took no money from the billionaire who runs river boat casinos and who tried to build two ships in Pascagoula, MS, which every expert knows is not possible. The project failed and the American taxpayer was on the hook for $185 million.

Not satisfied with costing the American taxpayer $185 million, a Senator from Hawaii put into this bill a requirement that grants a subsidiary of the Malaysian-owned Norwegian Cruise Lines the exclusive right to operate three large foreign-built cruise vessels in the domestic cruise trade. This will be permitted notwithstanding the Passenger Vessel Services Act, which requires vessels transporting passengers between ports in the U.S. to be U.S.-owned, U.S.-built, U.S.-flagged and U.S.-crewed.

I am not a fan of those requirements. But why in the world do we make exception for a law in an appropriations bill when you know what the result is going to be? By granting exclusive rights to one cruise line, there will be no competition and the people who want to cruise Hawaii will pay much higher prices than for a commensurate cruise that people would take out of the East Coast.

I do not know if the Presiding Officer has ever been to Miami, but there are all kinds of ships cruising out of Miami, going all different places, for all different purposes, at very low cost. That is because they are all competing against each other.

The Senator from Hawaii puts in a violation of law, and an exclusivity which is going to cost people who want to cruise the Hawaiian Islands an enormously greater amount of money. Why? That is crazy. I would have thought the Senator from Hawaii, after costing the taxpayers $185 million because of a provision he put in an appropriations bill—it never went through my committee which has oversight of it. It was never mentioned in my committee—after costing the taxpayers $185 million, the Senator from Hawaii then pulls this one. I am angry about it, and I will continue to be angry about it because the citizens of my State of Arizona would like to cruise the Hawaiian Islands and they would like to do it at the cheapest possible cost. When there is no competition, there is not low cost.

There has been no analysis of granting this exclusive exemption from the Passenger Vessel Services Act to the "Norwegian Cruise Lines" owned by a Malaysian company. Nor have the committees of jurisdiction had an opportunity to consider the proposal.

I tell the Senator from Alaska and the Senator from Hawaii, we are going to have a hearing on this issue, we are going to have a GAO investigation, and we are going to find out why they lost $185 million because of a provision put into this bill. We are also going to get an estimate of how much this exclusivity is going to cost my citizens who want to go on a cruise at the least possible cost. I will not quit on this issue. It is wrong, and it is the wrong way to treat this process. We will have hearings in the Commerce Committee, and we will expose this for what it is—disgraceful.

There are numerous other provisions in this conference report that circumvent the clear jurisdiction of the Commerce Committee. It incorporates almost wholesale a bill passed last year by the House of Representatives regarding air traffic control towers. The provision expands on the class of air traffic control towers that is eligible for Federal money. I am all for aviation safety and it may be a good provision. I am troubled by several aspects of it.

First, the provision does not make new towers eligible for reimbursement. It makes eligible towers that were built beginning in 1996, over 7 years ago. At least the provision passed last year by the House provided that an airport tower would be eligible for a grant under this program only if the Secretary certified that the selection of the tower for eligibility was based on objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation.

I wish to congratulate my House colleagues because they were concerned about the pork barrel projects practice and tried to insulate this particular program from such behavior. Guess what. That provision that eliminated no objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation was eliminated. Why would that be eliminated, I wonder?

The conference report also includes a provision and implements a whole new funding scheme for airport security projects. I am very concerned about funding for airport security. This is a reauthorization year for aviation programs and the Senate Commerce Committee, the committee of jurisdiction, has already begun hearings of FAA issues. Yet the appropriators have taken it upon themselves to establish a brand new funding scheme that has never been vetted, discussed, or voted on by the authorizing committee. Some might start to wonder just what the Commerce Committee's role is in policy decisions regarding the programs under its jurisdiction.

This provision authorizes a new $2.5 billion program over 5 years for airport security projects without any discussion that I am aware of. The TSA was not consulted about this provision. It seems the special interest groups who were shopping this provision were the only ones that mattered. If this had gone through the regular legislative process, at least all parties could have been heard.

There are many different ways to fund security projects. This provision may be a good one. It mirrors a similar program set up at the FAA. However, the Department of Transportation Inspector General proposed several other ideas to our committee.

Another provision would allow airports to give airport improvement program money back to the FAA so the agency can hire staff to speed up environmental reviews of airport projects. This is an area in which the Commerce Committee took action last year and will continue to pursue this year. It should not be addressed in an appropriations bill.

I commend the conferees for their attempts to help protect the investment the American taxpayers continue to provide to Amtrak. The conference report, which provides Amtrak $1.05 billion for fiscal year 2003, includes conditions that require the funding to be appropriated on a quarterly basis through formal grant agreements with DOT. The conferees worked to ensure that Amtrak reserved sufficient funds to meet its contractual obligations with State and local subdivisions for commuter and intercity corridor services. Amtrak should not be in a position to shut down commuter operations as it threatened last summer because it does not have sufficient funds to operate its entire network.

The conference committee has slightly reduced Amtrak's appropriation from that provided in the Senate-passed measure, but it has also postponed repayment of Amtrak's $100 million loan from DOT.

The conferees authorized the Secretary of Commerce to award grants and make direct lump sum payments of up to $50 million to support travel to the United States. To carry out this new authority, the appropriators established the United States Travel and Tourism Promotion Advisory Board and provided $50 million. This tourism board has never been considered by the authorizing committee of jurisdiction. Nor did the Department of Commerce have any input on the creation of this new board. Who came up with $50 million—and establish a new bureaucracy? The U.S. Travel and Tourism Promotion Advisory Board, and gives them $50 million.

I am pleased to see the conferees appropriated money for election reform. The conference report on NOAA provides more than $490 million in earmarks, and just for aquatic, not atmospheric programs of the National Oceanic and Atmospheric Administration, to go toward 150 earmarks. The administration did not request funding for these programs in the budget, and many programs they did request funding for are underfunded or zero funded.

The conference report appropriated an astounding $100 million for fisheries disasters assistance. Of this amount, $35 million is for direct assistance to the State of Alaska for any person, business, or town that has experienced an economic hardship even remotely related to fishing. This is in addition to the $20 million they are also getting for developing an Alaskan seafood marketing program. Of the remainder, $35 million is for the shrimp industries in the Gulf of Mexico and South Atlantic to provide far-reaching assistance for many aspects of these fisheries; $20 million is provided for voluntary capacity reduction programs in the Northeast and west coast fisheries; $5 million is for Hawaiian fishermen affected by fishing area closures and other management rules; and $5 million is for blue crab fisheries affected by low harvests.

The conference report requires the Department of Commerce and Coast Guard to provide coordinated, routine support for fisheries monitoring and enforcement through use of remote-sensing aircraft and communications assets, with particular emphasis on Federal waters seaward to South Carolina and Georgia. Without review by the authorizing committee, we have no basis for knowing why this is a good use of Federal dollars and resources.

The conference report earmarks $10 million to promote and develop fishery products and research pertaining to American fisheries funds to develop an Alaskan seafood marketing program. Ten million is a lot of money to be spending on a marketing program.

As far as the Coast Guard is concerned, managers earmark a total of $83 million of the Coast Guard budget. That earmark is an increase of $10 million over last year, and many of them have obviously never been proposed.

In HUD, as I mentioned, 885 targeted grants.

I also will talk for a minute about the lowly catfish, one of my favorite subjects. We know the lowly catfish has been the subject of a great deal of debate and discussion on the floor of the Senate due to the fact that in another appropriations bill, we changed the name of the catfish that comes from Vietnam to basa. But now the lowly catfish, those that are still named catfish because they are raised in the United States, we are now qualifying catfish for livestock compensation programs. Catfish are cows.

As my colleagues know, the livestock compensation program is a Federal farm program that compensates eligible livestock producers, such as owners of beef and dairy cattle, sheep, goats, or certain breeds of buffalo that have suffered losses or damages as a result of a severe drought. Now it is the catfish.

I often take issue with various farm policies that disproportionately benefit large agribusinesss or farms at the expense of farmers and taxpayers, and those that compromise American agricultural trade commitments. This effort to compensate catfish farmers from a farm program that is intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. In fact, the last time we discussed this, one of my colleagues from Tennessee talked about in his State there are catfish that leave the water and travel in herds, so perhaps that is why we are now calling a catfish a cow. But not even hog, poultry, or horse producers are eligible under the livestock compensation program. Why should catfish then get livestock payments?

We know labeling continues to be a nationally significant agricultural issue. Again, the issue was addressed in the appropriations bill.

The Army Corps of Engineers is, of course, one of the favorite places. Not only are there a lot of earmarks, but there are significant changes in policy or law under the rubric of this appropriations bill. In this legislation, the administration is prevented from proposing or even studying changes to the Army Corps of Engineers civil works program, such as reorganizing aspects of the agency's management structure, without specific direction in an act of Congress. It seems to me that is remarkable micromanaging.

I guess I have taken enough of my colleagues' time at this late hour, and I know we should be voting on this bill and leaving. I point out again, this bill which the distinguished chairman of the Appropriations Committee described as the largest appropriations bill in the history—and I certainly take his word for it—in my now 17 years of monitoring these things, has the largest number of earmarks by far. I find that wrong for a variety of reasons, but one of them being that we are supposed to be in a war. We are about to ask young men and women to make sacrifices. In fact, some of them in the next few weeks may make the ultimate sacrifice. And here we are, business as usual, business as usual, larding on porkbarrel projects, running up the deficits to historic proportions in some respects. I imagine it is historic as far as the turnaround is concerned, from a $127 billion surplus to a $300 billion deficit. I mind that very much. I think it is wrong. I think it is the wrong signal to send to the American people about our seriousness of addressing the challenges of the war on terror.

But I am also disturbed about the policy changes that are made in appropriations bills which render authorizing committees nearly irrelevant. It is not the right thing to do. There are provisions in this bill—and I will be providing them for the record—of many policy changes that should have required hearings, debate, votes on specific issues. Instead, they are decided by a small group of Senators and House Members rather than all of us being able to exercise not only our privileges but our responsibilities as we determine the policies that affect the future of our citizens in our respective States.

I ask unanimous consent that a document entitled "Commerce Committee Provisions" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMERCE COMMITTEE PROVISIONS

NCL PROVISION

Mr. President, I regret that the conferees chose to adopt a special interest provision for one foreign cruise ship company at the expense of all other competitors. The last time Congress meddled in this area with hollow promises of spurring the American ship building industry, it ended up costing the American taxpayers a whopping $185 million. I shudder to think that we are meddling again.

The conference report grants a subsidiary of the Malaysian-owned "Norwegian Cruise Lines" (NCL) the exclusive right to operate three large foreign-built cruise vessels in the domestic cruise trade. This will be permitted notwithstanding the Passenger Vessel Services Act, which requires vessels transporting passengers between ports in the U.S. to be U.S.-owned, U.S.-built, U.S.-flagged, and U.S.-crewed. While I am not a fan of those requirements, I cannot support granting a waiver for one company.

This provision provides an unfair competitive advantage to NCL at the expense of all other cruise ship operators. No other company will be allowed to operate foreign-built U.S.-flag cruise vessels in the domestic market other than NCL. It effectively creates a de facto monopoly for this one foreign company to operate in the Hawaiian Islands, and West and East Coast cruise trades.

Again, I remind my colleagues, the last time we provided special treatment for one shipping company, it came at a price tag of $185 million. American Classic Voyages' failed "Project America" venture was aided by special exemption language included in the 1998 Department of Defense Appropriation Bill. When American Classic Voyages filed for bankruptcy in October 2001, the American taxpayers paid the price. At what point are we going to say enough is enough, and put a halt to gambling away the hard-working Americans' tax dollars?

Mr. President, there has been no analysis of the value of granting this exclusive exemption from the Passenger Vessel Services Act to NCL, nor, more importantly, have the Committees of jurisdiction had an opportunity to consider the proposal and analyze its overall impact on the maritime industry.

The special interest provision represents yet another piecemeal approach to U.S. maritime policy. But instead of promoting a sound and reasoned U.S.-flag cruise vessel promotion proposal, the conference report rewrites maritime policy and grants one foreign-owned company a waiver from U.S. laws.

We should be working to promote competition in the domestic cruise market, and for that to take place, there needs to be a level playing field for all operators. But the special NCL provision may well severely hamper any effort to jump-start the U.S.-flag cruise market, leaving most coastal states with no regular U.S.-flag cruise ship service.

We learned the hard way from the failed "Project America" venture that domestic-built ships require far more capital investment than vessels built abroad. By giving NCL, and NCL alone, a free pass on U.S. laws, as provided under this conference report, will only keep all other competitors at bay because they have no incentive to even attempt to secure the significant financing required to comply with the U.S.-build requirement for U.S.-owned cruise vessels.

This special provision for NCL will very likely lead to further economic difficulties for the domestic cruise industry, and places its future growth at risk.

AVIATION

Mr. President, there are numerous other provisions in this conference report that circumvent the clear jurisdiction of the Commerce Committee. For example, it incorporates almost wholesale a bill passed last year by the House of Representatives regarding air traffic control towers. The provision expands on the class of air traffic control towers that is eligible for federal money. While I'm all for aviation safety and this may be a good provision, I'm troubled by several aspects of it.

First, the provision doesn't just make new towers eligible for reimbursement, it also makes eligible towers that were built beginning in 1996—over seven years ago.

Things were very different seven years ago. Bill Clinton was President and I had more hair. I know President Clinton's theme song was "Don't Stop Thinking About Tomorrow," by Fleetwood Mac, but I find it very difficult to believe that airports that built towers in 1996 had any expectation they should get reimbursed by the federal government seven years later. It's awfully nice that we're willing to do that. I didn't know this omnibus bill was also the first economic stimulus package of the year. Had I known, I might have sought inclusion of a payroll tax holiday!

Secondly, at least the provision passed last year by the House provided that an airport tower would be eligible for a grant under this program only if the Secretary certified that the selection of the tower for eligibility was based on objective criteria, giving "no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation." I wish to congratulate my House colleagues. Clearly, they were concerned about the pork barrel politics practiced by the appropriators and tried to insulate this particular program from such antics. However, the appropriations committee decided that this took away too much of their power and deleted the provision. I don't mean they rewrote the provision. They literally crossed it out in the conference report.

Mr. President, the conference report also includes a provision that implements a whole new funding scheme for airport security projects. I am very concerned about finding for airport security. This is a reauthorization year for aviation programs, and the Senate Commerce Committee, the committee of jurisdiction, has already begun hearings on FAA issues.

Yet the appropriators have taken it upon themselves to establish a brand new funding scheme that has never been vetted, discussed, or voted on by the authorizers. Some might start to wonder just what the Commerce Committee's role is in policy decisions regarding the programs under its jurisdiction.

This provision authorizes a new $2.5 billion program over 5 years for airport security projects without any discussion that I am aware of. The TSA was not consulted about this provision. It seems that the special interest groups who were shopping this provision were the only ones that mattered. If this had gone through the regular legislative process, at least all parties could have been heard. There are many different ways to fund security projects. This provision may be a good one, it mirrors a similar program set up at the FAA. However, the DOT Inspector General proposed several other ideas to our committee.

Another provision would allow airports to giver Airport Improvement Program (AIP) money back to the FAA so the agency can hire staff to speed up environmental reviews airports projects. This is an area in which the Commerce Committee took action on last year and will continue to pursue this year. It should not be addressed in an appropriations bill.

While the earmarking in this legislation is as egregious as ever, the raiding of existing accounts for unrelated purposes is equally appalling. The AIP program is supposed to be devoted to the infrastructure needs of our nation's airports. Yet the conference report takes tens of millions of dollars out of AIP to pay for the FAA's costs of administering the EAS program, and the Small Community Air Service Development Pilot Program. These are worthy activities and programs, but it violates the long-established purpose of AIP to use monies for these things. This continual raiding of AIP which is also being encroached upon by the appropriation of security costs from it will slow the necessary development of the nation's infrastructure. We may be in an aviation funding crisis this year if this wholesale taking of money from accounts that are for capacity, infrastructure and modernization does not stop.

AMTRAK

I want to commend the conferees for their attempts to help protect the investment that the American taxpayers continue to provide to Amtrak, which since 1971, has received federal subsidies totaling $26 billion—an enormous sum for a system that serves less than one percent of the traveling public.

The conference report, which provides Amtrak $1.05 billion for FY 2003, includes conditions that require the funding to be appropriated on a quarterly basis through formal grant agreements with the Department of Treasury (DOT). Amtrak also will be required to spend its appropriated funds only on items identified in its business plan and approved by DOT. And, such funds may only be spent on existing plant and services, not on grandiose or far-fetched expansion plans. These controls are a step in the right direction.

The conferees also worked to ensure that Amtrak reserves sufficient funds to meet its contractual obligations with state and local subdivisions for commuter and intercity corridor services. Amtrak should not be in a position to shut down commuter operations, as it threatened last summer, because it does not have sufficient funds to operate its entire network. Commuter operations, such as those on the Northeast Corridor, are funded by state and local governments and clearly should continue to operate even if other Amtrak operations should cease. Further, Corridor trains that the states are helping subsidize also should also receive priority. Continuing to operate Northeast Corridor services, off-Corridor commuter service, and those trains financed in part by the states would preserve service for 93 percent of Amtrak's combined intercity and commuter ridership.

While the conference committee has slightly reduced Amtrak's appropriation from that provided in the Senate-passed measure, from $1.2 billion to $1.05 billion, it also has postponed repayment of Amtrak's $100 million dollar loan from DOT, effectively providing Amtrak's $1.15 billion, or only $50 million less than the $1.2 billion Amtrak requested. Although Amtrak may end the year with less than its targeted $75 million in working capital, it should be able to continue operating while Congress considers the long-term future for intercity passenger rail service. I look forward to a full and open debate on this issue.

TOURISM BOARD

Mr. President, the conferees authorize the Secretary of Commerce to award grants and make direct lump sum payments of up to $50,000,000 to support ravel to the United States. To carry out this new authority, the appropriators establish the United States Travel and Tourism Promotion Advisory Board and provide $50,000,000. This Tourism Board has never been considered by the authorizing committee of jurisdiction, nor did the Department of Commerce have any input on the creation of this new Board. This is another example of authorizing language in an appropriations bill and $50,000,000 is an enormous amount of money for an initiative that has not yet been fully vetted.

NASA

Mr. President, I commend the conferees for their efforts to address the funding needs of the Space Shuttle *Columbia* accident investigation. Just yesterday, the Commerce Committee held a hearing on the investigation, and I agree that the Congress should be supportive of the *Columbia* Accident Investigation Board. We must find the cause of this horrible tragedy, and ensure that such an accident never happens again.

Unfortunately, other NASA provisions are included in the conference report that should be handled by the authorizing committee of jurisdiction. For example, the conference report establishes a NASA working capital fund for capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of NASA real property. As Chairman of the Senate Commerce Committee, which has jurisdiction over NASA, I am fully aware of NASA's declining infrastructure and the need to ensure safety of NASA missions. In light of the Space Shuttle *Columbia* accident, I think it would be a prudent course of action if we fully consider this provision in the context of an overall review of NASA, which is currently underway. No hearings have yet been held on this proposed working capital fund, nor has it been considered by the full Senate. I do not question the conferees' strong interest in addressing NASA funding needs, but I note this is yet another case of authorizing on an appropriations bill.

I am particularly concerned by provisions in the conference report that would establish a NASA demonstration project regarding an enhanced-use lease of real property. The Commerce Committee has not had a change to review this language, and no hearings have been held on this enhanced lease scheme. The leasing of public property deserves a public discussion.

ELECTION REFORM

I am pleased to see that the conferees appropriated almost $1.5 billion to implement the election reform bill. This funding is a good start for a process to improve our system of election administration and renew the public's confidence in our election system. I am especially pleased that this conference report includes payments to help states to promote disabled voter access.

NOAA

The conference report provides more than $490 million in earmarks and programs just for the aquatic—not atmospheric—programs of the National Oceanic and Atmosphere Administration. This funding will go toward more than 150 line items. The Administration did not request funding for these programs in their budget, in fact, many programs that they did request funding for are underfunded or zero-funded.

The conference report appropriates an astounding $100,000,000 for fisheries disaster assistance. Of this amount, $35,000,000 is for direct assistance to the state of Alaska, for any person, business, or town that has experienced an economic hardship even remotely related to fishing. This money is in addition to the $20,000,000 they are also getting for developing an Alaskan seafood marketing program.

Of the remainder:

$35,000,000 is for the shrimp industries of the Gulf of Mexico and South Atlantic, to provide far-reaching assistance for many aspects of these fisheries;

$20,000,000 is provided for voluntary capacity reduction programs in the Northeast and West Coast groundfish fisheries;

$5,000,000 is for Hawaiian fishermen affected by fishing area closures and other management rules; and

$5,000,000 is for blue crab fisheries affected by low harvests.

The report also provides these hand-outs without requiring any accountability for how the money is actually spent. These appropriations were made without offering any form of justification or rationale. How much federal money do these regions really need, if any? If these needs are legitimate, how do they compare to the needs of other regions? We'll never know, because these appropriations circumvented every stage of committee review, consultation, analysis, and authorization. We have no basis for determining how necessary this is or whether or not this is sound policy.

Furthermore, the conference report requires the Department of Commerce and Coast Guard to provide coordinated, routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft, and communications assets, with particular emphasis on federal waters seaward of the costs of South Carolina and Georgia. Again, without any review by the authorizing committee, we have no basis or knowing why this is regional program is a good use of federal dollars and resources is this really the best use of limited Coast Guard resources, at a time when our country is under a heightened terror alert?

The conference report also earmarks $10 million from the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund, to develop an Alaskan seafood marketing program. $10 million is whole lot of money to be spending on a marketing program, yet we are given no details on exactly what this federal funding will be used.

COAST GUARD

The conference report and statement of managers earmarks a total of $83.962 million of the Coast Guard budget. The level of Coast Guard earmarks increased over $10 million compared to the enacted FY02 Coast Guard budget.

In this critical time when the Coast Guard is so hard pressed to carry out it Homeland Security missions, in addition to its many traditional missions, it is indefensible to be earmarking the Coast Guard's budget for pet products. Adding insult to injury, the Committee report takes the Coast Guard to task for devoting its scarce resources to homeland security at the expense of its other traditional missions, yet in the same report, they earmark critically needed resources for other projects. This type of micro-management serves only to tie the Coast Guard's hands and deny it the flexibility it needs to respond to very real threats.

We all know the Coast Guard is underfunded and definitely in need of additional personnel and resources. Our first step should be to give it is full budget without these unrequested and restrictive earmarks.

Here are just a few examples.

The statement of managers earmarks $1,600,000 for enhanced oil spill prevention activities in the waters of Washington State. This earmark was not requested by the Administration and I think it should probably receive an award for the most creative language. It states, and I quote, "the Committee expects the Captain of the Port to use his professional judgment in allocating these funds to measures that he believes will best protect these waters. Such measures could include a cost sharing arrangement with the State of Washington for the hiring of a rescue tug at Neah Bay. However, these funds could be allocated to alternative measures if, in the view of the Captain of the Port, such alternative measures will provide a superior level of protection." Does anyone wonder what decision the Appropriations Committee expects this Coast Guard captain to make?

$4 million is for LTS–101 helicopter engines.

The statement of managers earmarks $10,000,000 of the Coast Guard's Acquisition, Construction, and Improvements budget for a new line item entitled "Security Surveillance and Protection." What does this mean? The Senate report vaguely stated that this provision is to develop and acquire equipment that will improve security surveillance and perimeter protection capabilities in the Nation's ports, waterways, and coastal zones. In other words, it could mean almost anything.

The statement of managers earmarks $16,000,000 for costs associated with repairing and rebuilding the Coast Guard's Integrated Support Center at Pier 36 in Seattle. These funds are in addition to the $10,000,000 earmarked for this project in the FY 2002 Transportation Appropriations bill. None of these are funds were requested by the Administration and this project is not one of the Coast Guard's highest priorities for shoreside construction. My question is, how much will be earmarked for this project in next year's budget?

Of particular note, the Conference report earmarks over 27 percent of the Coast Guard's research and development budget for specific projects. These earmarks will hinder the Coast Guard's efforts to better surveil our ports, create new technologies to detect explosives and weapons of mass destruction, and develop non-lethal technologies.

The statement of managers earmarks $1,000,000 to support the continued development, demonstration, and evaluation of engineered wood composites at Coast Guard facilities. The statement of managers also earmarks $1,000,000 for a pilot project to test automatic search and rescue spectral imaging technology for Coast Guard C–130 aircraft solely located at Kalaeloa, Hawaii.

Once again we are seeing an Appropriations Bill attempting to circumvent the authorization process. This bill would limit the funding for Coast Guard flag officers to 37. The Coast Guard is authorized under Title 14 to have 48 flag officers and currently has 37 flag officers on active duty. As the Coast Guard grows in size to meet its new homeland security missions it will not have any of its authorized flexibility to promote additional flag officers. If there is a concern that the Coast Guard has too many flag officers, then that concern should be raised through the Commerce Committee.

The bill authorizes the Coast Guard Yard at Curtis Bay, Maryland and other Coast Guard specialty facilities designated by the Commandant to enter into joint public-private partnerships and in doing so may enter into agreements, receive, and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities. This provision would enable the federally subsidized Yard to indirectly compete with private industry for shipbuilding contracts. This is authorization language pertaining to the Coast Guard Yard that is clearly within the jurisdiction of the Commerce, Science, and Transportation Committee. Nonetheless prior to the consideration of this legislation by the Appropriations Committee, it did not consult with or notify either the Commerce, Science, and Transportation Committee concerning the changes in law.

Mr. McCAIN. I yield the floor.

Mr. STEVENS. Mr. President, the Senator from Nevada had an inquiry. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Just so the two leaders know, does the Senator from Illinois know for how long he wishes to speak?

Mr. DURBIN. I ask the Senator from Nevada what the plans are for this evening?

Mr. REID. What we are working toward is having final passage on the bill this evening, if all things work out right.

Mr. DURBIN. I certainly don't want to delay final passage.

Mr. REID. Why doesn't the Senator proceed.

The Senator from Georgia also wishes to speak for 3 minutes?

Mr. STEVENS. Yes.

Mr. REID. Why don't we have the Senator from Georgia speak first for 3 minutes, and then the Senator from Illinois speak. If the managers want to speak then, they can do so. I so ask unanimous consent.

Mr. STEVENS. It is 5 minutes and 3 minutes, is that correct?

Mr. REID. He's going to stop whenever you want him to.

Mr. STEVENS. All right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I don't think I will take my full 3 minutes. I just want to rise and say that while, Mr. Chairman, I am going to vote for the omnibus bill, I am really disappointed with the agriculture disaster portion in this omnibus bill. On the Senate side, we debated and discussed this issue at length. The chairman of the Senate Agriculture Committee, who is also chairman of the Senate Agriculture Appropriations subcommittee, I thought did an excellent job of putting together a package that accomplishes the goal of getting funds immediately in the hands of farmers all across America. My farmers have had 5 rough years back to back, and they need money now.

Under the provisions that came out of the conference committee, which was basically the House provision, farmers across America are not going to be getting funds until probably August, September, or October. Farmers are going to be out of business if they don't get relief now. To pass this provision in this bill I think is the wrong approach. I don't like that provision in the bill. I do support it. I know the chairman had a very difficult time with this particular issue as well as other issues, but I think that is wrong and I wanted to register my objection. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the Senate Appropriations Committee, I know the amount of labor and work that goes into the preparation of a bill of this magnitude. I also know when you postpone the orderly process of passing spending bills and wait an extra 4 or 5 months, there is an opportunity for mischief. I think only in time will we be able to sift through 1,600, 1,800, 2,000 pages of this bill to find out in painful detail what is included.

There are several things that have come to my attention. I would like to draw them to the attention of my colleagues here in the Senate.

Let me start by saying there is one issue most people don't like to talk about and I am going to raise this evening because I think it is critically important. The District of Columbia is a city which is governed by a mayor, a city council, and 535 wannabe mayors in the Congress.

It seems that every Member of the House or Senate who wanted to be a mayor at some time in their lives decided at some point to make a decision for the District of Columbia. I think that is unfortunate. The people of this city, like every city, have a right to govern themselves. Occasionally that intrusion of congressional mischief can reach a perilous state. Let me give an example.

The AIDS rate for the AIDS disease in our Nation's Capital is the highest in the country. It is 10 times the national average. More and more women are being diagnosed with AIDS in Washington, DC. DC health officials reported last October 616 new AIDS cases in 2001 alone, 33 percent among women. In 1981 women only accounted for 7 percent of AIDS cases.

City health officials in Washington estimate 40 percent of AIDS cases are associated with injected drugs.

The question is, how can we stop this AIDS epidemic in the Nation's Capital, which is not only infecting more and more women and children, but appears to be out of control. Frankly, there are programs that work. One of the programs is not popular to talk about. Most of my colleagues run away from it, but you cannot run away from reality. It is a needle exchange program. It is a program that invites addicts in, in an effort to try to first give them a needle that is clean, and then bring them into rehabilitation so they can stop their addiction.

There are those who say don't give them clean needles because they will just keep using them. But you know what they will use, they will use dirty needles and pass the AIDS epidemic on and on and on.

I am not expert in this area. I get squeamish talking about needles and injections. But the fact is, the people who are experts, the American Medical Association and medical officials, have said it works. Put these programs on the street corners and in the storefronts of Washington, DC, and we can start reducing the AIDS infection rate in our Nation's Capital.

There is no reason in my mind why the people of the District of Columbia should not be able to use their own money to try this approach to reduce drug addiction and reduce the AIDS epidemic in their hometown.

Across the United States, there are programs in many States. But sadly enough, the Members of the House of Representatives have put in a provision that prohibits the District of Columbia from even using its own tax dollars to in any way support this kind of project.

Some of the very congressmen who beat on the desk and beat on their chest and talk about how they are going to fight these needle exchange programs represent districts and States where these programs take place today. This is a sad outcome in this bill. I hope those who reflect on it will realize they are taking some high and mighty moral position and people will die because of it.

Stand by the doctors, stand by the professionals. Stop playing mayor and city council for the District of Columbia. Sadly, this appropriation continues to do so.

Exhaustive scientific review has found that needle exchange programs are an effective way to slow the spread of HIV and AIDS. In a speech last September, Dr. Joseph O'Neill, Director of the Office of National AIDS policy indicated that the administration did not oppose the use of state and local funds to support needle exchange programs.

The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. The Institute of Medicine identified access to sterile syringes as one of four "unrealized opportunities" in HIV prevention in a publication issued last year. The IOM committee recommends that the Administration "rescind the existing prohibition against the use of Federal funds for needle exchange to allow communities that desire such programs to institute them using federal resources."

Former Surgeon General David Satcher, MD stated that:

> There is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.

Former Surgeon General C. Everett Koop, MD concluded that needle exchange programs are an "effective means of preventing the spread of the disease [HIV/AIDS] without increasing the use of illicit drugs." He called limiting the use of state and local funds for these programs "counterproductive."

The Centers for Disease Control and Prevention estimated that there were 156 needle exchange programs operating in the United States in 81 cities and 31 States last year, many of which receive state and local financial support for their activities. None of these programs receive Federal support at this time.

The CDC publication also indicated that 95 percent of needle exchange programs in operation referred clients to substance use treatment and counseling programs, and over half provide on site voluntary HIV testing and more than a quarter also screen for hepatitis B and C.

In 2000, four needle exchange programs were functioning in my home state of Illinois.

In spite of the overwhelming support from public health and medical professionals, we here in Congress have once again prevented the District of Columbia from using its own local funds to finance these lifesaving programs. I was pleased that the Omnibus Appropriations bill passed by the Senate allowed the District of Columbia to use LOCAL funds to finance a needle exchange program. Washington, DC has one needle exchange program, Prevention Works, that is supported with private funding. Both the Mayor and Police Chief support the program.

However, I am deeply disappointed to learn that the conference report we are considering today maintains the irresponsible status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs.

This conference report disregards the expert opinions of former Surgeon Generals David Satcher and C. Everett Koop, leading medical and public health organizations, the Director of the Office of National AIDS policy and the Institute of Medicine.

It is my sincere hope that next year we will stop politicizing this issue and recognize that the District of Columbia, just like all of our home states and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The same is true when it comes to attorneys' fees for special education. Think about this. In every school district in America, if you have a disabled child and want that child to have an education, you have a right to say to the school district: Here is my child who needs the education. If the school district contests it and says this child doesn't have a disability and we are not going to pay for a special ed teacher, you have a right to appeal that decision. That's the case across America.

Sometimes, because it is complicated and expensive, attorneys are involved to represent the parents and the school district and to resolve their differences. It happens every day across America.

In the District of Columbia it has gotten out of hand. Some law firms—only a few—have exploited the parents of disabled children and turned in attorneys' fees requests to the District of Columbia public school system that are way out of line. Some of these firms have become shady operations that offer not only attorney counseling, but special education services, a package that raises many suspicions.

Senator KAY BAILEY HUTCHISON and I have debated this over and over again as to whether to cap the fees that can be paid to attorneys and what to do about it. In the Senate we raised the cap on attorneys' fees for DC special education to $4,000 maximum per case. I hope that is enough to take care of these cases. But I will tell you I do not believe we should be imposing a cap on attorneys' fees. The parents of these poor children who are disabled should not be denied legal representation.

I am happy Senator HUTCHISON and I could agree on limiting the attorneys' activities so those questionable activities, those criminal activities will stop.

But I think we should put an end to this cap on attorneys' fees and say to the DC public school system once and for all, for goodness sakes, offer kids with disabilities the kind of special education opportunities that are available across America. This provision capping attorneys' fees in this appropriation bill I think is a mistake.

Not only are such caps an intrusion on home rule and local spending prerogatives, I do not believe that imposing a cap on payment of attorneys' fees is the way to address significant and long-standing problems with the delivery of special education services to children in the District of Columbia. These fees arise because parents are forced to bring due process actions against the city school system—and the parents win their cases.

It is unacceptable for Congress to impose a dollar cap on how much the City may pay attorneys who win these cases, particularly after a judge has awarded a fee based on a reasonableness standard. However, I do support language in this bill which addresses concerns about particular attorneys who have shamelessly taken advantage of the system.

I support a complete bar on paying attorneys' cases in which the District's Chief Financial Officer, CFO, determines that an attorney, officer, or employee of the firm has a pecuniary interest in any special education diagnostic services, schools, or other special education service providers.

Furthermore, I believe the provisions in the Senate bill which mandate stronger ethical standards are appropriate.

I support the provisions in the bill dictating that the District's CFO require disclosure by attorneys in IDEA cases of any financial, corporate, legal, board membership, or other relationships with special education diagnostic services, schools, or other special education service providers before paying any attorneys' fees; that the CFO may require certification by counsel that all services billed in special education were rendered; that the CFO report to Congress quarterly on the certifications and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA; and that the District's Inspector General may audit the certifications to ensure attorney compliance.

It is my hope that these provisions will produce needed accountability. I am glad they were retained in the final product.

I am disappointed, but not surprised, that the cap remains in this final version of the bill. I share the sentiment that abuses of this program need to stop. I want to work to address that problem and to figure out why the District has had such perennial problems with its ability to meet the needs of its children in special education.

But it is wrong for this Republican Congress to deprive children of legal recourse when they are denied services to which they are entitled. It is wrong for the Republican Congress to preclude the District of Columbia from using its own funds to make all legitimate payments in this critical special education program.

There is another provision that was slipped in this bill as it relates to the Bureau of Alcohol, Tobacco and Firearms and the Freedom of Information Act. This provision is an enormous setback to the efforts of State and local governments to combat illegal firearms trafficking. It undermines the very purpose of the Freedom of Information Act.

This act entitles citizens to open access to Government records, prevents the Government from shielding its activities from public scrutiny. The City of Chicago, which I represent, filed a Freedom of Information Act request to obtain information about the ATF trace database. The purpose, of course, is to determine which gun sellers and manufacturers were responsible for selling guns to criminals.

In response to these rulings, the gun industry went to the House Appropriations Committee and asked for a rider in this bill to prevent the ATF from complying with the FOIA request and telling the City of Chicago and the public what they were doing.

This provision sets a dangerous precedent because it essentially directs a Federal agency not to comply with the Federal court ruling, thus undermining the very purpose of FOIA. If litigants can be denied information under FOIA through legislative action—even when a Federal court has upheld this request—FOIA itself is in jeopardy.

There is no cost justification for this. This doesn't have anything to do with appropriations. This is an effort by the gun industry to stop cities that are ravaged by gun crime from going after the irresponsible gun dealers who are selling guns to criminals. And the NRA and the gun industry are shielding them with this rider in the appropriations bill.

I was joined by Senators JACK REED and TED KENNEDY in urging that this provision not be included. Unfortunately, it was.

Let me acknowledge also, as has been said by some of my colleagues, that I am very concerned about the language of funding for homeland security in this bill. The Senate, in its version of this bill, added almost $4 billion in homeland security funds to be sent back to the State and local governments to protect America. As I stand and speak on the floor of the Senate, we are warning families across America that we are in orange alert and that they have to take special precautions to protect themselves and their children from the possibility of biological and chemical warfare and dirty radioactive bombs.

Sadly enough, we are not providing the resources for the State and local governments to meet this challenge. Make no mistake, America is prepared to attack in the Middle East, but America is not prepared to defend itself at home. That is a sad reality. This bill cuts out almost $4 billion that would have gone for some very important purposes: Additional money for the Transportation Security Administration for monitoring airports; additional money for the INS and border security to stop those from coming in this country who are bent on bad behavior; community policing grants to try to help communities have someone on the other end of the line when you dial 9–1–1, cut $130 million; FEMA disaster recovery assistance, cut by $1 billion; the Department of Justice Office of Domestic Preparedness, cut by $1 billion; firefighter grants, cut by $150 million; interoperable communications equipment grants, cut by $235 million—the No. 1 priority in my State so that the police and firefighters and medical first responders can communicate, cut in this appropriations bill from the Senate level.

These cuts, frankly, came at the request and with the approval of the White House and the Office of Management and Budget.

Emergency Operation Center, cut nationwide by $155 million; port container security, cut by $45 million; port technology demonstration projects so that we can see dangerous cargo coming in these ships, cut by $1 million; explosives training initiative, cut by $7 million; and $42 million from embassy security.

I pray to God that nothing happens to this country as a result of terrorism. But I think we have been derelict in our duty to provide the resources to State and local governments to protect families and to protect communities and businesses across America. This bill, with its $4 billion in cuts off the Senate level, leaves us in a precarious situation and one that I hope does not come back to haunt us in years to come.

Let me conclude on a positive note. I thank the Senator from Alaska. Despite these words of critique, I personally appreciate, as does Senator DEWINE, the personal interest and initiative he took in the global AIDS epidemic. His decision on the floor to approve an amendment which we offered is going to mean that thousands and maybe more will have their lives saved. I thank the Senator from Alaska. He has been a leader on this issue all the way. We have reached a 42-percent increase in funding to fight the global AIDS epidemic through his cooperation and leadership. I thank him very much.

I yield the floor.

I ask unanimous consent that a statement entitled "Underfunding Homeland Security" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDERFUNDING HOMELAND SECURITY

At a time when the Administration is ramping up for war overseas, one would think we would be doing everything possible to fortify our security at home as well.

That's certainly what the Administration has led us to believe, but oddly enough, we're poised to pass this 1100 plus page omnibus bill that slashes funding for the pillars of homeland security.

And after cutting funds for first responders, for airport security improvements, for community police officers and more, what do they propose? That Americans fortify their own homes with duct tape and plastic sheets. This Administration can and must do better to protect the safety of the American people.

This bill leaves significant gaps in funding for homeland security priorities.

The Republican-controlled conference committee rejected increases in homeland security funding that were approved unanimously last year by a Democratic-led Appropriations Committee. Instead, the Republican-controlled conference imposed an additional 0.65 percent across-the-board cut to all federal programs, leaving already cash-strapped initiatives in even greater need. The results of the cumulative cuts, which total more than $4.4 billion, include:

First Responders: This bill cuts $2.98 billion from activities designed to aid first responders. Cuts include a $1.59 billion reduction for the Federal Emergency Management Agency (FEMA)—including a $150 million cut to firefighter grants—as well as a $235 million cut to funds for police and firefighters to purchase communications equipment and a $155 million cut to fund emergency operations centers.

Police/Law Enforcement: The bill reduces funding for Community Oriented Policing (COPS) public safety and community policing grants by more than 40 percent—from $330 million to $200 million. This cut would completely eliminate funding needed to hire 1,360 community-based police officers.

Aviation/Port Security: The bill cuts $170 million from Transportation Security Administration (TSA), impeding efforts to improve airport security, and cuts $46 million from port security funds. The bill also makes cuts to the U.S. Customs Service, resulting in the loss of more than 200 employees and compromising the implementation of the Container Security Initiative and other homeland security efforts. The INS/border security budget is also reduced by approximately $182 million.

Other Cuts: The bill also cuts programs to train state and federal law enforcement and security personnel by nearly $50 million, including a $7 million cut to the Explosives Training Initiative and $42 million to embassy security.

A supplemental appropriations bill would be necessary to provide funding adequate to meet the homeland security needs of localities across the country in advance of any military action in Iraq.

ILLINOIS

States and localities are still waiting for the funds promised to them. The States have legitimate concerns. There's a lot of brave talk about fighting terrorism, but when it comes to paying for it, this administration has not delivered.

In my home State of Illinois, we have an Illinois Terrorism Task Force (TTF). This is a collective body representing 50 agencies addressing emergency needs throughout the state of Illinois. They have told me that a minimum of $100 million is required to cover security expenses in Illinois for FY03.

The Terrorism Task Force originally asked for $320 million in federal funding and then scaled back its request to the current level ($100 million) in anticipation of federal budget cuts.

According to the TTF director Mike Chamness, these funds are crucial to Illinois' ability to properly address the threat of terror.

Without these dollars, programs designed to secure Illinois will cease to exist.

First responders will be ill-equipped and prepared to address emergency situations.

Major items in the TFF's $100 million request include:

$25 million for first responders' respiration equipment upgrade (nuclear, biological, and chemical).

$14.4 million for communication systems (interoperable communications equipment for police, firefighters, and state/local emergency operations centers).

Elite Terror Response Team: under current funding Federal monies have not been available to send teams for the "Elite Response" training.

It is imperative that my home state of Illinois—like every other State in this nation—provides their front-line first responders the best equipment, the essential tools, and the finest training available. We rely on their readiness and should expect nothing less. These funds are needed sooner, not later.

CITY OF CHICAGO

Now let me tell you about the funding needs for Homeland Security in the City of Chicago.

The City of Chicago had made an assessment of total budget needs for homeland security at around $175 million

The top ticket item in Chicago is the Chicago public safety radio migration plan which is estimated to cost $80 million.

The migration allows for all agencies to communicate in an interoperable manner on a daily basis without major equipment modification or complicated system changes.

Among other important needs are:

Emergency Responder Training and Equipment—$7.9 million. CPD is requesting first responder training, first responder equipment and secondary responders unit training.

Emergency Operations Center Expansion—$10 million. This expansion will provide incident manager with real-time live video, satellite imagery, building X, Y, and Z coordinates and other state of the art technologies.

Hazardous Materials Equipment—$7 million. The Chicago Department of Environment is requesting hazardous materials response equipment for any large, widespread or egregious hazardous incident.

NEED TO DO MUCH MORE THAN DUCT TAPE & PLASTIC

We can't stand up and say we're truly doing everything we can to ensure that our cities and counties, bridges and roads, airplanes and trains are as secure as possible and that our fellow Americans are safe on our soil if this bill is what represents the level of our commitment to fund programs to ensure homeland security.

I fully expect the President to come back to Congress and ask for additional funds to support our military needs overseas. Without question, we must address these needs. But it would be unconscionable to increase funding for military activities in Iraq and neglect our security needs at home. If war comes with Iraq, the battle lines will be expanded to include our country. We simply cannot afford to leave American citizens unprotected.

ATF/FREEDOM OF INFORMATION ACT PROVISION (RE: CITY OF CHICAGO LAWSUIT VS. GUN INDUSTRY)

Another provision slipped in to the appropriations bill at the last minute involves the Bureau of Alcohol, Tobacco and Firearms and the Freedom of Information Act.

This provision would be an enormous setback to the efforts of state and local governments to combat illegal firearms trafficking and would undermine the very purpose of the Freedom of Information Act.

The Freedom of Information Act entitles citizens to open access to government records and prevents the government from shielding its activities from public scrutiny.

The City of Chicago filed a FOIA request to obtain information from an ATF trace database. A U.S. District Court and the U.S. Court of Appeals for the Seventh Circuit ordered the ATF to release these records.

In response to these rulings, the gun industry went to the House Appropriations Committee and asked for a rider to prevent the ATF from complying with this FOIA request.

This provision sets a dangerous precedent because it essentially directs a federal agency not to comply with a federal court ruling, thus undermining the very purpose of FOIA. If litigants can be denied information under FOIA through legislative action—even when a federal court has upheld the request—FOIA itself is in jeopardy.

There is no cost justification for this provision. The City of Chicago demonstrated in its litigation that it would take the ATF less than 10 minutes to assemble and release the data is has requested.

I was joined by Senators Reed and Kennedy in urging that this provision not be included, and I am disappointed that it was.

In the past, I have challenged the Senate and the President to back up the high priority we have placed on the global AIDS pandemic with adequate resources.

[Senator DeWine has even called me a "bull dog" on this issue. I took that as a great compliment.]

This 2003 appropriations process demonstrated that the Senate does indeed recognize the need for increased resources to fight global AIDS.

In December, I, and 15 other Senators, sent a letter to appropriators asking them to increase overall AIDS spending by 50 percent over 2002 levels. At the time we were looking for an increase of $236 million.

While facing $9–$10 billion in cuts throughout the FY 2003 appropriations bill, the Foreign Operations Subcommittee responded to this request, and managed to find an additional $41 million for global AIDS.

The Senate Labor, Health and Human Services Subcommittee agreed to match House approved levels, increasing the funds going to the CDC's Global AIDS Program by about $15 million.

While this increase of $56 million was welcome, unfortunately, it was not enough.

Senator Mike DeWine and I set out to achieve that 50 percent increase, and through a floor amendment to the omnibus bill, sought another $180 million to bring overall spending on Global AIDS to $1.525 billion.

This amendment was accepted—its success demonstrates the Senate's sincere commitment to fighting global AIDS.

$100 million of these funds were slated for the U.S. contribution to the Global Fund—the world's primary organization to monitor and support worldwide AIDS prevention, treatment and care programming.

And the remaining $80 million would go to USAID global AIDS programs.

Well, during conference, we lost $80 million of the $180 million total. But, nevertheless, I count this as a victory for the global AIDS pandemic.

In the end, an additional $50 million was secured for the Global Fund, bringing the U.S. contribution up to $350 million for 2003, and an additional $50 million went to bilateral programs.

This omnibus bill designates $1.2 billion for global AIDS. That is a 46 percent increase over what Congress appropriated in 2002.

The President's 2003 budget request suggested an increase in funding of global AIDS funding of 29 percent. I would say we have come a long way.

We will need this type of increase—at least a 50 percent increase—each year until we can close the gap between expenditures and resources necessary to fight this pandemic.

The President's FY04 budget request amounts to an increase of only 32 percent over the $1.4 billion the U.S. will spend overall on global AIDS in 2003.

[This bull dog] I will be back, asking that at a minimum we achieve a 50 percent increase in global AIDS funding each year for the next few years.

We must continue to do more for the 42 million people worldwide who are living with HIV/AIDS and prevent a good portion of those that will become newly infected in 2003.

During the last ten minutes I have been speaking, approximately 58 people have died from AIDS, 11 of those were children.

A 15-year-old boy in Botswana faces an 80 percent chance of dying of AIDS.

By 2010, it is estimated that sub-Saharan Africa alone will be home to 20 million AIDS orphans; that's 20 million children who have lost one or both parents due to AIDS.

We must act now to help those who today suffer from the impact of HIV/AIDS as well as to change the future of today's children.

We know the situation is dire. We have data to support what program work. Now its time to fund the programs that work.

The 2003 appropriations bill helps us to take yet another tiny step forward in fighting global AIDS.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent, under the previous consent request, that the Senate proceed to the consideration of the conference report on H.J. Res. 2 and that it be considered under the following limitation: 20 minutes of debate equally between myself and the distinguished Senator from West Virginia, the ranking member of the Appropriations Committee; 10 minutes under the control of Senator DODD; 15 under the control of Senator BOXER; further, that following the use or yielding back of the time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. CONRAD. Mr. President, reserving right to object, I would like 3 minutes before final passage of this bill.

Mr. STEVENS. I am pleased to add that addition to my request. I am pleased to modify the request so the Senator's request is complied with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I was talking to someone here. The Senator wants 3 minutes.

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes. Is there objection?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I withdraw my unanimous consent request for the time being, and I ask unanimous consent that my right to be recognized to call up the report remain the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

OMNIBUS APPROPRIATIONS

Mr. CONRAD. Mr. President, it has been very interesting to me to review the budget document that is now before us that has the omnibus appropriations for 2003, which provides funding for all the discretionary programs and activities outside the Department of Defense.

For months last year, our Republican colleagues prevented completion of the remaining 2003 appropriations bills, arguing that that level for appropriations was too high and the President would not accept appropriations bills that exceeded $750.5 billion in total.

The President's veto threat persisted even with the Senate Appropriations Committee having voted out all 13 appropriations bills on unanimous 29-to-0 votes.

After delaying the 2003 appropriations process for 5 months, and forcing most of the Federal Government to operate under a series of continuing resolutions, our Republican colleagues have produced a bill that, when combined with the already enacted defense and military construction bills, exceeds the President's level by more than $12 billion.

Republicans provide total discretionary budget authority for 2003 of $762.7 billion, and highway obligational authority of $31.8 billion, for a total of $794.5 billion.

Last year, they railed against the Senate Budget Committee reported spending level of $797 billion.

My friends, that is a difference of three-tenths of 1 percent, a $2.5 billion difference. Five months of delay over a difference of three-tenths of 1 percent. Levels they said were fiscally irresponsible they have now adopted.

Most interesting—most interesting—when the bill was here on the floor, some of our colleagues on the other side ran up a debt meter on amendments offered by some Democrats that had a total cost over 10 years of $37 billion.

We are poised to vote now on their proposal which is $62 billion above what was offered on the floor at the time. So if they still have their debt meter chart, they had better get it out. And they ought to put another $25 billion on their tote board because they are running up the debt—and it is their spending. They are in charge, and all their talk about Democratic spending, and that that is the problem with fiscal responsibility, is shown for what it was. It was all talk.

The reason we are in the deficit ditch is the tax cuts that were unaffordable that they have put in place and the additional tax cuts this President is seeking that are going to drive us deep into deficit and debt.

Mr. President, the numbers do not lie. I have been waiting for this moment for 5 months, to see if the rhetoric matched the reality. And now we see. In just a few moments we are going to have a chance to vote, and then we are going to see who stands with their words, and who stands with their rhetoric, and who votes to spend the money.

This has been a very interesting year, but this is just the beginning. Because we are going to see, in the coming months, who is serious about fiscal responsibility, who is serious about having budgets that add up, who is serious about paying down debt, who is serious about exploding deficits and debt—right on the eve of the retirement of the baby boom generation. I hope very much that the rhetoric matches the reality because we have not seen that in the last 5 months.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I rise to address the issue of our fiscal year 2003 omnibus appropriations conference report.

Let me begin by, first of all, commending Senator STEVENS and Senator BYRD. Conferencing these bills is no easy task. Each of us has pieces of these bills that we care about deeply. And the Chair and Ranking Member have the awesome responsibility of trying to pull all of this together.

Although I am disappointed by many parts of the conference report, I also want to begin by paying tribute to the chairman and the ranking member and their staffs for the tremendous effort they put into this bill and to try to accommodate the many requests they received and the tremendous demands made of them.

Certainly, in many respects this bill is an improvement over the budget that was submitted to us by the President. Unfortunately, that is not a very high standard, by this Senator's calculation.

The standard that we must meet in each year's appropriations is to address the needs of the American people. Unfortunately, this bill neither reflects the priorities of the American people, nor does it do nearly enough to address our national needs.

I will begin by discussing education. There are many other parts to this bill, but education is a particular priority and source of debate and contention for the American public. Regardless of where you live, any constituency will tell you that one of their major concerns is the quality of our public education at the elementary, secondary, and higher education levels. It is critically important when you consider how significant this is to the American public that this bill should reflect to the greatest extent possible the interests of the American people in improving the quality of education.

I thank the committee for something they did in the bill on education, instead of just sounding like a critic on everything. We exempted under this bill, thanks to the leadership of Senator STEVENS and others, Head Start from the across-the-board cuts. I am grateful to them for that. That is going to make a difference to a lot of kids in the country who count on Head Start. I thank him and his staff for doing that for these young people. That would have lost somewhere around 12- to 22,000 kids, had we applied the across-the-board cut to the existing funds on Head Start. We serve thousands more than that, about 800,000, but 22,000 kids being dropped off the rolls of Head Start would have been a great tragedy. I thank them for that.

Again, I thank my colleague from Alaska on special education. He managed to work out a way with me, at least coming out of this Chamber, to put an additional $1.5 billion into special education, which would have been a major step forward. It would not have gotten us to the 40 percent that ultimately we will have to reach, but it would have taken us a substantial part of the way down that road.

The Senator from Alaska can't win every battle, but I would be remiss if I did not report to my colleagues that in this conference report, instead of coming back with that $1.5 billion, we are coming back with $400 million. We lost $1.1 billion when the House and the conferees from this body met to work out the differences.

This is such a priority. I don't care where you go in the country. For every county, every community, this is a major issue. It is a major fiscal responsibility. Local governments don't get to do the things we do at the national level or the State level. They have to meet these responsibilities. We have mandated it; we have required it. So whether you live in the great State of Colorado, as the Presiding Officer does, or the State of Connecticut, I will guarantee you, if you were to ask local people what are some of the priorities you have, this is one that would always come up.

I am very disappointed, despite the efforts of Senator STEVENS and others, that apparently the House leadership did not see the wisdom of maintaining the $1.5 billion. They cut it by $1.1 billion so we get a $400 million increase over the President's budget. You could argue that is certainly an improvement but still far short of what I had hoped we would be able to do.

I wish to address the issue of title I. That was a source of lengthy debate in this Chamber during consideration of the legislation. Senator KENNEDY of Massachusetts offered an amendment to try to make up the shortfall between what the President's budget submitted on title I funding and what would have been needed in order to meet the promise the President and the Congress made last year when the President signed the No Child Left Behind Act. How many times have you heard people talk about this bill, the importance of title I, getting resources to these children and their families, those who are in the poorest conditions in both rural and urban communities?

We all signed on to the bill, which, by the way, if you are troubled by special education because of a mandate from the Federal Government, brace yourselves because the No Child Left Behind Act has significant mandates in it. We require localities to do many things under title I. It is going to be costly to do them, including mandatory testing. But instead of providing the resources in the first year of this new Elementary and Secondary Education Act, the President actually came back and sought to reduce the funding dedicated to meet those commitments.

The difference in the conference report between the promise and the reality is $4.25 billion rather than $4.65 billion. So coming back from conference the disparity is not quite as bad as it was, but the fact is, $4.3 billion was still missing for title I. I am terribly saddened by that.

I know how hard the conferees have to work, but you can't mandate things on local governments and not be willing to come up with the resources. If you are going to vote as we did overwhelmingly for the No Child Left Behind Act and then within the same calendar year refuse to provide funding for it, well, you get some sense of why there is so much outrage at the local level. You are seeing it in special education. Now you will see it in title I. That is regrettable. But, again, I thank the Members for their efforts and what they have done in this area.

Lastly, on higher education, when the bill left the Senate, it had increased Pell grants by $100 a student. Since the purchasing power of Pell grants has been cut in half since 1975 and in most cases the average student loan indebtedness has tripled since 1987, I didn't think that was nearly enough. Our Republican colleagues defeated an amendment to increase the grant by $400, but we sent over at least $100. Now it is coming back with an increase of $50. I don't need to tell you wherever you go, whether it is special education, title I, or college education, the idea that a $50 increase in a Pell grant is going to make much of a difference for these low-to-moderate income families who are trying to meet the cost of higher education, just doesn't make sense.

Again, I understand that conferees must establish priorities. But I am deeply saddened that we couldn't do better and hold at least to the $100 that we had in the Senate bill and try to at least relieve a small amount of that additional burden that these families are going to face.

Just to put this all in perspective, I know there is divided opinion on these issues, but these are about priorities. The President has placed a very high priority obviously on the $674 billion tax cut; $320 billion of which will go to the wealthiest 5 percent of Americans. Think of that. Here you have a tax cut for the top 5 percent that is going to be some 75 times larger than the cost of meeting the promise to low-income schools, and apparently the President values that tax cut about 230 times more than increasing Pell grants for low-income students by $400.

Those are choices. I understand people make them. But the American public has a right to know that when the choice came to doing something about Pell grants for struggling families, working families, doing something about special education needs for our local communities, or doing something about title I funds which are critically important to improve the quality of education at the elementary school level, we made the choice to provide tax cuts for the wealthiest Americans.

I represent the most affluent State in te country. I probably have a larger percentage of constituents who would benefit from this tax cut proposal than most other States. Yet I can tell you, there are very few who believe these kinds of priorities are their priorities. Most of them, in fact, based on what I have heard from them, believe we should be making these critical investments in the quality of education in our country—special education, title I funding, and Pell grants.

I am glad the conference report retained the language from my amendment approved on the Senate floor to exempt Head Start from any across the board cut contained in the bill. Head Start reaches only 60 percent of eligible 3- and 4-year-olds and only 3 percent of eligible infants and toddlers. The conference report provides a modest increase for Head Start that will barely cover inflation. While it is good that Head Start was not subject to an across the board cut and was allowed a modest increase, we should be fully funding the program. If we truly want to leave no child behind, then we need to ensure that every child starts school ready to learn. This would have been a good opportunity to expand Head Start, but instead, we are just holding it harmless. That's not good enough.

And, while the omnibus legislation continues to provide funding for a range of programs critical to the public health of our Nation, it falls far short of meeting the true healthcare needs of American citizens. When this bill was before the Senate, I was pleased to support amendments offered by Senator MURRAY and MIKULSKI that were adopted and will support care for the uninsured and nurse training. I am pleased that the conference agreement supports lifesaving research conducted by the National Institutes of Health and removes a scheduled reimbursement reduction for physicians that treat elderly Medicare beneficiaries. However, I am disappointed that this agreement fails to sufficiently broaden further many of the health provisions contained within the original bill. Amendments regrettably rejected by the Senate during consideration of this measure include an amendment offered by Senator KENNEDY that would have provided more than $500 million to public health programs that serve minority communities and an amendment offered by Senator CLINTON that would have bolstered funding to Medicare providers serving elderly Americans by more than $4 billion.

Because more than 130 million Americans continue to breathe unhealthy air, I believe the President's proposal to eliminate protections that control pollution from powerplants and other industries is unwise. I supported Senator EDWARDS' amendment during Senate debate called for an independent, scientific analysis of the regulations before they go into effect. Unfortunately, this amendment was defeated. Language was added in conference to allow more logging for commercial purposes and prevent legal challenges to the 1997 Tongass forest management plan.

Further, at a time when energy markets are so volatile, when heating oil inventories in the Northeast are 35 percent below the 10-year average, when crude oil is at $35 per barrel, and when the Northeast is experiencing an unusually cold winter, this bill cuts funding for the Northeast Heating Oil Reserve from $8 million to $6 million.

Under the cuts imposed by the administration and the majority here in Congress, the Department of Housing and Urban Development will provide housing services to fewer families and communities will suffer. These cuts come on top of HUD's recently announced plans to cut its operating support for public housing authorities by as much as 30 percent. In letters to the Secretary of Housing and Urban Development, I have urged the administration to work with Congress to meet the Nation's housing priorities. Unfortunately, this appropriations bill is simply not adequate.

I am also disappointed that this legislation cuts funding for the Federal FIRE grant initiative from $900 million in the previously approved Senate bill to $750 million in this final bill. FIRE grants provide local firefighters with absolutely essential equipment and training. I firmly believe the FIRE grant program should have been fully funded. Now more than ever, the Federal Government should be striving to be an effective partner with cities and towns across the country.

Unfortunately, this final bill reduced funding not only for the FIRE grants, but for a myriad of other homeland security activities. In total, this final omnibus bill cuts nearly $4.5 billion in homeland security spending from the fiscal year 2003 bills written by the Senate Appropriations Committee last year. Homeland security spending was cut in order to stay within the President's spending limits—limits that were imposed not because domestic spending is out of control, but because we have cut tax revenue irresponsibly. At a time when the Federal Government is running record deficits, we are being asked to economize on the safety of local law enforcement, firefighters, emergency medical technicians, and the public.

This bill also fails to provide adequate funding to help state and local governments improve their election and balloting systems. The conference report provides $1.5 billion for election and balloting modernization. This is a significant first step, but it is substantially below the amount authorized in the Help America Vote Act. I am concerned that state and local governments will not have the resources they need to prepare for the upcoming election and ensure that we do not have a repeat of the 2000 Presidential election fiasco. I am hopeful that we will find the additional resources necessary to make sure that every vote is accurately counted. I hope we will find the additional resources at the earliest opportunity.

In the end, I believe this bill reflects a very troubling attitude that seems to be taking hold here in Washington, which is to talk about helping working families, improving healthcare and education, keeping our homeland safe, and other priorities, but not to do enough follow-through. The American people deserve better than that.

Again, I thank my colleague from Alaska. He fought hard on some of these issues. Unfortunately, we were not able to prevail as successfully as I hoped we could. But, I thank him publicly for his efforts, and I regret deeply we could not have held onto the Senate provisions during the conference negotiations.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator from Connecticut for his nice comments. I can only say I regret deeply that I will not have the privilege he will have tonight, to go home to that beautiful young child. We know he protects children because of his great interest in children at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent to proceed, according to the previous order, to the consideration of conference report to accompany H.J. Res. 2, that it be considered under the following limitation: 15 minutes under the control of Senator BOXER, 20 minutes between the chairman and ranking member of the Appropriations Committee; further, I ask that following the yielding back or use of the time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I withdraw the request.

Mr. REID. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mr. REID. Would the Senator allow the Senator from California to proceed with her part of the evening's debate?

Mr. STEVENS. Certainly.

Mrs. BOXER. I will be ready in a moment.

Mr. STEVENS. Is there some limitation?

Mr. REID. She is going to speak as I have indicated to the Senator.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to reiterate the request of the Senator from Alaska, absent the last paragraph, and Senator BOXER be recognized for up to 15 minutes.

Mr. STEVENS. That is all?

Mr. REID. Yes.

Mr. STEVENS. Mr. President, I am not ready to lay down the bill. I have no objection to the Senator having 15 minutes, as the rest of us have, in terms of morning business.

The PRESIDING OFFICER. The Chair understands the Senator from California is to be recognized for 15 minutes and that is the only request.

Mr. STEVENS. That's correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

NATIONAL FORESTS

Mrs. BOXER. I thank the Senator from Alaska. I also thank my friend from Nevada for the time.

Mr. President, normally I have fancy charts. I have not had time to develop those because we just saw some of the riders of the bill.

I take the floor to make the point that I have many problems with this bill in the area of homeland security—as we are told to take duct tape and plastic and get ready for a chemical or biological attack. God forbid. We have shorted homeland security in this bill. We have shorted port security as it relates to inspecting containers at the ports. We have shorted border security, firefighter grants, community policing grants; and in education, we are leaving many children behind. That breaks a promise to them.

To me, this bill is wanting in many ways. In the area of the environment, which I will talk about, brownfield cleanups have been reduced, and the meaning of organic meat has been turned on its head.

It breaks my heart to tell the Senate tonight that I think America's forests are under major attack. It is unbelievable to me that without any debate or discussion, a pilot program has been expanded massively and, in my opinion, it is going to lead to the ruination of our national forests—our forests that belong to the American people. The program I am talking about is called the Forest Stewardship Program, which started 3 years ago. The idea was to allow limited logging on national forest land for the purpose of maintaining healthy forests in accordance with the forest management plan. Now, as I said, this program has been massively extended.

Let me tell you why I think this stewardship project that is in the bill is an attack on American values. I know the hour is late and I do not intend to take a lot of time tonight. But when riders are placed into a bill as massive as this, I can tell you, when the American people wake up in the morning and learn they are going to lose a lot of the old growth trees in this beautiful land of ours, they are not going to be happy.

I think America's forests belong to the people and I don't like to see a giveaway of taxpayer property. I don't like to see an open invitation to destroy our forests. I don't like to see no limits at all on old growth trees. Timber companies will now pick the trees they want, with no veto from the Forest Service on these projects. This also applies to BLM lands. We could see 70 million acres of national forest land open to logging here. That would also include 10 million acres in my home State of California and millions and millions of acres of BLM land.

In my opinion, the very purpose of this rider is it tries to overrule forest land management plans. I argue that the forest land management plans take precedence. But I can assure you, they are going to start these projects. I only hope, since the only way this could be stopped is in court, that it will be stopped in court. There are limits on public participation in these projects.

Let me show you what they did in the dead of night, if I might say, without anyone watching, without any debate, without any discussion, without any public participation. I don't know that anybody can read this chart, but I am going to go through it.

Under current law, we see that 70 million of 191 million acres of national forests and grasslands are affected.

Under this omnibus bill, we would see the same number of acres affected, plus 200 million acres of 260 million acres of BLM land. We are talking about massive amounts of land.

The number of projects now under the Stewardship Program number 28 projects a year. Now there is no limit, no limit at all.

Who is in charge of the projects? Now under the Stewardship Program, it is the Forest Service. They come in and they will tell a private sector commercial logger: This is what you can cut, but do not cut this tree down and do not cut that tree down because they may be old growth, or whatever, for whatever reason. Now we give it away to the timber companies.

We are seeing in the red the differences between the current projects where they were limited to 28 projects a year to no limit.

Let me say to my friends in California who may be watching this debate tonight, 10 million of our 20 million acres of national forests that we love in our State could be under the ax here. I hope you wake up to this because this was done in the dead of night.

There are, under current law, many reasons we allow logging on these 28 projects a year: soil productivity, watershed restoration. There are many reasons why today in these pilot projects you can log. It is very carefully controlled. Mostly it is to reduce fire hazards, promote healthy forest standards, road and trail maintenance, grading a road to maintain a camp site. These are all allowable in this small number of pilot projects. This is what has been added.

Now after the Forest Service turns over this particular part of the forest to a commercial logger, they can actually log for commercial purposes, such as providing wood to lumber mills.

Let me explain this. Where we had a project before that was aimed at keeping the forest healthy, it has been turned on its head, and now it says we are going to turn it over to the commercial loggers. The Forest Service cannot even have any say in it. It is completely up to the commercial loggers what trees they will cut down. Building a new road is allowed, not just maintaining a road.

I am stunned, frankly, that this could happen in a conference without one word of debate. This is a shock to anyone in this country who believes the national forests belong to the people of our country because this is—and I will put this back again to say in summary how I feel about it—this is an attack on American values. We all know that our precious environment is just that. We see a giveaway of taxpayer property. Not one slim dime will come into the Treasury; not one slim dime.

We have an open invitation to destroy our forests without getting anything back for it. There are no limits on old-growth forest logging. Timber companies will pick the trees they want with no veto from the Forest

Service, a complete change from what we have had before. We could impact 70 million acres of national forest lands, including 10 million acres in my home State of California and millions of acres of BLM land.

This is clearly an attempt—I underscore—an attempt to overrule forest land management plans, an attempt I hope will not succeed.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. I would like to ask the Senator a question. I have only been in the Senate 6 years. She has been here slightly longer. Isn't it curious some of the worst environmental provisions are included in the appropriations bill at the last minute without any hearing, without any review? One would think that the people who were supporting this—the timber industry and those who support these provisions—would not be so afraid of their positions that they have to put them in a stealthy situation where, frankly, it is a "take it or leave it" bill, a "take it or leave it" 2,000-page bill that includes this rider.

If I understand what the Senator has said, this provision, so-called stewardship contract, could open more than 70 million acres of national forest currently owned by the taxpayers of America to logging by private companies, and that until this time, we only allowed them to test this in 28 different projects, and only 10 of those projects have actually been activated and tested. So it is an untested theory which the logging industry, the timber industry has now tried to capitalize on with this anti-environment rider to open up more than 70 million acres to logging; is that the situation?

Mrs. BOXER. I say to my friend, he is right, but there is more. For the first time they have now opened up BLM land as well; that is, 200 million acres of the Nation's 260 million acres of BLM land is also opened, and we are talking about no limit on the number of projects.

Under the current law, it is 28 projects a year. It is extraordinary. Who is in charge? As my friend points out, the timber companies.

Mr. DURBIN. If I may ask my friend from California, I am sure she has read this, but the Los Angeles Times editorial said it best today:

> Since the days of Teddy Roosevelt, Forest Service responsibility has been to manage the forests on behalf of all Americans, not to make sure the lumber mills grind out as many board feet as the world wants to buy.

That is from the L.A. Times editorial today.

It seems from what I can gather that many who support this provision believe these national treasures, these national forests are there for the exploitation of private companies rather than the legacy which we owe to our children and future generations.

To allow these companies to come in and run roughshod over millions of acres of America's national forest land for their own profit and to do this at the last minute in an anti-environment rider strikes me as a harsh commentary on the values that this Senate is putting in this bill for the appropriations process.

I salute the Senator from California. Thank you for having the political courage to stand up and make a point about an issue that really is going to have an impact on America for generations to come.

Mrs. BOXER. I thank my friend very much. I know my time is running short. There is nothing I can do here except take a few minutes to call this to the attention of my colleagues and the American people because, as my colleague knows, we cannot amend this report. It is up or down. This is what makes it so egregious to me.

I am ready to go to battle toe to toe any day on this issue, and I am sure my colleagues would give me a fight on it. We would have a vote and take our lumps if we lost and be very happy if we won.

We have a situation where taxpayer property is being given away without 1 cent back to the Treasury. Here we have a situation where, instead of the Forest Service saying, OK, you can cut down a few of these trees, we need it for certain public purposes, they are out of the game. They give it to the logger, and the logger decides what tree to cut down.

I think this is a stunning reversal of a program that started out to be one that was in the public interest.

In closing, I will give you one last example.

Under this new rule—and, again, I apologize for the crudeness of these charts, but we did not know about this until a few hours ago. It is now a stewardship goal, if the Forest Service so states, to provide wood to lumber mills. That becomes a forest stewardship goal. It is unreal.

Our people think we are protecting our forests, but our new goal is to invite the loggers in, with no limits on these projects. I am distraught and disturbed about this. I only hope that the courts will do what they have done in the past and say this is in violation of the forest plans. Maybe they will save us from ourselves. This is miserable.

I wish I could offer an amendment to strip this out. I am prohibited from doing it, but I will bring this back to my colleagues at a time when we have more opportunity to discuss it in detail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—CONFERENCE REPORT

Mr. STEVENS. I ask unanimous consent that the Senate proceed to consider the conference report to accompany H.J. Res. 2 under the previous agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the conference report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, having met have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 13, 2003.)

Mr. STEVENS. Mr. President, this is probably a historic occasion because we are presenting to the Senate—as my colleague, Chairman BILL YOUNG, presented to the House—11 appropriations bills in one omnibus bill, a bill that covers the balance of this fiscal year, fiscal year 2003.

We are in this position because of considerations of the last Congress. I will not take the time of the Senate to try to discuss why we did not pass those bills last year, but when we commenced this year and I became chairman of the Appropriations Committee once again, it was my determination that we should proceed with those bills and make sure we had them completed and to the President for his signature before we were forced to enter into the budget process for fiscal year 2004.

It was a very difficult process. I want to thank my good friend and Chairman BILL YOUNG in the House, who did as we requested to get the Senate to adopt two continuing resolutions. One we passed and it has extended the time for consideration of these bills. That time will expire on February 20. We will soon get another continuing resolution to take us over to, I believe, February 24, so the President will have a chance to review these bills before he must sign them. I do believe the President will sign this bill when it is received by him.

It was early this morning that the conference report on H.J. Res. 2 was filed in the House. I was discussing with other Members of Congress as early as 2 a.m. this morning some of the provisions of this bill. It is a very controversial bill, I know. There are many portions of this bill that if I were alone and had the sole right to write the bill, I would not incorporate in this bill. This bill includes 11 separate appropriations bills. The conference report includes 16 divisions. It is a long bill.

I see my friend from Arizona in the Chamber. I acknowledge it is a very difficult bill to go through in a very short period of time. I appreciate the consideration he and his staff are giving to the bill, as he usually gives to our appropriations bills.

I see my colleague from West Virginia is in the Chamber, and when he is ready we will ask that the Senate turn to the consideration of the bill. I want to talk about some of the background of the bill before we begin making statements on the bill and what is in it.

This has been a very difficult process for all of us. I want to say to the Senate that following the election, I outlined to our staff, and our staff director Steve Cortese, a process I hoped we would follow to get these bills passed. The Senate Appropriations Committee staff has been working on these 11 separate bills since the end of the year. We have had bipartisan cooperation. The process we followed in the Senate was that we had 11 teams. They were made up of the 11 subcommittees that would have handled the bills had they been handled individually. These bills were primarily the result of the interaction of the staff director of each of those subcommittees with the staff and the membership of the subcommittee.

We took the product of those 11 teams and put them together into the omnibus amendment I offered to H.J. Res. 2, the one that was brought before the Senate. I might add that in addition, the conference report contains $10 billion in addition to the funds for the Department of Defense and intelligence community for the global war on terrorism. These were added to the bill. This was a reserve that was set aside by my great friend from West Virginia when he was chairman, a reserve for Defense pursuant to the request of the President as he presented the budget for the fiscal year 2003.

It would be my intention to ask the Senate to proceed with statements pertaining to H.J. Res. 2 before it is actually received, before we go on the bill. I hope that meets with everyone's approval. Right now it is a matter of discussing the various provisions of the bill.

There are several other legislative initiatives in the bill. They include $3.1 billion for drought and other agricultural disasters. These funds are offset by reductions in mandatory programs. Medicare and the TANF short-term extensions would give the Finance Committee time to address their matters in a reconciliation bill later this year. There is a .65 percent across-the-board cut to all discretionary accounts in this bill to assure that the total remains within the top line that was agreed to by myself, House Chairman BILL YOUNG, and the President. That is an arbitrary line, I will admit, but in order to get the bill signed, if we joined them together, it was my judgment we could not risk a final veto from the President of the United States after working so hard to put them all through in one package. So we have worked as closely as possible with all concerned to try and make certain that the bills will be in a form the President could sign it.

I have to admit I am sure he will be as disturbed about some of the provisions as I am myself, but I do believe all in all the bill is one the President should be able to sign because we have kept the agreement. We have stayed within the line of the requests made by the President of the United States for funds for fiscal year 2003.

I will take a moment to address the total spending levels in the bill. Last November, Chairman BILL YOUNG and I met with the President to discuss how we might complete the work on these fiscal year 2003 bills. At that time, the President asked that we would hold to the total provided in his budget request, as amended by him. We asked that funds needed for the western firefighting be added to that total to address that emergency. We also agreed at that time there would be no emergency money per se—no amounts added to the bill above the President's request. The President agreed to our request that he would send in a supplemental request for the monies needed for the western fires.

In addition, we discussed the need to fund the election reform bill enacted by the last Congress and respond to the severe drought facing Midwestern and Western States.

To accommodate all these competing pressures, the bill I presented to the Senate in the form of an amendment to the second continuing resolution sent to the House included a 1.6 percent across-the-board cut to ensure the total spending did not exceed the new total we then faced, which was $751.325 billion.

During consideration by the Senate, amendments were adopted that necessitated increasing that across-the-board cut to 2.85 percent of the total of the bill. That level could not be sustained, and it became a driving factor in our conference with the House and with the administration. We understood that as we went to conference. We took those across-the-board cuts so in conference we could discuss all the programs with the House and with the administration and work out an acceptable compromise.

The challenge facing the conferees was to integrate all the priorities of both the Houses and the administration within the top line of the total requested by the President of the United States. Each of the subcommittee chairmen and ranking members managed to negotiate to resolve their portion of the bill. In other words, as they got to conference, the 11 teams were still involved with working primarily with their portion of this bill. Both the House and the Senate worked to accommodate a set of allocations that would ensure we stay within our fiscal goals.

By allocations, I mean the amount of money available to each subcommittee for the portion of this bill and the portion of the budget that pertained to matters under their jurisdiction.

During the course of these negotiations, we turned on several occasions to the Vice President for his counsel, consideration, and leadership in bridging the gaps between the Congress and the administration. This has been one of the most interesting periods of my life as a Senator, being able to work this closely with the Vice President, who undertook, despite the problems facing the Nation, to give us his attention whenever I called and whatever time I called. In every case, the Vice President worked hard with us to find solutions to the problems that beset this conference.

The conference report, based on the give and take between the House and the Senate, between the Congress and the White House, meets the fiscal targets agreed to by both the House and the Senate. Discretionary spending for fiscal year 2003 will be a total now of $762.713 billion. That total reflects our original base of $751.325 billion, in addition to $1.5 billion for election reform, which the President endorsed over the base request, and the $10 billion for the defense reserve.

The White House also accepted $2.241 billion in advance appropriations for the 2004 education programs, which was an initiative we began on the floor as we tried to increase the moneys allocated to education under the President's No Child Left Behind education program.

In short, we set a target which was the total amount requested by the administration. We met the target and we bring this bill to the Senate, reflecting the priorities of the administration, the House, and the Senate. A great deal of hard work went into this final agreement, with all parties making compromises—and, I must say, sacrifices—to get the job done.

On my own account, as I mentioned earlier today, I was disappointed that a more complete resolution of the Alaska timber problem could not be included in this bill. There have been comments made about my trying to add something behind the scenes and some sort of dark way of moving an amendment that should not have been considered by the conference. There was a provision in this bill as it went to conference dealing with the Tongass

Forest in Alaska. We tried to resolve the total dispute over that forest. That has not been possible. As I said this afternoon, I will address the Senate again and again and again until it is resolved.

At the conference meeting, I was compelled to ask Senator BOND to withhold a more comprehensive proposal on the Missouri River, a goal he has sought, and sought very hard, and on which he has worked very hard. I know it was a very difficult thing for my great friend from Missouri.

The House advocated language on coal company compensation that the Senate could not agree to. The House also accepted compromises on Amtrak from the positions advocated by the subcommittee chairman.

The toughest portion to resolve was the drought relief package. I am deeply grateful to the efforts and leadership of Senator COCHRAN in resolving this matter and meeting the needs of those farmers devastated by recent droughts. His joint role as chairman of the agriculture subcommittee and the authorizing committee made him a pivotal figure in this process and brought before the Senate a proposal which I hope will be acceptable to all involved in farm matters.

I know many others wish to speak at this conference report, and I will reserve any time that might be allocated to me. I thank the distinguished ranking member and our former chairman of the Appropriations Committee, Senator BYRD, for his partnership and assistance in preparing this bill for the Senate. I know he did not agree with the process. I know he wished we had more time to deal with these individuals bills. But without the work undertaken by Senator BYRD in the committee, reporting all the 13 bills last year, we could not have completed our work under the timetable we faced. It was because of the work he led last year that gave us the ability to deal with 11 different bills that had a prior approval by the Senate and past Congress and gave a jumping off point to play catchup with this process.

I have the deepest respect for the House chairman, Congressman YOUNG, and the ranking member, Congressman OBEY. Their constructive approach and determination to finish the work, these 2003 bills, were vital to the conclusion of this conference.

It is with a great deal of humbleness that I come before the Senate and ask the Senate to approve this conference report because I know it is a difficult process. We will approve the largest appropriations bill in the history of the United States because there are 11 together in one package. It is very difficult. There will be portions of this bill with which some people disagree; they could disagree with 1 and love the other 10.

But the process here is such that if we are to do our work for the remainder of this year, if we are going to be able to address the year 2004 appropriations bills, if we are going to be prepared to deal with the possibility of a supplemental for our men and women in uniform who are being deployed throughout the world, if we are going to be able to be partners with the administration in dealing with the crises that face this country in Iraq and Korea, we have to clear this deck.

We have to make up our mind to vote for this bill. I urge every Member to search his or her soul about this process. It is not a perfect process. It is absolutely not perfect. This bill is certainly far from perfect, but it is the best we can do under the circumstances that face us. There are many people here disappointed, as I am, about provisions that affect their own personal State. All I can say is, there will be another day and perhaps we can address some of those provisions on an individual basis as the year goes by.

I deeply thank the staff of the Appropriations Committee on a bipartisan basis. I will later ask to put all their names in the RECORD because every one of them has been involved. My staff director sent me an e-mail last night at 2:45. I am surprised he thought I was still awake to get it—but I was. But the real problem is this has been a product of hard labor. I hope the Senate realizes that as we proceed tonight.

It is my deep hope that we will vote on this bill tonight because it will add 1 more day to the time that the President has to review the bill. It will take at least 2 days, maybe 3 days, for the enrolling process of this bill to take place. In all probability the President cannot receive this bill, if we pass it tonight, until Monday night or Tuesday of next week. He is entitled the time to review this; all of the staff have to review this before he will sign it.

Having been part of the administration one time, I know what they call the "enrolled bill process" in the administration. Each department gets its time to review a bill passed by the Congress and present their recommendations to the Office of Management and Budget to be put together and given to the President for his consideration before he will sign a bill. That process must have time. We should accord the President of the United States the respect due his office, to give him time to review this bill. I regret deeply I did not get more time for my friend from Arizona to review the bill.

As the years have gone by, we have come to appreciate each other more in terms of the roles we play in this process. The Senator from Arizona is the watchdog of the Treasury as far as this process is concerned. I admire and respect that as far as the Senator is concerned, and I look forward to comments he will make tonight.

Mr. McCAIN. I see the Senator from West Virginia. I appreciate the indulgence of the Senator from West Virginia. I will take just a minute.

I thank the Senator from Alaska for the hard work he and his staff have done. I also hope Members understand that we did not receive this bill until sometime late morning and it is, as the Senator from Alaska pointed out, the largest bill in the history of Congress. I see it sitting to his right. I think it is several thousand pages. I believe, in all candor, in order to review it, my staff would have to stay up all night.

I understand the urgency of voting tonight, but I hope the Senator will indulge me and my staff another hour and a half for us to get through at least a majority of the bill, and then I would be asking for an hour, but I will not use a complete hour to comment on the bill. That way, I hope it can accommodate Members so we could have a vote relatively early this evening.

We are not finished by a long shot reviewing the bill. It is the largest appropriation in the history of this country. At least in my mind, it deserves scrutiny and comment.

I thank the Senator from Alaska. I thank the Senator from West Virginia.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as the ranking member on the Committee on Appropriations, I thank my friend, the chairman of the Senate Appropriations Committee, TED STEVENS, and I also thank House Appropriations Committee Chairman BILL YOUNG as well as the ranking member of the House Appropriations Committee, Representative DAVID OBEY, for their hard work in bringing H.J. Res. 2, a joint resolution making consolidated appropriations for fiscal year 2003, to the floor. I thank all of the conferees on both sides of the aisle and in both Houses for their hard work on this legislation.

I join with my chairman in paying our respects to and thanking our staff people, on both sides of the aisle, who have worked long hours for long weeks and for long months on this bill. We are now over 4 months into the fiscal year and the domestic agencies of our Government have had to operate under eight continuing resolutions. Unfortunately, the House of Representatives has not passed a regular appropriations bill since July—since July of last year. That is over 29 weeks without sending a regular appropriations bill to the Senate for consideration.

I have been in these premises for more than 50 years. I have never seen such a performance in this half century in which I served in this body and the other body. I have never seen such a dismal performance.

When Democrats were in the majority in the Senate, we produced 13 responsible bipartisan bills. I owed, always owed and sought to give due credit to my distinguished colleague, the

Senator from Alaska, because he was always so helpful, so cooperative, always so courteous in his treatment toward me and I have always recognized that and always sought to assign due credit, proper credit to him and to his colleagues on that side of the aisle.

The President's budget for fiscal year 2003 was seriously deficient in a number of critical domestic programs such as homeland security, education, veterans medical care, highway construction, and Amtrak. In the bills that were approved in the Senate Appropriations Committee by unanimous votes last summer—the votes of every Republican and Democrat, all 29, 15 Democrats at that time and 14 Republicans, all 29 votes voted unanimously—we added about $11 billion or about 3 percent to the President's request to respond to these shortfalls.

Regrettably, the conference agreement that the House and Senate Republican leadership bring before us this evening cuts back domestic spending by nearly $8 billion, with cuts in homeland security, land conservation programs, Head Start, State and local law enforcement, water infrastructure grants, mass transit, the National Park Service, embassy security, and many other programs.

I am particularly troubled about the cuts in homeland security programs, given the increased threat level under which we are all now living. My colleagues, the security of this Nation is on thin ice. This administration has held back support for critical investments in homeland security, in police officers, in firefighters, in border, airport, and seaport security. As a result of this White House's intransigence, America is woefully unprepared to prevent or respond to another terrorist attack.

In this conference report, spending for our Nation's first responders has been cut by $1.6 billion from the levels approved by the Senate Appropriations Committee last summer. Funding has also been cut for border security by $182 million, embassy security by $42 million, and for hiring COPS on the beat by $130 million, enough to hire 1,360 police officers and other personnel.

The American people should know that if there is a chemical or biological attack in their neighborhood, the odds are that the police, the firemen, the medical personnel who will respond may not have either the equipment or the training necessary to help when that help is needed most.

For example, the National Fire Protection Association and FEMA estimate that only 13 percent of the fire departments around the country have fire personnel with the specialized training and equipment to handle chemical or biological attacks.

Why is America so vulnerable? Because this White House is hoping to protect the American people on a shoestring homeland security budget, held together with duct tape.

Since September 11, 2001, the President, with great fanfare, has signed legislation to authorize improvements in security at our airports, security at our ports, and on our borders. The President also announced a plan for State and local governments to vaccinate 10 million first responders for a potential smallpox attack. But the President has not funded that effort, nor has he requested money for it in his budget.

Time after time after time, the administration has talked about homeland security, but time after time after time the administration has failed to invest in homeland security.

Add it up. Add it up. The President turned his back to $2.5 billion in emergency homeland security funds last August. This past fall the President forced $1.5 billion in cuts to homeland security initiatives in the appropriations bills that unanimously passed the Senate Appropriations Committee last July. Just last month the administration opposed two homeland security funding amendments which I offered on this floor, one for $5 billion, another for $3 billion, and the administration labeled these funds as "extraneous."

Those are billions of dollars in homeland security protections that could be at work right now. Those are billions of dollars that could be in place today for new police and firefighter training, for expanded border security, for vaccines against smallpox. Those are billions of dollars that could be helping to protect American lives today. But time after time after time after time, this administration said no, calling those homeland security funds "extraneous" and "wasteful."

Now, when the President signs the omnibus bill, the administration will proclaim with great fanfare that it held a hard line on Federal spending. I hope that the White House hard line will not result in Americans becoming hard targets for terrorists.

No longer can we nickel-and-dime our first responders. These firemen and police officers and emergency medical teams simply cannot do the job we expect them to do, and that the American people expect them to do, without enough financial support from the Federal Government.

We should not accept the alarming deficiencies in our seaport security—an area that many experts have identified as perhaps the Nation's single greatest vulnerability. We should not accept the fact that first responders and local doctors and nurses do not have sufficient training and equipment to handle wide-ranging threats involving madmen who may have gotten their hands on weapons of mass destruction. With these looming gaps, what is the administration's great homeland security plan?

What will protect the American people? Will it be duct tape, plastic sheeting, and a new federal bureaucracy? We did not create a new Department of Homeland Security just to be told to buy duct tape and plastic.

When it comes to fighting overseas, this administration's attitude is to spare no expense. In fact, the Vice President interceded personally over the weekend to include billions of new dollars for Defense Department efforts in this omnibus bill. That is all well and good. But when it comes to fighting the war here at home, this administration relies on duct tape and plastic.

We are in new and dangerous times. No threat can be ignored. The men and women who send us here demand that we protect them. The fathers and mothers who send their children to school each morning expect us to invest their hard-earned dollars to keep their little ones safe. That is a solemn duty. It is a basic and sacred duty. When the people ask for our best efforts to protect them from madmen, we must not respond with duct tape.

Chairman STEVENS and House Appropriations Committee Chairman YOUNG did all they could to produce an omnibus bill that meets the needs of the American people within the low spending level imposed by the administration.

I believe that the most damaging result of the 2003 appropriations process for the Nation and for our States would be for our domestic agencies to be forced to operate under a continuing resolution for the entire fiscal year. Such a full year continuing resolution would reduce domestic spending by up to another $14 billion below the levels in the omnibus.

Chairman STEVENS of the Senate Appropriations Committee, Chairman BILL YOUNG of the House Appropriations Committee, and Mr. OBEY, my counterpart on the House side, did everything they could to avoid operating their Government on a continuing resolution that would go to the end of the fiscal year.

Therefore, I am going to support passage of this legislation. However, I must raise a concern about how this legislation was produced. Over the past several weeks, the Appropriations Committee has worked to craft a conference report to include the eleven spending bills for fiscal year 2003 that were not concluded during the 107th Congress. The Appropriations Committee takes great pride in the bipartisan approach we have maintained over the years to produce bills to fund this nation's necessary programs. The bipartisan spirit of this Committee enables us to carefully balance the needs of all Americans and to successfully craft bills that, with few exceptions, are signed into law.

We all recognize the unusual circumstances surrounding passage of most of the fiscal year 2003 appropriations bills. Still, I am pleased to report that the general rule of bipartisan cooperation among the members and staff of this Committee has continued to prevail and, thereby, we have before us now a conference report that strives to provide fair treatment for all Senators, at least in terms of the regular 2003 appropriations provisions.

However, notwithstanding the bipartisanship exhibited at the subcommittee level, there have been some serious problems encountered in the formulation of the conference agreement on the omnibus appropriations legislation.

Today's headline in The Washington Post reads, "GOP Wraps Up Spending Package." There is some truth to that statement. Behind closed doors, the Senate Majority Leader, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Appropriations Committees met and settled on a number of the big issues. Vice President CHENEY provided the administration's views.

At these partisan meetings, decisions were made on such issues as the overall top line total of the omnibus appropriations legislation, the size of the across-the-board cut, the matter of environmental riders and the substance of the $3.1 billion drought package, along with the offsets from the previously enacted farm bill that were included at the insistence of the White House. These farm bill offsets became necessary when the White House refused to raise the top line by $3.1 billion to accommodate the mandatory spending in the drought package.

More specifically, Division N of omnibus legislation includes a title to provide disaster assistance for farmers and ranchers due to drought and related conditions. This item was included in the bill passed by the Senate in January. However, when this bill went to conference, this item was not made part of the normal bipartisan conference process. In fact, no appropriations subcommittee was even involved in the conference negotiation on disaster assistance. Rather, it seems, the entire negotiation was conducted by the majority authorization committees, and no discussions with minority appropriations or authorization committee staff ever occurred until the final product was presented to the Appropriations Committee just as the finishing touches to the overall omnibus appropriations legislation were being made.

In summary, with no Democrats in the room, the House and Senate Republican leadership designed a program that assessed the $3.1 billion offset against a farm program which one of our colleagues had labored for 5 years to get enacted. The House and Senate Republican leadership chose to cut domestic programs by nearly $8 billion from the bi-partisan bills approved by the Appropriations Committee last summer. There also was no discussion of the decision to include an arbitrary across-the-board cut on domestic programs.

The package was approved by the House and Senate Republican leadership and given to the Appropriations Committees to be laid into the omnibus legislation. The conferees never met to approve the final conference report.

This is no way to develop legislation. When minority Senators are excluded from discussions, it has the effect of disenfranchising the millions of American citizens who are represented by those Senators like myself.

There is not much we can do about this problem now. We are faced with the alternative of operating on a continuing resolution for the rest of the year—which I don't want to do, which Chairman STEVENS, Chairman YOUNG, and Mr. OBEY have labored valiantly to avoid—which would have the effect of reducing domestic spending by up to another $14 billion below the levels in the omnibus legislation.

It is my hope that in the future there will be a resumption of full bipartisan cooperation for all items that are included in any appropriations bill. If members want to add items to an appropriations bill that are the product of an authorization committee, that committee must adhere to the bipartisan standards of the Appropriations Committee. If they choose not to do so, I strongly suggest that they find a legislative vehicle other than an appropriations bill on which to attach their measure.

Again, I thank the truly distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS, for his cooperation, for his many courtesies towards me and towards my colleagues on this side of the aisle, and for his friendship and the friendship of all members of the Appropriations Committee on both sides of the aisle.

I also thank the staff of the committee. I cannot find the words to adequately express my deep appreciation to the staff people on this committee. They work hard. They work long hours. They work long weeks. They work weekends and are away from their families. And they labor under very difficult conditions in order to help to bring to the chairman and the ranking member of the full committee a measure which can then be brought to the floor and voted on. These staff people performed admirably under tight deadlines, especially during the last 6 weeks.

I look forward to working with my colleague, Mr. STEVENS, on the fiscal year 2004 appropriations process which will begin very soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I commend the distinguished Senator from West Virginia for an excellent statement and associate myself with his remarks. They were extremely well put.

Mr. BYRD. Mr. President, I thank my distinguished friend for his comments. And I thank him always for his statecraft, for his handiwork in the development of legislation on the floor, and for his courage and ability to stand up for what he believes.

Mr. WYDEN. Mr. President, I thank the distinguished Senator from West Virginia, who really is a role model for so many of us. I thank him.

Mr. President, I come to the floor today to discuss the provisions in the omnibus spending bill, adopted unanimously by the Senate earlier, that will protect the privacy and civil liberties of each and every law-abiding American citizen.

I am going to discuss this over the next few minutes. I see the distinguished chairman of the full committee, Senator STEVENS, in the Chamber. Before I begin my remarks, I wish to express my appreciation to the chairman of the Appropriations Committee. He and his staff have been so gracious and so kind with respect to this issue.

The program I am going to discuss, the Total Information Awareness Program, is the most far-reaching and most expansive program of surveillance ever proposed. Senator STEVENS and Senator INOUYE, in particular, with the help of Senator BYRD and Senator FEINSTEIN, and Senator GRASSLEY, colleagues on both sides of the aisle, worked very closely with me.

But we simply would not have this amendment in the legislation, it would not be bipartisan, if Senator STEVENS had not been working with us. Because he is in the Chamber, I particularly thank my colleague for all his help.

Mr. President, and colleagues, the amendment I am going to discuss tonight would prohibit spending for technology research and development in the Total Information Awareness Program, or TIA, unless the Department of Defense reports to the Congress on its plans for the technology.

The provision also establishes proper congressional oversight of this surveillance program by requiring explicit congressional approval for deployment of any Total Information Awareness technology that would be used to spy on U.S. citizens on U.S. soil.

The Defense Department itself has had a virtual database—and I will quote—that was described as "a new kind of extremely large, omnimedia, virtually centralized and semantically rich information repository." In my mind, such a novel and broadly proposed program—a program that has fingers snaking into so many areas of Americans' lives—is a textbook case of a program that needs vigorous congressional oversight.

In recent days, the Department of Defense and the Defense Advanced Research Project Agency, or DARPA, have announced the formation of two oversight boards for the TIA Program—one within the Total Information Awareness Program and another Federal advisory board. In my view, this is a positive development. It indicates that they understand the growing concern of the American people about the Total Information Awareness Program.

But I am very pleased that Chairman STEVENS and the conferees shared my view, and that is that the establishment of these panels in no way reduces the need for congressional oversight of the Total Information Awareness Program. The conferees understood that these oversight boards, while useful, are not an argument for abdicating the responsibility of the Congress on this issue.

As I mentioned, this has been a bipartisan effort with Senators FEINSTEIN and REID—the distinguished Senator from Nevada is in the Chamber, Mr. REID—who have been very helpful. Suffice it to say, not one Member of Congress—no one in the Senate, no one in the other body, Democrat or Republican—has disagreed with the proposition of our amendment, and that is that it is the responsibility—indeed, the duty—of this Congress to insist on oversight of the Total Information Awareness Program. Not one Senator said: Look, Congress does not need to put brakes on the most far-reaching Government surveillance effort ever proposed.

On the contrary, what Congress said was: We are going to insist that this program is not going to be allowed to grow unchecked and unaccountable. In fact, it is the duty of the Congress to protect the civil liberties and privacy of the people we represent. The call for strong safeguards has come through loud and clear, and that call has been recognized in the conference.

One publication in my home State, the Newport News-Times, put it very well. I will quote it. That publication said:

> Just visiting the web site of what is affectionately billed as [the Total Information Awareness Program] is a trip into a future we hope not to meet. If our government still believes in the sanctity of the constitution this week, let's hope for the President's signature.

All across the Nation, Americans have said that while a vigorous response to terror is necessary, a system designed to spy on Americans in America is not. It is not only unnecessary, it is contrary to the freedoms that the war on terror aims to protect.

The total information awareness concept requires keeping track of individuals and understanding how they fit into models. For instance, does a seemingly innocent individual conduct himself or herself according to a pattern that terrorists have exhibited in the past?

To find out whether any current U.S. citizens fit the model of a terrorist living among us, the Total Information Awareness Program would develop a way to integrate the databases that already track our daily lives—bank records, online purchases, and travel plans, for instance. Once integrated, these disparate databases would serve as one giant repository of information on most or all of the computer-linked transactions an individual makes. Then you run the models, then you make a judgment of who looks like a terrorist. TIA's technology would give any Federal agency the capability to develop risk profiles for millions of Americans as they look for questionable conduct.

When I first heard about this program—I am sure there are many others who came to think this as well—when you hear this initially, you say, this sounds like a good idea. If you snoop on everybody all the time, you are more likely to spot a few criminal someones at the moment they are up to no good. But the fact is, the police can't just stop someone on the street and frisk them for no reason. Current privacy law is supposed to prohibit private companies and the Government from rummaging through your online records.

Unfortunately—and this is what you learn when you look at the total information proposal in depth—as it stands, the Total Information Awareness Program would use technology to pick regular Americans up by the ankles and shake them to see if anything funny falls out.

Now, I understand that terrorists are not going to hang a shingle outside their hideaways announcing they have set up shop. They are not technological simpletons. And I know, as a member of the Intelligence Committee, that extraordinary times such as this call for extraordinary measures to track down these terrorists. I do not take a back seat to anyone with respect to tracking down terrorists.

I believe one of the most important things I have been able to do as a Member of this body is to write the Terrorist Identification Classification System, a bipartisan effort, that became law in the last session, that allows us, on an ongoing basis, to watchdog terrorists, the Mohammed Attas of the world. But there is a clear line between something that allows for tracking individuals where there is a known track record of terrorist activity—suspicious activity linked to terrorism—and, in effect, standing by while the Government shines an indiscriminate spotlight into the private lives and dealings of law-abiding Americans in this country on their own soil.

It is a question of striking a balance. The Terrorist Identification Classification System is an appropriate approach for the Government to take in seeking to weed out terrorism.

The Total Information Awareness Program is over the line. It is invading the civil liberties of law-abiding Americans on U.S. soil. That is why the conferees have wisely chosen to impose checks on it. The intention of the Total Information Awareness Program and those who support it is undoubtedly to protect the America that we love. But the reality is that the program as proposed encroaches on the freedoms that make us love America in the first place.

Millions of Americans understand that. They have made it clear that they don't want this program to move forward unchecked and unaccountable, and that is why there has been such an outcry about it.

A few weeks ago I stood with a coalition in a room not far from this sacred Chamber that does not flock together all that often: Americans for Tax Reform, the Eagle Forum two groups that are certainly conservative by anybody's calculus stood with the American Civil Liberties Union and a variety of groups that would be considered liberal, as they supported efforts to put vigorous oversight in place over this program. Suffice it to say, in my time in the Congress, I have never seen a program that has generated more ideological concern across the political spectrum. We have seen Democrats, Republicans, liberals, and conservatives all saying this is a program that warrants vigorous oversight and scrutiny by elected officials.

Just because the administration has promised in recent days to institute oversight panels and to not use their awesome power for nefarious purposes, does not mean that future leaders would not abuse this program. So what we have said is that we are not going to let this program move forward without first ensuring permanent safeguards and protections that without them would threaten Americans not just today but many years in the future.

Some who advocate this program will say that the concerns of Members of Congress and others are overblown. Some say the program will not do what I described and it doesn't threaten the privacy of American citizens in the way that first appears. I hope that is the case. If that is the case, if in fact the Total Information Awareness Program does not threaten the civil liberties and privacy rights of the American people, then the folks over at the Defense Department need to come to the Congress and make that clear.

They need to do what they have not done to date, and that is to explain more about what this program will do and how it will do it.

The fact is, this body is in the dark about the Total Information Awareness

Program, the most expansive and far-reaching surveillance program ever proposed. Congress has not been informed as to what safeguards and constitutional protections would be in place when this program goes forward. Therefore, my view is this Congress has no choice but to pursue answers and explanations before allowing the program to proceed. That is what our amendment to the omnibus spending bill does, and that is what the conferees have wisely chosen to do.

My view is that these are reasonable provisions. The amendment calls on the Department of Defense to explain in a report to be delivered to the Congress within 90 days what technology they intend to develop and what they intend to do with it. Then the amendment further states that when any technology is developed for this program, it may not be developed without the express approval of the Congress. If the Total Information Awareness Program is something that is less invasive or smaller in scope or different than I have described, then the administration will have an opportunity to tell us.

This amendment does not prevent those who support the program as initially outlined to have the chance to come back and show why additional threats warrant additional action. What this amendment does is ensure that if this program moves forward, it does so in a fashion that is sensitive to American freedoms, sensitive to constitutional protections and safeguards, while still ensuring that our country can fight terrorism.

Finally, it all comes down to how we come forward and address a special task. What we must do now is to be vigilant, to make sure we are doing what is necessary to fight terrorism, but not approve actions or condone actions that could compromise the bedrock of this Nation—our Constitution.

I thank my colleagues, particularly Senators STEVENS, INOUYE, FEINSTEIN, GRASSLEY, REID, and others, who said repeatedly that Congress should not shirk its obligation. The conferees who were appointed to reconcile this spending bill had a unique opportunity to defend the Constitution and the United States. That is what we are elected to do. That is what we get election certificates for. They answered that call. For that, I offer the thanks of Oregonians and all Americans for whom civil liberties remain so special and precious tonight.

I yield the floor.

TELECOMMUNICATIONS TRAINING INSTITUTE

Mr. LEAHY. Madam President, I want to speak about the United States Telecommunications Training Institute (USTTI).

The statement of the managers accompanying the fiscal year 2003 Omnibus Appropriations Act, H.J. Res. 2, recommends $500,000 for USTTI compared to $1,000,000 that was included in the Senate bill. However, this funding level is the result of a misunderstanding between my office, Senator MCCONNELL's office, and Senator INOUYE's office. The Foreign Operations Subcommittee was under the impression that Senator INOUYE wanted $500,000 for USTTI, as had been the case in prior years. However, Senator INOUYE is sure that he had informed the Subcommittee that he wanted $1,000,000 for this organization. Does the senior Senator from Hawaii agree with my recollection?

Mr. INOUYE. I do. I would add that I have strongly supported USTTI for a number of years, and have worked successfully with this subcommittee to get funding for it. I would ask the Senator from Vermont if the amount that is provided for USTTI in H.J. Res. 2 is a ceiling, or is it his understanding that USAID may provide additional funding for this organization if it is justified?

Mr. LEAHY. USAID could provide additional funding to USTTI, if it is justified. Moreover, members of the House and Senate subcommittee give great weight to the views of the senior Senator from Hawaii, and I have little doubt that additional accommodation could have been made at the conference if this misunderstanding had not occurred.

Mr. INOUYE. I am informed that USTTI is in need of additional funds to accommodate a range of important training programs that it implements. Would Chairman MCCONNELL and Senator LEAHY support the provision of additional funds to USTTI?

Mr. LEAHY. I would support additional funding, and would encourage USTTI to discuss their specific needs with USAID. I have a short note from Chairman MCCONNELL, also indicating his support for this project, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 13, 2003.

Hon. PATRICK LEAHY,
U.S. Senator,
Washington, DC.

DEAR PAT: Please know that I support additional funding to the United States Telecommunications Training Institute (USTTI)—at the Senate reported level of $1,000,000.

I would appreciate your conveying my support for this funding level to our friend and colleague from Hawaii.

Thank you for your kind consideration.

Sincerely,

MITCH MCCONNELL,
United States Senator.

TECHNICAL CLARIFICATION

Ms. MIKULSKI: Madam President, I would like to bring to his attention an inaccuracy in the manager's statement, and ask for a technical clarification. As the Senator is aware, the manager's statement includes language on a project within the Department of Commerce/National Oceanic and Atmospheric Administration/National Marine Fisheries Service/Habitat Conservation Research and Management Services account: "Chesapeake Bay Oyster Research" for $2 million.

Will the chair recognize that $2 million included in the Department of Commerce/National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service/Habitat Conservation Research and Management Services account for "Chesapeake Bay Oyster Research" is actually for "oyster restoration" activities in the Chesapeake Bay?

Mr. GREGG. The Senator from Maryland is correct. The committee included these funds in the National Marine Fisheries Service account to, in part, further oyster restoration and replenishment efforts in the Chesapeake Bay. It is the committee's expectation that NOAA will use the sums indicated for oyster restoration efforts in the Chesapeake Bay.

INTENT OF SECTION 211

Mr. INOUYE. Madam President, I want to take a moment to clarify an issue that may lead to some confusion with respect to the intent of section 211 of the Commerce, Justice, State title of this bill. The Statement of Managers incorrectly states that two foreign cruise ships will be allowed to reflag under U.S. registry for operations in the U.S. coastwise trade. This was a drafting error and should have stated, to reflect the bill language, that three ships will be allowed to reflag to U.S. registry. I simply want to confirm with my friend from Alaska that the bill language is controlling.

Mr. STEVENS. My friend from Hawaii is correct. The bill language is the law and controls the operation of the provision. I regret that the Statement of Managers was incorrectly drafted. It should have reflected that three cruise ships will be allowed to reflag under U.S. registry.

Mr. INOUYE. I thank my friend for that clarification and for all of his hard work on this bill.

Mr. HARKIN. One of the key provisions of the bipartisan Farm Security and Rural Investment Act of 2002 signed into law by President Bush last year was a significant new conservation initiative called the Conservation Security Program (CSP) which will, if properly implemented, significantly improve conservation practices and result in cleaner air and water.

I want to clarify the intent of provisions related to this program included in this conference report and actions that will be taken to preserve current law provisions. First, it is my understanding that it was the intention of the conferees that the CSP be implemented and operated according to the terms of the 2002 farm bill. Second, it is my understanding that the provisions in this conference report were only intended to apply to years following expiration of this measure and were not intended in any way to modify operation of the program prior to the beginning of fiscal year 2008. Third, it is my understanding that as soon as possible this year a conference report that is expected to become law will be brought before the Senate that contains provisions that assure that the CSP will operate as established and intended in the 2002 farm bill for the duration of that bill.

Mr. COCHRAN. I understand the Senator from Iowa's concerns. I intend that the provisions of the conference report relative to this program would not have any effect on the operation of the program during the life of this farm bill. I would be pleased to work with him to insure that the program funding is restored.

Mr. STEVENS. I also concur with the statements of the chair and ranking member of the Agriculture Committee about the intent of provisions included in this conference report related to the CSP. It was not our intention, in any way, to modify the operation of this program prior to the beginning of fiscal year 2008. I join Senator COCHRAN in my determination to resolve this matter in an appropriate conference report this year. He has my commitment to work with my colleagues to assure that the Senate acts at the earliest possible date this year on a conference report that is expected to become law that will assure that the CSP operates as established and intended in the 2002 farm bill for the duration of that bill.

Mr. DASCHLE. The Conservation Security Program was an important part of the 2002 farm bill. It holds tremendous potential to help our farmers and ranchers clean up the environment. I, too, concur that the Senator from Iowa's statements about the intent of this conference report. I truly appreciate the bipartisan commitments of my colleagues to ensure that the CSP is implemented and operated as we intended.

Mr. FRIST. I look forward to working with my colleagues in this regard.

FUNDING FOR THE OGLALA SIOUX TRIBE

Mr. DASCHLE. Madam President, it is my understanding that the omnibus appropriations bill includes $300,000 for the Oglala Sioux Tribe to automate the functions of the tribe's court system. I would like to enter into a colloquy with my colleague from South Carolina regarding this funding, which is included in the Omnibus Appropriations bill.

It is my understanding that the funding in question is intended to be used by Cangleska, Inc., a non-profit organization located on the Pine Ridge Indian Reservation in South Dakota that is dedicated to the prevention of domestic violence and sexual assault, to help enhance the capacity of the Oglala Sioux Tribe to arrest, prosecute, and rehabilitate offenders.

Mr. HOLLINGS. Yes, that is correct.

Mr. DASCHLE. I thank the Senior Senator from South Carolina for his clarification regarding this matter.

Mr. JOHNSON. Madam President, I rise today to express my deep disappointment with the so-called drought aid provisions included by the White House and Republican leadership in the fiscal year 2003 omnibus appropriations bill.

Coincidentally, 1 year ago the Senate first adopted drought aid—as part of the Senate farm bill—to cover losses experienced by farmers and ranchers in 2001. At that time, 68 Senators joined me and voted in bipartisan cooperation to support the victims of drought. However, one year ago was also the first time the administration voiced in the strongest possible terms their opposition to emergency aid for farmers and ranchers. The White House declared that assistance to farmers and ranchers had to be cannibalized from the farm bill—a position never before taken by any administration with respect to a natural disaster. As Mother Nature turned the hands of time in 2002, the drought conditions became even more persistent. By autumn, more than half the counties in the U.S. were affected by drought conditions and "ground zero" unfortunately was the Northern Plains of South Dakota and our neighboring states. In fact, the drought dealt so much damage to the South Dakota economy that South Dakota State University estimated the total economic loss to reach nearly $2 billion. Senator DASCHLE and I led an effort in the Senate to enact emergency legislation providing at least $6 billion for farmers and livestock producers who experienced crop and forage losses in 2001 and 2002. Our drought relief plan was consistent with the approach Congress would always take with respect to the aftermath of a natural disaster—our relief was emergency in nature because droughts, floods, fires, and hurricanes are historically addressed by emergency assistance. Despite the clear need for emergency aid, the White House hard-line prevailed last year and multiple efforts to enact drought relief were defeated by White House foot soldiers in Congress.

I firmly believe that in order to help agricultural producers coping with the drought, the relief must be comprehensive. But the plan advanced in the omnibus today shortchanges producers in a number of ways. First, the relief plan written by Vice President CHENEY and House and Senate Republicans provides inadequate aid for losses occurring in either 2001 or 2002, but not both. Second, the $3.1 billion offered in the omnibus does not adequately cover the severe crop and forage losses producers suffered as a result of the drought. Third, cutting the new Conservation Security Program (CSP) in the farm bill to pay for the disaster aid is a terrible precedent to set. When a hurricane damages the Gulf Coast or an earthquake occurs in California, the Federal Emergency Management Agency (FEMA) budget is not raided, rather emergency aid is provided to natural disaster victims. A drought is no different, and it's a crippling mistake to cut the farm bill in order to pay for a drought emergency. Fourth, the special-interest provisions slipped into the omnibus drought plan by Republican authors leaves much to be desired. While the proposal that Senator DASCHLE and I advanced would cover all crop losses, the omnibus makes special grants to cotton and tobacco farmers. Moreover, the omnibus contains a special section to address hurricane losses and $10 million to the State of Texas. This simply is not fair.

How did White House and Republican negotiators find the farm bill funds to pay for this woefully inadequate disaster aid? I am told they asked the Congressional Budget Office (CBO) to revise the estimated cost of the CSP. CBO's re-estimate reportedly grew the cost of the new conservation program to around $6.8 billion over ten years. This level is substantially above CBO's initial estimate of the cost of the CSP—$2 billion over 10 years. I am very disappointed that Republicans employed a budget gimmick to inflate the cost of the CSP in order to launder funds through the program and pay for disaster aid. This entire process is a dis-service to farmers, ranchers, and conservationists and is sure to create hard feelings among these groups. According to the Congressional Research Service (CRS), not in three decades has a program in the farm bill been cut in order to pay for a natural disaster. This historically outrageous move to eliminate money from a conservation program in the farm bill to address a drought emergency may prove a precedent that hurts farmers, ranchers, and the environment for years to come. It is terribly short-sighted and I cannot support such a step.

Less than 6 months ago, 77 Senators joined Senator DASCHLE and I in support of $6 billion in drought aid for farmers and ranchers suffering losses in 2001 and 2002. Today, it appears producers will get less than half of what they need and pay the price in the long run with a cut to the farm bill. I am disappointed that nearly thirty of my colleagues in the Senate dropped their support for comprehensive and emergency drought aid totaling $6 billion in order to satisfy the White House for half that much.

My record on drought relief for farmers and ranchers is clear. On three occasions in the last Congress, the Senate passed relief that would have compensated all drought victims for their loss. Unfortunately, each time objections from the White House and the House Republican leadership stopped this aid from making it to producers. South Dakota's farmers and ranchers deserve better and for this reason I will not support the so-called drought aid in the omnibus.

Mrs. MURRAY. Madam President, the Senate is now considering and will soon adopt the omnibus conference report on H.J. Res. 2. I will vote for the conference report. I know from my work on the Appropriations Committee that this bill represents a genuine effort by many in both bodies to finally finish the fiscal year 2003 appropriations bill.

I want to begin my remarks by thanking our leader on this side, Senator ROBERT BYRD. Senator BYRD was the chairman of the Appropriations Committee when the fiscal year 2003 appropriations process began. He steered all 13 appropriations bills through the committee with bipartisan support from every member of the committee. Senator BYRD was instrumental in putting this conference report together. I know the Senator has many concerns about this bill. I share many of his concerns and particularly those regarding the many cuts to homeland security in this bill. The Senator has been a leading voice for homeland security funding and I look forward to working closely with him in the days ahead as this body works on this important issue.

I also want to acknowledge and thank the chairman of the Appropriations Committee. We are here tonight because of the determined leadership of Senator TED STEVENS. I know many of my colleagues did not want to see the Congress agree to fund the government with a continuing resolution for the rest of the fiscal year. This would have represented a huge failure on the part of the Congress, setting a dangerous precedent for the legislative branch's working relationship with the Executive Branch. Chairman STEVENS is a tough but fair chairman. I appreciate the work he has put in to manage and successfully complete this very unusual process.

I appreciate the inclusion of funding for many projects and programs that directly benefit the environment and natural resources in my beautiful home State. The bill includes funding for salmon recovery work from the Elwha River in northwest Washington to the Snake River in southeast Washington and nearly every community between. Funding is also provided to fight the Spartina infestation in Willapa Bay and to acquire important ecological lands around the State. However, while I am very grateful for my colleagues willingness to support my work to secure this funding, I must express my dismay over anti-environmental provisions included in the bill and its failure to adequately fund the conservation trust fund created 3 years ago.

The conference considered many different provisions related to the Tongass National Forest which sought to strip away environmental considerations in the management of the forest. I appreciate the conference removing these provisions, but wish the one remaining provision could have also been deleted.

Also of concern to me is a provision retained in the omnibus that significantly expands the Forest Service's stewardship contracting program. This had been a pilot project intended to see if the stewardship contracts were a constructive tool in addressing forest health issues. The problem with the provision in the bill is that it creates a permanent program before we have received any data from the pilot projects already authorized. There is simply no data yet in upon which to make the decision to provide unlimited expansion of the program. I want to make clear that I support the pilot program and believe stewardship contracting could be a valuable tool in addressing forest health issues, but in order for this to be a valuable tool, it must be one that has the trust of Congress and citizens. There is simply not enough data to have created that trust yet.

There are many great accomplishments in this bill. I am particularly proud of the work we did in the transportation title. The Senate worked very hard to keep my amendment to fund the Community Action Program or CAP at $120 million for the fiscal year. I appreciate the Senate's hard work to stand for this small program that is making a difference all across the country. This bill provides increased funding for a number of education programs. Importantly, education programs like Head Start are exempted from any across the board cuts associated with this bill.

As we conclude the fiscal year 2003 appropriations process, I hope we can move forward on the coming fiscal year with a renewed commitment to finish all 13 appropriations bills on time. We will need the help of our House colleagues and of course, the administration is an important contributor to the appropriations process too. We must avoid a repeat performance of fiscal year 2003.

Mr. NELSON of Florida. Madam President, I rise today to thank the conferees for helping the City of Boca Raton, FL, and the County of Palm Beach, FL, begin to deal with the bioterrorist attack on the American Media Building in October of 2001, and the death of Robert Stevens, who worked in the building, due to anthrax.

That building remains closed off with 24-hour security, still infested with anthrax, within a short distance of homes, schools, and other office buildings. But, now the U.S. Congress has authorized the General Service Administration to receive title to the building within 12 months of enactment of the omnibus bill.

The residents of Boca Raton and the surrounding communities will be relieved to know that, with this language in the omnibus bill help is on the way. I am confident that the General Service Administration, the Florida Congressional Delegation and the owners of the American Media Building will be able to carry out the language in the omnibus bill and transfer the building to GSA or another appropriate agency to rid south Florida of this public health hazard.

The omnibus language provides for a report by GSA to Congress within 270 days of enactment of the bill describing the expected agreement between GSA and the owners of the American Media Building regarding the transfer of the property to the Federal Government.

The language further requests that a public health risk be shown. The local public health officials and the Governor of Florida both have acknowledged that the AMI Building poses a public health threat. And since it is the first attack of its kind in the United States, the amount of danger posed is still unknown.

Another provision talks about the liability of the owner of the property. It is logical that the owner of the building would remain liable until title is transferred to the Federal Government.

All of these provisions can be easily worked out to reach an agreement on the transfer of this building to the Federal Government.

And, as this process moves forward, I know that each party will carry out their responsibilities under this language with the utmost integrity and with the concerns of the residents of Palm Beach County in mind. I look forward to monitoring the parties' progress toward an agreement.

In fact, I encourage the parties to meet on a regular basis with members of the Florida delegation so that this issue is resolved in the most efficient manner.

As we all live with the increased threat of a chemical or biological attack, we need to keep in mind that a biological attack is not a mere threat to south Florida and it is not something that occurred in the past and was taken care of—the anthrax attack remains.

Let us employ the powers of the Federal Government as the Founding fathers intended.

In Federalist Paper No. 23, Alexander Hamilton outlined the four principal reasons why the Federal Government was formed.

And the very first reason was for the common defense—national security. An attack from an unknown source was perpetrated on this community and the

Federal Government has the power and the expertise to protect and safeguard these citizens.

I look forward to the day when I can walk on the Senate floor and declare that this community is finally free of anthrax.

Mr. LEAHY. Madam President, I want to alert you and my fellow Senators to a particularly egregious rider that was included in the omnibus appropriations conference report. After the conference committee met and behind closed doors, this special interest rider will gut the organic standards just recently enacted by U.S. Department of Agriculture.

I understand this special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the "organic" certification label for his own purposes. He wants to get a market premium for his products, without actually being an organic product.

This provision will allow producers to label their meat and dairy products "organic" even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards. If beef, poultry, pork and dairy producers are able to label their products as "organic" without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

This provision is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part. I have already heard from some large producers General Mills, Tyson Foods—around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

I am also very disappointed that just because one company could not create this loophole to the organic rule in public during the USDA process, the Republican leadership decided to bury it within the 2-foot tall spending bill. It was done behind closed doors after the conference committee met in public.

I will be introducing legislation today to strike this rider from the Omnibus Appropriations Act and I hope to move it through Congress quickly before it does gut the organic meat and dairy industry. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them. When I included the "The Organic Foods Production Act" in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not. The act directed USDA to set minimum national standards for products labeled "organic" so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each state, and that their products could be labeled "organic" overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. This proposal to weaken the organic standards would undermine public confidence in organic labeling, which is less than a year old.

Getting the organic standards that are behind the "USDA Organic" label right was a long and difficult process, but critically important to the future of the industry. Along the way, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled "organic." The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants "organic" to really mean something. Those efforts to hijack the term were defeated and this one should be too.

Consumers and producers rely on the standard. I hope members will cosponsor my bill and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill. This provision is an insult to organic producers and to consumers around the country.

Mr. HOLLINGS. Madam President, I would like to express my concerns about a provision that has been buried in the fiscal year 2003 spending package. The language would make contract air traffic control (ATC) tower construction costs eligible for Airport Improvement Program (AIP) funding.

On the face of it, this provision looks acceptable. The concept of making contract ATC towers eligible for Federal assistance under AIP has wide support in Congress. Many small and rural airports lack an ATC tower and do not share the safety benefits of having an air traffic controller to assist aircraft on takeoff and landing. Pilots at these airports are on their own, responsible for seeing and avoiding traffic. A number of smaller airports would like to use AIP funding to build a tower but are barred under current law. If these airports can make critical safety upgrades with this funding, they should have that option.

The problem with the provision included in the fiscal year 2003 omnibus bill is that while it would properly allow small airports to use AIP money to build new or replacement FAA contract towers, it would also allow airports that built contract ATC towers after October 1, 1996, to be eligible for reimbursement of their construction costs. The Federal Government already pays to operate these towers, and as a condition of this assistance, these airports agreed that the government would not pay the cost of constructing them.

This reimbursement would affect at least 21 contract towers that were previously built and provide up to $25 million in total for these airports from current AIP funding. In this era of having our Federal resources limited by reduced revenues and the expense of ensuring the security of our homeland, it is irresponsible for this Congress to provide funds from the AIP program to reimburse these airports for costs that have already been accounted for.

The AIP program is vital to the safety, security and capacity needs of our Nation's airways. I am hopeful that we will carefully consider the potential ramifications of this issue as we proceed later this year with the reauthorization of the Federal Aviation Administration.

Mr. REID. Madam President, I want to recognize the hard work of my Senate colleagues, especially Senator STEVENS, for putting together a conference report for our consideration tonight.

Last year the Senate Appropriations Committee under the leadership of my distinguished colleague from West Virginia, Senator BYRD, reported all 13 appropriations bills. Those bills formed the basis of the omnibus bill we are considering tonight. Unfortunately, this bill makes unwise reductions in many of the most important areas of our Federal Government, including education and homeland security. This bill also includes a provision that would make reckless changes to our Nation's forest management policy. This rider—which would provide the long-term authorization to contract the management and unfettered harvesting of national forests to timber companies—was so controversial when it was proposed in the farm bill that Democrats removed the entire forestry title rather than take it.

Rather than write individual timber contracts, the Forest Service has engaged in pilots of this stewardship idea for the last few years. It is a process by which the normal limits on contracting are avoided and timber companies are given broad leeway to harvest;

Some 84 stewardship contract pilots have so far been approved; none are complete; none have been evaluated to see if they meet the claim that the timber industry "stewards" are managing the pilots well;

Despite the fact that pilots haven't been evaluated, this rider contains a broad authorization for stewardship contracting;

It allows the Forest Service to pay contractors with trees rather than appropriated money, hence increasing incentive for harvest of large trees and making the Forest Service more directly dependent on timber sales.

Currently the Forest Service supervises sales, marking trees for cut; under this proposal, oversight is gone. It would be up to the timber company to decide what to cut. The rider enables the Forest Service to allow timber companies to take over large swaths of public forests by affording giving them long term management authority as part of these contracts. This is an important issue that deserves the full debate and consideration of the Senate. I am disappointed that it was included in this must-pass spending measure.

I also want to discuss in detail some of the funding priorities in this bill. This funding bill provides $4.5 billion less in funding for homeland security and emergency responders than the appropriations bills passed by the Senate last year. Just last year, we passed a bill to create a new Department of Homeland Security. Republicans and Democrats came together to approve the largest reorganization of the Federal Government in decades. Without sufficient funding that new agency won't translate into improved safety on the ground, in our neighborhoods, cities and rural areas. This is an issue that is particularly important for my State of Nevada. We have one of the most important facilities and some of the most talented personnel for training emergency responders.

Just today, one of the managers of this program spoke to me about how many trainers they would be able to train this year with the $35,000,000 approved by the Senate. He told me that he could train 8,000 emergency responders this year. This facility at the Nevada Test Site is one of five counterterrorism training facilities that formed a consortium several years ago. Together these five facilities could train nearly 35,000 first responders with the amount of money the Senate provided. Every $4,000 less we spend is one less first responder we train. These are the police and firefighters in communities throughout the country. These are the emergency responders who are already overworked by the increased threat level we are experiencing. These are the first responders who still are not sure how to change their patrols and activities in response to the elevated orange threat level. They need to know. They need to be trained.

Instead of the $35 million approved by the Senate, the final conference report agreed to provide $20 million for the training. While this is a large amount of funding, it will only meet a small portion of the need for training. I hope as the year continues that the administration will request additional funds to ensure that at least one member of every police, fire and emergency response unit in the country receives homeland security training.

I also want to comment on the funding this bill provides for education. Every person who wants to get an education in Nevada, and throughout the country, deserves to have the opportunity to get one. Whether we are talking about the 230,000 students in the Clark County Public Schools or the 11,000 students who attend Truckee Meadows Community College, every person who wants an education in Nevada, and throughout the country, deserves one.

During the last Congress, we worked together in a bipartisan fashion to pass a sweeping education reform bill. This bill showed the best of what the Congress can do when Republicans and Democrats work together. This omnibus bill does not live up to the promise of that crucial bill. Instead of ensuring that we leave no child behind, this bill leaves much to fund.

In summary, I again want to thank my colleagues for their tireless effort to complete this conference report for our consideration this evening. This bill does not do enough to ensure every American can live up to his or her potential. We have an obligation to provide our states with a clean, safe environment, a secure homeland, and the ability to educate every person. This bill could do more to accomplish these goals, and next year, I hope we will do that.

Mr. KENNEDY. Madam President, America is on high alert. This is no time to shortchange our security at home. Yet, that is precisely what this bill does.

Simply creating a new bureaucracy for homeland security is not enough. We must increase protection at our borders, provide the Coast Guard with additional resources, and provide more security at our ports. We must also assist local authorities to prepare for the worst. Our homes will not stay safe with duct tape alone. Our communities need help to fund law enforcement personnel, firefighters, rescue workers, and medical personnel.

Today, I asked mayors in Massachusetts whether the Federal Government is doing its share to help local communities with homeland security. Not one—not one—has received sufficient help from the Bush administration to meet local homeland security needs. Mayor Fred Kalisz of New Bedford tells me that since the Bush administration declared a Code Orange emergency last week, he has posted a 24-hour police presence at his small local airport. And he ordered round-the-clock security for a tanker that is docked in New Bedford's harbor. The budget crisis in Springfield, MA, forced Mayor Michael Albano to cut 76 police officers and 57 firefighters from the city payroll. Police, fire, and rescue officers in Springfield are stretched to the limit to cover continuing duties with fewer officers. Springfield simply cannot afford the additional duties of homeland security without federal help. The same is true in Worcester, where Mayor Timothy Murray is facing cuts to his police and firefighting force by more than ten percent. And his officers not only fight crime in Worcester, but they have protection duties with a strategic reservoir near Worcester as well as major rail hub. And the city of Boston has already spent $2.6 million in scarce city funds for homeland security.

These local officials care about their communities. They are doing all they can amid an avalanche of budget cuts just to meet the ongoing needs of their citizens. It is unfair of the Bush administration and the federal government to leave them high and dry in the face of terrorist threats at home. Despite promises of funding from Washington to help with these urgent needs, he has received nothing—and this bill provides no new money beyond what administration promised long ago, and has yet to deliver. Washington must do more—much more—to be a real partner with our local cities and communities to protect our citizens.

I am also deeply concerned that this bill is yet another leap in the Republican campaign to undermine years of progress in protecting our environment. This bill contains provisions that allow the indiscriminate logging of irreplaceable forests, and lays the seeds for the destruction of one of our country's greatest natural treasures, the Arctic National Wildlife Reserve.

In addition, while I commend the fact that this bill represents a step forward on education, and rejects the administration's anti-education budget, I believe that parents and teachers and students across the country will agree that more should have been done. Education is about fulfilling the hopes and dreams of the next generation. And it is about the security and economic future of America.

For these reasons I oppose this bill.

I ask that unanimous consent that a recent Boston Globe article that describes what our mayors are doing with little or no Federal help to meet homeland security needs in their communities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Globe, Feb. 9, 2003]

SECURITY COSTS RISE FOR LOCAL OFFICIALS, TERRORISM ALERT PUTS A STRAIN ON BUDGETS

(By Megan Tench and Jenna Russell)

With the nation on heightened alert for terrorist attacks, Massachusetts officials said yesterday that the added responsibility will tax local budgets already facing a fiscal crisis.

The Bush administration hiked the terror alert to the second-highest level on Friday as Attorney General John Ashcroft cited an "increased likelihood" that the Qaeda terror network would attack Americans, noting that hotels and apartment buildings were possible targets.

However, Congress's failure in the last session to provide additional funding for security for cities and towns prompted criticism from several Massachusetts mayors as they attempted to cope with increased security mandates at a time of state aid reductions.

"Obviously there are targets that need to get additional attention, but the fact of the matter is that this is a major concern," Worcester's Mayor, Timothy P. Murray, said yesterday.

"We have thousands of police and firefighters out there, yet the president and the Congress failed to supply, equip, and fund these departments," Murray said.

Like other municipal leaders around the state, Salem Mayor Stanley Usovicz Jr. said cities and towns are on the front line in the war on terrorism, but have not received the money they need to keep up the fight.

"I think everybody is willing and quite able to do their jobs, but no one at the federal and the state level understands that there is a bill to be paid," he said. "We are at war, and . . . I don't know how anyone can fight a war without giving money to the front lines. They cannot continue to ask for more without paying for it."

Still, few residents voiced concern yesterday over the possibility of attacks, which officials said could target Jewish communities or institutions.

"We heard about that on the news, but we are not afraid. We feel safe," said George Ullevinov, a Reading resident who was touring the Holocaust Memorial in Boston yesterday with his family.

Authorities believe that terrorists connected to Al Qaeda could be planning to time an attack or attacks with the end of the five-day Muslim holy period of the Hajj, the pilgrimage to Mecca, which began yesterday.

Officials have been particularly concerned about the use of a "dirty bomb," which would use conventional explosives to disperse radioactive material, but they also cited the possibility of suicide bombings and assassinations.

"Well, we can't run and hide under the bed," said Boston resident Philip West, as he checked his luggage with American Airlines at Terminal B at Logan Airport yesterday. West, a helicopter pilot, was headed to Dallas for a pilot's convention.

"We have to go out," he said. "I believe if it's our time to go, it's our time to go."

At Logan, tighter security was visible, with more State Police and trained dogs on patrol and more car inspections on entry to airport garages, during curbside stops, and an additional roadblocks on airport roads.

The increased presence seemed to comfort Dorchester resident Marlene Francis, who, along with her 4- and 10-year old children, was preparing for a flight to Jamaica.

"I believe in the security people here, and I try not to think about these things because I am traveling with my children," Francis said, as she waited in line at a security checkpoint. "What's meant to be will be."

At malls and hotels in and around Boston, security directors were reluctant to discuss what precautions they were taking. Law enforcement and transportation officials also were reticent about the heightened alert.

FleetCenter managers urged ticket holders to arrive an hour early for a Bruins game yesterday to comply with added security procedures, including the use of metal detectors at entrances. And the Massachusetts Bay Transportation Authority also increased security to reflect the orange alert, according to spokesman Joseph Pesaturo.

The Coast Guard also stepped up patrols around Boston, a spokeswoman said, and the Massachusetts Water Resources Authority increased security and patrols at key spots around the state's water supplies.

Bridges also became a focus of attention. "We've instructed our maintenance people who patrol the roads on a daily basis to be extra vigilant and keep an eye out for any stalled vehicles, particularly near bridges," said Jon Carlisle, a spokesman for the Executive Office of Transportation and Construction.

Boston's mayor, Thomas M. Menino, could not be reached for comment on the terrorism response yesterday. However, Menino, who also serves as president of the US Conference of Mayors, expressed concerns about the cost of the fight against terrorism during his address to the Greater Boston Chamber of Commerce two months ago.

There, Menino announced that he is assembling a national coalition of state and local officials to urge Congress to pass the security funding measure as part of Bush's federal budget proposal when lawmakers return next month.

Boston has spent $2.6 million in extra security since Sept. 11 terror attacks, Menino said. It's unclear how much the city would reap if the federal package were approved.

"This is money we were promised for police and fire and terrorism protection," he said in his address. "We cannot allow Congress to keep fiddling while the states and cities burn their reserves and exhaust their funds."

Other local officials echoed that sentiment.

"It's a very difficult situation. There are no additional dollars," said New Bedford's mayor, Frederick M. Kalisz, whose city is bracing for substantial cuts.

"The alert requires a certain level of patrol visibility at our airport and waterfronts, and the federal dollars just haven't come down to local governments yet," he said. "In a time of taxed dollars, we have to increase the patrols with local patrol officers that we use in our neighborhoods."

In Springfield, Mayor Michael Albano said 57 firefighters will receive layoff notices by Monday, in addition to the 76 police officers he just laid off. Albano said the state budget cuts hurt more than the failure of the federal government to fund local security.

Downsizing police and fire departments "is inconsistent with national policy, and it should be inconsistent with state policy," he said. "The governor has weakened our front lines during a national alert."

Eric Fehrnstrom, a spokesman for Governor Mitt Romney, said federal, state, and local governments "should spend whatever is necessary" to protect local cities and towns. "There has to be more federal involvement," he said. "Governor Romney will stand shoulder to shoulder with the state's mayors in making sure they receive adequate federal dollars to respond to the needs of our local communities."

After the boost in the national alert, Romney flew back to Boston two days early from an Olympics anniversary celebration in Utah, to make sure he would be here in the event of an emergency, Fehrnstrom said.

Mr. DASCHLE. Madam President, I rise in opposition to the fiscal year 2003 omnibus appropriations bill. I oppose this bill because it is a significant step backward from the bills that the Appropriations Committee reported last year unanimously.

The most troubling departure from these committee-passed bills is in the critical area of homeland security. Compared to the levels unanimously approved last year by the Senate Appropriations Committee, this bill makes deep cuts in the Transportation Security Administration, the Immigration and Naturalization Service, community policing, FEMA disaster assistance, the DOT Office of Domestic Preparedness, firefighter grants, port security, American embassy security, and many other homeland security needs.

The agricultural disaster assistance provisions in bill are also of great concern to my State of South Dakota and many other States. The provisions provide limited assistance to producers by cutting important conservation assistance in the Farm Bill. The provisions provide only half the assistance needed to address the scope of natural disaster across the country. Finally, the provision provides assistance to select producers who did not suffer from natural disasters. The Senate voted three times last year for a measure that would have compensated all drought victims for their loss. Unfortunately, objections by the White House and the House Republican leadership stopped this aid from making it to producers.

I am also very concerned about the anti-environmental provisions in the bill. One provision would dramatically expand the forest stewardship contracting program until 2013. This provision would eliminate the current cap on pilot projects and require the Forest Service and the Bureau of Land Management to open up more than 70 million acres to potential logging. The timber companies, not the Forest Service, would pick the trees to be harvested. In addition, the bill would eliminate judicial review for the Tongass National Forest land management plan; remove language protecting the Arctic National Wildlife Refuge; exempt the Trans-Alaska Pipeline System from environmental review; and cut funding for important conservation programs.

For these reasons, I oppose this conference report and urge my colleagues to oppose it as well.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that following the remarks of the distinguished majority leader, the Senate proceed to vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. FRIST. Madam President, before we vote I will take a minute to outline the schedule. This will be the last vote prior to the Presidents Day recess. The

Senate will be in session tomorrow. However, no rollcall votes will occur during Friday's session.

At the conclusion of Friday's business, we will adjourn until Monday, February 24, under the order. At noon on Monday, February 24, Senator CHAMBLISS will deliver George Washington's Farewell Address. Following the address, the Senate will resume consideration of the Estrada nomination. In addition, on February 24, we will consider S. 151, the Protect Act. Members should expect to vote on passage of that bill at approximately 5:30. I will notify all Members when the exact time is locked in.

I thank all Members for their cooperation during this busy period. Again, this will be the last vote before the recess. The vote will be conducted in a few minutes, and the Senate will be in session tomorrow.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. REID. Madam President, will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. REID. Can Members be assured that there will be no vote prior to 5:30 on the Monday we come back?

Mr. FRIST. That assurance will be given.

The PRESIDING OFFICER. Is all time yielded back for debate on the conference report?

Mr. REID. Madam President, I ask that the time of the ranking member be yielded back.

Mr. STEVENS. I yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. McCONNELL) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—76

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—20

Bingaman
Boxer
Conrad
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Fitzgerald
Jeffords
Kennedy
Lautenberg
Levin
Lieberman
Pryor
Reid
Rockefeller
Sarbanes

NOT VOTING—4

Graham (FL)
Kerry
Leahy
McConnell

The conference report was agreed to.

Mr. FRIST. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALTONSTALL-KENNEDY GRANT PROGRAM AND CREATION OF THE ALASKA FISHERIES MARKETING BOARD

Mr. STEVENS. Madam President, the Saltonstall-Kennedy (S–K) Grant Program is a competitive program administered by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, NOAA, Department of Commerce. The S–K program was established by the Saltonstall-Kennedy Act of 1954 to promote U.S. seafood products around the world and generally support our Nation's fisheries. For the first time in 1979, S–K receipts from import duties on fishery products were transferred to NOAA's base budget to fund an industry/government partnership. However, without my amendment in fiscal year 2003 NOAA would transfer $75 million to it's base budget, leaving only $220,000 for the original purposes of this program—promoting domestic seafood production. This provision ensures that a little less than 15 percent of those receipts transferred to NOAA will be used for their intended purpose—promoting domestic seafood from Alaska, home to half of the U.S. domestic seafood production.

This bill includes $10 million from the S-K program to market Alaska seafood products and creates the Alaska Fisheries Marketing Board to administer these funds. This program will help develop and promote high-value fresh and fresh-frozen Alaskan seafood products, allowing Alaska fishermen to better compete in the global and domestic markets.

The Secretary of Commerce will appoint the members of the board and the executive director. In appointing members to the board, the Secretary shall fully consult with and seek recommendations from the Governor of Alaska. The membership should reflect the various aspects of seafood production, distribution, State oversight and the retail of Alaska seafood products. This would include three individuals with experience in harvesting Alaska seafood, two individuals with experience in fish processing, one individual from the Alaska transportation industry, one individual from the Alaska State legislature -preferably with experience on the State of Alaska's Salmon Task Force, one individual with experience in mass market food distribution, one individual with experience in mass market food retailing, one individual with experience in niche marketing of Alaska seafood products, and one individual recommended by the Alaska Seafood Marketing Institute.

The board will solicit grant proposals for marketing Alaska seafood from the public, review them, and fund those that will do the most to help reinvigorate struggling sectors of the Alaska seafood industry. These proposals can promote region-specific or species-specific marketing programs that do not undermine existing statewide "Alaska Seafood" marketing efforts.

The board may choose to promote the development of new processing technologies to insure the commercial viability of Alaska seafood and improve related transportation costs in delivering these products to market, and will work to improve the overall marketability of Alaska seafood.

I look forward to working with the Secretary of Commerce on establishing the Alaska Fisheries Marketing Board and helping the Alaska seafood industry get its message out to the world.

HAPPY 100TH ANNIVERSARY TO THE DEPARTMENT OF COMMERCE

Mr. HOLLINGS. Madam President, tomorrow the smallest of our Cabinet agencies, the Department of Commerce, will celebrate the biggest of big anniversaries, and as the ranking member of the Commerce, Science and Transportation Committee, I rise to salute them on 100 years.

We have a whole list of their accomplishments, starting with the development of the Gross Domestic Product in the 1930s, the measure that gave us for the first time a true picture of our economy. Commerce houses the Census, the top statistical agency in the world. It is home to the Patent Office, which has witnessed an incredible amount of American history, issuing more than 6 million patents, be it to Orville and Wilbur Wright for a flying machine, or for the development of television, transistors, and computers.

In the last century, Commerce created the first atomic clock, fostered the development of public television; assisted more than half a million minority-owned businesses; and helped thousands of economically-distressed communities generate commercial development in every Senators' States. Having a hand in creating NOAA, I will always remember the last 100 years for the great advancements made in weather predicting and the saving of the gray whale and dolphin.

When Teddy Roosevelt wrote to this body a century ago, he asked us to create the Department for the "purpose of broadening our markets . . . and making firm our new position in the international industrial world" William Redfield, the first Secretary of Commerce, set a clear goal: "We are going out into the markets of the world to get our share."

This Senator knows that times change and situations change, but that for our long-term economic well being no words hold truer. We need our share to bring back jobs into this country. I wish the good people at Commerce a happy birthday. Most of all, I hope President Bush and Secretary Evans set their mark on the Department's next 100 years with trade policies that can truly build our economic potential in global markets.

RULES OF PROCEDURE OF THE SENATE RULES COMMITTEE

Mr. LOTT. Madam President, today the Committee on Rules and Administration approved the following rules for the committee. I ask that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted Feb. 13, 2003)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least a week in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Madam President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Health, Education, Labor, and Pensions for the 108th Congress adopted by the Committee on February 12, 2003.

There being no objection, the material was ordered to be printed, as follows:

Rules of the Committee and Health, Education, Labor, and Pensions

(Adopted February 12, 2003)

RULES OF PROCEDURE (AS AGREED TO FEBRUARY 12, 2003)

Rule 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available or inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule..

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of ruler XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the Standing Rules of the Senate, no person other than member of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority members of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, which the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualification to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term "majority" as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill our otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities. (Effective Jan. 21, 1999, pursuant to the Committee Reorganization Amendments of 1999 (S. Res. 28), is amended by striking "Handicapped individuals", and inserting "Individuals with disabilities.")
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. (Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.) The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recoding adequate to fully record the proceeding of each meeting or conference where or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

Guidelines of the Senate Committee on Health, Education, Labor, and Pensions With Respect to Hearings, Markup Sessions, and Related Matters

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposal data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

RULES OF THE SENATE COMMITTEE ON THE BUDGET

Mr. NICKLES. Madam President, pursuant to paragraph 2 of Rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to print in the Record, the rules of the Committee on the Budget for the 108th Congress as adopted by the committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

Rules of the Committee on the Budget

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2) (a)–(e), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the raking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the Committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived

by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meeting or hearing of the committee are limited to the following:

Charts, photographs, or rendering:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.

RULES OF THE COMMITTEE ON ARMED SERVICES

Mr. WARNER. Madam President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Armed Services for the 108th Congress adopted by the committee on February 13, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

(ADOPTED FEBRUARY 13, 2003)

1. REGULAR MEETING DAY.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. ADDITIONAL MEETINGS.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. SPECIAL MEETINGS.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. OPEN MEETINGS.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. PRESIDING OFFICER.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. QUORUM.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS.—(a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at

least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Madam President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD, the Rules of the Committee on Energy and Natural Resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of all the Members of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of the hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include a legislative measure, nomination, or other matter on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members of Subcommittee shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no

Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advice the witness of his or her legal rights.

(c) For purposes of this rule, the term "investigation" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at that hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect this reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on this dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

LAW ENFORCEMENT NEEDS A NATIONAL BALLISTICS IMAGING NETWORK

Mr. LEVIN. Madam President, last Sunday the news program "60 Minutes" reported on an exciting new technology called ballistic fingerprinting, which is currently underutilized by our Nation's law enforcement organizations. Each time a gun is fired, it inscribes a unique pattern on each bullet. This marking is referred to as a ballistic fingerprint. The "60 Minutes" report presented the case of a New York City double homicide in which the New York Police Department developed little evidence to work with besides the bullet shells and casings from the crime scene. After exhausting all other efforts to solve the case, detectives took those shells and casings to the NYPD ballistics lab to be scanned into the Integrated Ballistic Identification System, a database of ballistic fingerprints maintained by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. The ballistics lab was able to connect the gun used in the double homicide to the one used three months later in an armed robbery. An arrest was made and the man was convicted of both crimes. Without ballistics fingerprinting this case might have never been solved.

Through its National Integrated Ballistic Information Network or NIBIN Program, the Bureau of Alcohol, Tobacco, Firearms, and Explosives deploys Integrated Ballistic Identification System equipment to State and local law enforcement agencies, such as the one in New York City, for their use in imaging and comparing crime gun evidence. This state-of-the-art equipment allows firearms technicians to acquire digital images of the markings made by a firearm on bullets and shells, like was done in the New York case. Unfortunately, at this point, only weapons that are confiscated in crimes are included in this database. Expanding this database to include newly manufactured and imported guns would enhance law enforcement's ability to investigate and reduce gun-related crime.

I believe that the ATF's ballistic fingerprinting network should be expanded, and that is why I have cosponsored the Technological Resource for Assisting Criminal Enforcement Act or TRACE Act. Under this bill, manufacturers and importers would be required to test fire firearms and capture ballistics images of the fired bullets and casings of new firearms. Expanding NIBIN to include these ballistics images would increase the crime gun tracing capabilities of the ATF and local law enforcement. Law enforcement could identify firearms by using the ballistics images of cartridge cases and bullets recovered at crime scenes even when criminals had removed the serial number. In fact, this technology would allow investigators to identify the firearm used in the crime without actually recovering that firearm. The legislation also contains strict provisions stating that the ballistics information regarding individual guns may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

I believe this is sensible legislation that will strengthen law enforcement's ability to effectively track down criminals. This technology has worked for both the NYPD and in the investigation of the Washington area sniper attacks. I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 9, 2002 in Huntington Beach, CA. Aris Gaddvang, 25, a Filipino-American store manager, was beaten in a parking lot. The attackers, three teenagers, shouted racial slurs and "white power" before beating Gaddvang with metal pipes. After the attack, Gaddvang said he received a phone call from someone who identified himself as one of the attackers. Gaddvang said that the caller used racial slurs and threatened him.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORTING THE USE OF ETHANOL

Mr. VOINOVICH. Madam President, I rise today to express my support for the ethanol legislation that is being introduced today.

I am pleased to join my colleagues, Senators HAGEL, LUGAR, DASCHLE, and JOHNSON, in this effort to develop an ethanol package that addresses the concerns of a variety of stakeholders in the energy debate while providing a tangible benefit for the American people. I believe that increasing our use of renewable fuels such as ethanol and biodiesel is a key element in our effort to construct a viable energy policy.

As I have often stated, we face an incredible challenge in putting together an energy policy for our Nation. In my view, the Senate has a responsibility to develop a policy that harmonizes energy and environmental policies, and to acknowledge that the economy and the environment are vitally intertwined.

It has to be a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that will keep energy affordable. Finally, it has to be a policy that won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies.

I believe the passage of an ethanol bill will protect our energy independence, our economy, and our environment.

Increasing the use of renewable fuels such as ethanol will protect our energy independence. Given the current situation in the Middle East, perhaps our greatest energy challenge is to reduce our reliance on foreign sources to meet our energy needs. As my colleagues know, the United States currently imports about 58 percent of our crude oil. President Bush has stated repeatedly that energy security is a cornerstone for national security and it is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs. Ethanol is an excellent domestic source—it is a clean burning, homegrown renewable fuel that we can rely on for generations to come.

Creating a greater market for ethanol will protect our economy. Ethanol is good for our Nation's economy and, in particular, good for Ohio's economy. Ohio is sixth in the Nation in terms of corn production, and an increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State. Ohio is one of the Nation's leading consumers of ethanol, with 40 percent of the gasoline consumed in the State containing ethanol. Because of the economic benefits of increasing consumption of ethanol, Ohio has placed a tremendous emphasis on expanding its use and is actively pursuing opportunities to build ethanol production plants.

Expanding the use of ethanol will protect our environment. Increasing the use of ethanol will help reduce auto emissions, which will clean the air and improve public health.

The language that is being introduced today is identical to the ethanol title passed by the Senate in last year's comprehensive energy bill. It is important to note that while this body overwhelmingly supported inclusion of an ethanol title in that bill, there were some significant issues raised during debate on this provision.

As chairman of the Clean Air Subcommittee, I intend to hold hearings on, and to mark up, this legislation so that it can be included in this Congress' version of comprehensive energy legislation. I know that Senator INHOFE, Chairman of the Environment and Public Works Committee, has some strong issues with the way that MTBE is dealt with in this legislation, and I intend to work closely with him to see that those issues are resolved before we move forward with this bill.

I was delighted that the Senate was able to come together and craft a bipartisan agreement on ethanol during the last Congress. It is my hope that that spirit of bipartisanship will continue throughout this Congress and that we can finally enact a comprehensive national energy policy that includes ethanol as one of its key provisions.

DEPLOYMENT OF TROOPS IN EUROPE

Mr. SMITH. Madam President, I rise today to speak for a few moments about, what I feel, is a very important issue—regarding NATO and the deployment of great armed forces in Europe.

I, like many of my colleagues, have watched and listened with concern to some of our European allies' thoughts and actions regarding the inspections in Iraq.

It has caused many in this town, both in this Chamber and in the government to ponder the merits of some of our allies that are new members of NATO . . . and the fine job they have done in supporting this Nation on fledgling budgets but with the heart of gold and fervor of patriotism often found in new democracies.

I believe that it is high time that we consider the merits of a limited redeployment of some U.S. forces either on a permanent or rotating basis from Germany to alternative locations in Eastern and Southern Europe.

The current alignment of U.S. forces in Europe, particularly their concentration in Germany, reflects a geopolitical reality that no longer exists. There has not been significant enough realignment of capabilities and assets since the fall of the Berlin Wall.

We no longer expect Soviet tanks to come rolling over the Folda Gap. Why are U.S. forces, therefore, still on a cold war footing?

During the 1990s, America and its allies agonized over the future of NATO. Now that we have reaffirmed that NATO will continue to exist and grow, and that the U.S. will remain engaged in Europe, we should ask ourselves what it should look like and how it can best serve our national and common security interests.

As attention turns to the Middle East, we should be thinking about where our troops should be stationed over the longer term. Given that the military flashpoints in the future are likely to revolve around the Caucuses, Iraq, the Middle East and North Africa, closer proximity of U.S. troops is of the utmost necessity.

Since Berlin has long ceased to be the fault line for military conflict, I urge my colleagues and the Administration to consider redeploying U.S. troops from Germany in a direction, and in a manner, that reflects the challenges of the future rather than the past.

I was proud to support the inclusion of Czech Republic, Hungary and Poland into NATO. I am also supportive of the aspiration of others to join that Alliance and to make the democratic and budgetary reforms necessary to bolster their candidacy.

I am proud that seven other nations, including Bulgaria and Romania, are candidates for membership.

By deploying U.S. forces to new locations to the East or South of Germany, to nations that enjoy new or prospective membership in NATO, we would demonstrate our firm commitment to those countries.

Doing so would also reflect new geopolitical realities: first, we have cooperative and constructive relations with Russia, and secondly, points to the south of Europe will continue to require more of our attention.

As Secretary Rumsfeld has noted, while ties between the people of Germany and America remain strong, on a governmental level, our bilateral relations are increasingly out of sync.

I couldn't agree more.

Well before Mr. Schroeder began his attacks on President Bush and before the incessant German criticism of the administration's efforts to combat terrorism and the threat posed by Iraq—Germany had imposed increasing and burdensome restrictions on the way the U.S. military could maneuver and train in Germany.

Basing and operating costs in Germany one of the most industrialized and rich nations of Europe are high. Though start-up costs of relocating some U.S. forces to countries such as Poland or Romania might be high, over time such relocation would present savings.

Some Eastern or Southern European countries would be keen to host U.S. forces, either permanently or on a rotating basis.

They would welcome a U.S. military presence for the strategic and political dividends involved, and not least for the positive economic impact that this would entail. They would welcome us in the spirit of friendship.

In particular, I think the administration should strongly consider redeploying NATO forces to Poland, Romania and Bulgaria. Poland has bases and training grounds well-suited for U.S. military training, while Romania and Bulgaria are both in the process of upgrading their bases under the terms of their NATO membership.

Operating with fewer restrictions than on German bases will allow American troops to train more effectively, thus maintaining military readiness at the highest possible level.

Redeployment of U.S. forces to Romania and/or Bulgaria would ease strategic pressure on Turkey, a vital American ally.

With its location near the center of the world's least stable regions, we should not leave Ankara to stand as the sole pressure point when the U.S. projects forces eastward and southward from Europe.

Someday the political situation might force even a generally friendly Turkish government to resist America using Turkey as a staging point. American bases in Bulgaria and Romania would shift some of the burden from this hard-pressed American friend.

Likewise, bases in Bulgaria and Romania would provide the Turks, who will remain key partners in the new era, the diplomatic cover to continue to assist the U.S.

Nations that have escaped the yoke of communism in Central and Southern Europe have been among the most active and outspoken supporters of U.S. policy particularly the global war on terrorism and U.S. efforts to contain Iraq and North Korea.

Perhaps that is because these nations, unlike their continental neighbors to the West, know what it is like to live without security, freedom and democracy.

As we move forward on this critical issue, Congress should authorize and the Administration should thoroughly study, the military and financial implications of European redeployment.

It is also an issue to broach with the Russian Federation, as it may require renegotiation of the Treaty Conventional Armed Forces in Europe. We must emphasize that it is not directed at Moscow but rather can form the basis of a closer NATO-Russia relationship.

I would note that a few days ago, Senators SHELBY, BUNNING, ALLARD, COLLINS, SESSIONS, BROWNBACK, MCCAIN, KYL, HUTCHINSON, CRAIG, ENSIGN, SANTORUM, WARNER and I sent a letter to Secretary of Defense Rumsfeld requesting that the Department of Defense undertake an immediate study of U.S. bases in Europe that should be geared to U.S. national interests.

We asked that issues considered in such a study include, but not be limited to: force structure, length of deployment, infrastructure, dependents and dependent housing and services, and costs regardless of category.

I believe that was a good first step toward thinking about the issue of deployment of our forces in Europe. I think that we should do more on this issue and I will work towards that end.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2003

Mr. THOMAS. Madam President, I am pleased to introduce S. 379, the Medicare Incentive Payment Program Improvement Act of 2003, with my distinguished colleague, Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment (MIP) Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas (HPSAs) by providing a 10 percent Medicare bonus payment. There are approximately 2,800 federally designated HPSA's—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a Health Professional Shortage Area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden if places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

The legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2003 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are struggling with last year's Medicare payment reduction of 5.4 percent and with the possibility of another 4.4 percent reduction on March 1 of this year. These payment cuts combined with an ever-increasing regulatory burden to participate in the Medicare program and escalating medical malpractice premiums have begun to impact senors' access to care. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Improvement Act of 2003

CONSERVATION SECURITY PROGRAM

Mr. HARKIN. Mr. President, I came to Congress in 1975 and served in the House until 1984, when I was elected to the Senate. As a member of the House Agriculture Committee and later the Senate Agriculture Committee I have always known the importance of agriculture conservation. My home State of Iowa is rich in agriculture and also rich in the tradition of conservation.

But even in Iowa, we recognize the need for more conservation. For decades we had cost-share money available for producers through the Agriculture Conservation Program. But, it was not until 1990 that a farm bill took the next critical step toward conservation by including my Water Quality Incentives Program. This program, for the first time in agriculture history, included incentive payments for producers. The basic concepts and principles of WQIP were the foundation for the Environmental Quality Incentives Program, EQIP, included in the 1996 farm bill. EQIP, which expanded beyond water quality to all natural resources, was a fundamental advancement for conservation on working lands.

However, even with these advances we were still spending over 90 percent of conservation dollars on land retirement programs, namely CRP and WRP.

While these two programs are critically important, it became abundantly clear that conservation on working lands needed to be addressed. EQIP was hugely popular among farmers and ranchers, but the dollars were limited and many, many, many producers were left stranded—unable to access this program.

Moreover, a growing resentment from good conservationists was brewing over the EQIP funding. Too many good stewards of their lands were left out of the conservation programs. Those who worked hard, using their own resources and ingenuity, were not recognized by USDA agriculture conservation programs.

As I traveled the countryside, it became abundantly clear that change was necessary. I heard from many producers that we finally needed a good strong conservation program open to all producers, not just a few select producers. And, they told me that we needed a conservation program that rewarded those committed stewards of the land, instead of excluding them.

During the development of the farm bill, I continued to press for an expanded conservation title. To expand and improve the existing conservation programs and to finally add a new conservation program which I called the Conservation Security Program—a program to secure the right of all American farmers and ranchers to access conservation dollars to adopt and maintain conservation practices on their lands. We did not put a cap on the CSP so that all producers who would carry out conservation and meet the requirements could enroll in it. The CSP was a novel approach to conservation—it adopted the well-accepted full participation principle in our commodity programs. That is the most unique factor of CSP. I first proposed CSP in 1999 and over the next three years CSP evolved into the groundbreaking program that was included in the 2002 farm bill. Prior to the final product, the CSP was introduced in a bipartisan manner on both the House and the Senate in 2001.

Senator SMITH of Oregon and I worked hard on developing this important program. It took long hours of negotiation involving staff together with major commodity groups, like the American Farm Bureau Federation, the American Soybean Association, National Corn Growers Association, Sustainable Agriculture Coalition, Defenders of Wildlife, Sierra Club and many others. Moreover, we worked extensively with the USDA. Eventually, we developed a program embraced by both commodity and conservation groups alike.

But, the evolution of CSP continued through the development of the farm bill. As the Senate worked on the farm bill, Senator LUGAR, Senator SMITH and I continued to modify the CSP to ensure that the environmental benefits were maximized and that farmer access was paramount. Senator LUGAR and I developed joint principles on the farm bill, including for the conservation title. While both Senator LUGAR and I vocally supported a strong conservation title, we took time to refine the CSP. As a result of our bipartisan work, the conservation title, including a CSP without an arbitrary funding limit of the Senate Agriculture Committee unanimously.

But, our work on the CSP was far from over. As we moved into conference with the House, we again worked to improve CSP. We worked tirelessly and carefully to refine the CSP and make sure that it was acceptable to all members of conference. This was not a simple process. The Farm bill conference took months, and the conservation title was debated during the entire process. I personally engaged in weeks of negotiations on the CSP. Because I understood the critical importance of including a CSP without a funding cap in the final bill, I made many concessions on the farm bill.

Finally, after months of debate, the conference agreed to include CSP as an uncapped program—one open to all producers who meet requirements of the program and one that would have a budget baseline in the future as the program grew. The farm bill was a carefully negotiated bill that required a delicate balancing of all concerns.

When President Bush signed the 2002 farm bill last May, we all celebrated the historic increase in conservation spending for existing and new programs. For the first time ever, the farm bill took a monumental step forward toward truly addressing conservation of natural resources on our farms and ranches in the form of the CSP.

The CSP, by its uncapped nature, ensured for the first time that all farmers and ranchers who meet the requirements may participate in an agriculture conservation program. Again, it was uncapped nature of this program that provided for this program that provided for this giant step for conservation—for both our farmers and ranchers and the environment.

I must restate that the CSP will generate real environment benefits. The design of CSP mandate these benefits. Producers are required to maintain or adopt conservation practices at the highest level of all conservation programs.

Why else is CSP so important? For many reasons—It is the first program that provides a comprehensive approach covering the full range of conservation and environmental issues related to working lands, and enables participation based on one unified, site-specific conservation plan.

CSP helps rebalance conservation funding in support of incentives for land in production so that producers don't have to retireland and stop farming in order to benefit. CSP is open to producers of all types of crops and all parts of the country. CSP, for the first time, pays producers in recognition of the public nature resource and environmental benefits provided on working farms and ranches, including maintenance payments for active management of already adopted practices. And, CSP is compatible with our trade obligations under WTO.

That is why major commodity and conservation groups support CSP. Groups including, Cotton Council, American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, United Fresh Fruits & Vegetables, U.S. Rice Producers, American Farmland Trust, Defenders of Wildlife, National Association of Conservation Districts, National Audubon Society, Pheasants Forever, Sierra Club, Trout Unlimited, Union of Concerned Scientists and many more. Despite the Administration's contention that it supports voluntary conservation programs in the farm bill, we have found that their words are not matched by their actions. In fact, the Administration has actively worked to undermine conservation programs.

Just recently, the Administration described CSP as having "a unique role among USDA conservation programs. It identifies and rewards those farmers and ranchers who meet the highest standards of conservation and environmental management on their operations, creates powerful incentives for other producers to meet those same standards of conservation performance on their operations, and provides public benefits for generations to come."

Despite this glowing endorsement, the Administration has attacked CSP—by proposing to cut back CSP to a strict $2 billion for 10 years in the FY04 budget and by pushing to cap CSP to only $3.77 billion in this omnibus appropriations bill. The manner in which the CSP was capped was unfair. It began with a small provision in the House agriculture appropriations bill by limiting CSP as a pilot program in FY03 in my home state of Iowa.

But as time went on and the majority developed an inadequate disaster bill—one that doesn't provide the necessary support farmers need, they decided they needed an offset for the program. So, for the first time, we have now created a horrible precedent of requiring an offset for disaster payments. And, where did the Administration go for this offset? The farm bill which was just passed nine months ago. And, more importantly, what did the Administration attack first—the conservation title.

During the farm bill, the CSP was scored by CBO for $2 billion, but as the popularity and producer support and excitement for this program grew, CBO rescored this program for significantly more. In fact, the most recent score for CSP is $6.8 billion. Instead of seeing a wonderful vehicle to accomplish conservation on the ground, the Bush Administration viewed CSP as a cash cow—one to attack to pay for disaster payments. So, without any ability for debate, in the quiet of the night behind closed doors the Administration undermined the most important conservation program ever authorized—a conservation program open to all producers and capped the CSP. This cap fundamentally changes the CSP.

No longer can all producers have the security of knowing they can participate in a conservation program, no longer can the promised environmental benefits of the conservation title of the farm bill guaranteed. By capping this program—unintended restrictions on participation will follow and the baseline we worked so hard to develop and so carefully negotiated in the farm bill is gone. And, we have greatly hindered the most promising program we had for meeting our WTO obligations in the future.

It is clear today that the Administration is bent on undermining conservation practices and the CSP. It is clear that its words of praise for conservation cannot be reconciled with its destructive measures.

The colloquy between Senator STEVENS, Senator COCHRAN, Senator DASCHLE, Senator FRIST and me entered into on passage of the Omnibus Appropriations bill on February 13, will hopefully lead to correcting this mistake on the next supplemental appropriations bill.

I ask unanimous consent that a statement by Congressman GOODLATTE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the House Agriculture Committee, Feb. 13, 2003]

CHAIRMAN GOODLATTE'S STATEMENT CONCERNING THE FINAL OMNIBUS SPENDING BILL AND THE DROUGHT ASSISTANCE PROVISION

"We are pleased that the final drought assistance provision provides targeted disaster relief to those farmers who need it the most. It is my hope that this approach will help countless American farmers avoid devastating financial circumstances. I am pleased that it is paid for.

"However, the Committee is greatly concerned that it is paid for out of a carefully negotiated Farm Bill, and would have preferred that the funds had been found elsewhere. Breaking open the Farm Bill, before it has even been implemented, is a very serious matter. This is a dangerous precedent, which we strongly opposed throughout the course of these negotiations.

"This is a warning to farm legislators and the farm community at large to be vigilant. It will be a constant effort to ensure that the Farm Bill remains a valuable asset to America's farmers and ranchers. While this legislation will help farmers who are hurting right now, we must make certain that in providing this assistance, we don't harm American agriculture in the long term."

UNINSURED AMERICANS

Mr. SMITH. Madam President, as I rise today to speak before my colleagues in the 108th session of the US Congress, I have a sense of deja vu. While I have only been a member of the Senate since 1997, I have already seen the issues of prescription drugs for seniors and health care for the uninsured come and go—unresolved—a number of times. And while we continue to discuss the issues to death, people are dying.

According to a recent report by the Institute of Medicine, an estimated 18,000 people die every year because they don't have health insurance, and don't get the care they need in a timely fashion. Eighteen thousand deaths a year. And millions more people suffer unnecessarily due to delays in care, or lack of access to care. We need to do something substantial, and we need to do it now.

We have all heard the numbers, but they are so staggering that I have to mention them again. Today—right now as I speak—41 million Americans are living, working, and going to school without health insurance. That's one in every six Americans or 17 percent of our hard-working citizens who do not have health insurance. They are our friends, our neighbors, our children, our parents.

Many—more than 35 million of these uninsured Americans –are in low-income working families. Many people who work in small businesses are not offered health insurance, and those who are often cannot afford the skyrocketing premiums. My family owns a business, and I know what small businesses go through.

We want to provide health care to our hard working employees as much as they want us to offer it, but it is becoming so expensive and so bureaucratic, it grows more difficult every year. This Congress has its work cut out—strengthening the economy, fighting a war, creating a prescription drug benefit for our Nation's seniors. These are just a few of the important pieces of business before us this year. But the problem of the uninsured will not go away—to the contrary, the ranks of the uninsured are growing by millions every year.

A crisis of this magnitude is going to require fundamental change, either through a series of incremental steps, such as helping lower income Americans buy insurance or by spreading insurance risk, or by adopting a bold new approach, such as that advocated by Senator BREAUX.

We in Congress should consider it a moral imperative to help everyone get access to affordable health coverage.

The number of uninsured people in America is an outrage, and every unnecessary death is a tragedy. If 18,000 Americans died in terrorist incidents each year, there would be widespread outrage.

Yet tens of thousands of uninsured Americans are at risk of dying each year from cancers diagnosed too late, or stroke from uncontrolled high blood pressure. These can be slow, painful deaths.

They are preventable deaths. We can help prevent these deaths. We should help prevent these deaths. With the help of my colleagues, we will help prevent these deaths by committing ourselves to substantial reform this congress.

ADDITIONAL STATEMENTS

HISTORIC DEERFIELD CELEBRATES ITS 50TH ANNIVERSARY

• Mr. KENNEDY. Madam President, 2002 marked the 50th anniversary of the incorporation of Historic Deerfield. Founded in 1952 by Mr. and Mrs. Henry Needham Flynt of Greenwich, Crt, the western Massachusetts museum complex is located within the 330-year-old village of Deerfield, called "the gem of rural New England" by the National Trust for Historic Preservation. Cited often as the best documented small community in America, Deerfield attracts scholars, curators, and students to study the history of New England using the village's rich manuscript an research holdings. And, tourists and travelers from throughout the world encounter the story of early America in the parlors and kitchens of Deer Field's old houses and along its mile-long thoroughfare simply called, "The Street."

Surrounded by more than 1,000 acres of actively farmed meadows, Historic Deer Field's museum houses and decorative art galleries are filed with more than 30,000 objects made or used in America between 1650 and 1850. This carefully preserved community of 18th and 19th century houses and the renowned collections of antiques within them are framed by working farms in a quintessential New England village that travelers are delighted to discover.

In 1936 Henry and Helen Flynt enrolled their son at Deerfield Academy, a college preparatory school founded in 1797. The couple was amazed at the remarkable but fragile state of preservation of the village's houses and buildings dating back to the early 18th century. Many were ghosts of their former selves, but still lived in by descendants of the proud families that had survived the infamous Deerfield Massacre of 1704. In those years preceding World War II, Henry Flynt's great passion for America was stirred as he realized that this little village, founded by English settlers in 1669 and whose meadows were inhabited by native peoples for thousands of years before, had witnessed the great events of this country's history.

Encouraged by Deerfield Academy's legendary Headmaster Frank Learoyd Boyden, the Flynts began to purchase several of the old houses and restore their ells and early additions as dormitory space for the school's growing student body. Their interest in every American history and the decorative arts blossomed simultaneously and soon the Flynts were restoring the old houses not as dormitories but as museums filled with their growing collection of the finest antiques then available.

In 1945 the Flynts purchased the 1994 Deerfield Inn and restored it for use by parents visiting Deerfield Academy students. In that same year they bought an old house for themselves and furnished it as their Deerfield residence. By 1948 Historic Deerfield's first museum house—the Parson Jonathan Ashley House—was opened to the public and in the ensuing 25 years 13 more houses were furnished as museums welcoming growing numbers of visitors. Shortly before Henry Flynt's death in 1970, a new research library was opened that also administers the extensive collection of early Deerfield manuscripts owned by the village historical society, The Pocumtuck Valley Memorial Association. Founded in 1880, this repository of local history and art still opens its doors to visitors each year from May to October.

In 1998 a long held dream was realized when a new, 27,000-square-foot decorative arts museum—the Flynt Center of Early New England Life—was opened. With galleries for changing exhibitions, a unique storage display of more than 3000 objects appropriately called the Museum's Attic, and expanded lecture and public program space, the Flynt Center was the culmination of a $12 million capital campaign that attracted gifts from more than 800 individuals, foundations, and corporations throughout America and abroad.

I congratulate Historic Deerfield on the occasion of its 50th anniversary, and I send my best wishes for 50 more great years.●

OREGON COMMUNITY HERO

● Mr. SMITH. Madam President, as we celebrate Valentine's Day by sharing our love with those dear to our hearts, I find it fitting today to honor a man who has given his love, time, and dedication to all those he serves. Mr. Dale Hilding of my home town of Pendleton, OR, is an exemplary civil servant, community volunteer, and family man. Both literally and figuratively, he is a hero in every sense of the word.

Dale serves as the manager of the Pendleton Social Security office. Assisting the residents of eastern Oregon with such tasks as Social Security retirement, disability and supplemental income benefits; Medicare enrollment; and trouble shooting problems is a gargantuan task. In each of these endeavors, Dale is superb.

Besides supervising employees and managing an office, Dale is also the point of contact for congressional staff. Dale is at the head of the class of Oregon congressional liaisons. He is efficient, effective, and positive in helping me serve my eastern Oregon constituents. Dale has gone beyond the call of duty numerous times helping my staff answer Social Security questions and solving problems for my constituents. He is a true civil servant hero.

Beyond his work as a Federal employee, Dale finds time to serve his community. Taking the example of his father, also a civil servant, Dale says: "If you're an employee of the Federal Government, you have an obligation to be active in the community it serves."

Dale took this advice to heart by spearheading the Combined Federal Campaign, CFC, in eastern Oregon. CFC is the annual fundraising drive conducted by Federal employees in their workplace. These dollars raised benefit thousands of nonprofit charities.

Dale's performance was so phenomenal, in 2001 he was awarded with the civilian CFC Hero Award. This national award is presented to only three winners annually, representing the three areas of Federal service—civilian, military, and postal. He is a true community hero.

Despite these activities, Dale still finds time to be an active family man to his wife and three children. In order to spend more time with his kids, he decided to become involved in their favorite activities. That led Dale to serve as an assistant scout master with the Boy Scouts and an assistant troop leader with the Girl Scouts. Dale also volunteers with the Umatilla County United Way. He is a true family hero.

Exemplary civil servant. Community volunteer. Family man. These are just a few of the many characteristics that make Dale Hilding an exceptional citizen of Oregon. It is with great respect that I, too, call Dale "hero."●

FBLA-PBL WEEK

● Mr. BROWNBACK. Madam President, I rise today to acknowledge Future Business Leaders of America-Phi Beta Lambda, (FBLA-PBL), and its work to improve the America in which we live.

Over the past 60 years, FBLA-PBL has been training America's business leaders. This week—February 9–15—over a quarter million FBLA-PBL members observe FBLA-PBL Week in their local chapters and communities all over America. Through partnering with businesses and performing community service projects, FBLA-PBL members gain an understanding of the rights and responsibilities in becoming tomorrow's business leaders.

Certainly, in light of recent corporate scandals, FBLA-PBL's dedication to promoting business ethics is of great importance.

Business cannot advance without such virtues as cooperation, courage, honesty, industry, innovation, practicality, and realism. It needs the rule of law, respect for the truth, and an educated populace. No matter how strong the business model, a loss of confidence in these basic values can be catastrophic—not just to individual investors, but to the company or institution. This is exactly what happened in the collapse of Enron and problems with WorldCom and others. Now, more than ever, America needs strong, moral leaders.

I wish FBLA-PBL well as they continue in the effort of helping to train and instill the values of corporate citizenship for America's Future Business Leaders.●

IOWA WESLEYAN: ONE MILLION HOURS OF SERVICE

● Mr. HARKIN. Madam President, this month, Iowa Wesleyan College is marking an important milestone—1 million hours of service by their students to the community. As we celebrate National Volunteer Month, I would like to take a few moments to recognize this extraordinary achievement.

Iowa Wesleyan is a 161 year old liberal arts college located in Mount Pleasant, IA. The college is affiliated with the Methodist Church and "Learning in Community" has been the central mission since its inception in 1842. This mission was formally integrated in 1968 with the establishment of the Responsible Social Involvement, RSI, program. Initially begun as a way to channel the strong desire of students to become socially active, RSI was adopted as a requirement for graduation in 1971.

Students must contribute a minimum of 160 hours of service to a nonprofit organization. They record their experiences in a journal, write a paper reflecting on the experience and make an oral presentation to a faculty committee. Students receive 6 hours of college credit for their service.

For 35 years, Iowa Wesleyan students have served in all types of jobs and all kinds of communities. Students have served as mentors with Big Brother/Big Sister and volunteered for organizations including the American Red Cross, Habitat for Humanity and Special Olympics. Students have served in schools, orphanages and hospitals around the world. They have contributed their time and talent in communities from Mount Pleasant, IA to Jakarta, Indonesia.

Since 1968, Wesleyan students have provided companionship to nursing home residents, tutored children on Indian reservations, coached athletic teams and the list goes on. Over the years, 5000 Wesleyan students have logged 1 million hours of service—or more than 114 years of service. The RSI program has been a life changing experience for many and has prompted many alumni to continue their volunteer efforts after graduation. It is impossible to calculate the total impact of the program around the State, Nation and world.

In the first of its kind survey of U.S. households, the National Bureau of Labor Statistics reported that 59 million Americans over the age of 16 volunteered between September 2001 and September 2002. Although nearly 30 percent of our citizens are currently serving their communities, the need for more volunteers is vast and I encourage every person to get involved. Volunteer work is the most rewarding experience you will ever find.

I am reminded of this fact every week as a volunteer for the Everybody Wins! Program where I spend the lunch hour reading with a student at Brent Elementary. This is one of the most enjoyable parts of my week and I wouldn't miss it for the world. Unfortunately, there are too many children and not enough volunteers, so please get involved.

You can check your local newspaper, contact nonprofit organizations in your areas or log on to the Internet to find out about volunteer opportunities in your community. There are millions of volunteer jobs that need you. The best way to recognize this milestone of 1 million hours of service by the students of Iowa Wesleyan College is to join them.

Congratulations to the students, alumni and staff of Iowa Wesleyan College for reaching this milestone. You have made a real difference to your communities.●

TRIBUTE TO DONALD FRIARY

● Mr. KENNEDY. Madam President, Donald R. Friary, Executive Director and Secretary at Historic Deerfield since 1975, who has been on staff since 1965, will retire from his present position on December 31, as the western Massachusetts museum concludes a year-long celebration of its 50th anniversary. Friary, who announced his retirement in early 2001, has been named Director Emeritus and on January 1, 2003 will begin work as Historic Deerfield's Senior Research Fellow. In announcing Donald Friary's retirement, Henry N. Flynt, Jr., Chairman of the museum's Board of Trustees and son of the museum's founders said, "Historic Deerfield is profoundly grateful for Don Friary's energy, imagination and strong leadership throughout his remarkable twenty-seven years as Executive Director. The successful completion of the campaign that made the Flynt Center of Early New England Life a reality, exemplifies his extraordinary skills as both a leader and a fundraiser. I reflect the Board's deep appreciation for Don's strong and steady hand through the years. We are particularly pleased that he has agreed to accept an important new position at Historic Deerfield upon his retirement as Executive Director, namely that of Senior Research Fellow."

Commenting on his plans to step down as Executive Director Friary said, "Guiding and fostering the development of Historic Deerfield over these past twenty-seven years has been an extraordinary experience. The ability of this institution to raise the funds necessary to make possible the steady growth of the museum and library collections, the expansion of programs, the increase in both the quality and number of staff, and one of the museum's crowning achievements to date—the creation of the Flynt Center of Early New England Life—has been deeply rewarding for me during my tenure as Director. Deerfield has been home to me and to my family, it has shaped our lives and given much to us, as we have given much to it. Now, I greatly anticipate doing what I have hoped to do since I first came here as a graduate student nearly forty years ago—undertake the research that will allow me to write and lecture about the history of Deerfield and the Historic Deerfield collections. I look forward to keeping in contact with our varied constituencies—our staff, our members and supporters, our Summer Fellows, and all who make this such a unique and exciting place to live and work."

Donald Friary is one of the longest serving directors of a major American museum. He completed his twenty-seventh year at Historic Deerfield's helm and thirty-seventh year on staff when he stepped down as the museum's CEO at the end of 2002. He was a graduate student in 1965 when he accepted the position of Head Tutor of the Historic Deerfield Summer Fellowship Program in Early American History and the Decorative Arts. A native of Boston, and a graduate of the Boston Latin School and Brown University, he holds a Ph.D. in American Civilization from the University of Pennsylvania. He served as the museum's first Director of Academic Programs from 1971 to 1973 and was named Assistant Director and then Executive Director in 1975.

Friary has been honored by election to the American Antiquarian Society, the Colonial Society of Massachusetts, and the Massachusetts Historical Society. He has served on the Boards of the Bay State Historical League, the Dublin Seminar for New England Folklife, the Massachusetts Foundation for the Humanities, the Winterthur Museum's Education Committee, and the Hill-Stead Museum. He was a Trustee and then President of the Williamstown Art Conservation Center where an endowed conservation fellowship bears his name.

Over the last three decades, Friary has brought together a staff of curators, conservators, and other highly skilled professionals in a variety of fields to manage, market and interpret Deerfield's nationally renowned collections of decorative arts and the 18th and 19th century houses in which they are displayed. Under his direction the museum has developed a reputation for excellence in programming, interpretation, and the preservation of the historic buildings and the open space entrusted to its care. Friary was instrumental in forging an agreement of affiliation for teaching and research between Historic Deerfield and the Five College consortium in 1986 and has, himself, taught several courses at Smith College through that affiliation. In 1990 he was actively involved as a founder of the Deerfield Land Trust, which has, to date, saved more than 1600 acres of town farmland from development.

As Historic Deerfield's major fundraiser, Friary, with some Historic Deerfield Trustees and the museum's development office staff, raised the more than $12 million needed to design, build and endow the Flynt Center of Early New England Life, which opened in 1998. In 2000, on the occasion of his twenty-fifth anniversary as Executive Director, the Center's major exhibition space was named the Donald R. Friary Exhibition Gallery recognizing the role his leadership played in bringing this ambitious project to a successful conclusion.

Friary began the Friends of Historic Deerfield in 1976 and today 2000 members in 44 States and 7 foreign countries contribute a significant amount to the museum's operating budget each year. When the Deerfield Inn burned in 1979, Friary led the Board of Trustees in raising the $1.5 million necessary to repair, refurbish, and modernize the original 19th century building, which remains today a centerpiece of the 333-year-old village for the thousands of tourists and travelers who come to Deerfield each year from throughout the world.

Donald Friary's colleagues and students note that among his many accomplishments at Historic Deerfield has been his adherence to the highest standards of excellence in the conservation and presentation of the museum's nationally renowned collections for the benefit of all who visit and study at Historic Deerfield each year. Friary summed up his personal hope for the institution's future in the inaugural issue of the museum's semi-annual magazine, published in Winter

2001, when he said, "Historic Deerfield must and will maintain the standards of excellence that inspired our founders Henry and Helen Flynt, that have guided our staff and Trustees, and that continue to assure our visitors that at Historic Deerfield they have access to the story of New England's and America's past."

Friary brought the endowment phase of the museum's capital campaign to a successful conclusion at the end of 2001 and has spent time in 2002 traveling across the country celebrating Historic Deerfield's 50th anniversary with hundreds of constituents in several states. In the last several months he has overseen preparations to launch a new campaign to fund a Children's Discovery Center, which is scheduled to open in 2004. And, he is working on several collaborative initiatives as the town of Deerfield prepares to commemorate the tercentenary of its infamous 1704 French and Indian attack, which will take place during 2004.

On the occasion of his well-deserved retirement, I salute Donald Friary for his dedication and outstanding service to Historic Deerfield, to the Commonwealth of Massachusetts and to the nation.●

CONGRATULATING MISSOURI WINNERS FOR THE NATIONAL ENGINEERS WEEK REGIONAL FUTURE CITY COMPETITION.

● Mr. BOND. Madam President, I rise today to congratulate three outstanding eighth grade students from Nipher Middle School in Kirkwood, MO: Rebecca Peterson, Roger Alessi, and Cait Hafer. These three students won National Engineers Week Regional Future City Competition.

The National Engineers Week Future City Competition provides a fun and exciting educational engineering program for seventh and eighth-grade students that combines a stimulating engineering challenge with a hands-on application to present their vision of a city of the future. As a part of the competition these students designed a city of the future which included decisions on population, waste management and how the city would be run. After they designed the city, they constructed a model of the city from recycled materials, completed an essay, and presented an oral presentation.

These students have not only shown great leadership and team work, but they have also exemplified excellence in problem solving and creativity. They have demonstrated merit in math, science, and computer knowledge and I commend these exemplary students on their hard work and this well deserved honor.●

IN MEMORIAM: LOU HARRISON

● Mrs. BOXER. Madam President, one of our great American composers, Lou Harrison, died recently at the age of 85. Mr. Harrison lived most of his life, including the last 50 years, in California. He taught at a number of universities and had been honored in many ways in recent years, including by a festival of his music at the San Francisco Conservatory of Music. He was en route to another festival of his music, sponsored by Ohio State University and the Columbus Symphony Orchestra, when he died. The San Francisco Chronicle recently published a thoughtful obituary written by its chief classical music critic, Joshua Kosman. I would like to print it in the RECORD in honor of this great man and his rich legacy.

The obituary follows:

Composer Lou Harrison, who delighted Bay Area audiences for decades with his tuneful, spangly music as well as his exuberantly generous personality, died of a heart attack Sunday night in Lafayette, Ind. He was 85.

Mr. Harrison, a resident of Aptos (Santa Cruz County) since 1953, was on his way to Columbus, Ohio, for a weeklong festival of his music sponsored by the Columbus Symphony Orchestra and Ohio State University. According to Professor Donald Harris, Mr. Harrison, who disliked flying, was being transported in a university van from the Chicago train station to Columbus on Sunday night. The van had stopped at a roadside diner when he was stricken. He died at a local hospital shortly afterward.

"He was just such a great friend to music, to our planet and to everybody," said San Francisco Symphony music director Michael Tilson Thomas, an advocate who commissioned an orchestral piece from Mr. Harrison to inaugurate his first concert season in 1995. "We're going to miss him greatly."

"This was an irreplaceable guy," said composer Charles Amirkhanian, executive director of the Other Minds Festival, which honored Mr. Harrison in 2000. "The East Coast had (Aaron) Copland, and we had Lou."

UNABASHEDLY BEAUTIFUL MUSIC

Spirited, rhythmically vibrant and unabashedly beautiful, Mr. Harrison's music incorporated elements of Asian and Western styles in a highly personal synthesis. He had a fondness for the jangly, percussive sounds of Asian music, and in addition to traditional instruments, his scores often included such devices as flowerpots, porcelain rice bowls, garbage cans and oxygen tanks.

Many of these instruments were built in collaboration with his life partner William Colvig, who died in 2000. Together, the two men created a large orchestra of idiosyncratic metal percussion instruments for which Mr. Harrison wrote dozens of pieces.

He wrote copiously in traditional Western forms as well, including symphonies, operas, chamber and choral music.

What united all his music, though, was its essentially melodic nature. Whether shaped by medieval French dance rhythms, Javanese modes or Korean harmonies, melody always was Mr. Harrison's primary building block.

"These are melodies that stick with you and are useful for everyday life," Thomas said. "There are tunes by Lou Harrison that are ideal for walking up a steep ridge, and some that are good for falling asleep in a hammock. He had the gift for finding the tune that had the essence of a particular experience."

And in the face of orthodoxies favoring structural integrity and fearless dissonance, Mr. Harrison was never afraid to write music that celebrated beauty for its own sake.

"He was one of the very first composers to bring back the pleasure principle," said composer John Adams. "For those of us who came of age during the bad old days when rigor and theory and the atomization of musical elements was so in vogue, Lou provided a model of expressivity and sheer beauty."

Mr. Harrison also was the last living link to a tradition of American experimental music that reached back to Charles Ives—whose Third Symphony had its premiere in 1946 with Mr. Harrison conducting—and included such influential figures as Henry Cowell, Harry Partch and John Cage.

Lou Silver Harrison was born on May 14, 1917, in Portland, Ore., and moved frequently as a child throughout the Pacific Northwest and the Bay Area. By the time he graduated from Burlingame High School in 1934, he said, he had attended 18 different schools, "so I never really put down roots or had a peer group."

He studied music briefly at San Francisco State University, then began private lessons with Cowell, who encouraged his interest in world music and nontraditional instrumental techniques. Cowell also introduced him to Cage, who would be a lifelong friend and artistic collaborator.

After a brief stint at UCLA, where he enrolled in Arnold Schoenberg's composition seminar, Mr. Harrison moved to New York in 1943. There he wrote music criticism for the New York Herald Tribune under the aegis of Virgil Thomson and edited and premiered Ives' Third Symphony, which won the composer a Pulitzer Prize.

But Mr. Harrison found New York life too stressful, and after a two-year teaching engagement at Black Mountain College in North Carolina, he settled in Aptos for good in 1953. In subsequent years, he taught at Stanford University, San Jose State University, Cabrillo College and Mills College. In 1963, he was one of the founders of the Cabrillo Music Festival, which continues as an annual celebration of new music.

His nearest survivors are his sister-in-law, Dorothy Harrison, and two nephews. His body was cremated, but other arrangements are incomplete.

In recent years, Mr. Harrison's music was a frequent feature of San Francisco Symphony programs, with the composer himself, in his trademark red flannel shirt and snow-white beard, beaming from a loge box. In addition to "A Parade for M.T.T.," premiered in 1995, the Symphony has performed the Third Symphony, the Canticle No. 3 and the Organ Concerto.

His music is amply represented on the San Francisco record label New Albion.

In 1998, Barry Jekowsky and the California Symphony released a disc of his music, including the Fourth Symphony with jazz vocalist Al Jarreau as narrator.

Mr. Harrison's interests extended far beyond music. He was a published poet and a painter, and as a young man had been a dancer as well—a fact he enjoyed relating to audiences in his later years, when his girth made the idea seem incongruous.

COMMITTED TO GAY RIGHTS

He was committed to gay rights long before the subject was common; his 1971 puppet opera "Young Caesar" focused on a gay love affair of Julius Caesar's. He was an ardent pacifist and political activist.

And he had more exotic passions as well—Esperanto, bio-diesel, kenaf (a fiber related to the hibiscus that he touted as an ecologically sound alternative to paper), calligraphy, American Sign Language and especially straw-bale construction. His straw-bale house in the Mojave Desert near Joshua Tree National Park, completed last year, was a joyful retreat in his final months.

That spirit of all-embracing receptivity and openness to experience was evident everywhere in his music. As he once told an interviewer, "There are so many musics that I'm attracted to. I'm fortunate that I laid out my toys on a very large acreage when I was very young."●

REPORT CONCERNING THE JUSTIFICATION OF THE AUSTRALIA GROUP AND THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

MESSAGES FROM THE HOUSE

At 7:11 p.m., a message from the House of Representatives, delivered by M. Niland, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal years 2003, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes..

H.R. 346. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain prescribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

H.R. 395. An act to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a "do-not-call" registry, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 7:54 p.m. a message from the House of Representatives, delivered by Mr. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which is requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent Resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

H. Con. Res. 41. Concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated.

H.R. 4. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

H.R. 346. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Commerce, Science, and Transportation.

The Committee on Small Business and Entrepreneurship was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration.

S. Res. 55. Resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1182. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2001 Annual Report describing the activities and operations of the Public Integrity Section, Criminal Division; to the Committee on the Judiciary.

EC–1183. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report of proposed legislation for the inclusion in the National Defense Authorization for Fiscal Year 2004; to the Committee on Armed Services.

EC–1184. A communication from the Chief General Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules Governing Availability of Information—31 CFR part 501" received on February 5, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1185. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Transportation Policy, received on February 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–590 "Standard Valuation and Nonforfeiture Temporary Amendment Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1187. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–591 "Unemployment Compensation Services Temporary Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1188. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–584 "Cady's Alley Designation Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1189. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–577 "Hotel Development Projects Labor Peace Agreement Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1190. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–589 "Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002" received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1191. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer for the position of Solicitor General, received on February 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1192. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Secretary, Department of Education, received on February 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1193. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of a modification to Section 609(b) of Public Law 101-162, received on February 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1194. A communication from the Hawaiian Congressional Delegation, transmitting, the report of the intent to address the impact of the Compact of Free Association (P.L. 99–239) between the United States and the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM); to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–49. A resolution adopted by the City of Traverse City, Michigan relative to supporting men and women of armed forces; to the Committee on Armed Services.

Resolution

Whereas, the United States citizens, property, and armed forces personnel have been attacked by terrorists on numerous occasions including the U.S.S. Cole in Yemen; American embassies in East Africa; the Khobar Towers in Saudi Arabia; the World Trade Center in New York; the Pentagon in Washington, D.C.; and

Whereas, in the past, present and future, thousands of men and women in the Armed Forces of the United States, including many from the Traverse City area, have been and continue to be engaged in defending against terrorist attacks worldwide; and

Whereas, these men and women have taken an oath to defend the Constitution of the United States against all enemies, foreign and domestic; and

Whereas, these men and women have demonstrated their dedication to defining our freedoms with their personal sacrifices, in some cases the ultimate sacrifice of their lives, in order for us to enjoy the freedoms so often taken for granted; and

Whereas, especially in this holiday season, these men and women serve in faraway and lonely places, separated from homes and families, without the comforts and joys of this season of peace; and

Whereas, through this resolution, the City Commission will be extending due respect to all our men and women in the Armed Forces of the United States and a greater sense of national gratitude to those who are preserving our liberties: Now, therefore, be it

Resolved, That the City Commission of the City of Traverse City expresses its support and appreciation to the men and women of the Armed Forces of the United States in the War on Terrorism in this holiday season; and further, be it

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

POM–50. A resolution adopted by the House of the Legislature of the State of Michigan relative to expanding Medicare to include a prescription pharmaceutical plan for low-income seniors; to the Committee on Finance.

House Resolution No. 597

Whereas, As the costs of medicine rise and as more seniors face great difficulties in paying for prescription medications, there is a genuine need to expand the coverages provided under Medicare. For an increasing number of our older citizens, the choice between spending limited financial resources on food or medicine creates a strain that can in itself be damaging to a person's health and well-being; and

Whereas, Beyond the financial considerations of proposals to offer a prescription drug plan under Medicare, implementing a program will elevate the level of health care for many people. Clearly, this will benefit not only the seniors who participate, but their families as well; and

Whereas, It is significant to note that, even as our country faces the expensive task of fighting terrorism and even as we battle recession, the issue of low-income seniors needing prescription drug coverage remains critical. For those who face the painful realities of being unable to pay for vitally needed medication, this is a crisis of its own: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to expand Medicare to include a prescription pharmaceutical plan for low-income seniors; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–51. A resolution adopted by the House of the Legislature of the State of Michigan relative to allow taxpayers to deduct fully the cost of their health insurance premiums; to the Committee on Finance.

House Resolution No. 601

Whereas, A key factor in a person's overall quality of life is access to health care. Having health insurance contributes to better health for individuals and families. On a larger scale, people with health insurance benefit society because they are far less likely to need public resources when health problems arise; and

Whereas, Through our state and federal tax policies, our nation has made decisions on what types of behavior benefit our society. There are many examples of this. Our tax laws encourage people to save for retirement, invest in business enterprises, make donations for charitable purposes, and own homes. A great number of specific expenses are deductible, although some require different thresholds to qualify; and

Whereas, Given the clear public benefits to our society that derive from those who purchase health insurance, it would be a sound public policy to take every step to encourage the purchase of health insurance. It seems not only eminently fair, but also in the best interests of the country to amend federal tax laws to provide that an individual's premium costs for health insurance are fully deductible. By taking this step to encourage people to secure insurance, we will be addressing a fundamental need, reducing some public costs, and helping our citizens help themselves and their families: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to provide that taxpayers can deduct fully the cost of their health insurance premiums; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–52. A resolution adopted by the House of the Legislature of the State of Michigan relative to removing "use it or lose it" restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year, to the Committee on Finance.

House Resolution No. 602

Whereas, Flexible spending accounts have proven to be effective tools for helping people cope with necessary expenses, such as dependent care and medical costs. Like many aspects of tax policies that encourage behavior that ultimately benefits both individuals and our entire society, flexible spending accounts reflect sensitivity to the challenges people face in providing for themselves and their families; and

Whereas, Under the current provisions of the laws governing taxes, flexible spending accounts are subject to tight restrictions. While most of the provisions are very productive in ensuring fairness, one of the policies in place is proving to be counterproductive. Currently, a participant with a flexible spending account must use all the money in the account by the end of each year or forfeit the remaining funds. This is a serious disincentive to participation. This requirement not only presumes a person can predict exactly how much money will be spent on the covered activity in a year, but it also ignores the fact that the money set aside for the intended purposes still belongs to the participant; and

Whereas, It would be far more appropriate to permit a participant to transfer unused funds in a flexible spending account to the next year rather than losing the unused money: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to remove the "use it or lose it" restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–53. A resolution adopted by the House of the Legislature of the State of Michigan relative to providing more flexibility for participants in medical care spending accounts; to the Committee on Finance.

House Resolution No. 603

Whereas, Medical care spending accounts are an effective tool for people to use to prepare for medical expenses and minimize overall costs. These flexible spending accounts help individuals and families dealing with the increasing costs of health care; and

Whereas, All measures that encourage people to plan for medical expenses also bring benefits through the increased number of people seeking and paying for medical services without relying on governmental programs. For participants, medical care spending accounts can bring significant savings, especially since major health care expenses are often unforeseen; and

Whereas, While medical care spending accounts have been helpful to many American families, there is much more that could be done to increase the rate of participation. The nature of medical expenses argues strongly for increased flexibility to meet unforeseen health costs. With the ever-increasing cost of medical services, every effort should be made to increase participation in medical care spending accounts by removing the barriers and restrictions that keep many people from taking advantage of this idea Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide more flexibility for participants in medical care spending accounts; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–54. A resolution adopted by the City of Miami, Florida relative to the United Nations convention on the elimination of all forms of discrimination against women; to the Committee on Foreign Relations.

RESOLUTION NO. 02–803

Be it resolved by the Commission of the City of Miami, Florida:

Section 1. The Miami City Commission's support of the United Nations' Convention on the Elimination of all Forms of Discrimination Against Women as stated in Resolution No. 00–917, adopted October 26, 2000, attached and incorporated, is restated.

Section 2. The United States Congress is urged to immediately ratify said Convention.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bill Nelson and Bob Graham, all the members of the United States House of Representatives for Miami-Dade County, and the United States Senate Foreign Relations Committee.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

POM–55. A resolution adopted by the City of Ann Arbor, Michigan relative to opposition to war in Iraq; to the Committee on Foreign Relations.

RESOLUTION

Whereas, A United States war against Iraq could have significant impact on the Citizens of Ann Arbor, in terms of the potential loss of life and disability among our members of the armed forces, as well as an economic impact as our local tax dollars are diverted to the costs of war, not returned to our State and our community to be spent on needed social, health and education services;

Whereas, The United States has declared this decade, 2000–2010 as the "International Decade for a Culture of Peace and Non-Violence for the Children of the World" (UN Declaration 53/25, November 10, 1998), urging all people and all levels of government to seek non-violent approaches to conflict resolution and wider education about international law and alternative to war;

Whereas, A unilateral preemptive war would be a radical change in the principles of international law and custom that the United States has always followed;

Whereas, All war brings destruction and loss of lives, both of combatants and civilians, to all involved countries;

Whereas, Our U.S. Congressional Delegation, Senators Carl Levin and Debbie Stabenow and House Representatives Lynn Rivers and John Dingell, voted against unilateral war by the United States against Iraq and have urged the United States to cooperate with the United Nations in any decision on military action against Iraq, and would be encouraged by our support; and

Whereas, The Ann Arbor City Council cannot speak for all residents, but has been asked by many residents to speak out on this momentous issue facing our nation; therefore, be it

Resolved, That the Ann Arbor City Council joins with the communities of Washington, D.C.; Seattle, Washington; Albuquerque, New Mexico; Takoma Park, Maryland; Arcata, California, Santa Barbara, California, Santa Cruz, California; Ithaca, New York; Santa Fee, New Mexico; Danby, New York; Sebastopol, California; New Haven, Connecticut; Oakland, California; Carrboro, North Carolina; Haines Township, Pennsylvania; Madison, Wisconsin; Burlington, Vermont; and Detroit, Michigan; and with our U.S. Congressional Delegation, Senators Carl Levin and Debbie Stabenow and Representatives Lynn Rivers and John Dingell, in opposing a war with the country of Iraq, particularly prior to taking all available measures to cooperate with the United Nations in removing all weapons of mass destruction.

POM–56. A resolution adopted by the City of Palm Bay, Florida relative to completely banning human cloning; to the Committee on the Judiciary.

RESOLUTION NO. 2003–06

Whereas, human cloning is a manufacturing process in which a human being is created in a laboratory; human cloning indicates a utilitarian view in which a human being is created merely for usefulness with no respect for the dignity of that human being; and human cloning creates a human being who is the twin of a parent, has no other biological parent, and is the child of the grandparents thereby causing serious moral, social, and legal issues, and

Whereas, current human cloning attempts pose a substantial risk of producing human beings with unpredictable but potentially devastating health problems, and

Whereas, such human cloning attempts are grossly irresponsible and unethical, and

Whereas, on July 31, 2001, the United States House of Representatives passed the Human Cloning Prohibition Act of 2001, a complete human cloning ban; and the President of the United States has called for a complete human cloning ban; and

Whereas, the United States Senate failed to act on the bill passed by the United States House of Representatives before the end of the 107th Congress, and

Whereas, a complete human cloning ban is achieved by the passage of the Human Cloning Prohibition Act of 2003 as introduced in the United States House of Representatives by Congressman Dave Weldon, M.D. (H.R. 234) and is not achieved by the passage of other human cloning prohibition acts that allow the creation of human embryos by cloning so long as they are killed for research: Now, therefore, be it

Resolved by the City Council of the City of Palm Bay, Brevard County, Florida, as follows:

Section 1. The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this resolution.

Section 2. The City Council of the City of Palm Bay strongly urges the United States House of Representatives to pass the Human Cloning Prohibition Act of 2003 introduced by Congressman Dave Weldon, M.D.; that the United States Senate is strongly urged to pass a complete human cloning ban; that the Florida House and Senate are urged to provide identical protection for life in this state, and that the President of the United States is strongly urged to sign a complete human cloning ban.

Section 3. This resolution shall take effect immediately upon the enactment date.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Armed Services.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH for the Committee on the Judiciary.

Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, Mr. DORGAN, Mr. JOHNSON, Mr. VOINOVICH, Mr. HARKIN, Mr. BOND, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. TALENT, Mr. DAYTON, Mr. FITZGERALD, Mr. COLEMAN, and Mr. CONRAD):

S. 385. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 386. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. Reid, Ms. Snowe, Mr. Breaux, Mr. Graham of Florida, Mr. Bingaman, Ms. Landrieu, Mrs. Murray, Ms. Mikulski, Mr. Sarbanes, Mr. Reed, Mr. Kennedy, and Ms. Collins):

S. 387. A bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mrs. Hutchison, Ms. Collins, and Mr. Jeffords):

S. 388. A bill to amend the Internal Revenue Code of 1986 to expand the dependent care tax credit, to accelerate the child tax credit, and to promote dependent care assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself, Ms. Collins, and Mr. Jeffords):

S. 389. A bill to increase the supply of quality child care; to the Committee on Finance.

By Mr. LEVIN:

S. 390. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 391. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. McCain, Mr. Akaka, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Ms. Cantwell, Mrs. Clinton, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. Dorgan, Mr. Durbin, Mrs. Feinstein, Mr. Grassley, Mr. Hagel, Mr. Inouye, Mr. Johnson, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mrs. Lincoln, Mr. Miller, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Roberts, Mr. Rockefeller, Mr. Sarbanes, Mr. Smith, Ms. Snowe, Mr. Campbell, Mr. Lieberman, and Mr. Cochran):

S. 392. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services.

By Mr. ALLEN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ALLEN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Conrad, Mr. Crapo, Mr. Breaux, Mr. Leahy, Mr. Harkin, Mr. Durbin, Mr. Craig, Mr. Johnson, Mr. Chafee, Ms. Snowe, and Mr. Kerry):

S. 395. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. Grassley):

S. 396. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the firearms excise tax; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mrs. Hutchison):

S. 397. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ALLEN:

S. 398. A bill to provide that members of the Armed Forces performing services at Guantanamo Bay Naval Station, Cuba, and in the Horn of Africa in support of Operation Enduring Freedom shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 399. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. Clinton):

S. 400. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Finance.

By Ms. LANDRIEU:

S. 401. A bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 402. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mrs. Lincoln, Mr. Conrad, and Mrs. Murray):

S. 403. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. Brownback):

S. 404. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself and Mr. Dodd):

S. 405. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. Lieberman):

S. 406. A bill to provide grants to States and outlying areas to encourage the States and outlying areas to encourage existing or establish new statewide coalitions among institutions of higher education, communities around the institutions, and other relevant organizations or groups, including anti-drug or anti-alcohol coalitions , to reduce underage drinking and illicit drug-use by students, both on and off campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. Rockefeller):

S. 407. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court systems; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 408. A bill to establish a grant program to enable institutions of higher education to improve schools of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. Rockefeller):

S. 409. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS:

S. 410. A bill to establish the Homeland Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

By Mr. BINGAMAN:

S. 411. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the "Southwest Bridge Research Center"; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mr. McCain, Mr. Domenici, Mrs. Feinstein, Mr. Cornyn, and Mr. Schumer):

S. 412. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Finance.

By Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S.J. Res. 6. A joint resolution expressing the sense of Congress with respect to planning the reconstruction of Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. ALLEN:

S. Res. 58. A resolution expressing the sense of the Senate that the President should designate the week beginning June 1, 2003, as "National Citizen Soldier Week"; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. Smith):

S. Res. 59. A resolution congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship; considered and agreed to.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. KOHL, Mr. COLEMAN, Mr. FEINGOLD, and Mr. HARKIN):

S. Con. Res. 5. A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Daniel "Chappie" James, the Nation's first African-American four-star general; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. SMITH, and Mrs. CLINTON):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 10, a bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care.

S. 204

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 204, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003.

S. 219

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 219, a bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 254

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 254, a bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S. 267

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 267, a bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses.

S. 274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 289

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 335

At the request of Mr. JOHNSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 335, a bill to expand the calling time restrictions on telemarketing telephone calls to include the period from 5:30 p.m. to 7:30 p.m., and for other purposes.

S. 357

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources to include production of fuel from agricultural and animal waste.

S. 379

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. CON. RES. 4

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Council Resolution 1441.

S. RES. 24

At the request of Mr. BYRD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 24, a resolution designating the week beginning May 4, 2003, as "National Correctional Officers and Employees Week".

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 52

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, Mr. DORGAN, Mr. JOHNSON, Mr. VOINOVICH, Mr. HARKIN, Mr. BOND, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. TALENT, Mr. DAYTON, Mr. FITZGERALD, Mr. COLEMAN, and Mr. CONRAD):

S. 385. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environmental and Public Works.

Mr. DASCHLE. Madam President, headlines in daily papers all across the country underscore our economy's vulnerability to foreign oil.

Today, a new generation is learning what many Americans have known since the 1970s—our economic security and our national security depend on our energy security.

Today I, along with a number of my colleagues, am introducing the Fuels Security Act of 2003.

This bill responds directly to our Nation's unhealthy reliance on imported oil by establishing greater flexibility in our gasoline regulations, and by tripling the use of domestic, renewable fuels over the next 10 years.

This legislation is identical to the fuels agreement included in last year's Senate-passed energy bill.

Based on the experience we have gained over the last seven years with the reformulated gasoline program, the

Fuel Security Act bill makes a number of important changes in Federal law.

It bans MTBE in 4 years, authorizes funding to cleanup MTBE contamination and fix leaking underground tanks, allows the most polluted states to opt into the reformulated gasoline program, and provides all States with additional authority under the Clean Air Act to address air quality concerns.

It eliminates the oxygen requirement from the RFG program, a change that is very important to states that are planning to remove MTBE from their gasoline supplies in the near future.

To preserve the hard-fought air quality gains that have resulted from the implementation of that requirement, the bill creates a renewable fuels standard that will nearly triple the use of renewable fuels like ethanol and biodiesel over the next 10 years.

Finally, the bill also provides special encouragement to biomass-based ethanol, which holds great promise for converting a variety of organic materials into useful fuel, while substantially reducing greenhouse gas emissions.

Ethanol comes from American farmers and producers, passes through American refiners, and fuels American energy needs. No soldier has to fight overseas to protect it. And no international cartel could turn off the spigot.

For years, we talked about those benefits with a sense of *resignation*. After all, these aren't new arguments, and yet there were a lot of people who still saw ethanol as a boutique fuel, not a real answer to our energy problems.

With this legislation, we intend to change that preception—and get America moving toward energy independence.

The renewable fuels standard will be a win-win-win. It will help the environment, it will help the rural economies which are hurting right now, and it will help reduce America's dangerous dependence on foreign oil.

I believe we can make it law. During consideration of the Energy Bill last summer, the Senate endorsed the Renewable Fuels Standard package by a vote of 69 to 30.

Overall, this legislation is a careful balance of often disparate and competing interests—and a compromise in the finest tradition of the U.S. Senate.

Just look at some of the organizations whose active support is helping to make this legislation possible: The Northeast States Coordinated Air Use Management Agency, the American Petroleum Institute, the Clean Fuels Development Coalition, the American Lung Association, the American Coalition for Ethanol, the Renewable Fuels Association, the Governor's Ethanol Coalition, the National Farmers Union, the American Farm Bureau, the National Corn Growers Association, and the American Corn Growers Association.

That support across the political and ideological spectrum is reflected within the Senate as well.

I particularly want to thank Senator LUGAR. The seeds for this comprehensive legislation were planted a few years ago when he and I first introduced legislation to establish a renewable fuels standard and provide flexibility in producing reformulated gasoline. Senator LUGAR'S enthusiastic support gave this idea needed momentum and helped lay the groundwork for agreement on this legislation last year.

In addition, Senators TIM JOHNSON and CHUCK HAGEL deserve enormous credit for legislation they introduced last year to establish a very ambitious renewable fuels standard, and for their work in promoting this concept.

And there are many others—Senators BEN NELSON, TOM HARKIN, CHUCK GRASSLEY, BYRON DORGAN, MARK DAYTON, DICK DURBIN, MAX BAUCUS, KIT BOND, GEORGE VOINOVICH, and others—who all deserve recognition for the progress we have made on this issue.

Look at America's energy situation today: gasoline prices are high, farm income is low and America is importing close to 60 percent of the oil we use.

At the same time, our substantial appetite for energy continues to grow every year. Over the next ten years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline. At the same time, we hold only three percent of the known world oil reserves.

It has been said that "we are all continually faced with a series of great opportunities, brilliantly disguised as insolvable problems."

Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate American strength, and American ingenuity.

By increasing the use of renewable fuels, preserving clean air gains and moving us toward energy independence, that is what I believe this bill does.

Mr. LUGAR. Madam President, I am pleased to join with my colleague, Senator DASCHLE, in reintroducing the Renewable Fuels Act. I am thankful for this opportunity to remind my colleagues about the importance of this legislation, and the benefits it brings to the American people.

In the 107th Congress, the Senate voted in favor of a comprehensive energy bill establishing a renewable fuels standard. This provision would triple the amount of renewable fuel America consumes, displacing nearly 600,000 barrels of oil per day. The bipartisan renewable fuels agreement is a culmination of years of effort and enjoys strong support from a broad spectrum. Regrettably, disagreements on other provisions in the comprehensive energy legislation stranded the renewable fuels provision in a House-Senate conference committee last year.

Senator DASCHLE and I first introduced a bill creating a renewable fuels standard three years ago. Like that earlier bill, this bill represents an important first step toward reducing our dependence on foreign oil and improving our nation's energy security. At the same time, this proposal goes far toward protecting the environment, stimulating rural economic development, and increasing the flexibility of the national fuel supply to reduce the impact of future price spikes.

This bill will also form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation. MTBE, a carcinogen that contaminates drinking water, is on its way out. This proposal addresses public concerns regarding water pollution while considering all of the environmental and energy security issues involved. It requires the EPA Administrator to end the use of MTBE within four years in order to protect public health and the environment. And it establishes strict "anti-backsliding" provisions to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Those of us who recall the energy crises of the 1970s—and recognize the current political instability in oil-rich regions around the world—remain committed to the development of cheap, plentiful renewable sources of energy. For years, tax incentives supporting ethanol production have helped foster the creation of a strong domestic ethanol industry. But more needs to be done to reduce the cost of ethanol and make this plant-based commodity more competitive with fossil fuels.

Energy and agriculture are closely tied topics that have been of interest to me for several years. Since 1996, I have chaired five hearings in the Agriculture Committee regarding energy security and renewable fuels. These hearings were designed to inform the public that our reliance on imported oil is growing, making the U.S. and the world increasingly dependent on the unstable nations of the Persian Gulf and the Caspian Sea. At the same time, the hearings convinced many in Washington that a greater reliance on renewable fuels like ethanol could have major energy security, air quality and rural development benefits.

As we look to the future, major new scientific and technical breakthroughs are making ethanol more economical. As a result of the Biomass Research and Development Act, federal agencies are now coordinating research activities focused on making ethanol out of virtually any plant in the world. New biocatalysts—genetically engineered enzymes, yeasts, and bacteria—are reducing the cost of so-called cellulosic ethanol to the point where petroleum products may one day face vigorous competition.

The legislation we are introducing today will build on these efforts by offering an incentive to producers of cellulosic ethanol. Like our previous proposals, this bill gives a special credit to users of cellulosic ethanol for the purpose of fulfilling requirements of the renewable fuels standard.

This legislation will go far toward strengthening our national security, improving our rural communities, protecting our natural environment and, ultimately, substituting carbohydrates for hydrocarbons.

Thank you for joining me in supporting ethanol, a domestic form of clean, renewable energy.

Mr. HAGEL. Madam President, I come to the floor this morning to speak briefly about an important, comprehensive fuels bill that I will introduce today, along with Senators DASCHLE, LUGAR, JOHNSON, VOINOVICH, GRASSLEY, and others. This bill aims to enhance air and water quality, reduce supply and distribution challengers in the gasoline market, and increase energy security by expanding the use of clean, domestically produced renewable fuels.

Specifically, our bill follows the advice of the EPA's Blue Ribbon Panel on Oxygenates by repealing the Federal oxygenate mandate and phasing out the use of MTBE nationwide. It also contains a reasonable Renewable Fuel Standard, RFS, which would gradually increase the nation's use of renewable fuel to 5 billion gallons a year by 2012. All of this while protecting the environmental gains already made by the reformulated gasoline program.

This legislation mirrors the bipartisan fuels agreement in last year's Senate energy bill, which gained the votes of 69 Senators. This year, we have worked to build an even broader, bipartisan coalition of cosponsors.

Much has happened since the Senate passed its energy bill last year. The renewable fuels industry has expanded considerably to meet growing demand. The ethanol industry opened 12 new plants last year, with 10 additional plants now under construction. Sixteen of these new plants are farmer-owned co-operatives. By the end of 2003, annual ethanol production capacity is expected to exceed 3 billion gallons. In December the ethanol industry wrapped up a record year—2.13 billion gallons in 2002, up by more than 20 percent over 2001.

Also, ChevronTexaco announced last month that it will switch from blending MTBE to blending ethanol in the southern California market—making Chevron the last of the large California refiners to make the switch to ethanol. This means that more than 80 percent of California's federally-reformulated gasoline will be blended with ethanol by May 2003.

We should not forget that biodiesel, made primarily from soybeans and still a developing fuel technology, has grown enough that it is now used in more than 200 State and Federal automobile fleets—using a 20-percent blend or higher.

Today, 16 States have already banned MTBE. With State MTBE bans will come increased challenges to fuel distribution and supply. The national phase-down of MTBE proposed in this bill will help us meet these challenges. And a national Renewable Fuels Standard with a credit and trading program will ensure that renewable fuels are used where they make the most sense. In fact, according to a recent analysis, enacting this fuels bill would even reduce refiner costs, .2 cents, per gallon compared to current law.

The Standard in our legislation is a fair and workable compromise new crafted nearly a year ago—after months of work the American Petroleum Institute, the environmental community, the Northeast air directors, agricultural groups, DOE, EPA and others. Senator DASCHLE and I helped facilitate those talks. We crafted the language of last year's fuels agreement—the same language in this bill.

This is not a per-gallon mandate. It will not force a specific level of compliance in places where compliance may be difficult.

Our Nation needs a broader, deeper and more diverse energy portfolio. Today, less than one percent of America's transportation fuel comes from renewable sources. Under this energy bill, renewable fuel use would increase to approximately 3 percent of our total transportation fuel supply—tripling the amount of renewable fuel we now use.

Today, America imports nearly sixty percent of the crude oil it consumes. This amount is estimated to climb to 70 percent by 2002. Almost a fourth of America's oil imports come from the Persian Gulf. Last year, the United States imported nearly half-a-million barrels of oil a day from Iraq. Overall, petroleum imports cost the United States more than $100 billion a year—around 25 percent of our trade deficit.

This country consumes more than 300 billion gallons of crude oil a year—of that, 165 billion gallons is refined into gasoline and diesel. Our legislation says that by 2012, not less then 5 billion gallons of that 165 billion gallons shall come from renewable sources. By enacting this legislation, we would replace 66 billion gallons of foreign crude oil by 2012; reduce foreign oil purchases by $34 billion; create more than 200,000 jobs nationwide; and boost U.S. farm income by more than $6 billion a year.

As the new Congress prepares to resume deliberations on a new national energy plan, I ask my colleagues to seriously consider this legislation—which will assist our efforts to modernize the Nation's transportation fuel system and address the environmental, energy and security concerns for today and tomorrow.

Mr. DORGAN. Madam President, I am pleased to join my colleagues, Senator DASCHLE, as well as Senator LUGAR, Senator HAGEL, Senator JOHNSON and others in introducing this bipartisan piece of legislation today.

This bill is extremely important—from an environmental perspective and from an energy security perspective.

This bill increase the use of ethanol as an additive in gasoline. That means that we will be increasing the use of renewable sources in the fuel that we pump into our gas tanks. Transportation is the sector that uses the greatest amount of imported oil. By replacing some of the petroleum products in gasoline, we will help reduce our dependence on foreign oil. The White House recognizes that: "America imports 55 percent of the oil it consumes; that is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation."

Let me point out the top countries from whom we import crude oil: our top supplier is Saudi Arabia. Almost one-third of our oil comes from the Middle East—and Iraq is our fifth largest supplier. Venezuela is our fourth largest supplier. Their country has been rocked by crisis for the last couple of years. So, it is in our best interest to reduce the amount of oil we import from these nations.

This bill is also important because it will phase-out MTBE nationally. MTBE has been shown to contaminate water supplies and to have the ability to cause potentially harmful side effects. This is important. We have attempted to do this here in Congress for several years. We should not be exposing ourselves and our children to such harmful contaminants. Now is the time to act to remove this from our gasoline and from our water supplies. No more delays. I urge may colleagues to work with me to move this important legislation in a timely manner.

Today, ethanol reduces the demand for oil and MTBE imports by 98,000 barrels per day. To me, this just makes good sense: take starch from corn or wheat, break it down into simple sugars, then ferment it to produce ethanol that can be used for energy. The byproducts can be used, too.

RENEWABLE FUELS PROVISION IN THE BILL

The renewable fuels provision has been carefully negotiated over a period of months and years. Now, 20 groups, including the Nation Corn Growers Association, Renewable Fuels Association, American Farm Bureau Federation, and the National Farmers Union, have sent a letter expressing their support for this legislation. 1.8 billion gallons of pure ethanol are currently produced each year. This provision would add 3.2 billion new gallons over a period of years for a total of 5 billion gallons by 2012. And, this provision will ensure that the ethanol industry continues to grow.

This translates to a new market for 1.19 billion bushels of corn and other agricultural products. This also means new opportunities for farmers to invest in value-added processing of a product they're already growing. While we are seeing mergers and acquisitions in the petroleum and other industries, the ethanol industry is diversifying, as farmers invest in local processing.

NORTH DAKOTA

I am excited about the wide range of opportunities ethanol presents. One unique opportunity is being created in my home state of North Dakota. The aerospace program at the University of North Dakota and the Environment and Energy Research Center (EERC) are researching the potential for using ethanol as aviation fuel.

Aviation fuel is the last fuel in the U.S. that still contains lead. UND is now teaming up with South Dakota State University and the Federal Aviation Administration on a program to get ethanol approved and certified to help replace this lead-based aviation fuel.

And we are working on building E85 (blended ethanol fuel) stations in North Dakota.

ECONOMIC BENEFITS

According to some estimates, the ethanol industry is responsible for more than 40,000 direct and indirect jobs, creating more than $1.3 billion in increased household income annually, and more than $12.6 billion over the next five years.

During the past year, industry has built 12 new facilities. Ten new facilities are under construction, and dozens more are in the planning stages. The ethanol industry adds—directly and indirectly—more than than $6 billion to our economy each year.

I am excited by the opportunities this sector presents for my State, the region, and the entire Nation.

Mr. JOHNSON. Madam President, I am pleased that we are reintroducing renewable fuels legislation and that we are taking time today to talk about the benefits and importance of this bill.

I want to acknowledge the extraordinary leadership of Senator DASCHLE and also Senator BYRON DORGAN of North Dakota who was on the floor to speak to this issue but was called away for another critical responsibility and will not be able to be in the Chamber this morning.

There has been a great deal of discussion about the nation's energy situation. The increasing volatility in gasoline and diesel prices, the growing tension in the world from the terrorist attacks, and the possibility of war with Iraq have affected all of us. The more we depend on oil from the Middle East, the more our stability is inextricably tied to governments and factions in that region. There is a critical need for finding new sources of energy that will move the country away from dependence of a natural resource available in increasingly volatile regions of the world. Dependence on foreign oil in the unstable Middle East and South America makes us less stable. The use of domestic, clean, renewable energy sources can increase our energy security and increase the nation's security. It must be a critical part of our nation's energy strategy.

To this end, last year I introduced a bill with Sen. CHUCK HAGEL of Nebraska that would ensure future growth for ethanol and biodiesel. The bill would create a new, renewable fuels content standard in all motor fuel produced and used in the United States. Last year, the Senate passed a comprehensive energy bill which included the framework of our legislation. Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the U.S. This consensus language would require that five billion gallons of transportation fuel be comprised of renewable fuel by 2012—nearly a tripling of the current ethanol production.

The consensus language was agreed to last year after productive negotiations between the renewable fuels industry, farmers' groups, the oil industry and environmentalists. Unlike many of the disputes during consideration of the energy bill last year, this issue had a relatively wide range of agreement. The basis for this agreement is still viable, and it is under this framework that we are reintroducing the bill today.

The people of South Dakota and the neighboring states understand the benefits of ethanol to the economies of rural communities. Increased renewable fuel production lowers our dependence upon foreign oil, strengthens energy security, increases farm income and creates jobs. The growth of farmer-owned ethanol plants in South Dakota demonstrates the hard work and commitment needed to serve a growing market for clean domestic fuels.

Based on current projections, construction of new plants will generate $900 million in capital investment and tens of thousands of construction jobs to rural communities. For corn farmers, the price of corn would rise 20–30 cents per bushel.

Combine this with the provisions of the bill and the potential economic impact for rural states is tremendous. In South Dakota, seven ethanol plants are operating to produce approximately 156 million gallons per year. Three other ethanol projects are under construction, with a combined capacity to produce an additional 180 million gallons of ethanol annually. With the enactment of a renewable fuels standard, the production in South Dakota now could grow substantially, with at least 5000 farmers owning ethanol plants and producing over 500 million gallons of ethanol per year.

An important but under-emphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. Soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production, benefitting soybean farmers from South Dakota and other states.

While the energy bill was not enacted last year, two-thirds of the Senate voted against amendments that would have weakened or eliminated the renewable fuels provision. For the first time in recent memory, Congress' actions reflect the knowledge that value-added agriculture and ethanol production are critical to the nation's energy needs and to the future of family-farm agriculture and rural America. The prospects for farmers in South Dakota and other rural states have brightened considerably. Moreover, we have a unique opportunity to help reduce our use of foreign oil and make our nation more stable. I am pleased that we are reintroducing the bill and urge its swift passage.

Mr. NELSON of Nebraska. Madam President, I thank you for the opportunity to speak about what is clearly a bipartisan issue. I would like to add to what my colleague from Minnesota said about the Fuels Security Act offered by Senators DASCHLE and LUGAR on a bipartisan basis.

I am here today to support the Fuels Security Act of 2003. This important renewable fuels legislation is one of the pillars for economic development for rural—America one segment of the population that has lagged behind during the economic surge of the 1990's and is suffering under the combined effects of the current economic slowdown and a two-year devastating drought which I had the audacity to name "Drought David."

This legislation is important for rural America. Last year, we completed the farm bill—the first part of the economic revitalization plan for rural America. For the last several months, we have been struggling over the most important short-term economic stimulus plan for rural America—comprehensive drought assistance. Though I believe what the Senate passed and what we hear will be included in the omnibus is insufficient to adequately compensate for the drought, it might provide some initial assistance to farmers and ranchers.

In addition to the farm bill and disaster assistance, I believe we need to craft a comprehensive rural development plan that will spur investment in agri-business and promote economic activity in the agriculture center. We need to consider opening new markets like Cuba—to ensure American products can be sold and farmers and ranchers can earn a living.

The Fuels Security Act of 2003, is the latest piece of the puzzle.

It is clear that use of ethanol, as part of a renewable fuels standard is a win-win-win situation: a win for farmers, a win for consumers, and a win for the environment. That is why I rise as an original co-sponsor and strong supporter this renewable fuels legislation.

If passed, the Fuels Security Act will establish a 2.3 billion gallon renewable fuels standard in 2004, growing every year until it reaches 5 billion gallons by 2012. There are many benefits to this legislation.

It will displace 1.6 billion barrels of oil over the next decade; reduce our trade deficit by $34.1 billion; increase new investment in rural communities by more than $5.3 billion; boost the demand for feed grains and soybeans by more than 1.5 billion bushels over the next decade; create more than 214,000 new jobs throughout the U.S. economy; and it will expand household income by an additional $51.7 billion over the next decade

It is quite apparent that increased use of ethanol will do much to boost a struggling U.S. agriculture economy, and will help establish a more sound national energy policy.

The greater production of ethanol will also be beneficial to the environment. Studies show ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent and particulates by 40 percent in 1990 and newer vehicles. In 2001 ethanol reduced greenhouse gas emissions by 3.6 million tons, the equivalent of removing more than 520,000 vehicles from the road.

A choice for ethanol is a choice for America, and its energy consumers, its farmers, and its environment.

Enactment of the Fuel Security Act will help us to reverse our 100-year-old near total reliance on fossil fuels; a more pressing concern than ever given the possibility of military conflict in the Mid East and the continuing economic turmoil in Venezuela.

It was recently reported we are currently exporting about 80,000 gallons of fuel to Venezuela right now to help in their shortfall because of the turmoil in that part of our world.

I am unabashedly proud of what my home State has accomplished in this area. Within the State of Nebraska, during the period from 1991 to 2001, seven ethanol plants were constructed and several of these facilities were expanded more than once during the decade.

Specific benefits of the ethanol program in Nebraska include: $1.15 billion in new capital investment in ethanol processing plants. They include 1,005 permanent jobs at the ethanol facilities and 5,115 induced jobs directly related to plant construction, operation, and maintenance. The permanent jobs alone generate an annual payroll of $44 million. And more than 210 million bushels of corn and grain sorghum is processed at the plants annually. These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

If each State produces 10 percent of its own domestic, renewable fuel, as Nebraska does, America will have turned the corner away from dependence on foreign sources of energy.

And it is possible because ethanol and biodiesel can be made from biomass from other than corn or sorghum or other row crops. It can be produced from garbage. It can be produced from switch grass and all kinds of other biomass.

When you take a hard look at the facts, you will see that this legislation is nothing but beneficial for America. The Fuels Security Act is balanced, comprehensive, and is the result of the dedication of so many, especially Senator DASCHLE and Senator LUGAR.

So now I ask my colleagues to join me in promoting new opportunities for the technologies that will put our Nation and the world's transportation fuels on solid, sustainable, and environmentally enhancing ground. We owe it to our country now—and to future generations—to pass this legislation without any further delay.

Mr. COLEMAN. Madam President, if I may, in contrast to the very partisan tone of the Estrada filibuster and this partisan divide that is stopping us from moving forward, I want to spend a few minutes talking about an issue in which we come together and perhaps which should be a model.

I am pleased to join my distinguished colleagues, Senator HAGEL and minority leader DASCHLE, as an original cosponsor of this landmark renewable fuels legislation.

Senator DASCHLE is from our neighboring State. We have mutual interests. We understand the needs of our farmers.

We are looking at working together, which I think is such a good thing.

The Minnesota AgriGrowth Council points out renewable fuels like ethanol and biodiesel promote the 3 E's: economic development, environmental protection, and energy independence.

Let me talk briefly about the economic development benefit first. I ran for the Senate on jobs. The best welfare program is a job. The best housing program is a job—creating jobs—and economic development. That is what mayors do. That is what they understand is important to moms and dads. We get results. There were 18,000 more jobs in St. Paul when I left than when I began.

The legislation we introduce today means economic development—it means jobs, revitalization, and new businesses—particularly for rural Minnesota.

Minnesota is a leader in renewable fuels. Not only do the people of my State make Minnesota the top 10 among States of nearly every agriculture commodity that can be produced in our climate, but Minnesota leads the way in renewable fuels, and I am proud of that.

Today, Minnesota has 14 ethanol plants in production—more than any other State in the Nation. Preliminary planning is underway for at least a couple of biodiesel production facilities in my State as well. So the importance of this legislation to my State and to the health of the people in my State and to the lives of our farmers and their economic opportunity is clear.

But, let's take a look nationally to see what every American has to gain through this legislation. According to at least one economic analysis, the renewable fuels standard we propose today would, over the next decade:

Reduce America's trade deficit by more than $34 billion;

increase America's Gross Domestic Product by $156 billion;

create more than 214,000 jobs throughout the entire economy, including places important to me like Little Falls and Winnebago, MN; and

increase net farm income by nearly $6 billion per year.

That the renewable fuels standard legislation we introduce today promotes the first "E" of the 3 "Es"—economic development—is evident.

The second "E" I want to talk a little about is energy independence.

As a member of both the Governmental Affairs Committee and the Foreign Relations Committee, I have had the opportunity, in my first month in the Senate, to hear from a number of experts on homeland security and on conditions around the world that affect our security. And, with this experience as a backdrop, I can say I am not comfortable at all with America's level of reliance on oil imports—now at 56 percent of our supply, and expected to be about 70 percent by 2020 unless something is done to turn things around.

Back on September 19, 2001, former CIA Director James Woolsey, former Joint Chiefs of Staff Chairman Admiral Thomas Moorer, and former National Security Advisor Robert McFarlane all wrote the Senate on this very issue, stating:

> One of the critical actions that must be taken now is to advance America's energy security through transportation fuels like ethanol [and] slow the dollars to the Middle East, where too many of those dollars have been used to buy weapon and fund terrorist activities.

The legislation we offer today takes to heart the admonition of Director

Woolsey, Admiral Moorer, and Mr. McFarlane by advancing renewable fuels to reduce our dependence on foreign oil.

And, finally, but not least, is the "E" for environmental protection that got the whole reformulated gasoline ball rolling in the first place.

Ethanol is an important tool for improving air quality in America's cities by reducing carbon monoxide, hydrocarbons, NO_X, toxics, and particulates.

Proof of ethanol's clear air benefits was seen in Chicago last year where exclusive use of ethanol reformulated gasoline helped the city attain federal ozone standards—the only area under such standards to see this kind of improvement.

What is more, ethanol continues to be the only liquid transportation fuel that can help to reduce global warming. In 2002 alone, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons—the equivalent of removing more than 636,000 vehicles from the road.

These are the 3 "Es"; economic development, energy independence, and environmental protection—all three worthy objectives furthered by the legislation we offer today.

Naturally, there are places here and there where this bill can and should be improved, and we can work on it. But, this is a good starting place. It is a bipartisan effort. I am pleased to be an original cosponsor.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 386. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2003. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of-five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our Nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education along cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices makes this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our Nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education for Retirement Security Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's "retirement" years.

(6) The $5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ¼ (24 percent) of such individuals had annual incomes of less than 14,000 (or 150 percent of the Federal poverty line) between 1998 and 2000.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term "financial education" means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term "mid-life individual" means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term "older individual" means an individual aged 65 or older.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2004 through 2008.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

By Mrs. LINCOLN (for herself, Mr. REID, Ms. SNOWE, Mr. BREAUX, Mr. GRAHAM of Florida, Mr. BINGAMAN, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. KENNEDY, and Ms. COLLINS):

S. 387. A bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Madam President, today I am pleased to introduce the Geriatric Care Act of 2003, a bill to increase the number of geriatricians in our country through training incentives and Medicare reimbursement for geriatric care. I am proud to be joined in this effort today by Senators REID, SNOWE, BREAUX, GRAHAM, BINGAMAN, LANDRIEU, MURRAY, MIKULSKI, SARBANES, REED, KENNEDY, and COLLINS.

Our country teeters on the brink of revolutionary demographic change as baby boomers begin to retire and Medicare begins to care for them.

As a member of the Finance Committee and the Special Committee on Aging, I have a special interest in preparing health care providers and Medicare for the inevitable "aging of America." By improving access to geriatric care, the Geriatric Care Act of 2003 takes an important first step in modernizing Medicare for the 21st century.

By the year 2030, 70 million Americans will be 65 and older. The elderly will soon represent one-fifth of the United States population, the largest proportion of older persons in our Nation's history. Our Nation's health care system will face an unprecedented strain as our population grows older. Our Nation is simply ill-prepared for what lies ahead.

Demand for quality care will increase, and we will need physicians who understand the complex health problems that aging inevitably brings. As seniors live longer, they face much greater risks of disease and disability. Conditions such as heart disease, cancer, stroke, diabetes and Alzheimer's disease occur more frequently as people age.

The complex problems associated with aging require a supply of physicians with special training in geriatrics. Geriatricians are physicians who are first board certified in family practice or internal medicine and then complete additional training in geriatrics.

Geriatric medicine provides the most comprehensive health care for our most vulnerable seniors. Geriatrics promotes wellness and preventive care, helping to improve patients' overall quality of life by allowing them greater independence and preventing unnecessary and costly trips to the hospital or other institutions.

Geriatricians also have a heightened awareness of the effects of prescription drugs. Given our seniors' growing dependence on prescriptions, it is increasingly important that physicians know how, when, and in what dosages to prescribe medicines for seniors. That's because frequently, older patients respond to medications in different ways than younger patients.

In fact, 35 percent of Americans 65 years and older experience adverse drug reactions each year. According to the National Center for Health Statistics, medication problems may be involved in as many as 17 percent of all hospitalizations of seniors annually.

Care management provided by a geriatrician will not only provide better health care for our seniors, but will also save costs to Medicare in the long term by eliminating more costly medical care in hospitals and nursing homes.

Quite clearly, geriatrics is a vital thread in the fabric of our health care system, especially in light of our looming demographic changes.

Yet today, there are fewer than 9,000 certified geriatricians in the United States. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. Only three medical schools in the country, the University of Arkansas for Medical Sciences, UAMS, being one of them, has a Department of Geriatrics. This is incredible considering that all 125 medical schools in our country have departments of pediatrics.

As if that weren't alarming enough, the number of geriatricians is expected to decline dramatically in the next several years. In fact, most of these doctors will retire just as the Baby Boomer generation becomes eligible for Medicare. We must reverse this trend and provide incentives to increase the number of geriatricians in our country.

Unfortunately, there are barriers preventing physicians from entering geriatrics. These include insufficient Medicare reimbursements for the provision of geriatric care, inadequate training dollars, and too few positions for geriatricians.

Many practicing geriatricians find it increasingly difficult to focus their practice exclusively on older patients because of insufficient Medicare reimbursement. Unlike most other medical specialties, geriatricians depend almost entirely on Medicare revenues. A recent MedPAC report identified low Medicare reimbursement levels as a major stumbling block to recruiting new geriatricians.

Currently, the reimbursement rate for geriatricians is the same as it is for regular physicians. But the services geriatricians provide are fundamentally different.

Physicians who assess younger patients simply don't have to invest the same time that geriatricians must invest assessing the complex needs of elderly patients. Moreover, chronic illness and multiple medications make medical decision-making more complex and time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

We must modernize the Medicare fee schedule to acknowledge the importance of geriatric assessment and care coordination in providing health care for seniors. Geriatric practices cannot flourish and these trends will not improve until we adjust the system to reflect the realities of senior health care.

The Geriatric Care Act I am introducing today addresses these shortfalls. This bill provides Medicare coverage for the twin foundations of geriatric practice—geriatric assessment and care coordination.

The bill authorizes Medicare to cover these essential services for seniors, thereby allowing geriatricians to manage medications effectively, to work with other health care providers as a team, and to provide necessary support for caregivers.

The Geriatric Care Act also will remove the disincentive caused by the Graduate Medical Education cap established by the 1997 Balanced Budget Act. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs.

The Geriatric Care Act corrects this problem by allowing for additional geriatric training slots in hospitals. By allowing hospitals to exceed the cap placed on their training slots, this bill will help increase the number of residents in geriatric training programs.

Finally, the Geriatric Care Act contains a new provision that ensures Graduate Medical Education payments for the second year of geriatric fellowship training. A one-year fellowship may be adequate for training clinical geriatricans but a two-year fellowship is essential for training academic geriatricans who will teach geriatrics to primary care and specialty physicians-in-training. Academic geriatricians are critical in preparing the next generation of doctors to care for our growing elderly population.

My home State of Arkansas ranks sixth in the Nation in percentage of population 65 years and older. In a decade, we will rank third. In many ways, our population in Arkansas is a snapshot of what the rest of the United States will look like in the near future.

We are blessed in Arkansas to have the Donald W. Reynolds Department of Geriatrics and the Center on Aging at the University of Arkansas for Medical Sciences. It is my hope that the Geriatric Care Act will make it easier for our medical school and others across the country to train more physicians in geriatrics.

As our parents, grandparents, friends, and loved ones cope with the challenges that aging brings, we must ensure that physicians skilled in caring for their special needs are there to help them. I ask my colleagues to join me in support of this effort to modernize Medicare to support crucial geriatric services for our Nation's seniors.

I ask unanimous consent that following my statement there be a printed list of organizations that support the Geriatric Care Act of 2003.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE GERIATRIC CARE ACT OF 2003

Alzheimer's Association.

American Association for Geriatric Psychiatry.

American Association of Homes and Services for the Aging.

American College of Physicians-American Society of Internal Medicine.

American Geriatrics Society.

Association of Professors of Medicine.

Association of Program Directors in Internal Medicine.

Association of Subspecialty Professors.

Catholic Health Association.

International Longevity Center—USA.

National Chronic Care Consortium.

National Committee to Preserve Social Security and Medicare.

National Council on the Aging.

National PACE Association.

National Family Caregivers Association.

By Mr. ROBERTS (for himself, Mrs. HUTCHISON, Ms. COLLINS, and Mr. JEFFORDS):

S. 388. A bill to amend the Internal Revenue Code of 1986 to expand the dependent car tax credit, to accelerate the child tax credit, and to promote dependent care assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself, Ms. COLLINS, and Mr. JEFFORDS):

S. 389. A bill to increase the supply of quality child care; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I am pleased and honored to join with my colleagues to introduce two pieces of legislation to help meet the child care challenges facing families around the Nation. These bills entitled the "Caring for Children Act" and "A Boost for Child Care Act", or the ABC's Act.

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country. It is estimated that quality child care can cost as much or more than college tuition in some areas.

The "Caring for Children Act" and 'A Boost for Child Care Act" take the first steps in addressing this challenge through a responsible approach. This legislation expands child care opportunities without increased government costs or intrusion in our lives. This legislation builds into the existing network adding more government intervention or mandates. This legislation will help families that have two working parents and families that have a stay-at-home parent. This legislation will help to increase the supply of quality child care.

First, in order to provide additional tax relief and increased affordability of child care, the ABC's Act expends the Dependent Care Tax Credit by raising the income level to $30,000 at which families become eligible for the maximum tax credit. This legislation also raises the maximum percentage of child care expenses that parents can deduct to 50 percent. These changes make the Dependent Care Tax Credit more realistic for families that face increasing child care costs. Additionally, the ABC's Act accelerates and makes permanent the child tax credit at $1,000 for qualifying taxpayers in order to further ease the financial burden on families.

Increasing the income level and the percentage of child care expenses that are deductible will help families where both parents work. But, we must also recognize that families who choose to have one parent remain at home have child care expenses as well. Therefore, this legislation extends eligibility for the Dependent Care Tax Credit to families with a stay-at-home parent. This provides greater options to more families and leaves child care choices where they should be—with the family. In order to target this credit to parents who need it the most and meet our fiscal responsibilities, the credit is phased out for higher income wage earners.

The "Caring for Children Act" recognizes that small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. This legislation includes a short-term flexible grant program to encourage small businesses to work together to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of three years. In the meantime, small businesses will be eligible for grants up to $100,000 for start-up costs, training scholarships, or other related activities. Business must continue to meet state quality and health standards. Businesses will be required to match Federal funds to encourage self-sustaining facilities well into the future.

Parental access to child care information and technical assistance to child care providers both play a strong role in increasing the supply of quality child care. The Caring for Children Act includes a grant program to allow entities to develop and operate technology-based child care training infrastructures to enable child care providers to receive the training, education and support they need to improve the quality of child care. The legislation also provides funds for the Department of Health and Human Services to collect and disseminate state of the art information on topics related to child care health and safety, as well as early childhood development. This information could be distributed through brochures, the internet, a toll-free information hotline, or resource and referral organizations.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

I ask unanimous consent that the text of the "Caring for Children Act" and "A Boost for Child Care Act" be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "A Boost for Child Care Act".

SEC. 2. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayer's adjusted gross income for the taxable year exceeds $30,000.".

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

"(11) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with 1 or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

"(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

"(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 3. ACCELERATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENT.—Section 201(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 201 (other than subsection (a) of such section) of such Act.

SEC. 4. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program under subsection (a) $1,000,000 for each of fiscal years 2004, 2005, 2006, and 2007.

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caring for Children Act".

TITLE I—DISSEMINATION OF INFORMATION ABOUT QUALITY CHILD CARE

SEC. 101. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist in—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—In paragraph (1), the term "generally available" means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 102. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers, to be provided through distance learning programs made available through the infrastructure. The Secretary shall, to the maximum extent possible, ensure that such grants are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) developing sites from which individuals may access the training;

(B) converting standard child care training courses to programs for distance learning; and

(C) promoting ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered through the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning program funded in whole or in part under this section that exceed the pro rata share of the amount expended by the entity to provide materials for the program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded under this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning program made available under this section.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2003 through 2007.

TITLE II—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE

SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which the entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which the entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within States;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant awarded under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—In this section, the term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 2004 through 2006.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2007.

By Mr. LEVIN:

S. 390. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safety Valve Fairness Act of 2003".

SEC. 2. EXTENSION OF APPLICATION OF LIMITATION ON STATUTORY MINIMUMS IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553(f) of title 18, United States Code, is amended by inserting "whether or not the sentence for that offense was imposed before, on, or after the date of the enactment of this subsection," before "the court shall impose a sentence".

(b) EFFECT ON EXISTING CONVICTIONS.—The amendment made by this section shall apply with respect to sentences imposed before the date of enactment of this Act but not yet completed. A prisoner may who was so sentenced may petition for reconsideration of that sentence.

By Mr. REID (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. MILLER, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, Ms. SNOWE, Mr. CAMPBELL, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 392. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services.

Mr. REID. Madam President, over the last several years, I have tried to correct a long-standing injustice impacting our Nation's veterans. Under a law that is now over 110 years old, most veterans who retire with 20 years of honorable service, and who also have a service-related disability, cannot collect both their retirement and their disability pay.

In 2001, I was joined by 82 cosponsors in introducing S. 170, the "Retired Pay Restoration Act of 2001." Our bill sought to lift the restrictions to allow veterans the "concurrent receipt" of both retirement compensation and disability benefits. Although we were successful in getting the language approved in the National Defense Authorization Act of 2002, now codified at 10 U.S.C. 1414, the authorization was made contingent upon the passage of further appropriations. No funds were ever appropriated and concurrent receipt remained another unfulfilled promise to our veterans.

In 2002, I introduced S. 2051, the "Retired Pay Restoration Act of 2002" to repeal the contingency language and make concurrent receipt a reality. The Senate again overwhelmingly passed this measure. Unfortunately, the White House threatened a veto of the National Defense Authorization Act of 2003, and therefore, the Conference Committee conceded to a compromise proposal, see Section 636 of Conference Report 107-772. This compromise was a much scaled-back version of concurrent receipt. Senator WARNER correctly referred to it as a "beachhead", but we all acknowledged there was much work remaining.

Under last year's compromise, only a small number of veterans—estimated to be between 15 to 30 thousand—would stand to benefit. The compromise left the contingency language for full concurrent receipt in place, but created a new category of special compensation, now codified at 10 U.S.C. 1413(a). In this new category, retirees that had at least a 60 percent disability rating that was a direct result of armed conflict, hazardous service, performance of duty under conditions simulating war, or through an instrumentality of war, would be eligible to collect both retirement compensation and disability benefits. Thus, the current law excludes approximately 500,000 disabled veterans who have served their country honorably. To exclude these veterans assumes that they are less deserving of fair compensation because they did not incur their injury in combat. The law also creates an unnecessary bureaucracy for the VA and the Department of Defense, which currently do not make distinctions based on the specific cause of a service-connected disability.

Therefore, I rise today with Mr. MCCAIN, to introduce the "Retired Pay Restoration Act of 2003", along with our colleagues Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Ms. Boxer, Mr. BREAUX, Mr. BROWNBACK, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms. Feinstein, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. Lincoln, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our bill removes the contingency language for full concurrent receipt currently found at 10 U.S.C 1414(a) and (f), and repeals the Special Compensation programs codified at 10 U.S.C. 1413 and 1413(a). The effect would be to finally implement full concurrent receipt, thereby ending the 110 year inequity.

Passage and implementation of this bill is long overdue. I am sure many of my colleagues would be interested to learn that Congress imposed these restrictions on concurrent receipt just after the Civil War, when the standing army of the United States was extremely limited. At that time, only a small portion of our armed forces consisted of career soldiers.

Today, nearly one and a half million Americans dedicate their lives to the defense of our Nation. The United States' military force is unmatched in terms of power, training and ability. Our Nation's status as the world's only superpower is largely due to the sacrifices our veterans made during the last century. Rather than honoring their commitment and bravery by fulfilling our obligations, the federal government has chosen instead to perpetuate a longstanding injustice. Quite simply, this is disgraceful, and we must correct it.

Once again our Nation is calling upon the members of the Armed Forces to defend democracy and freedom in Afghanistan, in the Persian Gulf and throughout the world. We must send a signal to the men and women currently in uniform that our government takes care of those that make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service.

Military retirement pay and disability compensation are earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable. Veterans' disability compensation, on the other hand, is paid to recompense pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability benefits. All other Federal employees receive both their civil service retirement and VA disability with no offset. Simply put, the law discriminates against career military men and women. It assumes, in effect, that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

This inequity is absurd. How do we explain it to the men and women who sacrificed their own safety to protect this great nation? How do we explain this inequity to those members currently risking their lives to defeat terror?

We are currently losing over one thousand World War II veterans each day. Every day we delay acting on this legislation means continuing to deny fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This bill represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Fleet Reservists Association, the Military Officer's Association, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

Passing this bill will finally eliminate a grossly inequitable 19th century law and ensure fairness within the Federal retirement policy. Our veterans have heard enough excuses. Now it is time for them to hear our gratitude. I urge my colleagues to join me in supporting this legislation to finally end this disservice to our retired military men and women.

Our veterans have earned this and now is our chance to honor their service to our Nation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retired Pay Restoration Act of 2003".

SEC. 2. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

SEC. 3. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(b) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by section 2(a), for any period before the effective date applicable under subsection (a).

Mr. MCCAIN. Madam President, I first introduced legislation on this issue all the way back in 1992. Then again in 1993, then again in 1994, then again in 1995. In 1999, I drafted legislation that became law—as a compromise measure that paid special compensation pay for severely disabled military retirees with disabilities greater than 50 percent. Here we are in 2003 with an opportunity to finally rectify a problem that has plagued our veterans and to rectify it, once and for all, for all military retirees who have become disabled during their military service.

I know personally the character of Americans who take up arms to defend our Nation's interests and to advance our democratic values. I know of all the battles, all the grim tests of courage and character, that have made a legend of the Army, Navy, Marine Corps and Air Forces devotion to duty.

Let me remind this body of the grave sacrifice that our men and women who risk their lives for their country must endure. The United States has exerted military force more than 280 times since the end of World Ward II. We are even now engaged in an epic struggle against a new and hidden enemy that involves the men and women of our armed forces.

Once again our young men and women are defiantly heading into harms way with the understanding that we, as the lawmakers of this great Nation, will ensure they are taken care of as citizens and as veterans for their actions above and beyond the call of duty.

We now have an opportunity to show a measure of our gratitude to these brave men and women, and for the future men and women who continue to serve in this time of trial.

The existing law as it stands is simply discriminatory and wrong. "Concurrent receipt" is, at its core, a fairness issue, and present law simply discriminates against career military people who have been injured or disabled while in conduct of their duties while in defense of this great Nation. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability compensation.

In my view, the two pays are for very different purposes; one for loyal and selfless service to our country. The other for physical or mental 'pain and suffering' occurred in that service to country.

The Retired Pay Restoration Act has received strong bipartisan support in Congress for several years.

The Military Coalition, an organization of 33 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the Veterans of Foreign Wars, American Legion and Disabled American Veterans.

For the brave men and women who have selected to make their career in the U.S. military, they face an unknown risk. If they are injured, they will be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits from their retirement checks.

It is long overdue for us to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. Sixty percent is not enough! We need full funding for all military retirees. It is time to show our appreciation to the men and women who have sacrificed so much for our great Nation.

Therefore, I am proud to rise today with Mr. REID, to introduce the "Retired Pay Restoration Act of 2003", along with our colleagues Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. COCHRAN, Mrs. CLINTON, MR. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms.

Feinstein, Mr. Inouye, Mr. Johnson, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Ms. Lincoln, Mr. Miller, Mr. Nelson of Nebraska, Mr. Nelson of Florida, Mr. Rockefeller, Mr. Sarbanes, Mr. Allard, Mr. Allen, Mr. Brownback, Mr. Campbell, Mr. Grassley, Mr. Hagel, Mr. Roberts, Mr. Smith, and Ms. Snowe, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

I am thankful for the Senate's action to address this important issue today and I urge the Chairman and Ranking Member to carry this legislative provision through Conference and final passage.

By Mr. ALLEN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "   Act of 2003".

SEC. 2. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

"(a) General Rule.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

"(1) the employment credit with respect to all qualified employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) Employment Credit.—For purposes of this section—

"(1) In general.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

"(A) the qualified employee's average daily qualified compensation for the taxable year, over

"(B) the average daily military pay and allowances received by the qualified employee during the taxable year,

while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(2) Average daily qualified compensation and average daily military pay and allowances.—As used with respect to a qualified employee—

"(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

"(i) 365, and

"(ii) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

"(ii) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

"(3) Qualified compensation.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

"(A) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

"(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

"(C) group health plan costs (if any) with respect to the qualified employee.

"(4) Qualified employee.—The term 'qualified employee' means a person who—

"(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(c) Self-Employment Credit.—

"(1) In general.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

"(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

"(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

"(2) Average daily self-employment income and average daily military pay and allowances.—As used with respect to a self-employed taxpayer—

"(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

"(i) 365, and

"(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) Qualified self-employed taxpayer.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

"(d) Credit in Addition to Deduction.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the qualified employee participates in qualified reserve component duty to the exclusion of normal employment duties.

"(e) Limitations.—

"(1) Disallowance for failure to comply with employment or reemployment rights of members of the reserve components of the Armed Forces of the United States.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(2) Disallowance with respect to persons ordered to active duty for training.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

"(A) active duty for training under any provision of title 10, United States Code,

"(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

"(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

"(f) General Definitions and Special Rules.—

"(1) Military pay and allowances.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

"(2) Qualified reserve component duty.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking "plus" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", plus", and

(3) by adding at the end the following new paragraph:

"(16) the reserve component employment credit determined under section 45G(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

"Sec. 45G. Reserve component employment credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ALLEN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INCOME TAX EXCLUSION FOR COMBAT ZONE SERVICE.

(a) COMBAT ZONE SERVICE TO INCLUDE TRANSIT TO ZONE.—Section 112(c)(3) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new sentence: "Such service shall include any period of transit to the combat zone.".

(b) REMOVAL OF LIMITATION ON EXCLUSION FOR COMMISSIONED OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 112(a) of such Code is amended—

(i) by striking "below the grade of commissioned officer", and

(ii) by striking "ENLISTED PERSONNEL" in the heading and inserting "IN GENERAL".

(B) Section 112(c) of such Code is amended by striking paragraphs (1) and (5) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. CONRAD, Mr. CRAPO, Mr. BREAUX, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Mr. CRAIG, Mr. JOHNSON, Mr. CHAFEE, Ms. SNOWE, and Mr. KERRY):

S. 395. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation on behalf of myself and Senators BAUCUS, CONRAD, CRAPO, BREAUX, LEAHY, HARKIN, DURBIN, CRAIG, JOHNSON, CHAFEE, SNOWE, and KERRY.

This bill, entitled the "Bipartisan Renewable Efficient Energy with Zero Effluent, BREEZE, Act," extends the production tax credit for electricity generated by wind for three years. The current tax credit is set to expire on January 1, 2004.

As the author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 3,000 megawatts of generating capacity have been put online. This generating capacity powers nearly 900,000 homes.

Just last year, over 400 megawatts of new wind energy capacity was installed, bringing total capacity to more than 4,500 megawatts. Wind energy is currently serving the equivalent of more than 1.3 million average American homes in 27 states across the country.

During the past two decades, the price of wind energy has been reduced more than 80 percent, making it one of the least expensive sources of renewable energy. In order to continue this investment and development in America's energy future, we must extend the production tax credit.

From 1999 to 2001, wind energy capacity in Iowa grew by 33 percent, and while Iowa ranks tenth in the nation in terms of wind energy potential, Iowa currently ranks third nationally in wind development, with over 400 megawatts of generating capacity. Only California and Texas generate more electricity from wind than Iowa. And, the Iowa Department of Natural Resources estimates that Iowa has the potential to produce nearly 5 times its own annual electrical needs through wind power.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than $2,000 per year for 20 years in direct lease payments. Iowa's major wind farms already pay more than $640,000 per year to landowners.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

Unfortunately, due to the structure of the current tax incentive, a significant portion of the electricity industry is unable to take advantage of the credit. Rural electric cooperatives and municipal utilities provide power to nearly 25 percent of the Nation's consumers. To encourage a unified national energy plan, it's only fair to give cooperatives and other not-for-profit utilities the ability to use renewable tax incentives.

REC's and municipal utilities should be given a mechanism to utilize the tax incentives for renewable electricity generation. And, while the legislation I'm introducing today does not address this issue, I look forward to working with my colleagues on the Finance Committee to include such a mechanism in a comprehensive energy tax package.

Extending the wind energy tad credit would allow for even greater expansion and planning stability in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important incentive and I encourage my colleagues to join us in this effort.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act".

SEC. 2. 3-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking "January 1, 2004" and inserting "January 1, 2007".

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 396. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the firearms excise tax; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to introduce the Gunsmith Excise Tax Simplification Act of 2003. This bill will protect funding for the Federal Aid to Wildlife Restoration Fund by simplifying administration and compliance with the excise tax by eliminating the assessment of the tax against custom gunsmiths.

The creation of the Federal Aid to Wildlife Restoration Fund is one of the great success stories of cooperation among America's sportsmen and women, state fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Under the tax code, all manufacturers of firearms must pay an excise tax of 10 percent or 11 percent of the retail price, depending on the type of firearm. For more than 25 years custom gunsmiths have sought to clarify that they were not intended to be subject to this tax. Many custom gunsmiths do not actually make new guns, rather they remodel or refurbish existing firearms. The proposal establishes an exemption from the excise tax for manufacturers of fewer than 50 firearms per year.

This issue is important to individuals in Montana. Steven Dodd Hughes, a custom gunmaker in Livingston, MT, pays this tax. He has a sole proprietorship, a one man shop. Steven's business is generated from outside of Montana and brings in much needed revenue to his community. He agrees with the tax as it was intended, on manufacturers. It was not intended to be applied to one man operations such as his. The American Custom Gunmakers Guild and the NRA agree with Mr. Hughes.

In summary, the Gunsmith Excise Tax Simplification Act of 2003 would accomplish two worthy objectives. First, this proposal will eliminate the assessment of the excise tax on custom gunmakers, which is fair. Second it eliminates the significant administrative burden placed on small businesses, such as determining who the manufacturer is and who is going to assess and collect the tax. These custom gunmakers rebuild and update the firearms, they don't administer tax laws. Last year, the Joint Committee on Taxation estimated the proposal will decrease revenues by less than $10 million over ten years, resulting in minimal reduction of the Federal Aid to Wildlife Restoration Fund.

I ask unanimous consent that the text of my bill entitled "The Gunsmith Excise Tax Simplification Act of 2003" be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gunsmith Excise Tax Simplification Act of 2003".

SEC. 2. CUSTOM GUNSMITHS.

(a) SMALL MANUFACTURERS EXEMPT FROM FIREARMS EXCISE TAX.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL MANUFACTURERS, ETC.—

"(1) IN GENERAL.—The tax imposed by section 4181 shall not apply to any article described in such section if manufactured, produced, or imported by a person who manufactures, produces, and imports less than 50 of such articles during the calendar year.

"(2) CONTROLLED GROUPS.—All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be treated as one person for purposes of paragraph (1).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer on or after the date which is the first day of the month beginning at least 2 weeks after the date of the enactment of this Act.

(2) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create any inference with respect to the proper tax treatment of any sales before the effective date of such amendments.

By Mr. ENSIGN (for himself and Mrs. HUTCHISON):

S. 397. A bill to amend the internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ENSIGN. Mr. President, 194 years ago this week, a son was born to Nancy and Thomas Lincoln in Elizabethtown, Kentucky. That son, Abraham, would go on to become President of the United States at one of the most defining times in our Nation's history.

President Lincoln is still revered today for his leadership and vision of a country in which all citizens have the opportunity to succeed. In 1864, when the outcomes of the war and his reelection were in question, he asked soldiers from Ohio's 66th regiment to stop at the White House on their way home so he could express his appreciation. President Lincoln shared with them the following:

"I beg you to remember this . . . I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each of you may have through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the struggle would be maintained, that we may not lose our birthright . . . The nation is worth fighting for, to secure such an inestimable jewel."

That jewel—the American dream that should be within reach of all who grasp for it—has been the hope of generations in this nation. This Nation that elected Abraham Lincoln—born in a one-room log cabin and once a farmhand . . . This Nation that harvests in its children a yearning to soar beyond the earth's atmosphere . . . This Nation that preaches that education, hard work, and family bring success.

Unfortunately, making a living, raising a family, and educating ourselves and our children is becoming more and more difficult in America. And it's the leaders of this nation that have made the obstacles to success higher to get over and wider to get around.

Here in Washington, we've built a wall of obstacles with one tax burden after another. Our Founding Fathers outlined exactly the powers they wanted Congress to have in Article I, Section 8 of the Constitution. Just because the first thing listed is the power to lay and collect taxes, doesn't mean it's the power we need to exercise the most.

Not only should we take the responsibility of stopping the building of this wall of tax burdens, we need to step up and start removing these burdens. We need to alleviate the tremendous stress that comes with having to work to pay so much of what we earn to the government.

Last year, the average taxpayer in my home State of Nevada did not finish paying taxes until April 27, which was also the average across the United States. Everything earned for the first 117 days of the year went to a government entity. In comparison, the average American spends only 106 days paying for food, clothing, and shelter combined.

That doesn't leave enough days to pay for a family vacation or to save for education or to pay medical bills or to save for retirement or to take a class to improve skills or to do whatever you want with your money—after all, it is your money.

In itself, our tax system is unfair because American families have to work harder to make more money only to pay greater taxes, and workers bear the burden of a government that continues to find ways to tax them into working even harder.

Whatever our individual thoughts are on tax relief, we must agree that, although being taxed has become a challenging part of life, the idea of being double taxed is truly the government stealing from working Americans. Double taxation is immoral. Think about it in terms of a parent teaching a child. I am a parent of three young children. Just as I would explain to my children that it is not all right to take a piece of candy that they have not paid for, I would also tell them it is absolutely not okay to charge someone for something they aren't getting. But that is exactly what our government is doing with the Social Security tax.

Time magazine recently called it "The Really Unfair Tax." I call it the Social Security double dip. The take-home pay of 100 million Americans is fodder for this gutsy government scam. In very simple terms, this means that when a family pays income tax, the portion that is withheld for Social Security—money that they never see—is calculated into their personal income. The first dip is the tax that workers pay on wage income. The second dip is the icing on the cake for the government—taxing money that they are already taking anyway. Working Americans are forced to pay income tax on their Social Security tax. It is textbook double taxation, and if a business concocted such a scheme it would be shut down. How can we continue this policy if we would teach our children that it is wrong? This is only one reason why the tax is unfair.

Another example of the outrageousness of this tax is that while working families are double taxed, American businesses are not. You see, half the Social Security tax is paid by workers, but employers pay the other half. Businesses and corporations get to deduct what they pay in Social Security taxes—a savings that working families are not afforded. This tax discrimination is unacceptable.

We must eliminate this absolutely wrong tax policy that mocks our Constitution's goal to "promote the general Welfare." I propose an above-the-line deduction for Social Security taxes so that an individual's Social Security taxes are not included in the calculation of income for income tax purposes. It's the right thing to do if we want to lead this Nation by example. Providing a Social Security tax deduction makes sense and will make a real difference to working families. About 100 million individuals and families would feel the savings—to the tune of around $2,000 each. Such savings translate into real growth and opportunity. Scholars predict that the Payroll Tax Deduction Act would mean 900,000 new jobs in this country, and it also means a Nation of workers who get to keep more of their hard-earned money.

When government takes money away from working families, it stifles growth and builds obstacles to success. Let's take this chance to provide relief to America's families, open the doors to opportunity, and let future generations know that the American dream—the jewel that inspired Abraham Lincoln—is well within the reach of all who truly desire it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Payroll Tax Deduction Act".

SEC. 2. DEDUCTION FOR OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE TAXES OF EMPLOYEES AND SELF-EMPLOYED INDIVIDUALS.

(a) TAXES OF EMPLOYEES.—

(1) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

"(19) EMPLOYEES' OASDI TAXES.—The deduction allowed by section 164(g).".

(2) DETERMINATION OF DEDUCTION.—Section 164 of such Code (relating to deduction for taxes) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) EMPLOYEES' OASDI TAXES.—

"(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(A) the taxes imposed by section 3101(a) for the taxable year, and

"(B) the taxes imposed by section 3201(a) for the taxable year but only to the extent attributable to the percentage in effect under section 3101(a).

"(2) SPECIAL RULE FOR CERTAIN AGREEMENTS.—For purposes of paragraph (1), taxes imposed by section 3101(a) shall include amounts equivalent to such taxes imposed with respect to remuneration covered by—

"(A) an agreement under section 218 of the Social Security Act, or

"(B) an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates).

"(3) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—Taxes shall not be taken into account under paragraph (1) to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

"(4) COORDINATION WITH EARNED INCOME CREDIT.—No deduction shall be allowed under paragraph (1) for any taxable year if the individual elects to claim the earned income credit under section 32 for the taxable year.".

(3) CONFORMING AMENDMENT.—Subsection (a) of section 275 of such Code is amended in the matter following paragraph (6) by inserting "or 164(g)" after "164(f)".

(b) DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 164(f) of the Internal Revenue Code of 1986 (relating to deduction for one-half of self-employment taxes) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(A) the taxes imposed by section 1401(a) for such taxable year, plus

"(B) 50 percent of the taxes imposed by section 1401(b) for such taxable year.

In the case of an individual who elects to claim the earned income credit under section 32 for the taxable year, only 50 percent of the taxes described in subparagraph (A) shall be taken into account.".

(2) CONFORMING AMENDMENTS.—

(A) Section 32(a)(1) of such Code is amended by inserting "who elects the application of this section" after "eligible individual".

(B) The heading for section 164(f) of such Code is amended by striking "ONE-HALF" and inserting "PORTION".

(C) Section 1402(a)(12) of such Code is amended—

(i) by striking "one-half" the first place it appears and inserting "portion", and

(ii) by striking subparagraph (B) and inserting:

"(B) a percentage equal to the sum for such year of the rate of tax under section 1401(a) and one-half of the rate of tax under section 1401(b);".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. ALLEN:

S. 398. A bill to provide that members of the Armed Forces performing services at Guantanamo Bay Naval Station, Cuba, and in the Horn of Africa in support of Operation Enduring Freedom shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR MEMBERS OF THE ARMED FORCES PERFORMING SERVICES AT GUANTANAMO BAY NAVAL STATION, CUBA, AND IN THE HORN OF AFRICA.

(a) GENERAL RULE.—In the case of a member of the Armed Forces of the United States who is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger), for services performed at Guantanamo Bay Naval Station, Cuba, or in any country located in the region known as the Horn of Africa as part of Operation Enduring Freedom (or any successor operation), such member shall be treated in the same manner as if such services were in a combat zone (as determined under section 112 of the Internal Revenue Code of 1986) for purposes of the following provisions of such Code:

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid on or after such date of enactment.

By Mr. CAMPBELL:

S. 399. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Madam President, today I introduce the "Campus Classmate Offenders in Rehabilitation and Treatment Act of 2003."

The legislation I am introducing today is based on legislation I previously introduced toward the end of the 107th Congress.

The Campus Classmate Offenders in Rehabilitation and Treatment Act, which can also be referred to as the "Campus CORT Act," directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation's universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice's Office of Justice Programs, would be based on the valuable lessons and successes we have garnered from our Nation's innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2004 through 2007. The bill authorizes the Office of Justice Programs to provide $2,000,000 in Federal funding during each of those years to help get five Campus CORTs well trained, soundly established and up and running. This new program's approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread all across the Nation. Rather than simply locking-up nonviolent drug offenders in prison along side violent criminals, drug courts provide the alternative of court-supervised treatment. Instead of simply punishing, drug courts help get people clean.

Drug courts' many successes are underscored both by the bipartisan support they have received in Congress and by the Bush Administration. For example, during a national conference hosted this last April by the National Association of Drug Court Professionals, both Office of National Drug Control Policy Director John Walters, our Nation's "Drug Czar," and Drug Enforcement Agency Director Asa Hutchinson gave speeches in support of drug courts and the benefits they provide.

According to the latest statistics as reported by the Department of Justice's Office of Justice Programs, as of November 2002, 946 Drug Courts are operating all across the United States. This is an impressive increase of approximately 250 Drug Courts over the past year. This 946 Drug Courts includes 547 Adult Drug Courts, 245 Juvenile Drug Courts, 59 Family Drug Courts and 14 Combination Courts. Over 400 additional new Drug Courts are in the planning process.

The report goes on to state that approximately 300,000 adults and 12,000 juveniles have been enrolled in the drug court system to date. Of those participants, 73,000 adults and 4,500 juveniles have successfully graduated from Drug Courts.

The merits of the drug court system are well documented. Nationwide, drug courts have been instrumental in enabling more than 1,000 children to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging statistics, and not just for the individuals involved, but for society as a whole.

While it is not as easy to measure, we know that Drug Courts play a beneficial role in reducing criminal behavior since so much crime these days is drug related.

Drug Courts also help save up money. It is estimated that every dollar spent on Drug Courts saves our country and communities approximately ten dollars in reduced prison and other criminal justice costs.

These are the kind of successes we should be able to see once the drug court model is customized and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation's colleges and universities.

Just as drugs are deeply interconnected with crime on our streets, drugs and serious substance abuse are also interconnected with much of the academic failure that damages so many of our Nation's institutions of higher learning and their aspiring students seeking college degrees.

Our Nation's drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges all across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face the fact that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new "quasi-judicial standards and procedures for disciplinary cases" for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, CSU, has already broken new ground as the Nation's first university to apply the drug court concept in a campus setting. The "Day IV" program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Our Drug Court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University's prestigious National Center on Addiction and Substance Abuse states that "Drug Courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision." The report underscores that "drug use and criminal behavior are substantially reduced while offenders are participating in drug court" and that "criminal behavior is lower after participation, especially for graduates."

Our Nation's Drug Court system is a good example of a viable and productive partnership between the Federal Government our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the state and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation's drug court system.

I also want to take a moment to thank Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals for her letter of support for the Campus CORT legislation I am introducing today. It is appreciated.

I ask unanimous consent that the letter of support and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

National Association of
Drug Court Professionals,
Alexandria, VA, January 15, 2003.

Senator Ben Nighthorse Campbell,
Russell Senate Office Building,
Washington, DC.

Dear Senator Campbell: As the representative of the National Association of Drug Court Professionals (NADCP) and of drug court professionals throughout the country, I am writing this letter of support for the Campus Classmate Offenders in Rehabilitation and Treatment (CORT) Act" which I understand you will be introducing in the Senate in the near future. Not only are campus drug courts a natural progression of the traditional drug court system which has proliferated successfully throughout the country for more than a decade, but they also will serve as yet another mechanism to reduce drug abuse and its concomitant crime.

Drug court professionals throughout the country truly appreciate your tenacious support and are eager to work collectively with you and other legislators to ensure that substance-abusing students are reached early and do not continuously cycle through the revolving door of the criminal justice system.

Because of your in depth knowledge of the substance abuse and its concomitant crime, you are already aware that drug and alcohol abuse is not limited to a specific age, gender or race. However, according to the 2001 National Household Survey on Drug Abuse, approximately 15.9 million Americans aged 12 or older were current users of an illicit drug in 2001, representing 7.1% of the population. The highest rate of use was found among young adults (ages 18–25) with 18.8% reporting current use and among youth (ages 12–17) with 10.8%. Current use of any illicit drug in the population aged 12 and older increased significantly from 6.3% in 2000 to 7.1% in 2001. The Substance Abuse and Mental Health Services Administration reported an equally alarming statistic in its fact sheet entitled "Consequences of Underage Alcohol Use" as it stated in 1998, there were 8,844 arrests for drug law violations on 487 college campuses.

Unfortunately, the 2001 National Household Survey on Drug Abuse and other studies clearly indicate that the need still exists to invest more attention to the rising problem of drug abuse, specifically on college campuses, throughout the country. Drug courts have already proven that an early investment in treatment obviates the need for repeated investments in incarceration and allow previously addicted offenders to lead healthy, productive lives within their communities. Campus drug courts are the natural extension of drug courts and will combat campus drug and alcohol abuse head on, thereby preventing accidents and crimes at colleges and universities throughout the nation.

Thank you once again for you stanch support of the drug court field and for introducing the "Campus CORT Act." I look forward to providing support to this and similar legislation and to working with you and your staff in the future.

Very truly yours,
Judge Karen Freeman-Wilson (ret.),
Chief Executive Officer.

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campus Classmate Offenders in Rehabilitation and Treatment Act" or the "Campus CORT Act".

SEC. 2. ESTABLISHMENT OF CAMPUS DRUG COURTS.

(a) In General.—The Attorney General, acting through the Office of Justice Programs, is authorized to make demonstration grants to accredited universities and colleges to establish not to exceed 5 campus classmate offenders in rehabilitation and treatment programs (referred to as "Campus CORTS") each fiscal year modeled after the statewide local drug court programs throughout the United States.

(b) Campus CORTS.—Campus CORTS shall—

(1) be established at accredited colleges or universities;

(2) have jurisdiction over substance abuse related disciplinary cases involving students that may or may not be criminal in nature, including illegal drug use, abuse of prescription drugs, alcohol abuse, and other issues, but no student who is deemed to be a danger to the community may be involved;

(3) pursuant to regulations promulgated by the Attorney General, establish appropriate quasi-judicial standards and procedures for disciplinary cases; and

(4) impose as the ultimate sanction expulsion from school.

(c) Consultation.—The Attorney General shall consult with the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, universities and colleges, including the Campus Drug Court program at Colorado State University, and other experts in establishing quasi-judicial standards required by this Act.

(d) Assistance.—The Attorney General shall make grants to qualified universities and colleges, the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, and other associations and experts to assist in establishing campus drug courts and provide training and technical assistance in support of the program.

(e) Grant Making Considerations.—In awarding grants to qualified colleges or universities, the Office of Justice Programs should—

(1) endeavor to include colleges and universities of different sizes across the United States; and

(2) enable colleges and universities to apply for grants through the Internet site of the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for each of the fiscal years 2004 through 2007 to carry out this Act.

By Ms. LANDRIEU:

S. 401. A bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, I rise today to speak on an issue of great importance to our military retirees. This issue I want to address is the Survivor's Benefit Plan and the need to eliminate the Social Security offset.

The Survivor's Benefit Plan, SBP, has been in existence for nearly 30 years. Under this plan, military retirees may contribute part of their monthly retirement pay to the SBP, with the knowledge that after their death, their spouses can continue to receive 55 percent of their monthly retirement pay. But, when the surviving spouse reaches the age of 62, something disturbing happens. At the age of 62, the widow or widower of a military retiree sees his or her payments under the SBP shrink to 35 percent. This reduction is an offset for the Social Security payments that the survivor has begun to collect.

The survivors of military retirees find this to be unjust, and rightly so. The SBP is a fund that their spouses payed into, with the expectation that their survivors would be taken care of after they pass away. The SBP is not a lavish monthly payment, but reflects the low salaries that men and women on active duty receive. In a recent article in the Shreveport Times, Billie Combs, who is 73, and is the widow of an Air Force Master Sergeant commented on the strain that the Social Security Offset imposes on their budget. She said: "It curtails my spending. It stops me from buying the things that I need; I just cut back and make sure that I have enough to carry me through to the next month."

The legislation that I introduce today would slowly phase out the social security offset to Survivor Benefit Plan, reducing it significantly by 2007, and completely erasing it by 2013.

Those who choose the military as their profession don't do it for the money. They do it because they have a love for country. They have a love for country that runs so deep, they would gladly sacrifice their lives in defense of the homeland. Despite the extreme sacrifice our Soldiers, Sailors, Airmen, and Marines are willing to make, they are not well compensated. And we don't just ask the servicemen to sacrifice, we ask their families to make a sacrifice. They endure long periods of separation, they live in military housing which in many cases is substandard, and we ask them to get by on low pay. The least we can do for our servicemen is to give them a decent retirement system. The very least we can do for their widows, is to restore the funds that are unjustly removed from their survivor's benefit plan.

Mr. President, I ask unanimous consent that the article and the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY WIDOWS LOSE CHUNK OF BENEFITS AT 62

(By Dennis Camire)

WASHINGTON.—Some survivors of military retirees have a rude awakening when they turn 62 and find their income from a Defense Department pension plan slashed.

Many who enrolled in the survivor annuity plan in the 1970s say they understood their surviving spouses would receive 55 percent of their retirement pay for life.

But that's not the case. The benefit droops to as low as 35 percent when survivors reach 62. Retires who have paid decades of premiums say they feel betrayed.

"I like to have dropped dead right there," Marion Charles, 78, said in finding out about the reduction after her husband, Edward, died last year, "In fact, I wondered why God didn't take me with Ed."

Charles of Plant City, Fla., was left struggling with funeral expenses, credit card debts and house maintenance bills after she saw her income drop by $1,200 a month upon the death of her husband, who retired in 1966 as a Navy chief petty officer. She now lives in a damaged 28-foot travel trailer and gets by with help from the Navy-Marine Corps Relief Society.

Though the annuity covers all spouses of military service members who don't opt out, women overwhelmingly are affected because most who have chosen the military as a career through the years have been men.

"It curtails my spending. It stops me from buying the things I want and need," said Billie Combs, 73, of Bossier City, widow of an Air Force master sergeant who died in 1995. "I just cut back and make sure I have enough to carry me over to the next month."

Lee Lange of the Military Officers Association of America called the cutback wrong. "It just seems counter-intuitive that we would be cutting their benefit as they get older."

Benefits for elderly widows and widowers at the 35 percent level are modest even for relatively senior officers, Lange said. For many widows of enlisted service members, the money amounts to less than $5,000 a year.

About 800,000 of the nation's 1.9 million retirees are paying 6.5 percent of their retirement pay to participate in the plan, and more than 250,000 survivors are collecting the benefits.

Service members automatically are enrolled in the program when they retire but can opt out if they and their spouses sign a form.

The controversial drop is called a Social Security offset. The theory behind the drop was that the plan should give a survivor access to about 55 percent of the member's retired pay—but from all sources related to military service, including Social Security.

The offset began as a dollar-for-dollar reduction but was changed in 1985 to the current plan. Survivors whose spouses were eligible to retire by Oct. 1, 1985, may have the offset computed under the old system or the new to gain the best benefit. The offset is computed only upon death of the retiree.

Veteran's organizations—including the Military Officers Association, the Non-commissioned Officers Association, the American Legion and the Fleet Reserve Association—want Congress to eliminate the benefit reduction.

The Military Coalition, a group of 33 military and veterans groups, plans to push for elimination of the cutback as an issue of fairness and equity for the survivors.

That's how Combs of Bossier City sees it.

"I would tell Congress to worry about the widows. Worry about the women that are left behind and don't have very much money and are never really able to get on their feet," Combs said.

"Imagine if all the wives told their husbands to get out of the military, that they could make a better living on the outside, then where would we be? But we didn't do that because they made a promise to us. And now we are having to fight for it."

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SBP Benefits Improvement Act of 2003".

SEC. 2. FULL AMOUNT OF SURVIVOR BENEFITS FOR SURVIVING SPOUSES WHO ARE 62 YEARS OF AGE OR OVER.

(a) PHASED INCREASED OF BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 40 percent for months beginning after such date and before October 2007, 45 percent for months beginning after September 2004, and 55 percent for months beginning after September 2013.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under paragraph (1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—(1) Section 1457(b) of title 10, United States Code, is amended—

(A) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(B) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 15 percent for months beginning after that date and before October 2007, and 10 percent for months beginning after September 2007.".

(2) Effective on October 1, 2013, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2007.

(C) October 2013.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

By Mr. FEINGOLD:

S. 402. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Federal Death Penalty Abolition Act of 2003. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 830 executions across the country, including two at the Federal level. At the same time, 103 people on death row were later found innocent and released from death row. Exonerated inmates are not only removed from death row, but they are usually released from prison altogether. Apparently, these people never should have been convicted in the first place. While death penalty proponents claim that the death penalty is fair, efficient, and a deterrent, the fact remains that our criminal justice system has failed and has resulted in at least 103 very grave mistakes.

Eight hundred and thirty executions, and 103 exonerations. Those are not good odds. It is an embarrassing statistic, one that should have us all questioning the use of capital punishment in this country.

Since January 25, 2001, when I last introduced this bill, the Federal Government resumed executions for the first time in almost 40 years, and 138 people have been executed nationwide. In this new year, we have begun our use of capital punishment at an alarming pace. We are only in the second week of February, and there have already been 10 executions this year. And yet this one-to-eight error rate looms. Is it possible that those 10 people are representative of the one-to-eight error rate that has plagued the death penalty since it was reinstated in 1976? Is it possible that in the last six weeks, as we have debated a war in Iraq, funding levels for Federal programs, and judicial nominations, our nation has killed an innocent person?

It is a difficult question to ask, but an even more difficult one to ignore.

While executions continue and the death row population grows, the national debate on the death penalty continues and has become even more vigorous. The number of voices joining in to express doubt about the use of capital punishment in America is growing. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and court rooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

That our society relies on killing as punishment is disturbing enough. Even more disturbing, however, is that the States' and Federal Government's use of the death penalty is often not consistent with principles of due process, fairness, and justice. These principles are the foundation of our criminal justice system. It is more clear than ever before that we have put innocent people on death row. In addition, statistics show that those States that have the death penalty are more likely to put people to death for killing white victims than for killing black victims.

After the death penalty was reinstated in 1976, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill allowed its use to apply to a total of some 60 Federal offenses. Since 1994, Federal prosecutions seeking the death penalty have now accelerated.

A survey on the Federal death penalty system from 1988 to early 2000 was released by the U.S. Department of Justice in September 2000. That report showed troubling racial and geographic disparities in the federal government's administration of the death penalty. In other words, who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Janet Reno was so disturbed by the results of that report that she ordered a further, in-depth study of the results. Attorney General John Ashcroft pledged to continue that study, but we still await the results of that further study. The Federal Government should do all that it can to ensure that no person is ever subject to harsher penalties, most importantly that of capital punishment, because of the color of the defendant's skin.

I am certain that not one of my colleagues here in the Senate, not a single one, would defend racial discrimination in this ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, and equal protection of the laws.

While the Federal death penalty system is clearly plagued by flaws, there are 38 States across our Nation that also authorize the use of capital punishment. And like the Federal system, those systems are not free from error.

Over three years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan recently pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates, after the State legislature failed to enact even one of the Commission's recommendations.

Illinois is not alone. Two years ago, then Governor Parris Glendening learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then last year, faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions.

That study was released in January and the findings should startle us all. The study found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

Maryland and Illinois are not exceptions to a rule, nor anomalies in an otherwise perfect system. In fact, since reinstatement of the modern death penalty, 81 percent of capital cases across the country have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans.

There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country. While the research done in Maryland and Illinois has yielded shocking results, there are 36 other States that authorize the use of the death penalty, most of them far more frequently. Twenty-one of the 38 States that authorize capital punishment have executed more inmates than Maryland, and 13 of those States have carried out more executions than Illinois. So while we are closer to uncovering the unthinkable truth about the flaws in the Maryland and Illinois death penalty systems, there are 36 other states with systems that are most likely plagued with the same flaws. And yet, the killing continues.

At the beginning of 2003, at the beginning of a new century and millennium with hopes for great progress, I cannot help but believe that our progress has been tarnished by our Nation's not only continuing, but increasing use of the death penalty. We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

Over the last two years, some prominent voices in our country have done just that. And they are not just voices of liberals, or of the faith community. They are the voices of Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former FBI Director William Sessions, Republican Governor George Ryan, and Democratic Governor Parris Glendening. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 111 countries that have abolished the death penalty in law or in practice. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys the closest of relationships.

On February 5, 2003, the International Court of Justice, ICJ, ruled unanimously that the United States must temporarily stay the execution of three Mexican citizens on death row in Texas and Oklahoma. There are currently 112 foreign nationals on death row in this country. Under Article 36 of the 1963 Vienna Convention on Consular Relations, local authorities are required to notify all detained foreigners "without delay" of their right to have their consulate informed of their detention. In most cases, this international law is not being followed. In fact, only seven cases of 152 reported death sentences have been identified as meeting complete compliance with Article 36 requirements. The purpose of this law is to ensure that foreign nationals are allowed time to secure adequate counsel during the critical stages of their cases. The February ruling of the ICJ was based on the need for an investigation into whether the foreign nationals on death row were ever given their right to legal assistance from their home governments.

What is even more troubling in the international context is that the United States is now one of only seven countries that imposes the death penalty for crimes committed by juveniles. So, while a May 2002 Gallup poll found that 69 percent of Americans oppose the death penalty for those under the age of 18, we are one of only seven nations on this earth that puts to death people who were under 18 years of age when they committed their crimes. The other are Iran, the Democratic Republican of the Congo, Pakistan, Nigeria, Saudi Arabia and Yemen. In the last decade, the United States has executed more juvenile offenders than all other nations combined, and in the last three years, only four nations have executed juvenile offenders: Iran, the Congo, Pakistan, and the United States.

Iran, the Congo, and Pakistan are countries that are often criticized for human rights abuses. We should remove any grounds for charges that human rights violations are taking place on our own soil by halting the execution of people who were not even adults when they committed the crimes for which they were sentenced to die. No one can reasonably argue that executing child offenders is a normal or acceptable practice in the world community. And I do not think that we should be proud that the United States is the world leader in the execution of child offenders.

As we begin a new year and another Congress, our society is still far from fully just. The continued use of the death penalty shames us. The penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right," applies here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek justice in this new century. And it's not just a matter of morality. The continued viability of our justice system as a truly just system requires that we do so. And our Nation's striving to remain the leader and defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Abolition Act of 2003".

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) Homicide-Related Offenses.—

(1) Murder related to the smuggling of aliens.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking "punished by death or".

(2) Destruction of aircraft, motor vehicles, or related facilities resulting in death.—Section 34 of title 18, United States Code, is amended by striking "to the death penalty or".

(3) Murder committed during a drug-related drive-by shooting.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking "death or".

(4) Murder committed at an airport serving international civil aviation.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking "punished by death or".

(5) Civil rights offenses resulting in death.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking ", or may be sentenced to death";

(B) in section 242, by striking ", or may be sentenced to death";

(C) in section 245(b), by striking ", or may be sentenced to death"; and

(D) in section 247(d)(1), by striking ", or may be sentenced to death".

(6) Murder of a member of congress, an important executive official, or a supreme court justice.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(7) Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(8) Murder committed by use of a firearm during commission of a crime of violence or a drug trafficking crime.—Section 924(j)(1) of title 18, United States Code, is amended by striking "by death or".

(9) Genocide.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "death or".

(10) First degree murder.—Section 1111(b) of title 18, United States Code, is amended by striking "by death or".

(11) Murder by a federal prisoner.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by death or"; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting "or" before "an indeterminate"; and

(ii) by striking ", or an unexecuted sentence of death".

(12) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by sentence of death or"; and

(B) in subsection (b)(1), by striking "or death".

(13) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking "death or".

(14) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking "death or".

(15) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking "the death penalty or".

(16) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(i) of title 18, United States Code, is amended by striking "to the death penalty or".

(17) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(18) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "death or".

(19) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking "death or".

(20) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992(b) of title 18, United States Code, is amended by striking "to the death penalty or".

(21) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking "death or".

(22) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking ", or sentenced to death".

(23) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking "unless the death penalty is imposed,".

(24) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking "punished by death or".

(25) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by striking "punished by death or".

(26) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(28) TERRORIST MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking "death or".

(29) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking "punished by death or"; and

(B) in subsection (b), by striking "by death, or".

(30) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking "by death, or".

(31) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking "punished by death or".

(32) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(A) in each of subparagraphs (A) and (B) of subsection (e)(1), by striking ", or may be sentenced to death";

(B) by striking subsections (g) and (h) and inserting the following:

"(g) [Reserved.]

"(h) [Reserved.]";

(C) in subsection (j), by striking " and as to appropriateness in that case of imposing a sentence of death";

(D) in subsection (k), by striking ", other than death," and all that follows before the period at the end and inserting "authorized by law"; and

(E) by striking subsections (l) and (m) and inserting the following:

"(l) [Reserved.]

"(m) [Reserved.]".

(33) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2), by striking "put to death or"; and

(B) in subsection (b)(1)(B), by striking "put to death or".

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "punished by death or" and all that follows before the period and inserting "imprisoned for any term of years or for life".

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking "shall suffer death, or".

(c) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(1) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law .

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. CONRAD, and Mrs. MURRAY):

S. 403. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Madam President, I rise today to introduce the Free Trade with Cuba Act of 2003. This legislation presents an important step toward normalizing United States economic relations with Cuba and opening a dialog between our two nations. Perhaps more importantly, the bill promotes human rights and democracy in a nation that has suffered under totalitarian rule for more than 4 decades, an objective central to the same democratic principles that have driven our foreign policy since the end of the Second World War.

The Free Trade with Cuba Act contains three essential components. First, it lifts the trade embargo against Cuba and eliminates the travel ban that accompanies the embargo. Second, it graduates Cuba from Jackson-Vanik and authorizes the President to extend nondiscriminatory trade treatment to Cuba. Finally, it removes the restrictions on travel between our two countries.

This legislation is similar to the legislation I introduced in the last Congress, S. 400 and S. 401. That legislation was referred to the Finance Committee. I am hopeful the committee can pass favorably on this legislation quickly so we can bring it to the floor and pass it.

This legislation is long overdue. In 1962, the United States embargoed virtually all trade with Cuba as a response to the rise of the totalitarian regime and seizure of American property. Over the years, U.S. sanctions against Cuba were further tightened, culminating with restrictions on the rights of Americans to visit Cuba.

Within the context of the cold war, many of these sanctions seemed to make sense. Yet throughout that time the embargo appeared to have little, if any, effect on the Castro regime. Forty years of the embargo, 4 decades of disengagement, have simply not worked. It is time to try a new approach. It is time for engagement.

Supporters of the embargo throw out many arguments against the legislation. First, they will say that private property of U.S. citizens that was taken in the early days of the Castro regime compels us to refuse trade with Cuba until we get the property back. They point out horrendous treatment of Cuban citizens by Castro and denial of the most basic human rights is also a reason. Let us be clear. These are problems and they must be resolved. Yet, the debate is not whether these problems exist. They do exist, of course, they exist. That is not the issue. We all know that.

The question, rather, is how to solve it. Forty years of embargo have done nothing to regain private assets taken so long ago by Castro and 40 years of embargo have done nothing to improve the living conditions and prospects for democratic reform in Cuba.

I have been to Cuba and visited Cuba. The people are in terrible shape. If anything, the embargo has lessened the prospects for reform by giving Castro someone else to blame for the terrible economic plight of his people. This embargo, frankly, is something Castro loves. It is a foil. He can blame the United States for some of the ills of his citizens. It is working in the opposite direction. In other words, while the problems may seem complicated, the one thing we can say we do know for certain is this: Current policy is not the answer; the current policy is a failure.

We must look to alternatives. How would this legislation resolve these problems? First, as to expropriation, the legislation I am proposing today calls for the President to undertake negotiations with the government of Cuba to settle this issue and make sure those harmed by this expropriation are fairly compensated. Second, as to the crucial issues of human rights and democratic reform, the legislation simply reflects the commonsense truth that engagement between the American and Cuban peoples will do much more to open Cuban society and help Cuban people, as it has around the world for 200 years, than silence and neglect—so similar to the question we had of China not too many years ago.

What did we do with China? The answer was very simple: We engaged. We engaged without losing. China is a country. We are a country. Let's engage again. The same is true for Cuba: They are a country, we are a country, let's start talking and figure out how to solve things.

We should not delude ourselves. Embargo is a word for neglect. By not engaging the Cuban people and opening our world and tradition to them, we are neglecting them.

Last year we worked hard to further trade liberalization, passing the Trade Act of 2002. When the President signed that bill he said this:

> Free trade is also a proven strategy for building global prosperity and adding to the momentum of political freedom. Greater freedom for commerce across the borders eventually leads to greater freedom for citizens within the borders.

I agree. This statement is as true for Cuba as it is for any other country.

Third, on the economics of this, sure, we are in tough times. The economy is flat. Our farmers and workers are hurting, but there is a market worth up to $1 billion a year we are shutting ourselves out, denying ourselves. It makes no sense. The embargo against Cuba accomplishes nothing, and hurts our farmers and workers and companies by excluding them from a great potential market. Meanwhile, the European Union, Japan, Mexico, Canada, dozens of other countries, are busy selling goods and building commercial relations in Cuba. We are not. They are. Ask me the rationale of that.

There is a final point regarding the basic rights of freedoms of the American people. It is a fundamental violation of the spirit of our democratic principles to tell the American people they cannot travel to Cuba. What a sad irony is trying to promote freedom and democracy in another country by restricting it in our own. It is time to get real about this. It is time to get real about promoting freedom and democracy, it is time to get real regarding economic expansion, and it is time to end the embargo.

By Mr. BUNNING (for himself and Mr. BROWNBACK):

S. 404. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on the Judiciary.

Mr. BUNNING. Mr. President, I rise to introduce, along with Senator SAM BROWNBACK, the Child Modeling Exploitation Prevention Act.

Many Senators may not be aware of what I am talking about. I was not until recently, and I think it is important to raise awareness of the issue. Once my colleagues see what it is I am talking about, I am sure they will join in supporting my bill.

The Internet sites we are talking about are disturbing and dangerous. I wanted to have some enlarged pictures to illustrate what I am talking about, but the images are indecent and would only be further exploiting these children.

What I am talking about are websites with pictures and videos of children—mostly girls between the ages of 7 and 14, barely clothed and in revealing positions—being sold on the Internet. For $25 a month at one site, you can look at pictures of a sweet and tender child being turned into a prostitute. She hikes up her skirt and poses in a bikini on a bearskin rug.

What is the point of this? It is not to sell a bearskin rug or an article of clothing or any other product. There is one thing being sold: A child as a sex object.

But there's more to this site. For $50 you can purchase a video of this little girl dancing and running around in skimpy outfits that leave little to the imagination.

Normal people do not visit these sites. The primary viewers of these Internet sites are grown men. Some are pedophiles. Some are even registered sex offenders.

And what is more disturbing is that some of these children are put on display by their parents. It is absurd that a parent would do this to their own child for cash.

Some parents even allow Internet viewers to interact with their children through e-mail. Some even make personal videos for subscribers and allow them to send in clothes for the girls to model.

This is wrong. Any sane and logical person knows it is wrong. And that is why Congress should do something about it.

I am not talking about children modeling clothes in a Sears catalog. I am not talking about kids advertising shoes or jackets.

That is fine. And legitimate marketing of products is not illegal under my bill.

This bill has been carefully crafted to protect legitimate modeling activities and to not trample on the First Amendment.

Children are precious.

I know firsthand because I have 9 of my own. I also have 35 grandchildren, and 3 great-grandchildren. And I don't want any of them—or any other children—growing up in a world where we exploit children in a sexual way.

I urge my colleagues to cosponsor this bill and end exploitive child modeling.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Modeling Exploitation Prevention Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of children in the production of exploitive child modeling, including on Internet websites, in photographs, films, videos, and other visual depictions, is a form of child abuse that can result in physical and psychological harm to the children involved.

(2) Exploitive child modeling is different from other, legitimate, child modeling because exploitive child modeling involves marketing the child himself or herself in lascivious positions and acts, rather than actually marketing products to average American consumers.

(3) The purpose of exploitive child modeling is to satisfy the demand of pedophiles.

(4) Unlike legitimate child modeling, exploitive child modeling may involve a direct and personal interaction between the child model and the pedophile. The pedophile often knows the child's name and has a way of communicating with the child.

(5) The interaction between the exploited child model and the pedophile can lead the child to trust pedophiles and to believe that it is acceptable and safe to meet with pedophiles in private.

(6) Over 70 percent of convicted pedophiles have used child pornography or exploitive child modeling depictions to whet their sexual appetites. Because children are used in its production, exploitive child modeling can place the child in danger of being abducted, abused, or murdered by the pedophiles who view such depictions.

(7) These exploitive exhibitions of children are unacceptable by social standards and lead to a direct harm to the children involved.

SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.

(a) PROHIBITION ON EMPLOYMENT.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

"(e)(1) No employer may employ a child model in exploitive child modeling.

"(2) Notwithstanding section 16(a), whoever violates paragraph (1) shall be fined under title 18 or imprisoned not more than 10 years, or both.

"(3)(A) In this subsection, the term 'exploitive child modeling' means modeling involving the use of a child under 17 years old for financial gain without the purpose of marketing a product or service other than the image of the child.

"(B) Such term applies to any such use, regardless of whether the employment relationship of the child is direct or indirect, or contractual or noncontractual, or is termed that of an independent contractor.

"(C) Such term does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value.".

(b) OPPRESSIVE CHILD LABOR.—Section 3(l) of such Act (29 U.S.C. 203(l)) is amended—

(1) by striking "(1) any" and inserting "(A) any";

(2) by striking "(2) any" and inserting "(B) any";

(3) by inserting "(1)" after "(l)"; and

(4) by adding at the end the following new paragraph:

"(2) Such term includes employment of a minor in violation of section 12(e)(1).".

SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.

(a) IN GENERAL.—110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§ 2252B. Exploitive child modeling

"(a) IN GENERAL.—Except as provided in subsection (b), whoever, in or affecting interstate or foreign commerce, with the intent to make a financial gain thereby—displays or offers to provide the image of an individual engaged in exploitive child modeling (as defined in section 12(e) of the Fair Labor Standards Act of 1938) shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) EXCEPTION.—This section does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

"2252B. Exploitive child modeling.".

By Mr. DEWINE (for himself and Mr. DODD):

S. 405. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. LIEBERMAN):

S. 406. A bill to provide grants to States and outlying areas to encourage the States and outlying areas to encourage existing or establish new statewide coalitions among institutions of higher education, communities around the institutions, and other relevant organizations or groups, including anti-drug or anti-alcohol coalitions, to reduce underage drinking and illicit drug-use by students, both on and off campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 407. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court systems; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 408. A bill to establish a grant program to enable institutions of higher education to improve schools of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 409. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, I join several of my colleagues today to introduce a series of bills related to the reauthorization of the Higher Education Act (HEA). These five bills emphasize a number of issues that are vital to higher education, including teacher quality; loan forgiveness for social workers, family lawyers, and early childhood teachers; and the reduction of drug use and underage drinking at our colleges and universities.

The quality of a student's education is the direct result of the quality of that student's teachers. If we don't have well trained teachers, then future generations of our children will not be well educated. That is why I am introducing a bill that would provide $200 million in grants to our schools of education to partner with local schools to ensure that our teachers are receiving the best, most extensive training available before they enter the classroom.

The Secretary of Education's annual report on teacher quality reported that a majority of graduates of schools of education believe that the traditional teacher preparation program left them ill prepared for the challenges and rigors of the classroom. Part of the responsibility for this lies in the hands of our schools of education. However, Congress also has a responsibility to give our schools of education the tools they need to make necessary improvements. This new bill would create a competitive grant program for schools of education, which partner with low-income schools to create clinical programs to train teachers. Additionally, it would require schools of education to make internal changes by working with other departments at the university to ensure that teachers are receiving the highest quality education in core academic subjects. Finally, it would require the college or university to demonstrate a commitment to improving their schools of education by providing matching funds.

Another complex issue affecting the teaching force is the high percentage of disillusioned beginning teachers who leave the field. Our bill would help combat this issue, as well. Schools of education receiving these grants would be responsible for following their graduates and continuing to provide assistance after they enter the classroom. The more we invest in the education of teachers—especially once they have entered the profession—the more likely they will remain in the classroom.

Today, I also would like to introduce, along with Senator DODD, the Early Care and Education Loan Forgiveness Act. Our dear friend and colleague, Senator Wellstone, and I had included this legislation in the last higher education reauthorization bill. We had been working on this legislation together before Paul's tragic death. I know he cared deeply about this issue and about making sure that all children receive a quality education. He was passionate about that. And, in his memory, I would like to rename our bill the Paul Wellstone Early Educator Loan Forgiveness Act.

This bill would expand the loan forgiveness program so that it benefits not just childcare workers, but also early childhood educators. This loan forgiveness program would serve as an incentive to keep those educators in the field for longer periods of time.

Paul Wellstone knew how important early learning programs are in preparing our children for kindergarten and beyond. Research shows that children who attend quality early childcare programs when they were three or four years old scored better on math, language arts, and social skills in early elementary school than children who attended poor quality childcare programs. In short, children in early learning programs with high quality teachers—teachers with a bachelor's degree or an associate's degree or higher—do substantially better.

When we examine the number and recent growth of pre-primary education programs, it becomes difficult to differentiate between early education and childcare settings because they are so often intertwined—especially considering that 11.9 million children younger than age five spend part of their time with a care provider other than a parent and that demand for quality childcare and education is growing as more mothers enter the workforce.

Because this bill targets loan forgiveness to those educators working in low-income schools or childcare settings, we can make significant strides toward providing high quality education for all of our young children, regardless of socioeconomic status. The bill would serve a twofold function. First, it would reward professionals for their training. Second, it would encourage professionals to remain in the profession over longer periods of time, since more time in the profession leads to higher percentages of loans forgiveness. The bill would result in more educated individuals with more teaching experience and lower turnover rates, each of which enhance student performance.

I encourage my colleagues to join me in this effort to ensure that truly no children—especially our youngest children—are left behind.

I also am working on two bills with my friend and colleague from West Virginia, Senator JAY ROCKEFELLER. These bills would provide loan forgiveness to students who dedicate their careers to working in the realm of child welfare, including social workers, who work for child protective services, and family law experts.

Currently, Mr. President, there aren't enough social workers to fill available jobs in child welfare today. Furthermore, the number of social work job openings is expected to increase faster than the average for all occupations through 2010. The need for highly qualified social workers in the child protective services is reaching crisis level.

We also need more qualified individuals focusing on family law. The wonderful thing about family law is its focus on rehabilitation—that is the rehabilitation of families by helping them through life's transitions, whether it is a family going through a divorce, a family dealing with their troubled teenager in the juvenile system, or a child getting adopted and becoming a member of a new family.

Across the United States, family, juvenile, and domestic relations courts are experiencing a shortage of qualified attorneys. As many of my colleagues and I know, law school is an expensive investment. In the last 20 years, tuition has increased more than 200 percent. Currently, the average rate of law school debt is about $80,000 per graduate. To be sure, few law school graduates can afford to work in the public sector because debts prevent even the most dedicated public service lawyer from being able to take these low-paying jobs. This results in a shortage of family lawyers.

The shortage of family law attorneys also disproportionately impacts juveniles. The lack of available representation causes children to spend more time in foster care because cases are adjourned or postponed when they simply cannot find an attorney to represent their rights or those of the parent or guardian. Furthermore, the number of children involved in the court system is sharply increasing. We need to ensure that the interests of these children are taken care of by making certain they have an advocate—someone working solely on their behalf. By offering loan forgiveness to those willing to pursue careers in the child welfare field, we can increase the number of highly qualified and dedicated individuals who work in the realm of child welfare and family law.

Finally, I am introducing a bill today with my friend and colleague from Connecticut, Senator LIEBERMAN, that would help address an epidemic—the epidemic of underage drinking, binge drinking, and drug-related problems on college and university campuses across the United States. Our bill would provide grants to states to establish statewide partnerships among colleges and universities and the surrounding communities to work together to reduce underage and binge drinking and illicit drug use by students.

According to a study by Boston University, over 1,400 students aged 18–24 died in 1998 from alcohol-related injuries, more than 600,000 students were assaulted by another student, and another 500,000 were injured unintentionally while under the influence of alcohol. According to a 1999 Harvard University study, 40 percent of college students are binge drinkers and according to the Department of Health and Human Services, nearly 10.5 million current drinkers were under the legal age of 21, and of these, over 5 million were binge drinkers.

Currently, 28 States, including my home State of Ohio, have coalitions that deal specifically with the culture of alcohol and drug abuse on our nation's college campuses. They work with the surrounding communities, including local residents, bar, restaurant and shop owners, and law enforcement officials, toward a goal of changing the pervasive culture of drug and alcohol abuse. They provide alternative alcohol-free events, as well as support groups for those who choose not to drink. They also educate students about the dangers of alcohol and drug-use.

Furthermore, the coalitions recognize that while it is important to promote an alcohol aware and drug-free campus community, if the community surrounding the campus does not promote these initiatives, there will be no long-term solutions. Therefore, these coalitions also have worked to establish regulations both on and off campus, which will help our nation's youth to stay healthy, alive, and get the most out of their time at college. Some of these regulations include the registration of kegs. This provides accountability for both the store and the student. This is just an example of one step that colleges, local communities, and organizations can take.

To help start the expansion of these coalitions, our bill would provide $50 million in grants. This is an important demonstration project that would help lead to positive effects for our young people. It is up to us to change the culture, which has been perpetuated by years of complacency and a dismissal tone of—"that's just the way it is in college." We must protect the health and education of our young people by changing this culture of abuse—and that is exactly what this bill would do.

Next year when we consider the reauthorization of the Higher Education Act, I encourage my colleagues to join in support of these initiatives.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Wellstone Early Educator Loan Forgiveness Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1)(A) The first 5 years of a child's life are a time of momentous change.

(B) Research shows that a child's brain size doubles between birth and age 3.

(2) New scientific research shows that the electrical activity of the brain cells actually changes the physical structure of the brain, and that without a stimulating environment, a baby's brain suffers.

(3) Research also indicates that there is a connection between the cognitive, social, emotional, and physical stimulation young children receive from their early childhood teachers and caregivers and success in learning, school readiness, and intellectual growth. There are important short- and long-term effects of that stimulation on cognition and social development.

(4) High quality early childhood education correlates with better language development, mathematics abilities, and social skills.

(5) 11,900,000 children younger than age 5 spend part of their time with a child care provider other than a parent. By 2000, 64 percent of 3- to 5-year-olds were enrolled in some type of preschool program. Demand for child care is growing as more mothers enter the workforce.

(6) Good quality child care, in a healthy and safe environment, with trained, caring providers who provide age-appropriate, developmentally appropriate, and effective activities, helps children grow and thrive. Recent research shows that most child care needs significant improvement.

(7) Good quality child care depends largely on the provider, yet providers of child care earn on average $7.86 per hour, or $16,350 per year. Such earnings cause high annual turnover, up to 31 percent of the staff in some child care programs. High turnover affects the overall quality of a child care program and causes anxiety for children.

(8) Children attending lower quality child care programs and child care programs with high staff turnover are less competent in language and social development than other children.

(9) The quality of child care is primarily related to high staff-to-child ratios, staff education, professional development, and administrators' prior experience. In addition, certain characteristics distinguish poor, mediocre, and good quality child care programs, the most important of which are teacher wages, education, and specialized training.

(10) Each State requires kindergarten teachers to hold at least a bachelor's degree

and certificate in early childhood education. Only 20 States and the District of Columbia require teachers in prekindergarten programs to satisfy those requirements. Thirty States allow caregivers with no previous training to work in child care programs.

SEC. 3. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

Section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078–11) is amended to read as follows:

“SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

“(a) Purposes.—The purposes of this section are—

“(1) to bring more highly trained individuals into the early child care profession; and

“(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

“(b) Definitions.—In this section:

“(1) Child care facility.—The term ‘child care facility’ means a facility, including a home, that—

“(A) provides child care services; and

“(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

“(2) Child care services.—The term ‘child care services’ means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education, including a preschool teacher.

“(3) Degree.—The term ‘degree’ means an associate’s or bachelor’s degree awarded by an institution of higher education.

“(4) Early childhood education.—The term ‘early childhood education’ means education in the area of early child development and education, or any other educational area related to early child development and education or child care, that the Secretary determines to be appropriate.

“(5) Eligible preschool program provider.—The term ‘eligible preschool program provider’ means a preschool program provider serving children younger than the age of compulsory school attendance in the State that is—

“(A) a public or private school;

“(B) a provider that is supported, sponsored, supervised, or administered by a local educational agency;

“(C) a Head Start agency designated under the Head Start Act (42 U.S.C. 9831 et seq.);

“(D) a nonprofit or community-based organization; or

“(E) a licensed child care center or family child care provider.

“(6) Institution of higher education.—Notwithstanding section 102, the term ‘institution of higher education’ has the meaning given the term in section 101.

“(7) Preschool teacher.—The term ‘preschool teacher’ means an individual—

“(A) who has received at least an associate’s degree in early childhood education and who is working toward or who has already received a bachelor’s degree in early childhood education; and

“(B) who works for an eligible preschool program provider supporting the children’s cognitive, social, emotional, and physical development to prepare the children for the transition to kindergarten.

“(c) Loan Forgiveness.—

“(1) In general.—The Secretary may carry out a program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part, part D (excluding loans made under sections 428B and 428C or comparable loans made under part D), or part E for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

“(A) receives a degree in early childhood education;

“(B) obtains employment in a child care facility, such as employment as a preschool teacher; and

“(C) has been employed full time, for the 2 consecutive years preceding the year for which the determination is made, as a provider of child care services in a child care facility in a low-income community.

“(2) Low-income community.—In this subsection, the term ‘low-income community’ means a community in which 70 percent of households earn less than 85 percent of the State median household income.

“(3) Award basis; priority.—

“(A) Award basis.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

“(B) Priority.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

“(4) Regulations.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(d) Loan Repayment.—

“(1) In general.—The Secretary shall assume the obligation to repay—

“(A) after the second consecutive year of employment described in subparagraphs (B) and (C) of subsection (c)(1), 20 percent of the total amount of all loans described in subsection (c)(1) and made after the date of enactment of the Higher Education Amendments of 1998, to a student;

“(B) after the third consecutive year of such employment, 20 percent of the total amount of all such loans; and

“(C) after each of the fourth and fifth consecutive years of such employment, 30 percent of the total amount of all such loans.

“(2) Construction.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made, insured, or guaranteed under this part, part D, or part E.

“(3) Interest.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

“(4) Special rule.—In the case in which a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans described in subsection (c)(1) and incurred for a maximum of 2 academic years in returning to the institution of higher education for the purpose of obtaining the degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

“(5) Ineligibility of national service award recipients.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(e) Repayment to Eligible Lenders and Holders.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of the lender’s or holder’s loans that are subject to repayment pursuant to this section for such year.

“(f) Application for Repayment.—

“(1) In general.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) Conditions.—An eligible individual may apply for loan repayment under this section after completing each of the second through the fifth consecutive years of qualifying employment described in subsection (d)(1). The borrower shall receive forbearance while engaged in qualifying employment described in subsection (d)(1) unless the borrower is in deferment while so engaged.

“(g) Evaluation.—

“(1) In general.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the program assisted under this section on the field of early childhood education.

“(2) Competitive basis.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

“(3) Contents.—The evaluation described in this subsection shall—

“(A) determine the number of individuals who were encouraged by the program assisted under this section to pursue early childhood education;

“(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

“(C) identify the barriers to the effectiveness of the program;

“(D) assess the cost-effectiveness of the program in improving the quality of—

“(i) early childhood education; and

“(ii) child care services;

“(E) identify the reasons why participants in the program have chosen to take part in the program;

“(F) identify the number of individuals participating in the program who received an associate’s degree and the number of such individuals who received a bachelor’s degree; and

“(G) identify the number of years each individual participated in the program.

“(4) Interim and final evaluation reports.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines to be appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2007.

“(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Communities Combating College Drinking and Drug Use Act”.

SEC 2. FINDINGS.

Congress makes the following findings:

(1) Alcohol is by far the drug most widely used and abused by young people in the United States.

(2)(A) In 2003, it is illegal for youths under the age of 21 to purchase alcohol in all of the

50 States and the District of Columbia, and illicit drugs remain illegal.

(B) According to the National Institute on Drug Abuse, on average, young people begin drinking at about age 13. However, some start even younger. By the time young people are high school seniors, more than 80 percent have used alcohol and approximately 64 percent have been drunk.

(C) When adolescents move on to college, they bring their drinking habits with them. According to a 1993–1997 Harvard School of Public Health College Alcohol Study, 40 percent of college students are binge drinkers.

(D) According to the Department of Health and Human Services, in 1998, 10,400,000 current drinkers were under legal age (age 12–21) and of these, 5,100,000 were binge drinkers, including 2,300,000 heavy drinkers.

(E) Among 10th graders the perceived harmfulness of regularly taking LSD (lysergic acid diethylamide) is 68.8 percent, and among 8th graders the perceived harmfulness is 52.9 percent, according to the 2001 Monitoring the Future Study (MTF) funded by the National Institute on Drug Abuse.

(F) Only 45.7 percent of 12th graders perceived a great risk in trying MDMA (ecstasy) once or twice.

(G) The perceived availability of crack and cocaine among 10th graders was thought of as easy or fairly easy by 31 percent of 10th graders.

(3)(A) Underage drinking particularly impacts institutions of higher education.

(B) In 1999, Harvard University's School of Public Health College Alcohol Study surveyed 119 colleges and found that students who were binge drinkers in high school were 3 times more likely to binge drink in college.

(C) According to a March 2002 article published in the Journal of Studies on Alcohol, a study conducted by the Social and Behavioral Sciences Department of the Boston University School of Public Health reported that 1998 and 1999 studies show over 2,000,000 of the 8,000,000 college students in the United States drove under the influence of alcohol, over 500,000 were unintentionally injured while under the influence of alcohol, and over 600,000 were hit or assaulted by another student who had been drinking.

(D) According to the same Boston University study, it is estimated that over 1,400 students aged 18–24 and enrolled in 2-year and 4-year colleges died in 1998 from alcohol-related unintentional injuries.

(E) More than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking, and another 500,000 students are unintentionally injured under the influence of alcohol.

(F) More than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape, more than 400,000 students reported having unprotected sex, and more than 100,000 students reported having been too intoxicated to know if they consented to having sex, according to the Boston University study.

(4)(A) Longstanding cultural influences perpetuate student patterns of drinking.

(B) Of frequent binge drinkers, 73 percent of males and 68 percent of females cited drinking to get drunk as an important reason for drinking according to "Binge Drinking on Campus: Results of a National Study", from Harvard School of Public Health.

(C) The proportion of college students who drink varies depending on where they live. Drinking rates are highest in fraternities and sororities, followed by on-campus housing. Students who live independently offsite (e.g., in apartments) drink less, while commuting students who live with their families drink the least.

(D) Institutions of higher education in places with strict laws such as keg registration, prohibitions on happy hours, and open container in public bans, which restrict the volume of alcohol sold or consumed, displayed lower rates of consumption and binge drinking among underage students.

(E) A 2000 report by the Department of Health and Human Services, entitled "Healthy People 2010", observes that "The perception that alcohol use is socially acceptable correlates with the fact that more than 80 percent of American youth consume alcohol before their 21st birthday, whereas the lack of social acceptance of other drugs correlates with comparatively low rates of use. Similarly, widespread societal expectations that young persons will engage in binge drinking may encourage this highly dangerous form of alcohol consumption.".

(F) Mutually reinforcing interventions between the college and surrounding community can change the broader environment and help reduce alcohol abuse and alcohol-related problems over the long term.

(5)(A) The use of illicit drugs threatens the lives and well-being of students at institutions of higher education.

(B) According to the working paper, "Alcohol and Marijuana Use Among College Students: Economic Complements or Substitutes", for the National Bureau of Economic Research, alcohol and marijuana are economic complements, meaning that as the use of alcohol goes down on campuses, it is expected that marijuana will as well, or that as marijuana usage falls, so will alcohol usage.

(C) The annual prevalence of the use of an illicit drug at institutions of higher education is 36 percent. The annual marijuana use is 34 percent. The annual use of cocaine and LSD is 4.8 percent. The annual use of heroin is 4.5 percent.

SEC. 3. DEFINITIONS.

In this Act:

(1) BINGE DRINKING.—The term "binge drinking" means the consumption of 5 or more drinks on any 1 occasion.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico

(6) STATEWIDE COALITION.—The term "statewide coalition" means a coalition that—

(A) includes—

(i) the entity a State designates to apply for a grant under this Act and to administer the grant funds; and

(ii)(I) institutions of higher education within that State; and

(II) a nonprofit group, a community anti-drug or anti-alcohol coalition, or another substance abuse prevention group within the State; and

(B) works toward lowering the drug and alcohol abuse rate at not fewer than 50 percent of the institutions of higher education throughout the State and in the communities surrounding the campuses of the institutions.

(7) SURROUNDING COMMUNITY.—The term "surrounding community" means the community—

(A) which surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

SEC. 4. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, local communities, nonprofit groups, including community anti-drug or anti-alcohol coalitions, and other substance abuse groups within the State to enhance existing or, where none exist, to establish new statewide coalitions to reduce the usage of drugs and alcohol by college students both on campus and in the surrounding community at large.

SEC. 5. GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) GRANTS TO STATES.—

(1) ALLOTMENTS.—

(A) IN GENERAL.—From amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make grants according to allotments under subparagraph (B) to States having applications approved under subsection (c) to pay the cost of carrying out the activities described in the application.

(B) DETERMINATION OF ALLOTMENTS.—

(i) RESERVATION OF FUNDS.—From the total amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve—

(I) one-half of 1 percent for allotments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need for assistance under this Act, as determined by the Secretary, to carry out the purpose of this Act; and

(II) one-half of 1 percent for the Secretary of the Interior for programs under this Act for schools operated or funded by the Bureau of Indian Affairs.

(ii) STATE ALLOTMENTS.—From funds appropriated under subsection (a) for a fiscal year that remain after reserving funds under clause (i), the Secretary shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all States, as determined by the 2000 decennial census.

(2) MATCHING FUNDS REQUIRED.—Each State receiving a grant under this Act shall contribute matching funds, from non-Federal sources, toward the cost of the activities described in the application, in an amount equal to—

(A) 100 percent of the Federal funds received under the grant, in the case of a State supporting a new statewide coalition; and

(B) 50 percent of the Federal funds received under the grant, in the case of a State supporting a statewide coalition that was in existence on the day preceding the date of enactment of this Act.

(3) ADMINISTRATIVE COSTS.—Each State receiving a grant under this section may expend not more than 25 percent of the grant funds for administrative costs.

(c) STATE APPLICATIONS.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State shall submit an application to the Secretary

at such time, in such manner, and containing such information as the Secretary shall reasonably require.

(2) Contents.—Each application submitted under this section shall include the following:

(A) A description of how the State will work to enhance existing, or where none exists, to build a statewide coalition in cooperation with—

(i) not fewer than 50 percent of the institutions of higher education within the State;

(ii) local communities;

(iii) nonprofit groups, community anti-drug or anti-alcohol coalitions; and

(iv) other substance abuse prevention groups within the State.

(B) A description of how the State intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward the achievement indicators described in subsection (d).

(C) A list of the members of the statewide coalition or interested parties.

(d) Accountability.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program assisted under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol or drug-related incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Across the United States, family, juvenile, and domestic relations courts experience shortages of qualified attorneys to represent the interests of men, women, and children involved in their court systems.

(2) The Constitution of the United States provides that everyone charged with a crime is entitled to adequate counsel.

(3) In 1967, the Supreme Court held, for the first time, that children were persons under the provisions of the 14th amendment to the Constitution relating to due process, and entitled to certain constitutional rights.

(4) In the case of In re Gault (387 U.S. 1), the Supreme Court held that juveniles are entitled to notice of the charges against them, legal counsel, questioning of witnesses, and protection against self-incrimination in a hearing that could result in commitment to an institution.

(5) Studies have indicated that many juveniles do not receive the due process protections to which they are entitled. More importantly, they frequently do not receive effective assistance of legal counsel.

(6) Lawyers who represent juveniles often labor under enormous caseloads with little training or support staff.

(7) Public defenders who represent juveniles have, on average, more than 500 cases per year, with more than 300 of those cases being juvenile cases.

(8) Public defenders often lack specialized training in representing juveniles. Approximately one-half of public defender offices do not even have a section devoted to juvenile delinquency practice in their office training manuals.

(9) Due to relatively low wages, there is a nationwide shortage of family law attorneys willing to represent juveniles.

(10) The shortage of family law attorneys results in a severe, disproportionate, and negative impact upon children, impoverished parents, and victims of domestic violence.

(11) Children involved in family court cases are assigned attorneys to protect their interests. Adults are entitled to representation by attorneys. The lack of available representation by family law attorneys causes children to spend more time in foster care because cases are adjourned or postponed due to lack of appropriate representation. Victims of domestic violence seeking protection from their abusers often will remain in the abusive situation, choose to represent themselves, or wait until an attorney becomes available, all of which risk their personal safety.

(12) In 1995, 3,100,000 children were reported to child protection agencies as being abused or neglected, which is about double the number reported in 1984. Of these, 996,000 children were confirmed after investigation to be abused or neglected. A 1996 study by the Department of Health and Human Services found that the number of children seriously injured nearly quadrupled between 1986 and 1993 from 141,700 to 565,000.

(13) As of 1995 year-end, about 494,000 children were in foster care, a considerable rise from the estimated 280,000 children in foster care at the end of 1986. Most of these children are in foster care because of abuse, neglect, or abandonment by their parents. Many are also placed in foster care due to a court order during a child protection case.

(14) Some estimates suggest that in 70 percent of homes where there is domestic violence, there is also child abuse.

(15) Children who witness domestic violence can also develop posttraumatic stress disorder, low self-esteem, anxiety, depression, eating disorders, and destructive behavior that can last through adulthood, limiting an individual's ability to achieve academically, socially, and on the job. However, early intervention and education can help prevent further danger to children.

(16) Continued adjournment forces victims to repeatedly confront their abusers in court. This not only increases the risk of retribution, but also the chance that the victim will abandon the process because of the burden.

(17) Between 1984 and 1994 there was a 65 percent increase in domestic relations cases and a 59 percent increase in the number of juvenile cases.

(18) The caseload for child abuse in New York State alone has increased by more than 300 percent between 1984 and 1988.

(19) Judges in Chicago hear on average 1,700 delinquency cases per month, and in Los Angeles judges for juvenile cases have about 10 minutes to devote to each case.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in this field of law for longer periods of time.

SEC. 3. LOAN FORGIVENESS.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

"(a) Definitions.—In this section:

"(1) Eligible loan.—The term 'eligible loan' means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

"(2) Family law or domestic relations attorney.—The term 'family law or domestic relations attorney' means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

"(3) Highly qualified attorney.—The term 'highly qualified attorney' means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

"(b) Demonstration Program.—

"(1) In general.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section, who—

"(A) obtains a Juris Doctorate (JD), and takes at least 1 law school class in family law, juvenile law, domestic relations law, or some other class that the Secretary determines equivalent to any such class pursuant to regulations prescribed by the Secretary; and

"(B) has worked full-time for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

"(2) Award basis.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(3) Priority.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(4) Regulations.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(c) Loan Repayment.—

"(1) In general.—The Secretary shall assume the obligation to repay—

"(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

"(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

"(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

"(2) COMPETITIVE BASIS.—The grant or contract described in this section shall be awarded on a competitive basis.

"(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

"(A) has increased the number of highly qualified attorneys;

"(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

"(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

"(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

"(C) has increased the experience and the quality of family law and domestic relations attorneys; and

"(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

"(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready To Educate All Children Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 new teachers will be needed over the next decade.

(2) Under the No Child Left Behind Act of 2001, States must recruit highly qualified teachers by 2006, yet schools in rural areas and high poverty schools have trouble attracting and retaining such teachers.

(3) A 2000 study by the Education Trust reports that high poverty schools are twice as likely not to have teachers certified in the fields in which they teach as schools that are not high poverty schools, which highlights that high poverty schools will need special help to meet the goals of the No Child Left Behind Act of 2001.

(4) If the Nation is to improve student achievement and success in school, the United States must encourage and support the training and development of our Nation's teachers, who are the single most important in-school influence on student learning.

(5) A majority of graduates of schools of education believe that traditional teacher preparation programs left them ill prepared for the challenges and rigors of the classroom.

(6) Fewer than 36 percent of new teachers feel very well prepared to implement curriculum and performance standards.

(7) Highly qualified teachers are more effective in impacting student academic achievement because such teachers have high verbal abilities, high content knowledge, and an enhanced ability to know how to teach the content using appropriate pedagogical strategies.

(8) The difference in annual student achievement growth between having an effective and ineffective teacher can be more than 1 grade level of achievement in academic performance.

(9) Studies have consistently documented the important connection between a teacher's verbal and cognitive abilities and student achievement.

(10) Research has shown that there is a positive effect on student achievement when students are taught by teachers with a strong subject-matter background.

(b) PURPOSE.—It is the purpose of this Act to provide grants to teacher preparation programs to better prepare teachers to educate all children.

SEC. 3. DEFINITIONS.

In this Act:

(1) BEGINNING TEACHER.—The term "beginning teacher" means a highly qualified teacher who has taught for not more than 3 years.

(2) CORE ACADEMIC SUBJECTS.—The term "core academic subjects" means—

(A) mathematics;

(B) science;

(C) reading (or language arts) and English;

(D) social studies, including history, civics, political science, government, geography, and economics;

(E) foreign languages; and

(F) fine arts, including music, dance, drama, and the visual arts.

(3) HIGH POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high poverty local educational agency" means a local educational agency for which the number of children who are served by the agency, aged 5 though 17, and from families with incomes below the poverty line—

(A) is not less than 40 percent of the number of all children served by the agency; or

(B) is more than 15,000.

(4) HIGH POVERTY SCHOOL.—The term "high poverty school" means an elementary school or secondary school that serves a high number or percentage of children from families with incomes below the poverty line.

(5) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education"—

(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027); and

(ii) does not have a teacher preparation program identified by a State as low-performing.

(7) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) LOCAL PARTNER.—The term "local partner" means a high poverty local educational agency or a high poverty school.

(9) MENTORING.—The term "mentoring" means activities that consist of structured guidance and regular and ongoing support for beginning teachers.

(10) SECRETARY.—The term "Secretary" means the Secretary of Education.

(11) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to institutions of higher education to establish a partnership with a local partner to—

(1) establish a clinically-based elementary school or secondary school teacher training program; or

(2) enhance such institution's clinically-based elementary school or secondary school teacher training program.

(b) APPLICATION.—

(1) IN GENERAL.—An institution of higher education that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) DEVELOPMENT.—The institution of higher education shall develop the application in collaboration with 1 or more local partners.

(3) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of any shortages in the State, where the institution of higher education is located, of highly qualified teachers in high poverty schools in core academic subjects;

(B) an assessment of the needs of beginning teachers in high poverty schools to be effective in the classroom that is—

(i) developed with the involvement of the local partner; and

(ii) based on—

(I) student achievement data in core academic subjects; and

(II) other indicators of the need to fully prepare beginning teachers;

(C) a description of how the institution of higher education will use funds made available pursuant to a grant awarded under this Act to—

(i) improve the quality of the teaching force; and

(ii) decrease the use of out-of-field placement of teachers;

(D) a description of how the institution of higher education will align activities assisted under this Act with challenging State academic content standards and student academic achievement standards, and State assessments, by setting numerical, annual improvement goals;

(E) a plan, developed with the extensive participation of the local partner, for addressing long-term teacher recruitment, retention, professional development, and mentoring needs;

(F) a description of how the institution of higher education will assist local educational agencies in implementing effective and sustained mentoring and other professional development activities for beginning teachers;

(G) a description of how the institution of higher education will work with individuals who successfully complete a teacher education program to become certified or licensed; and

(H) a description of how the institution of higher education will prepare teachers to succeed in the classroom.

(c) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application submitted pursuant to subsection (a) if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this Act.

(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

(3) DURATION OF GRANTS.—The Secretary is authorized to make grants under this section for a period of 5 years. At the end of the 5-year period, the grant recipient may apply for an additional grant under this section.

(d) USES OF FUNDS.—

(1) MANDATORY USES.—An institution of higher education that receives a grant under this section shall use the grant funds to—

(A) establish a partnership with a local partner to establish, or enhance an existing, clinically-based elementary school or secondary school teacher training program to better train teachers for challenges in the classroom;

(B) facilitate a partnership among departments of the institution to ensure that future teachers are prepared to teach; and

(C) implement a project-based assessment that facilitates the program evaluation developed under subsection (f) and that assesses the impact of the activities undertaken with grant funds awarded under this Act on achieving the purpose of this Act, as well as on institutional policies and practices.

(2) ADDITIONAL ACTIVITIES.—An institution of higher education that receives a grant under this section shall use the grant funds for not less than 3 of the following activities:

(A) The enhancement of high caliber teaching, including—

(i) enabling faculty to spend additional time in smaller class settings teaching students pursuing teaching degrees;

(ii) providing—

(I) summer school teaching opportunities for students pursuing teaching degrees;

(II) additional salary for faculty members who serve as advisors to students pursuing teaching degrees; or

(III) stipends for students pursuing teaching degrees.

(B) Opportunities to develop new pedagogical approaches to teaching, including a focus on content knowledge in academic areas such as mathematics, science, foreign language development, history, political science, and special education.

(C) Creation of multidisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction.

(D) Expansion of innovative mentoring or tutoring programs proven to enhance recruitment of students pursuing teaching degrees or persistence in obtaining a teaching degree.

(E) Improvement of undergraduate science, mathematics, engineering, and technology education for nonmajors, including teacher education majors.

(e) MATCHING FUNDS.—Each institution of higher education that receives a grant under this section shall demonstrate a financial commitment to such institution's school of education by contributing, either directly or through private contributions, non-Federal matching funds equal to 20 percent of the amount of the grant.

(f) ASSESSMENT, EVALUATION, AND DISSEMINATION OF INFORMATION.—

(1) PROGRAM EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall award not less than 1 grant or contract to an independent evaluative organization to—

(A) develop metrics for measuring the impact of the activities authorized under this section on—

(i) the number of students enrolled in education classes;

(ii) academic achievement of students pursuing teaching degrees, including quantifiable measurements of students' mastery of content and skills, such as students' grade point averages;

(iii) persistence in completing a teaching degree, including students who transfer from departments of education to programs in other academic disciplines; and

(iv) placement during the 2 years after degree completion in public schools and an evaluation of the teachers' performance;

(B) conduct an evaluation of the impacts of the activities authorized under this section, including a comparison of the funded projects to identify best practices with respect to achieving the purpose of this Act.

(2) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate, biannually, information on the activities and the results of the projects assisted under this section, including best practices, to institutions of higher education that receive a grant under this section and other interested institutions of higher education.

(g) STUDENT LOAN ELIGIBILITY.—Notwithstanding any other provision of law, a student who participates in a clinically-based teacher training program funded under this Act shall be eligible for student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) during such student's fifth year of a program of study for obtaining a teaching degree, if the fifth year of the program of study is required under such clinically-based program in order for students to obtain the teaching degree.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $200,000,000 for each of fiscal years 2004 through 2009.

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Approximately 3,000,000 reports of child abuse and neglect must be investigated each year.

(2) Approximately 1,000,000 of these reports are confirmed and require ongoing intervention.

(3) On any given day in the United States, more than 500,000 children are being served outside their homes by the child welfare system.

(4) These children are served in more than 150,000 foster homes and more than 5,000 residential programs.

(5) The child welfare workforce crisis has developed as the result of the following 3 major factors:

(A) Overall low levels of unemployment and the resulting increase in competition for workers in all sectors of the economy.

(B) The increasing numbers of children and families needing service coupled with the decreasing numbers of workers in the employment pool.

(C) The relatively low pay and difficult working conditions that exist in many child welfare agencies.

(6) The vacancy rate in State child welfare agencies is 8.1 percent, and 14.3 percent for private agencies.

(7) The overall turnover rate in child welfare agencies has doubled since 1991, to 13.9 percent in public agencies and to 46.5 percent in private agencies.

(8) The child welfare workforce crisis is real and is already compromising the ability of the child welfare system to effectively provide essential services to its children and families. In addition, analysis of trends indicates that the situation will worsen over the next decade. It is clear that steps must be taken now to encourage more workers to enter the child welfare services field and to improve the salaries, working conditions, and training of workers who provide these critically important services.

SEC. 2. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

(a) GUARANTEED STUDENT LOANS.—Part B of title IV of the Higher Education Act of 1965 is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to bring more highly trained individuals into the child welfare profession; and

"(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

"(b) DEFINITIONS.—In this section:

"(1) CHILD WELFARE SERVICES.—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

"(2) CHILD WELFARE AGENCY.—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

“(4) STATE.—The term ‘State’ has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

“(c) DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

“(A) obtains a bachelor's or master's degree in social work;

“(B) obtains employment in public or private child welfare services; and

“(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

“(2) AWARD BASIS; PRIORITY.—

“(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

“(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

“(3) OUTREACH.—The Secretary shall post a notice on a Department Internet web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

“(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(d) LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

“(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

“(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

“(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

“(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

“(4) SPECIAL RULE.—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of 2 academic years in returning to an institution of higher education for the purpose of obtaining such a degree. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

“(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(e) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

“(f) APPLICATION FOR REPAYMENT.—

“(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

“(g) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

“(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

“(3) CONTENTS.—The evaluation described in this subsection shall determine—

“(A) whether the loan forgiveness program has increased child welfare workers' education in the areas covered by loan forgiveness;

“(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

“(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

“(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

“(C) whether the loan forgiveness program has increased the experience and the quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

“(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

By Mr. EDWARDS:

S. 410. A bill to establish the Homeland Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

Mr. EDWARDS. Mr. President, I have previously given a statement and a speech on the floor of the Senate with regard to Mr. Estrada's nomination. I voted against him in the Judiciary Committee. The concerns I had included his not answering questions that were put to him, serious questions, in my judgment—issues about his record and his temperament.

Today, I wish to talk about homeland security. First, I will talk about the serious shortcomings in the administration's response, and then I will talk about six bills I have introduced in this Congress to improve our homeland security, including a bill today to overhaul the way we do intelligence work here at home.

The first responsibility of any government is to protect its people. Yet we live in a time when Americans feel extraordinary insecurity. We are at an elevated level of threat warning. The CIA Director says al-Qaida is “resuming the offensive.” The FBI Director says there are “al-Qaida cells in the United States that we have not yet been able to identify.”

In other words, al-Qaida cells are operating here, but we do not know who they are, where they are, or what they are doing.

Americans are buying plastic sheeting and duct tape in record amounts. While they are doing everything they can to protect themselves, they have a right to know that those of us in Government are doing everything we can to protect them, their homes, their families, and their children. This is a dangerous time.

But a dangerous time calls for an honest response: This President is failing the test on homeland security. Homeland security has yielded to chemical companies that are holding back commonsense steps to secure chemical plants against horrific explosions. Homeland security is yielding to bureaucratic inertia that is defending old and outworn ways of fighting terror.

Today there are huge holes in our borders—one guard for every 5 miles on the Canadian border. There are huge holes at our ports—we are still inspecting only a fraction of all shipments into the United States, shipments that could carry nuclear or biological weapons. There are huge holes in our hometowns—where cops and firefighters do not have the equipment or the training that they need.

For all these holes, this President has vetoed billions for homeland security, he is withholding funds that first responders need today, and he has proposed funding homeland security this year at a level that even Republican experts like Warren Rudman say is totally inadequate.

We cannot cover the holes in our borders with plastic sheeting. Our cops and firefighters need reinforcements and new gear, not canned goods.

In 2000, the President's team talked about the dangers of a hollow military. At a time when the greatest dangers we face are here at home, this administration risks creating a hollow homeland defense.

This is happening for a very simple reason. The bare minimum of homeland security improvements we need—$10 billion more this year—costs less than half of President Bush's tax cut just for 226,000 millionaires.

I believe it is time to say to this President: Mr. President, please put our security first. Please set aside $20 billion in tax breaks for 226,000 millionaires, and put homeland security for 290 million Americans first.

Let me talk a little bit about my work on homeland security since Congress came back into session. Back in December, I laid out a comprehensive plan for strengthening our domestic security, from stopping ID fraud to sharing more information with local police to improving our cybersecurity. And in the 6 weeks Congress has been in session so far, I have introduced six bills to strengthen our homeland security. Each of these bills would make a concrete, tangible difference in people's lives.

Two bills are focused on empowering people to play a greater role in homeland security.

First, until this week, most Americans have no better idea how to respond to a terrorist attack than on September 11. Now the administration has begun giving out useful information, but we still don't have enough. We are not being told, for example, how to respond to chemical or biological attacks. In addition, there is still a serious question whether people will get the information they need when they need it, particularly when they are sleeping. Obviously TV and radio won't help if you are asleep. So I have a bill, which I wrote with Senator Fritz Hollings, that will create an emergency warning system to reach everyone—for example, using special phone rings that could wake people up in the middle of the night.

Second, we want to encourage more people to contribute. People want to serve, but they feel like they haven't been asked. We should ask. One way is through the Neighborhood Watch program. Neighborhood Watches help prevent both terrorism and ordinary crime. We are going to increase support for these, encourage folks to get involved, with the goal—the realistic goal—of tripling the number of neighborhood watches.

Next, I have introduced two bills focused on hardening vulnerable targets—in other words, taking those targets we know terrorists want to attack, and transforming them so they will be less vulnerable.

One bill is to do research to enhance building security, to improve the quality of private security guards and make buildings more resistant to attack. We know that at the Oklahoma City bombing, 85 percent of the lives might have been saved if the building had been built with better materials, in a better way. We are still learning about the World Trade Center collapse. We know we need better construction and better security around buildings across America.

A fourth bill would require the Government to improve its cybersecurity. A few weeks ago, we had an attack that crippled a lot of Government computer systems. There are simple tests we could be doing to block computer attacks that we are not doing: to "patch" holes in the systems. We need to make that happen.

Fifth, I have introduced a bill to help local law enforcement by requiring the Government to give security clearances to more police officers, firefighters, and health officials. They need information to keep us safe, but too often they are not getting it. This bill would help make sure they do.

Finally, there is the bill I have introduced today, and that I want to talk about in some detail. This bill will make fundamental changes in the way we protect Americans against international terrorists operating within our borders. This bill takes away from the FBI the responsibility to collect intelligence on foreign terrorist groups operating in America. And this bill gives that responsibility to a new Homeland Intelligence Agency. I believe this agency will do a better job protecting our safety and our basic freedoms. Let me briefly explain why.

There is no question that the FBI is full of dedicated professionals who are patriots, who serve their country with courage and conviction, who do all of us proud.

But there is also no question that the FBI made many serious mistakes before September 11. There was the Phoenix memorandum, a memorandum about suspicious behavior at flight schools that the FBI did not follow up on. There was the Moussaoui case, where the FBI had in its possession a computer full of critical information, yet did not access the information there. There were even two hijackers who the FBI knew were threats but did not track and stop.

It is true all this was before September 11. The other day, Director Mueller told me that my criticisms understated the extent of the FBI's reforms. Well, I respect Director Mueller, and I look forward to continuing to talk with him about FBI reform. I have only the best wishes for his reform efforts.

At the same time, it would be hard to understate the seriousness of the problems we have seen.

This is not just my view; it is the view of every objective panel to look at this issue. These panels have raised serious questions about the FBI's response to terrorism, and in some instances, about the FBI's capacity to respond to terrorism.

The Markle Task Force commented: ". . . there is a resistance ingrained in the FBI ranks to sharing counter-terrorism information . . . the FBI has not prioritized intelligence analysis in the areas of counter-terrorism."

The Joint Congressional Inquiry noted: The FBI has a "history of repeated shortcomings within its current responsibility for domestic intelligence. . . ."

The Brookings Institution went further, stating that "there are strong reasons to question whether the FBI is the right agency to conduct domestic intelligence collection and analysis."

And finally, the Gilmore Commission recently said: "the Bureau's long standing tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be made over into an organization dedicated to detecting and preventing attacks rather than one dedicated to punishing them."

I believe the Gilmore Commission reached the right conclusion.

Part of the problem is bureaucratic resistance at the FBI. The FBI is full of superb public servants. But the reality is that the FBI is also a bureaucracy, and it is the nature of a bureaucracy to resist change. That is just the reality. It was only in November that the New York Times reported the FBI's No. 2 official was "amazed and astounded" by the FBI's sluggish response to the terrorist threat.

Beyond the problem of bureaucratic resistance, there is a more fundamental problem with the FBI. That problem is the conflict at the base of the FBI's mission, which is a conflict between law enforcement and intelligence. These are fundamentally different functions.

Law enforcement is about building criminal cases and putting people in jail. Intelligence isn't about building a case; it is about gathering information and putting it together into a bigger picture.

The FBI has never been built for intelligence. It has always been an agency that hires people who want to be law enforcement officers, trains them to be law enforcement officers, and promotes them for succeeding as law enforcement officers.

Cases have been run by field offices with little of the central coordination that is essential to combat national networks of terrorists. The FBI has regularly kept intelligence within the agency's walls rather than sharing it with other key players.

Now, the FBI says all this is changing. But with all due respect, the FBI's reforms are too little and too late. They are not enough, and because of the nature of the FBI, they cannot ever be enough.

That is why I propose today to create a Homeland Intelligence Agency, one that would be responsible for collecting foreign intelligence inside the United States, analyzing that intelligence, and getting it to the policymakers or first responders who need it. This entity isn't in the new Department of Homeland Security. It isn't in the newly announced "Terrorist Threat Integration Center." That's just about analysis. This is about collection, gathering the intelligence information to begin with.

I believe this agency will do a better job fighting terrorism because its sole focus will be intelligence gathering. The inherent conflict between law enforcement and intelligence will not get in the way of its work.

I also believe it will do a better job protecting our civil liberties. While we will not give the new agency any new authorities, we will place new checks on its ability to collect information about innocent people. Time and again, we have seen this administration overreach when it comes to civil liberties. That should stop, and this proposal will help stop it.

We will require judicial approval before the most secretive and invasive investigations of religious and political groups. We will require greater public reporting and more internal auditing. We will establish a new and independent office of civil liberties within the new agency that is dedicated to protecting the constitutional rights of innocent Americans. So at the end of the day, we will help to fulfill America's promise—that we are safe and free at the same time.

I believe this bill is an important step to making America safer, and I look forward to working on it with colleagues on both sides of the aisle in getting this legislation passed.

By Mr. BINGAMAN:

S. 411. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the "Southwest Bridge Research Center"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Madam President, I rise to introduce legislation that I believe will go a long way in helping to improve the safety and durability of the Nation's highway bridges. Today, with great pleasure I am introducing the Southwest Bridge Research Center Establishment Act of 2003.

The purpose of this bill is to authorize the Secretary of Transportation to establish a new University Transportation Center focused on the safety of highway bridges. The new Southwest Bridge Research Center is a cooperative effort between New Mexico State University and the Oklahoma Transportation Center, comprising the University of Oklahoma and Oklahoma State University. The new center will lead the Nation in the research and development of technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and training in methods of bridge inspection.

Our highway network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. Transportation via cars, buses, and trucks plays a central role in our basic quality of life. Much of the food we eat, the clothes we wear, the materials for our homes and offices, comes to us over the 4 million miles of our road network.

One critical element of our highway network is the highway bridges that span streams, rivers, and canyons of our cities and rural areas. Bridges also help traffic flow smoothly by carrying one road over another.

Most highway bridges are easy to overlook. Notable exceptions are New England's covered bridges, the well-known Golden Gate Bridge, and the spectacular Rio Grande Gorge Bridge near Taos, New Mexico. The fact is, according to the Federal Highway Administration, we have about 590,000 highway bridges in this country that are more than 20-feet long. The total bridge-deck area of these 590,000 bridges is an amazing 120 square miles, or slightly smaller in area than the entire city limits of Albuquerque, New Mexico, roughly twice the size of the entire District of Columbia, or five times the area of New York's Manhattan Island. The State of Texas leads the Nation with over 48,000 bridges, about ten percent of the total. Ohio is second with about 28,000 highway bridges.

A little known, and disturbing fact about these 590,000 highway bridges is that nearly 84,000, or 14 percent, are considered to be structurally deficient according to the most recent statistics from the FHWA. The percent of structurally deficient bridges varies widely among the 50 States. For example, this chart shows some of the States with some of the highest percentage of deficient bridges.

State	Number of bridges	Number of structurally deficient bridges	Percent of structurally deficient bridges (in percent)
Oklahoma	22,708	7,605	33.5
Missouri	23,604	6,083	25.8
Rhode Island	749	187	25.0
Pennsylvania	22,092	5,418	24.5
South Dakota	6,001	1,398	23.3
Mississippi	16,825	3,694	22.0
Iowa	25,030	5,036	20.1
North Dakota	4,517	871	19.3
Michigan	10,631	2,012	18.9
Louisiana	13,426	2,425	18.1
Alabama	15,641	2,677	17.1
North Carolina	16,991	2.513	14.8
Kansas	25,638	3,465	13.5
Ohio	27,952	3,304	11.8

Source: FHWA National Bridge Inventory (NBI) System, December 2001.

Structurally deficient bridges are a particular concern in rural areas of our country. According to FHWA's 2002 edition of its Conditions and Performance Report to Congress, 16 percent of rural bridges are structurally deficient compared to only 10 percent of urban bridges. The report estimates the average cost required to maintain the existing 590,000 highway bridges is $7.3 billion per year.

Another surprising fact about our Nation's highway bridges is their age. About one-third of all highway bridges are more than 50 years old, and an amazing 10,000 bridges are at least 100 years old. About 4,000 of these century-old bridges are currently rated as structurally deficient.

I do believe the number of deficient bridges in this country should be a concern to all Senators. Ensuring that States and local communities have the funds they need to help correct these deficient bridges will be one of my priorities when Congress reauthorizes TEA-21. However, because there may not be sufficient Federal and State funding to address all of the deficient bridges, it will be important to identify the bridges that are most in need of replacement or rehabilitation.

To ensure the most efficient use of limited resources, Congress should also address the need for new technologies to help States monitor the condition of the Nation's 590,000 highway bridges and determine priorities for repair or replacement. Such monitoring technologies, or "smart bridges," should be quick, efficient, and not damage the bridge in any way. I am very pleased that New Mexico State University is one of the Nation's pioneers in the development of non-destructive methods of determining the physical condition of highway bridges. Such smart bridges can record and transmit information on their current structural condition as well as on the traffic crossing them.

In 1998, NMSU installed 67 fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces. This award-winning project was the first application of fiber-optic sensors to highway bridges. More recently, in 2000, sensors were incorporated directly in a concrete bridge during construction to monitor the curing of the concrete; the bridge crosses the Rio Puerco on Interstate 40, west of Albuquerque. NMSU has an actual 40-foot "bridge" in a laboratory on campus to allow studies of instrumentation and data collection.

I ask unanimous consent that two articles describing NMSU's accomplishments on smart bridge technology be printed in the Record, exhibits one and two.

NMSU is also a leader in other areas of bridge inspection. It has provided training for bridge inspectors for over 30 years. It has also developed expertise in using a virtual reality approach to document a bridge's physical condition.

At the same time, Oklahoma State University leads the Nation in the development of the Geothermal Smart Bridge System, which uses energy stored in the earth itself to help keep bridges free of ice and snow. OSU is also performing cutting edge research on high-performance structural materials frequently used in bridges including concrete, steel, and timber.

At the University of Oklahoma, a multidisciplinary team of researchers is working to develop a "smart" vehicle-bridge system that is expected to reduce the impact of moving trucks on bridge structures, thereby increasing the lifespan of highway bridges. The UO team is also expert in the development of high-performance concrete and of sensors for non-destructive testing.

Of course, the Oklahoma Transportation Center was also heavily involved last year in the rebuilding of the Interstate 40 bridge over the Arkansas River near Webbers Falls, OK, after it collapsed when struck by a barge. The bridge was reopened to traffic only 64 days after the accident.

This is just a glimpse at the high quality bridge research at these three universities. All three institutions are widely recognized as national leaders in all aspects of bridge research and technology. I believe it is fully appropriate for these three nationally recognized universities to collaborate in operating the Southwest Bridge Research Center.

The bill I am introducing today authorizes the Secretary of Transportation to establish and operate the Southwest Bridge Research Center at New Mexico State University in collaboration with the Oklahoma Transportation Center. I do believe the three universities have earned this honor. In fact, in some ways, Congress has already recognized their fine work of the three centers. For example, the University of Oklahoma was allotted $3.5 million in TEA–21 for research work on intelligent stiffeners for bridge stress reduction and Oklahoma State received $3.5 million for work on the geothermal heat pump smart bridge program.

I am pleased to have also played a part. At my request, Congress provided $600,000 in 2001 for bridge research at New Mexico State University and an additional $250,000 in the current fiscal year.

The specific purpose of the Southwest Bridge Research Center will be to contribute to improving the performance of the nation's highway bridges. The center will emphasize five goals: 1. Increasing the number of skilled individuals entering the field of transportation; 2. improving the monitoring of the structural health of highway bridges; 3. developing innovative technologies for testing and assessment of bridges; 4. developing technologies and procedures for ensuring bridge safety, reliability, and security; and 5. providing training in the methods of bridge inspection and evaluation.

Building on the three universities' research work, the Southwest Bridge Research Center will develop a strong educational component, including degree opportunities in bridge engineering at both the undergraduate and graduate levels. In addition, the center will have a cooperative certificate program for training and professional development. Distance education technology and computer-based learning will allow programs to be offered at any of the universities.

The bill provides $3 million in funding from the Highway Trust Fund to operate the center.

New Mexico State University and the Oklahoma Transportation Center have applied their vast talents, tools, and techniques to solving technological problems with highway bridges for over 30 years. The team is well established and maintains cutting-edge expertise. The members of the team are recognized and respected at the national and international levels through accomplishments in bridge testing, monitoring, and evaluation.

I ask all senators to support the designation of a new Southwest Bridge Research Center. I look forward to working this year with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this bill into the full 6–year reauthorization of the transportation bill.

I ask unanimous consent that a letter of support from the three universities and a letter from Rhonda Faught, the Secretary of New Mexico's State Highway and Transportation Department be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Washington Post, May 18, 1998]

Sensors Bridge Gap in Communication About Repair Needs

(By Louis Jacobson)

LAS CRUCES, NM.—Hardly anyone in this burgeoning southwestern city realizes it, but right behind the Las Cruces Days Inn is a state-of-the-art experimental bridge. It isn't very exciting to look at—in fact, a motorist whizzing under Interstate 10 probably wouldn't notice anything unusual. But the experiment's sponsors—including the Federal Highway Administration, the National Science Foundation and state highway departments—hope that it will eventually revolutionize the way the Untied States maintains its half-million aging highway bridges.

Undergirding the Las Cruces "smart bridge" is a series of special sensors. It's not unusual for a bridge to be strung with mechanical sensors to measure structural stresses, particularly when a bridge is older and at higher risk of long-term fatigue. But the Las Cruces sensors are embedded in fiber-optic cables that—once the experiment is fully underway—will be able to transmit their readings to bridge officials in real time. In other words, weary bridges will soon be able to telephone their weakened conditions directly to the highway authorities so that bridge engineers can be dispatched to head off catastrophe.

"We're looking at a very large bridge stock in the U.S. that's in need of maintenance," says Rola Idriss, the civil engineer at New Mexico State University who is monitoring the I–10 experiment. "Our idea was, how can we better inspect our bridges, how can we better evaluate them and how can we save money and time? The basic idea was to monitor them from far away."

The fiber-optic cables used in the experiment were designed by the Naval Research Laboratory. First, laser beams etch the cables' cores with five-millimeter-long internal gauges, spaced about two to three meters apart. Once the cable is strung under the bridge and attached with epoxy, engineers program the system so that light beams careen down the cable at regular intervals. The degree of the light beams' bend directly correlates with the degree of bridge stress. If the results exceed a pre-calibrated bench mark, officials will be alerted to check for weakness exactly where they need to. The gauges can also be used to report general traffic patterns, aiding transportation planners as well as bridge inspectors.

So far, the fiber-optic gauges have remained fastened better than normal wire gauges have, Idriss says. More important, the fiber simultaneously serves as a data collector and transmitter. "It was a very elegant way to get away from the traditional method of using wires and installation," Idriss says. "You just hook it to a computer and then let it cell phone the information home. The beauty of it is that you don't have to be on the bridge. I could monitor a bridge in Washington if I wanted to."

Though the bridge in Las Cruces—which Idriss describes as an ordinary interstate bridge—was built in the 1970s, it has already displayed some metal fatigue (a fact that was known even before the smart bridge experiment was concocted). "It's not unusual to have that kind of fatigue, but the bridge is not very old, so you want to know much more about what's happening," she says. "Now, we need to expand the capability of the system by collecting from many more sensors. It currently has 30, but we'd like to double that at least."

Idriss—who grew up in a family of engineers in Beirut and later became the first woman to earn a civil engineering PhD from New Mexico State—acknowledges that both technical and economic challenges remain. Her sensors cost about $50 to $100 each, including the cost of the cable itself. The benefits, she says, would come from freeing bridge inspectors from many of their routine and time-consuming duties. At the same time, highway departments could use their new data to repair bridges more precisely and cost-efficiently than today's information sources allow. "If a fiber-optic gauge system costs $30,000," she says, "that's still far less than a typical new bridge, which costs millions."

Even if that price tag eventually drops, highway officials who aren't involved in the experiment suggest that the system will be most appropriate for the minority of bridges that officials already fret about.

"It seems like this system would be best for bridges that need special attention," says David Hensing, deputy executive director of the American Association of State Highway and Transportation Officials. "It's probably more expensive than is necessary for 90 percent of America's bridges. But for the other 5 or 10 percent, that kind of instrumentation will get more years of life out of the bridge and lead to more timely corrective action."

Bob Reilly, director of cooperative research programs at the federal Transportation Research Board, which is part of the National Research Council, concurs. "I could image it would be a very useful thing in rare cases, but my guess is that it's not worth it for all bridges," he says.

Richard Livingston, the Federal Highway Administration official who is supplying Idriss with equipment and grant money, suggests three types of bridges that are likeliest to benefit: bridges that are already thought to be structurally deficient, critical urban bridges that carry economically vital traffic flows and newer bridge designs with which engineers have little long-term experience.

California transportation officials have expressed interest in installing fiber-optic gauges in critical seismic zones. Closer to home, the Washington area's Woodrow Wilson Bridge—a clogged and vital drawbridge on the Capital Beltway—could be among the first to serve as a test site, if Congress authorizes funding to do so.

"It would be able to help us schedule maintenance activities in a more cost-effective way," says Louis Triandafilou, a Baltimore-based Federal Highway Administration official who has been trying to broker the Wilson Bridge deal. "The Wilson Bridge is a good one to test because it's a drawbridge and because it has a very high traffic count, especially truck traffic, so you can get information on how the bridge is affected by fatigue and repetitive stress."

Given that it often takes four or five professionals a full week to inspect just one bridge—and considering the big back-log of bridges to inspect, including some whose crucial parts aren't easy to reach—the experiment's advocates say that the benefits of remote sensing can be substantial. "The real problem is that no one has ever done a cost-benefit analysis," Livington says. "It has increased cost, but it may also have increased benefits."

EXHIBIT 2

[From the Public Roads magazine, Nov./Dec., 2002]

A DECADE OF ACHIEVEMENT

(By Richard A. Livingston, Milton Mills, and Morton S. Oskard)

Installation of sensor systems in bridges is increasingly recognized as important for obtaining information on strains, temperature, moisture, and other variables. The information collected from such smart bridges can be used to confirm design calculations, detect damage, and count traffic, among other functions.

An example of the sensor systems developed by the Advanced Research program is the fiber-optic strain gauge based on Bragg gratings. These gratings consist of alternating zones of different indexes of refraction. The spacing of the layers determines a specific wavelength of light that will be reflected. The technology is the same as that used in the broadband fiber-optic telecommunications systems now being installed across the country.

Since the fiber-optic sensor operates with light waves rather than electrons, it has several advantages over conventional electronic strain gauges: ruggedness, absence of drift, and immunity to electromagnetic noise. It permits as many as 100 gauges to be put on a single fiber as thin as a human hair. The installation of the gauges is simplified, the cabling requirement is reduced, and the cost-per-sensor is lowered.

Possible applications may require networks on the order of 1,000 sensors, or 1 kilosensor. Working under an interagency agreement with the Naval Research Laboratory, which has developed many fiber-optic sensors, the Advanced Research program has demonstrated several applications of sensor networks for structural monitoring.

The first application, co-funded with the National Science Foundation (NSF), resulted in the installation of a system of 67 calibrated fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces, NM. This work was carried out by New Mexico State University, with Dr. Rola Idriss as the principal investigator.

"The research has shown the fiber-optic sensors to be a powerful nondestructive evaluation tool," says Idriss. "Whether retrofitted to an existing structure or built into a new smart bridge, they can yield a wealth of information about the structure and the traffic crossing it."

The installation has generated several types of information under random traffic loading, including girder deflections, fundamental vibration frequencies, vehicle speed data, and traffic flow on an hourly basis. To date, the Las Cruces project has achieved notable success in its primary purpose of investigating practical issues in the full-scale application and regular operation of fiber-optic sensors on highway structures. The project has been widely covered in the media and received several awards.

New Mexico State University applied the sensors to the construction of a new concrete bridge in a project co-funded by Advanced Research, NSF, and the New Mexico State Highway and Transportation Department (NMSHTD). The mix design and curing conditions now being used to make high-performance concrete structures may produce unexpectedly high temperatures and stresses during the casting of girders, possibly leading to cracking and major structural failure. Obtaining information on the internal conditions is difficult with conventional temperature or strain gauges because of their fragility.

Forty fiber-optic long-gauge deformation and temperature sensors were embedded in the concrete girders of the Rio Puerco Bridge during casting. These sensors monitored the prestress forces applied to the steel strands in the precast concrete components during and after the steam curing period. One finding was that some design codes considerably overestimate the actual losses. NMSHTD now is planning to use sensors routinely in the construction of concrete bridges in the future. "Building the sensors into new bridges," says Idriss, "enables us to evaluate new high-performance materials and new designs. It also establishes a baseline for long-term monitoring."

Several companies now offer Bragg fiber-optic sensor systems on a commercial basis. Two States (Hawaii and New Mexico) have received funding from the FHWA Innovative Bridge Research and Construction Program. In addition, several other States are considering installation of these systems on new or existing bridges. Fiber-optic systems also have been chosen as the method for measuring expansion in concrete girders under the lithium treatment evaluation program. All these developments indicate that fiber-optic sensor systems have been transferred successfully from Advanced Research to other FHWA programs.

COLLEGE OF ENGINEERING,
OFFICE OF THE DEAN, NEW MEXICO STATE UNIVERSITY,
Las Cruces, NM, January 8, 2003.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We are writing to express our support for your bill to establish a bridge research center (brc) as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to work together in a spirit of cooperation as a University Transportation Center. We are bonded together in a desire to provide bridge research leadership for our respective states and the nation.

The purpose of the Bridge Research Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges. The BRC will emphasize the following:

1. Increase the number of highly skilled individuals entering the field of transportation.

2. Improve the monitoring of the structural health over the life of bridges.

3. Develop innovative technologies for bridge testing and monitoring.

4. Develop technologies and procedures for ensuring bridge safety, reliability and security.

5. Provide training in the methods for bridge inspection and evaluation.

The objective of the BRC is to carry out several programs and activities. Included will be basic and applied research with products judged by peers or other experts to advance the body of knowledge for bridges. An educational program that includes multidisciplinary course work and participation in bridge research. Finally, an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

NMSU and OTC have applied their talents, tools and techniques to solving technological problems with bridges for over 30 years. Our team is well established and maintains cutting-edge expertise. Our team members are recognized and respected at the national and international levels through major accomplishments in bridge testing, monitoring and evaluation.

New Mexico State University has agreed to provide the administrative leadership for the BRC. The research activity of the BRC will be approximately equally divided between New Mexico and Oklahoma.

By the signatures of the representatives of each institution, we pledge our support and commitment to the partnership known as the Bridge Research Center.

GORMAN GILBERT,
Civil and Environmental Engineering, Oklahoma State University.
THOMAS L. LANDERS,
Associated Dean, University of Oklahoma.
KENNETH R. WHITE,
Interim Dean of Engineering, New Mexico State University.

NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, January 27, 2003.
Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express my support for your bill to establish a Bridge Research Center as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to provide bridge research leadership for our Nation. The areas of leadership include research and development of techniques and technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and curricula to train persons in the methods for bridge inspection and evaluation as one part of increasing the number of highly skilled individuals entering the field of transportation.

I believe it is important for the Bridge Research Center to be established as a University Transportation Center. The New Mexico State Highway and Transportation Department, through our Research Bureau, will work with New Mexico State University to ensure a match for the New Mexico portion of the Bridge Research Center funds.

I appreciate your continued leadership on behalf of transportation in New Mexico and our Nation.

Sincerely,

RHONDA G. FAUGHT,
Cabinet Secretary.

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwest Bridge Research Center Establishment Act of 2003".

SEC. 2. BRIDGE RESEARCH CENTER.

Section 5505 of title 49, United States Code, is amended by adding at the end the following:

"(k) SOUTHWEST BRIDGE RESEARCH CENTER.—

"(1) IN GENERAL.—In addition to the university transportation centers receiving grants under subsections (a) and (b), the Secretary shall provide grants to New Mexico State University, in collaboration with the Oklahoma Transportation Center, to establish and operate a university transportation center to be known as the 'Southwest Bridge Research Center' (referred to in this subsection as the 'Center').

"(2) PURPOSE.—The purpose of the Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges, with an emphasis on—

"(A) increasing the number of highly skilled individuals entering the field of transportation;

"(B) improving the monitoring of structural health over the life of bridges;

"(C) developing innovative technologies for bridge testing and assessment;

"(D) developing technologies and procedures for ensuring bridge safety, reliability, and security; and

"(E) providing training in the methods for bridge inspection and evaluation.

"(3) OBJECTIVES.—The Center shall carry out the following programs and activities:

"(A) Basic and applied research, the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(B) An education program that includes multidisciplinary course work and participation in research.

"(C) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

"(4) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this subsection, the institution specified in paragraph (1) shall enter into an agreement with the Secretary to ensure that, for each fiscal year after establishment of the Center, the institution will fund research activities relating to transportation in an amount that is at least equal to the average annual amount of funds expended for the activities for the 2 fiscal years preceding the fiscal year in which the grant is received.

"(5) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall be 50 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out using funds from a grant provided under this subsection may include funds provided to the recipient under any of sections 503, 504(b), and 505 of title 23.

"(C) ONGOING PROGRAMS.—After establishment of the Center, the institution specified in paragraph (1) shall obligate for each fiscal year not less than $200,000 in regularly budgeted institutional funds to support ongoing transportation research and education programs.

"(6) PROGRAM COORDINATION.—

"(A) COORDINATION.—The Secretary shall—

"(i) coordinate the research, education, training, and technology transfer activities carried out by the Center;

"(ii) disseminate the results of that research; and

"(iii) establish and operate a clearinghouse for information derived from that research.

"(B) ANNUAL REVIEW AND EVALUATION.—At least annually, and in accordance with the plan developed under section 508 of title 23, the Secretary shall review and evaluate each program carried out by the Center using funds from a grant provided under this subsection.

"(7) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this subsection shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

"(8) AMOUNT OF GRANT.—For each of fiscal years 2004 through 2009, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in paragraph (1) to carry out this subsection.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 2004 through 2009.".

By Mr. KYL (for himself, Mr. MCCAIN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mr. SCHUMER):

S. 412. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Finance.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Emergency Health Services Reimbursement Act of 2003".

SEC. 2. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 4723 of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

"SEC. 4723. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

"(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $1,450,000,000 for each of fiscal years 2004 through 2008, for the purpose of making allotments under this section to States described in paragraph (1) or (2) of subsection (b). Funds appropriated under the preceding sentence shall remain available until expended.

"(b) STATE ALLOTMENTS.—

"(1) BASED ON PERCENTAGE OF UNDOCUMENTED ALIENS.—

"(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for each fiscal year, the Secretary shall use $957,000,000 of such amount to make allotments for each such fiscal year in accordance with subparagraph (B).

"(B) FORMULA.—The amount of the allotment for each State for a fiscal year shall be equal to the product of—

"(i) the total amount available for allotments under this paragraph for the fiscal year; and

"(ii) the percentage of undocumented aliens residing in the State with respect to the total number of such aliens residing in all States, as determined by the Statistics Division of the Immigration and Naturalization Service, as of January 2003, based on the 2000 decennial census.

"(2) BASED ON NUMBER OF UNDOCUMENTED ALIEN APPREHENSION STATES.—

"(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use $493,000,000 of such amount to make allotments for each such fiscal year for each of the 6 States with the highest number of undocumented alien apprehensions for such fiscal year.

"(B) DETERMINATION OF ALLOTMENTS.—The amount of the allotment for each State described in subparagraph (A) for a fiscal year shall bear the same ratio to the total amount available for allotments under this paragraph for the fiscal year as the ratio of the number of undocumented alien apprehensions in the State in the fiscal year bears to the total of such numbers for all such States for such fiscal year.

"(C) DATA.—For purposes of this paragraph, the highest number of undocumented alien apprehensions for a fiscal year shall be based on the 4 most recent quarterly apprehension rates for undocumented aliens in such States, as reported by the Immigration and Naturalization Service.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that is described in both of paragraphs (1) and (2) from receiving an allotment under both paragraphs for a fiscal year.

"(c) USE OF FUNDS.—

"(1) AUTHORITY TO MAKE PAYMENTS.—From the allotments made for a State under subsection (b) for a fiscal year, the Secretary shall pay directly to local governments, hospitals, or other providers located in the State (including providers of services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization) that provide uncompensated emergency health services furnished to undocumented aliens during that fiscal year, and to the State, such amounts (subject to the total amount available from such allotments) as the local governments, hospitals, providers, or State demonstrate were incurred for the provision of such services during that fiscal year.

"(2) LIMITATION ON STATE USE OF FUNDS.—Funds paid to a State from allotments made under subsection (b) for a fiscal year may only be used for making payments to local governments, hospitals, or other providers for costs incurred in providing emergency health services to undocumented aliens or for State costs incurred with respect to the provision of emergency health services to such aliens.

"(3) INCLUSION OF COSTS INCURRED WITH RESPECT TO CERTAIN ALIENS.—Uncompensated emergency health services furnished to aliens who have been allowed to enter the United States for the sole purpose of receiving emergency health services may be included in the determination of costs incurred by a State, local government, hospital, or other provider with respect to the provision of such services.

"(d) APPLICATIONS; ADVANCE PAYMENTS; REALLOTMENT OF UNUSED FUNDS.—

"(1) DEADLINE FOR ESTABLISHMENT OF APPLICATION PROCESS.—

"(A) IN GENERAL.—Not later than July 31, 2003, the Secretary shall establish a process under which States, local governments, hospitals, or other providers located in the State may apply for payments from allotments made under subsection (b) for a fiscal year for uncompensated emergency health services furnished to undocumented aliens during that fiscal year.

"(B) INCLUSION OF MEASURES TO COMBAT FRAUD.—The Secretary shall include in the process established under subparagraph (A) measures to ensure that fraudulent payments are not made from the allotments determined under subsection (b) or from amounts reallotted under paragraph (3).

"(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The process established under paragraph (1) shall allow for making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by applicants for such payments and such other investigation as the Secretary may find necessary, and for making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

"(3) REALLOTMENT OF UNUSED FUNDS.—

"(A) IN GENERAL.—With respect to allotments made under subsection (b) for a fiscal year, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be expended during that fiscal year or the succeeding fiscal year shall be available for reallotment during the second succeeding fiscal year, on such date as the Secretary may determine, to other States with allotments under that subsection that the Secretary determines will use such excess amounts during that second succeeding fiscal year.

"(B) DETERMINATION OF REALLOTMENTS.—Reallotments under subparagraph (A) shall be made in the same manner as allotments are determined under paragraphs (1) and (2) of subsection (b) but only with respect to those States that the Secretary determines qualify for a reallotment for a fiscal year under that subparagraph.

"(C) TREATMENT.—Any amount reallotted under subparagraph (A) to a State is deemed to be part of its allotment under subsection (b) for the fiscal year in which the reallotment occurs.

"(e) DEFINITIONS.—In this section:

"(1) HOSPITAL.—The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

"(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(3) PROVIDER.—The term 'provider' includes a physician, any other health care professional licensed under State law, and any other entity that furnishes emergency health services, including ambulance services.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) STATE.—The term 'State' means the 50 States and the District of Columbia.

"(f) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts provided under this section.".

By. Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I rise today to introduce a bill and to speak about a litigation crisis affecting both the overall well-being of our nation and our ability to stimulate economic recovery. I'm speaking of the out-of-control explosion of asbestos litigation.

Asbestos litigation has become a disease in our economy. It threatens to drive scores of companies into bankruptcy. It discourages investment in companies under suit. It drives stock value down. It diverts funds away from expansion and growth. It results in job loss and, in short, it has become an obstacle to economic recovery.

The cost of asbestos litigation and burden on business has been devastating. Over 8,400 companies have been named as defendants in suits. At least $54 billion has been paid on more than 6000,000 claims. U.S. Insurers have paid over $22 billion. Insurers outside U.S. have paid $8–12. Defendant companies have already expended between $20–24 billion in claims and transaction costs associated with asbestos litigation.

The total cost of asbestos litigation could reach between $200–265 billion. This is revenue not invested in the economy, not invested in new jobs.

Some companies are hit with multiple suits involving thousands of plaintiffs. The weight of claims and settlements has resulted in an alarming increase in Chapter 11 bankruptcies. Over sixty companies have filed Chapter 11 bankruptcy due to asbestos claims. This trend toward bankruptcy has had an alarming domino effect. As companies declare Chapter 11 reorganization, the litigation burden shifts to other defendant companies only encouraging them to declare bankruptcy as well.

At least 5 major companies have each spent more than $1 billion. Thirty-eight of the nations top 100 contractors to the DoD are now asbestos defendants. This crisis threatens to impact our national security industry at the worst possible time in our history. But it also prevents us from aggressively stimulating the economy. The bottomline is: the cost of litigation and/or bankruptcy siphons away critical business revenue needed for growth and the creation of new jobs. What is frightening, is that only about half the number of potential claimants have come forward thus far. If left unchecked, we have only seen the tip of this crisis.

It's not only business that suffers. Employees of defendant companies suffer a great deal from a damaging ripple effect. The Rand Institute of Civil Justice estimates that 100,000 jobs were not created as a result of asbestos litigation. Bankruptcies related to asbestos litigation have led to 52,000–60,000 people losing their jobs, according to a SEBAGO study. It is estimated that each displaced worker will lose, on average, $25,000–$50,000 in wages before finding a job, or in reduced salary following finding a new job.

It does not stop there. Approximately 42 percent of displaced manufacturing workers participate in retraining programs, costing about $2,000–$3,000 per worker. Local communities also bear the brunt of job reductions due to asbestos-related lay-offs. It is estimated that there have been between $.6 and $2.1 billion in additional indirect local costs and loss. On average, there are eight additional jobs lost locally for every initial job lost. Additional multiplier effects include lowered property values, population decline and lost Federal and State tax revenue.

Those employees fortunate enough not to lose their jobs in asbestos-related cut-backs, also suffer due to the weakened position of their employer. Studies show that reduced stock value in defendant companies results in a 25 percent reduction in employees' 401(k) plan value. The average worker loses, on average $8,300 in pension devaluation.

This is a situation that has been exploited by the non-injured. Over 65 percent of plaintiffs, estimates as high as 90 percent, have no medical injury, but have filed suit on the basis that they "may" develop illness in the future. To date, most claims have been paid to non-injured claimants. Some plaintiffs' attorneys are signing up thousands of individual plaintiffs onto suits where there may be no evidence of injury or no evidence of exposure to asbestos products. The effect is that the largest portion of the claim pool is being paid to non-injured claimants. As a result, this adversely affects the ability of truly injured plaintiffs to collect damages. Claimants with malignant injuries are being lost in the stampede of those not injured. There is not only less money for those who really need it, the courts are swamped with a flood of questionable claims. It is not surprising that the U.S. Supreme Court has twice called out for Congress to find a solution.

Congress must indeed act. We must find a solution that both protects the economy and the legal rights of those truly injured by asbestos or who will develop asbestos-related injuries in the future. That is why today I introduce a bill that will not only introduce criteria to reassert some control over an out-of-control litigation process, but will come to the assistance of those truly injured and who need help. It is also intended to put a halt to the severe damage asbestos litigation has been wrecking on our economy, so that we can get on with the process of economic recovery.

My bill, entitled the Asbestos Claims Criteria and Compensation Act of 2003, establishes medical criteria that a claimant must meet prior to filing a suit. It will also toll the statute of limitations, so that those who develop an asbestos-related disease years down the road will still retain their right of legal action. It also will limit abusive venue shopping, but provides an exception of venue choice for those terminally-ill and facing a shortened life expectancy.

In conclusion, I believe this bill offers a reasonable approach to resolving this serious problem. I believe it offers a solid bipartisan approach that many of my colleagues on both sides of the aisle will come to support. If ever we hope to stimulate our economy into recovery and achieve sustained growth, we must also address and eliminate those factors that tend to drag the economy in the opposite direction. Asbestos litigation is one of those inhibitors of the economy, and this bill is a good step toward recovery. I encourage my colleagues to lend their support to this bill and I thank you, Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Asbestos Claims Criteria and Compensation Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Physical impairment.
Sec. 5. Procedures; removal.
Sec. 6. Statute of limitations; two-disease rule.
Sec. 7. Miscellaneous provisions.
Sec. 8. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;

(2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;

(3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;

(4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;

(5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as "an elephantine mass" of cases that "defies customary judicial administration and calls for national legislation," Ortiz v. Fibreboard Corporation, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would—

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the "ABA Standard for Non-Malignant Asbestos-Related Disease Claims" dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who—

(A) have been exposed to asbestos;

(B) may have some physical sign of exposure; and

(C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick—

(A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and

(B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of defendant companies and each displaced worker will, on average, lose between $25,000 and $50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—It is the purpose of this Act to—

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMA Guides to the Evaluation of Permanent Impairment.—The term "AMA Guides to the Evaluation of Permanent Impairment" means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) Asbestos.—The term "asbestos" includes all minerals defined as "asbestos" under section 1910 of title 29 of the Code of Federal Regulations.

(3) Asbestos claim.—The term "asbestos claim"—

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) Asbestosis.—The term "asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) Certified B-reader.—The term "certified B-reader" means an individual qualified as a "final" or "B-reader" under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) Civil action.—The term "civil action"—

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) Exposed person.—The term "exposed person" means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1.—The term "FEV1" means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO scale.—The term "ILO Scale" means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the International Labour Office.

(11) Nonmalignant condition.—The term "nonmalignant condition" means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) Pathological evidence of asbestosis.—The term "pathological evidence of asbestosis" means a statement by a Board-certified pathologist that—

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) Predicted lower limit of normal.—The term "predicted lower limit of normal" for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) Radiological evidence of asbestosis.—The term "radiological evidence of asbestosis" means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) Radiological evidence of diffuse pleural thickening.—The term "radiological evidence of diffuse pleural thickening" means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) State.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) Veterans' benefits program.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) Workers' compensation law.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

SEC. 4. PHYSICAL IMPAIRMENT.

(a) Impairment Essential Element of Claim.—Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) Prima Facie Evidence of Physical Impairment.—

(1) In general.—No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) Requirements of prima facie showing.—A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) Permanent respiratory impairment rating.—A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) Diagnosis.—A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) Substantial contributing factor.—A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either—

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

(c) Compliance With Technical Standards.—

(1) In general.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with—

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) Adjustments.—No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) No Presumption at Trial.—Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

SEC. 5. PROCEDURES; REMOVAL.

(a) Consolidation.—A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) Venue.—

(1) In general.—A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(2) Inapplicability.—Paragraph (1) shall not apply to a claim that—

(A) is based upon an exposed person's cancer; and

(B) is filed by an exposed person who is diagnosed with fatal mesothelioma or other asbestos-related cancer by a qualified physician, resulting in a short life expectancy of less than 3 years after the date on which the claim is filed.

(c) Preliminary Proceedings.—The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

(d) Removal.—

(1) In general.—If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) Jurisdiction over removed actions.—The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) Removal by any defendant.—A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) Remand.—The district court shall remand any civil action removed solely under this subsection, unless the court finds that—

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

SEC. 6. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.

(a) Statute of Limitations.—Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) Two-Disease Rule.—An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) General Releases From Liability Prohibited.—No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) Construction With Other Laws.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) Constitutional Authority.—The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. Res. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,594,172.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $6,328,829.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,698,836.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

Sec. 4. The Committee on Armed Services is authorized from March 1, 2003, until otherwise provided by law, to expend not to exceed $10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges or copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 58—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING JUNE 1, 2003, AS "NATIONAL CITIZEN SOLDIER WEEK"

Mr. ALLEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 58

Whereas members of the National Guard and the other reserve components of the Armed Forces perform a vital role in the defense of the United States;

Whereas members of the National Guard and the other reserve components of the Armed Forces make significant personal sacrifices in performing military service when called to active duty; and

Whereas there are over 100,000 members of the National Guard and the other reserve components of the Armed Forces serving on active duty: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CITIZEN SOLDIER WEEK.

(a) Sense of the Senate.—It is the sense of the Senate that the President should designate the week beginning June 1, 2003, as "National Citizen Soldier Week".

(b) Proclamation.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning June 1, 2003, as "National Citizen Soldier Week"; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 59—CONGRATULATING THE UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. WYDEN (for himself and Mr. Smith) submitted the following resolution; which was considered and agreed to:

S. Res. 59

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20-4-1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest-seeded team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement: and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment; and

(2) directs the Secretary of the Senate to make available copies of this resolution to the University of Portland for appropriate display and to transmit a copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING THE SUPPORT FOR THE CELEBRATION IN 2004 OF THE 150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. KOHL, Mr. COLEMAN, Mr. FEINGOLD, and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the "Grand Excursion of 1854";

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution, with my colleagues representing the Upper Mississippi River, expressing our support for the celebration in 2004 of the 150th Anniversary of the Grand Excursion.

In 1854, the Chicago and Rock Island Railroad became the first railroad to reach from the East Coast to the Mississippi River. To celebrate, Henry Farnam, a contractor for the railroad, organized an excursion for friends, family, and stockholders. Word about this event spread quickly and a group of 1,200 people, including former President Millard Fillmore, traveled by steamboat from Rock Island, IL to St. Paul, MN.

This grand excursion turned into an opportunity to show influential persons of the day the remarkable beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide. This excursion brought millions of dollars of investment to the area and positioned the Upper Mississippi region as a dominant force in the development of the nation in the 19th century.

Once again, the Grand Excursion is an opportunity to highlight the recreational, commercial, and environmental opportunities the river provides, as well as celebrate the renaissance of the Upper Mississippi River region. Over 50 communities, 23 regional organizations, and 4 states are joining together to make this celebration a reality.

For the past 10–15 years, communities in Iowa, Wisconsin, and Minnesota have been working together to reclaim their relationship with the Mississippi River and reestablish vibrant riverfront communities. Planning for the celebration has been a catalyst for over $5 billion in capital improvements and environmental initiatives along the river.

In Iowa, communities such as the Quad Cities, Dubuque, and Clinton have all rallied together to make their riverfronts engines for economic development. The Quad Cities are the kickoff site for the Grand Flotilla taking place in June of 2004. Dubuque is the home of the National Mississippi River Museum and Aquarium, as well as the home dock of the Audubon Ark. All of the participating Iowa cities have welcoming marinas, main streets, and fun events planned for the celebration. I am honored to be a partner with these dynamic communities.

Through the Grand Excursion 2004, hundreds of thousands of citizens will experience America's River, a matchless national treasure, through community festivities, educational events, enhanced recreation opportunities, and cultural programs. Those who are unable to participate first-hand in the celebrations will be able to experience the excitement through a first-class website and educational Exploration Trunks that will be provided with curriculum to classrooms around the country.

I hope that you will join me in supporting this resolution of America's celebration of the Upper Mississippi River: Grand Excursion 2004.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF DANIEL "CHAPPIE" JAMES, THE NATION'S FIRST AFRICAN-AMERICAN FOUR-STAR GENERAL

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 6

Whereas General Daniel "Chappie" James was a dedicated patriot fighting to defend the United States against foreign enemies while breaching the walls of segregation that existed at the time within the United States Armed Forces;

Whereas General James learned to fly while attending the Tuskegee Institute in Tuskegee, Alabama;

Whereas General James was commissioned in the United States Army Air Corps in January 1943;

Whereas General James was a member and trainer of the famed Tuskegee Airmen, the all-black fighter squadron that successfully executed over 200 dangerous missions escorting American bombers over Europe in World War II without losing a single bomber;

Whereas General James bravely flew 101 combat missions over Korea;

Whereas General James courageously and valiantly flew 78 missions into North Vietnam, including leading the Bolo MiG sweep which destroyed seven North Vietnamese MiG-21s, the highest total kill of any one Air Force mission during the Vietnam War;

Whereas General James, as a brigadier general, was named Deputy Assistant Secretary of Defense for Public Affairs in 1970;

Whereas General James was promoted to the rank of General and Commander-in-Chief of the North American Aerospace Defense Command (NORAD) in 1975 to become the first African-American four-star general in any of the United States Armed Forces; and

Whereas the issuance of a postage stamp recognizing General James' service and commitment to the United States as well as equality for all Americans will broaden the Nation's knowledge of his achievements and those of the Tuskegee Airmen, his contributions toward destroying racial divisions, and his status as a role model for Americans of all ethnic and racial backgrounds: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that a postage stamp should be issued by the United States Postal Service in honor of General Daniel "Chappie" James; and

(2) Congress directs the Secretary of the Senate to transmit a copy of this concurrent resolution to the Postmaster General and the Citizens' Stamp Advisory Committee.

Ms. LANDRIEU. Madam President, I rise today in celebration of Black History Month and a true American hero, General Daniel "Chappie" James, Jr. To commemorate Daniel "Chappie" James' life, I submit a resolution, today, to create a postage stamp in his honor. General James was a patriot for his country and broke down racial walls in the Armed Forces for all people of color. Not only was General James the first African American four-star general in the Air Force, but he was the first African American four-star general in any service. Regrettably, too few Americans know of his heroism and contributions to the United States.

General James dedicated his career to the defense of the United States and improving the plight of Blacks in the military. "Chappie" James learned to fly as a student at the Tuskegee Institute in Alabama. In 1943 he was commissioned in the segregated U.S. Army Air Corps. He was a member and trainer of the famed Tuskegee Airmen. Due to harsh prejudice, White officers doubted Blacks could be competent pilots, but the Tuskegee Airmen answered all critics by remarkably executing over 200 dangerous escort missions for American bombers during World War II without losing a single bomber. Following World War II, General James flew 179 fighter missions over Korea and North Vietnam. He commanded the Bolo MiG sweep over North Vietnam which destroyed seven North Vietnamese MiG–21s—the highest total kill of any one Air Force mission during the Vietnam War.

Throughout his life in the Air Force, Chappie James continued to break the color barrier. It was not an easy task, as it was fraught with road blocks. Nevertheless, General James pressed on to become a Brigadier General and the Deputy Assistant Secretary of Defense for Public Affairs in 1970. In 1975, Daniel James achieved the rank of General and was named chief-of-staff of the North American Aerospace Defense Command.

General James never forgot the struggles he faced as a Black man in the United States military, but his love for America never wavered. General James sought to right the wrongs he encountered, not run from them. In summation of his 35 years in the Air Corps and Air Force, he said, "I've fought in three wars and three more wouldn't be too many to defend my country. I love America and as she has weaknesses or ills, I'll hold her hand." General James spent a life-time in service to his country and curing her of her weakness and ills. We should aspire to the same and continue his fight for equality.

To commemorate General James' life, I am submitting a resolution, today, to create a postage stamp in his honor. I hope my colleagues will support this measure and join me paying tribute to a great American.

SENATE CONCURRENT RESOLUTION 7—EXPRESSING THE SENSE OF CONGRESS THAT THE SHARP ESCALATION OF ANTI-SEMITIC VIOLENCE WITHIN MANY PARTICIPATING STATES OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IS OF PROFOUND CONCERN AND EFFORTS SHOULD BE UNDERTAKEN TO PREVENT FUTURE OCCURRENCES

Mr. CAMPBELL (for himself, Mr. SMITH, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the expressions of anti-Semitism experienced throughout the region encompassing the participating States of the Organization for Security and Cooperation in Europe (OSCE) have included physical assaults, with some instances involving weapons or stones, arson of synagogues, and desecration of Jewish cultural sites, such as cemeteries and statues;

Whereas vicious propaganda and violence in many OSCE States against Jews, foreigners, and others portrayed as alien have reached alarming levels, in part due to the dangerous promotion of aggressive nationalism by political figures and others;

Whereas violence and other manifestations of xenophobia and discrimination can never be justified by political issues or international developments;

Whereas the Copenhagen Concluding Document adopted by the OSCE in 1990 was the first international agreement to condemn anti-Semitic acts, and the OSCE participating States pledged to "clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination against anyone as well as persecution on religious and ideological grounds";

Whereas the OSCE Parliamentary Assembly at its meeting in Berlin in July 2002, unanimously adopted a resolution that, among other things, called upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions, and judicial proceedings;

Whereas Decision No. 6 adopted by the OSCE Ministerial Council at its Tenth Meeting held in Porto, Portugal in December 2002 (the "Porto Ministerial Declaration") condemned "the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";

Whereas the Porto Ministerial Declaration also urged "the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism, and xenophobia"; and

Whereas on December 10, 2002, at the Washington Parliamentary Forum on Confronting and Combating anti-Semitism in the OSCE Region, representatives of the United States Congress and the German Parliament agreed to denounce all forms of anti-Semitism and agreed that "anti-Semitic bigotry must have no place in our democratic societies": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) officials of the executive branch and Members of Congress should raise the issue of anti-Semitism in their bilateral contacts with other countries and at multilateral fora, including meetings of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and the Twelfth Annual Session of the OSCE Parliamentary Assembly to be convened in July 2003;

(2) participating States of the OSCE should unequivocally condemn anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;

(3) participating States of the OSCE should ensure effective law enforcement by local and national authorities to prevent and counter criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including maintaining mechanisms for the thorough investigation and prosecution of such acts;

(4) participating States of the OSCE should promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal;

(5) legislators in all OSCE participating States should play a leading role in combating anti-Semitism and ensure that the resolution adopted at the 2002 meeting of the OSCE Parliamentary Assembly in Berlin is followed up by a series of concrete actions at the national level; and

(6) the OSCE should organize a separately designated human dimension event on anti-Semitism as early as possible in 2003, consistent with the Porto Ministerial Declaration adopted by the OSCE at the Tenth Meeting of the OSCE Ministerial Council in December 2002.

Mr. CAMPBELL. Mr. President, I am pleased to submit Senate Concurrent Resolution 7, expressing the sense and concern of the Congress regarding the recent spike in anti-Semitic violence that occurred in many participating States of the 55-nation Organization for Security and Cooperation in Europe, OSCE. It is incumbent upon us to send a clear message that these malicious acts are a serious concern to the United States Senate and American people and that we will not be silent in the face of this disturbing trend.

The anti-Semitic violence we witnessed in 2002, which stretched the width and breadth of the OSCE region, is a wake-up call that this old evil still lives today. Coupled with a resurgence of aggressive nationalism and an increase in neo-Nazi "skin head" activity, myself, and other Commissioners on the Helsinki Commission, have diligently urged the leaders of OSCE participating States to confront and combat the evil of anti-Semitism. Attacks on members of the Jewish community and their institutions have ranged from shootings, fire bombings, and physical assaults in places as different as London, Paris, Berlin and Kiev. Vandals have struck in Brussels, Marseilles, Bratislava, and Athens. Anti-Semitic propaganda has been spread in Moscow, Minsk and elsewhere as hatemongers have tapped into technology, including the internet, to spread their venom. Yet while we witnessed a significant rise in violence last year in Europe, acts of vandalism have also occurred in the United States, so with encouraging our colleagues in other parliaments to act, we must be mindful that no country is immune.

As OSCE participating States, all member nations, including the United States, have pledged to unequivocally condemn anti-Semitism and take effective measures to protect individuals from anti-Semitic violence. Through the OSCE, which was the first multilateral institution to speak out against anti-Semitism, all of today's member states share in that heritage. Thankfully, many OSCE states that I mentioned have responded appropriately, vigorously investigating the perpetrators and pursuing criminal prosecution. In short, manifestations of anti-Semitism must not be tolerated, period, regardless of the source.

As Co-Chairman of the Commission on Security and Cooperation in Europe, I can report that the OSCE Proto Ministerial Council, through the persistent efforts of the United States, addresses the phenomenon of anti-Semitism and called for the convening of a meeting specifically focused on this timely issue. I introduce this resolution to put the United States Senate on record and send an unequivocal message that anit-Semitism must be confronted, and it must be confronted now. If anti-Semitism is ignored and allowed to grow, our societies and our civilizations will suffer. As the resolution sets forth, elected and appointed leaders should meet the challenge of anti-Semitic violence through public condemnation, making clear their societies have no room for such attacks against members of the Jewish community of their institutions.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 27 at 3:00 p.m. in Room SD-366.

The purpose of this hearing is to receive testimony on S. 246, a bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; S. 32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; S. 203, a bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; S. 278, a bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364, Washington, D.C. 20510-6150.

For further information, please contact: Dick Bouts (202-224-7545) or Jared Stubbs (202-224-7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 13, 2003, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 9:30 a.m. on USOC reforms.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 2:30 p.m. on infrastructure needs of minority serving institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 13 at 10:00 a.m. to consider the President's proposed FY 2004 Budget for the Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 13 at 2:30 p.m. to receive testimony regarding oil supply and prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 13, 2003, at 10:00 a.m., to hear testimony on Enron: The Joint Committee on Taxation's Investigative Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 13, 2003, at 10:30 a.m., to conduct its organization meeting and to conduct a hearing on those Senate Committees that have presented budgets above guidelines for the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, February 13, 2003 at 9:30 a.m. to conduct a hearing regarding oversight of the Nuclear Regulatory Commission.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTION IN THE ENROLLMENT OF H.J. RES. 2

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 35.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 35) was agreed to.

CONDITIONAL RECESS OR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 41) was agreed to, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14, 2003, Saturday, February 15, 2003, or any day from Monday, February 17, 2003, through Friday, February 21, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 31, reported by the Banking Committee, and all the nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session, with all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

SECURITIES AND EXCHANGE COMMISSION

William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE C–PN

PN199 Foreign Service nominations (157) beginning Russell J. Nicely, and ending George Adams Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN200 Foreign Service nominations (243) beginning Nicholas R. Kuchova, and ending Richard W. Johnston, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

NOMINATION OF WILLIAM H. DONALDSON

Mr. SARBANES. Madam President, I rise to express my support for the nomination of William H. Donaldson to be the Chairman of the United States Securities and Exchange Commission.

In my view, Mr. Donaldson will bring considerable relevant experience to the position of SEC Chairman. He founded and managed a major investment company, Donaldson, Lufkin & Jenrette, and served as Chairman and CEO of the New York Stock Exchange. He was Chairman, President and CEO of a multi-billion dollar public company, Aetena, Inc., and served as the first Dean and a Professor at the Yale School of Management. His background demonstrates that he is qualified for this position.

Mr. Donaldson will face a daunting task as the new SEC Chairman. He must join with his fellow Commissioners to appoint the Chairman of the Public Company Accounting Oversight Board. He must address the challenge of restoring confidence to the capital markets. And I very much hope that he will move immediately to implement full pay parity of salary and benefits for the SEC staff.

I am pleased that, in his appearance before the Senate Banking Committee, Mr. Donaldson recognized the importance and immediate challenge of implementing the new accounting responsibility and investor protection legislation which the Congress passed last year. He testified that he "will vigorously enforce the Sarbanes-Oxley Act and the rules and regulations already put forth by the SEC." He said, "I will demand accountability from all responsible parties. I will aggressively enforce civil penalties and work cooperatively with the state and federal law enforcement agencies and the President's corporate fraud task force to bring those who break the law to justice." He went on to pledge to call on corporate America and Wall Street to restore the principles of honesty and integrity to their proper place.

Mr. Donaldson also indicated a strong concern for the welfare of the SEC employees. He pledged to address issues of staff morale and union relations at the Agency.

I am hopeful that Mr. Donaldson will effectively manage the SEC and effectively enforce the Federal securities laws. I hope that he will bring about a new era of respect for the Agency and confidence in the U.S. securities markets.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 151

Mr. FRIST. Madam President, I ask unanimous consent that at 3:30 p.m. on Monday, February 24, the Senate proceed to the consideration of Calendar No. 7, S. 151, PROTECT Act; that there be 2 hours equally divided between the chairman and ranking member of the Judiciary Committee or their designees; that no amendments be in order; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the matter, without any further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DO-NOT-CALL IMPLEMENTATION ACT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to H.R. 395, which is being held at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a "do-not-call" registry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Madam President, I am pleased that the Senate will pass H.R. 395, the Do-Not-Call Implementation Act, which was overwhelmingly approved by the House of Representatives yesterday.

All of us have been plagued by unwanted solicitations by telemarketers. Recently, the Federal Trade Commission did something about this and proposed regulations to create a national do no call registry that consumers can sign up for to avoid unwanted solicitations.

H.R. 395 authorizes the Federal Trade Commission, FTC, to collect offsetting fees from telemarketers to implement and enforce the registry as part of the Telemarketing Sales Rule. The legislation would authorize the FTC to collect these fees from telemarketers for Fiscal Years 2003 through 2007, and to move forward this year on setting up this much-needed registry. The legislation also directs the Federal Communications Commission to conclude its own rulemaking regarding telemarketing calls which, given the FTC's lack of jurisdiction over certain industries, is an important component in creating an effective and comprehensive do not call option for consumers.

A one-stop option for consumers is overdue. In 1991, the Telephone Consumer Protection Act directed the Federal Communications Commission, FCC, to conduct a rulemaking to protect the privacy rights of residential telephone subscribers. The FCC could have enacted a national registry at that time, but chose instead to require telemarketers to maintain their own individual do not call lists. This means that at present, most consumers must contact, individually, every telemarketer who they do not want to call them. This far less than consumer-friendly regime has spurred more than twenty-five States to create their own do-not-call registries. I understand that many of these states support a national registry because maintenance of their lists is often burdensome, costly, and difficult to enforce. A national registry will not preempt these state laws. Rather, States will work in partnership with the national registry by sharing information and enforcement abilities. Harmonizing the FTC regulations with those of the FCC and the states, as I hope will soon occur, will give consumers and businesses alike a much more user-friendly system.

I recognize the importance of telemarketing to our economy and particularly to new competitors' market entry. Consumers, nevertheless, should be given a choice to opt out of receiving commercial solicitations, and the national do-not-call list proposed by the FTC gives them this option. The FTC has endeavored to balance the interests of consumers against the interest businesses have in communicating with existing customers and attracting new ones.

I commend the Federal Trade Commissioners and the FTC staff for their work on this issue, and thank my colleagues for supporting this measure.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 395) was read the third time and passed.

CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 1, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 1) regarding consent to assemble outside the seat of government.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 1) was agreed to.

WELCOMING SUPPORT OF EUROPEAN NATIONS FOR THE ENFORCEMENT OF U.N. SECURITY COUNCIL RESOLUTION 1441

Mr. FRIST. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 4) welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Council Resolution 1441.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCAIN. Madam President, after leading the U.S. congressional delegation to the Munich Conference on Security Policy last weekend, Senator LIEBERMAN and I introduced this resolution to thank 18 Europeans for standing with us in demanding that Security Council resolutions against Iraq be enforced. Contrary to what you may read in the press, and despite shrill objections from Paris and Berlin, most European governments believe Iraq must be held to account for its defiance of

Security Council Resolution 1441. France and Germany are isolated within Europe in their approach to enforcing, or in their case failing to enforce, Security Council resolutions regarding Iraq.

Recent actions by Paris and Berlin in the most important international fora—the Security Council, the North Atlantic Council, and the European Union—raise serious doubts among nations on both sides of the Atlantic about their commitment to multilateral diplomacy and cause real damage to those institutions.

The French and German objection, for reasons of calculated self-interest—a very flawed calculation, I fear—to a routine request to the North Atlantic Council to upgrade Turkey's defenses against the military threat from Iraq was a terrible injury to an Alliance that has served their broader interests well. For over three weeks, the United States, with fourteen of our eighteen European allies in the North Atlantic Council, has supported this necessary action, but has confronted a new unilateralism conceived in Paris and Berlin, a unilateralism that exposed the sneering in those capitals about the impulsive cowboy in the White House for the vacuous posturing and obvious misdirection it is.

Whatever NATO decides, Franco-German unilateralism will have a lasting impact on trans-Atlantic security calculations. If this minority French-German obstruction is not overcome, France and Germany will have to answer to those who argue that Iraq could be to NATO what Abyssinia was to the League of Nations.

The United Nations Security Council risks that same fate should it fail to hold Iraq accountable for its defiance. Patient American and British diplomacy at the U.N. delivered a unanimous vote in favor of Council Resolution 1441. France played a key role in negotiating the resolution and knew what they were voting for, Germany was fully aware of the debate as it prepared to assume the Council presidency in January. Americans, and many Europeans, were therefore astonished when France and Germany announced in advance of further consideration of the problem of Iraq that under no circumstances would they support enforcing the resolution's terms against Iraq.

The behavior of France and Germany has set back European unity and created a divided front that makes Iraq's peaceful disarmament less likely. Nations across Europe that have recently expressed a different view of multilateral obligations, including some of our oldest allies and our newest friends, expose the myth that France and Germany speak for Europe.

The majority of Europe's democracies have spoken, and their message could not be clearer. Most European governments support the Security Council's clear mandate to require Iraq's full disarmament and do not shrink from the grave responsibilities such a commitment entails. Most European government understand clearly that if the Security Council fails to enforce its demands of Iraq, the Council risks impotence and irrelevance. In short, most European governments behave like allies that are willing to meet their responsibilities to uphold international peace and security in defense of our common values.

As the foreign ministers of Romania, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia, Croatia, Albania, and Macedonia have declared, "the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the U.N. Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security."

As the leaders of Britain, Spain, Italy, Poland, Hungary, the Czech Republic, Denmark, and Portugal have written, "Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result."

We thank this European majority for standing with us.

I ask unanimous consent that two pieces of supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED WE STAND

The real bond between the U.S. and Europe is the values we share: democracy, individual freedom, human rights and the rule of law. These values crossed the Atlantic with those who sailed from Europe to help create the United States of America. Today they are under greater threat than ever.

The attacks of Sept. 11 showed just how far terrorists—the enemies of our common values—are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defense off these principles, the governments and people of the U.S. and Europe have amply demonstrated the strength of their convictions. Today more than ever, the trans-Atlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the U.S. which has stood the test of time. Thanks in large part to American bravery, generosity and farsightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and communism. Thanks, too, to the continued cooperation between Europe and the U.S. we have managed to guarantee peace and freedom on our continent. The trans-Atlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the U.N. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the U.N. route, and our support for the Secretary Council at the Prague NATO Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime be disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the U.N. weapons inspectors have confirmed that his long-established pattern of deception, denial and noncompliance with U.N. Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The U.N. Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result. We are confident that the Security Council will face up to its responsibilities.

STATEMENT OF THE VILNIUS GROUP COUNTRIES

Earlier today, the United States presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive UN inspectors, and its links to international terrorism.

Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.

We have actively supported the international efforts to achieve a peaceful disarmament of Iraq. However, it has now become clear that Iraq is in material breach of U.N.

Security Council Resolutions, including U.S. Resolution 1441, passed unanimously on November 8, 2002. As our governments said on the occasion of the NATO Summit in Prague: "We support the goal of the international community for full disarmament of Iraq as stipulated in the U.N. Security Council Resolution 1441. In the event of non-compliance with the terms of this resolution, we are prepared to contribute to an international coalition to enforce its provisions and the disarmament of Iraq."

The clear and present danger posed by the Saddam Hussein's regime requires a united response from the community of democracies. We call upon the U.N. Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 4

Whereas on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq "a final opportunity to comply with its disarmament obligations";

Whereas on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council.";

Whereas the North Atlantic Council stated, "NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the United Nations to ensure full and immediate compliance by Iraq, without conditions or restrictions, with United Nations Security Council Resolution 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations.";

Whereas, on January 30, 2003, the Prime Ministers of Denmark, Italy, Hungary, Poland, Portugal, Spain, and the United Kingdom, and the President of the Czech Republic ("The Eight"), issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Eight stated, "The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security. . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.";

Whereas The Eight stated, "Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. . . . Our governments have a common responsibility to face this threat. . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.";

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia ("The Ten") issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Ten stated, "[T]he United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism. . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction."; and

Whereas The Ten stated, "[I]t has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress welcomes—

(1) the expression of support from Albania, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and the United Kingdom for Iraq's full compliance with Security Council Resolution 1441; and

(2) their expression of solidarity with the United States in calling for the demands of the Security Council to be met with regard to Iraq's full disarmament.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 19, which is at the desk.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 19) recognizing 92nd birthday of Ronald Reagan.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 19) was read the third time and passed.

The preamble was agreed to.

DISCHARGE AND REFERRAL OF S. RES. 55

Mr. FRIST. Madam President, I ask unanimous consent that the Small Business Committee be discharged from further action on S. Res. 55 and that the matter be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 59, which was introduced earlier today by Senators WYDEN and SMITH.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 59) congratulating the University of Portland Women's Soccer Team for winning the 2002 NCAA Division I National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. Madam President, I offer this resolution with Senator SMITH to congratulate the University of Portland women's soccer team for winning the 2002 NCAA Division I National Championship.

This championship team achieved a lot of firsts. The women's soccer team is the first to bring home a national championship in any sport for the University of Portland. As the eighth seed in the NCAA tournament, the University of Portland Pilots were the lowest seeded team to ever win the national title in the women's national championship 21 year history. Sophomore player Christine Sinclair made a first by setting an NCAA tournament record with 21 points on 10 goals and 1 assist. The Pilots' road to victory included defeating 7 nationally ranked opponents, including the reigning champion, Santa Clara University.

I am proud of these young women and their tremendous accomplishment. In this day when Title IX of the Education Amendments is under challenge, we cannot forget that women like those of the University of Portland champion soccer team are direct beneficiaries of Title IX. Title IX has provided girls and women with equal opportunities in athletics. Before Title IX was enacted in 1972, only one in 17 high school girls played team sports—now that number is one in 2.5. Title IX has helped our Nation develop fantastic athletes like the young women I am here to congratulate. We must continue to encourage these athletes, and provide them with our full support.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 59

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20-4-1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2-1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest-seeded team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement; and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment; and

(2) directs the Secretary of the Senate to make available copies of this resolution to the University of Portland for appropriate display and to transmit a copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

AUTHORIZING COMMITTEES TO REPORT

Mr. FRIST. Madam President, I ask unanimous consent that notwithstanding the recess, committees be authorized to report legislative and executive matters on Thursday, February 20, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 14, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Friday, February 14. I further ask unanimous consent that on Friday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume consideration of the nomination of Miguel Estrada to be a Circuit Judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, for the information of Senators, tomorrow the Senate will, once again, resume debate on the nomination of Miguel Estrada. Again, if Senators desire an opportunity to speak on the nomination, I encourage them to do so. No rollcall votes will occur during Friday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:09 p.m., adjourned until Friday, February 14, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2003:

SECURITIES AND EXCHANGE COMMISSION

WILLIAM H. DONALDSON, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE NOMINATIONS BEGINNING RUSSELL J. NICELY AND ENDING GEORGE ADAMS MOORE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

FOREIGN SERVICE NOMINATIONS BEGINNING NICHOLAS R. KUCHOVA AND ENDING RICHARD W. JOHNSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

EXTENSIONS OF REMARKS

IN HONOR OF THE SESQUICENTENNIAL CELEBRATION OF ST. PATRICK'S CHURCH OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of the Sesquicentennial celebration of St. Patrick's Church, one of Cleveland's foremost Catholic congregations. During its tenure, St. Patrick's has served as a foundation of faith and service for the religious community of our Ohio City neighborhood, and far beyond.

Irish immigrants founded St. Patrick's Parish on Franklin Street in 1853. The church was also home to the first Ursuline Community in Cleveland. In 1871, the cornerstone for a new church was laid on Bridge Avenue. A famine struck that year, which halted construction. Construction resumed, yet it was arduous and long. For two years, parishioners journeyed to Sandusky to obtain free quarry stone and deliver it back to the church site. Following six years of toil, focus and commitment, the new church was opened during the summer of 1877.

Since that time, St. Patrick's Church has stood as a monument of faith, hope and support for immigrants and generations of their descendants. Although the first wave of parishioners were mainly of Irish heritage, today, the fabric of St. Patrick's reflects a colorful blend of citizens descendant from all areas of the world.

Mr. Speaker and Colleagues, please join me in tribute to and commemoration of the 150th Anniversary of St. Patrick's Church in Cleveland. St. Patrick's Church stands as more than a stately and vital historical structure; rather, the leaders and members of this parish, past and present, reflect a lasting monument of faith and hope that has sustained our families, our neighborhoods, our cities and our nation, for more than a century.

THE WRONG WORDS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD.

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; THE WRONG WORDS

(By Abdel Monem Said)

Probably no area of the world had a keener interest in President Bush's address on Tuesday night than the Middle East. And probably nowhere will there be greater disappointment. People in moderate Arab states will conclude that the president is woefully misguided in his approach to the region's troubles.

First, the American government seems to have divided the Middle East into a set of separate problems, each in its own little box: Iraq, Iran, the Palestinians and the Israelis, fundamentalism, terrorism. To an Arab, these are all related issues. The United States should concentrate on the problem whose resolution would, ultimately, solve all the other problems. That problem isn't Iraq. In fact, tackling Iraq will worsen the situation in the Middle East. It is the Palestinian question whose resolution has the best potential for a positive impact on the region and beyond. Unfortunately, it received only a passing reference in the president's speech.

Second, Arabs do not agree with the rosy American view of an invasion of Iraq. Mr. Bush seems to believe that the Iraqi people will look at American soldiers as liberators. In three or four weeks Saddam Hussein and his cronies will be toppled. In a year or so, Iraq will be a shining example of a democratic and prosperous country.

Arabs have a drastically different view. Some Iraqis will look at Americans as new colonialists. Various Iraqi factions and ethnic groups will take the chance to settle old scores. Iraq will descend into chaos. Turkey and Iran will interfere. The fragile countries of the eastern Mediterranean and the Gulf will suffer. The Arab-Israeli conflict will become increasingly volatile as violence and fundamentalism cross national borders.

Third, Mr. Bush sees the war on Iraq as part of the global war against terrorism. In the absence of clear evidence of links between Saddam Hussein and Al Qaeda, Arabs see the Iraq campaign as a deviation and distraction from the real fight. Iraq, now greatly weakened, is incapable of threatening its neighbors. Terrorism remains a greater threat. By going after Iraq, the United States is taking the easy way out: a classic war where it can find a capital to bomb, a regime to overthrow and weapons to dismantle. The war on terrorism is a completely different one, with political and socioeconomic dimensions that call for patience and agonizing time.

The historical bond between the United States and the moderate Arab states and mainstream Arabs in general contributed to the stability of the Middle East. For half a century, the bond worked well—to thwart Communist expansion in the cold war, to contain the waves of Iranian Islamic revolution and to end in 1991 Saddam Hussein's radical and regional ambitions. Now, it seems for the Arabs, the major force for instability in the region is the United States itself, which is moving militarily to Iraq, ignoring the Arab-Israeli peace process, giving Ariel Sharon a free hand in Israel, and insinuating a radical program for change in the region without building strategic understanding for it.

REMEMBERING JOHN FERDINANDI, JR.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to remember a resident of my district who has made an impact on me, my staff, as well as the city of Fresno. His name was John Ferdinandi, Jr.

John was born in Rochester, NY, the son of Italian Immigrants. In 1945, he and his family moved to Fresno, CA where John attended San Joaquin Memorial High School, Fresno City College, and California State University, Fresno, then known as Fresno State. He served for four years in the Air Force and married his wife Sally in 1952. He returned to Fresno in 1954.

After thirty years of family and individual business, John retired, but found retirement wasn't his strong suit. He began a new career as a Property Manager and worked from 1989 to 1999, where his last assignment was in Santa Cruz, CA. John retired again in 1999, when he and his wife, Sally, decided to return home to Fresno where their children and family live.

In September 1999, when a seven freight car derailment occurred on the Burlington Northern Santa Fe tracks near the west end of Browning, John took up the challenge to get those tracks moved, which had been talked about for 83 years.

John put together a Board of Directors of community residents, secured over 42 supporting agencies, political representatives, businesses, individuals and petitioners now totaling over 6,000 supporters of rail consolidation. On January 14th, 2002, Fresno Mayor Alan Autry appointed John to head up his Mayor's Fresno Rail Consolidation Task Force.

The Fresno County Board of Supervisors appointed John to be the county's representative on the Fresno County Council of Governments Rail Committee. John also was Chairman of the Mayor's Downtown Revitalization 3RC Committee (Research, Review & Recommendation). He was working to revitalize Downtown Fresno.

John was a loving man who liked to help out at church, enjoyed playing charades, loved to sail and collect lighthouse replicas. He enjoyed fragrant flowers and high school father-daughter dances. Additionally, my staff and I had the pleasure of working with John's granddaughter, Sadie, for four years. John passed away of cancer on January 26, 2003. He will be sorely missed.

Mr. Speaker, I rise to remember John Ferdinandi and all of his efforts working on the Fresno Area Rail Consolidation. I urge my colleagues to join me in remembering John Ferdinandi.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE 20TH ANNIVERSARY OF THE "BABES OF 1916" SENIOR CITIZENS SOFTBALL LEAGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition and celebration of the Twentieth Anniversary of the Babes of 1916 Senior Citizens Softball League, formed in 1983. I also stand in honor of the officers of the League: Gil Novak, Nick Gavanditti, Gus Bene and Paul Ristau, and I honor the members of the League who remain forever young, with a clear understanding that one is never too old to step up to the plate.

Over the years, the League has grown from thirty-one players to over one hundred and fifty. Every summer, the teams in the League play at well-attended events in ballparks across the county. Over the past twenty years, teams within the League have won several local and national championships, including their regular participation in the Senior Softball World Series.

The League members' sincere love and enthusiasm for life is clearly reflected in their love for the game—in every calculated pitch, in every outfield catch, in every throw to first, and in every swing of the bat. The players also extend their spirit and energy across our community, as they consistently donate their time to play for charitable and civic events.

Mr. Speaker, please join me in honor, tribute, and celebration of the past and present leaders of the Babes of 1916 Senior Citizens Softball League, for their twenty years of uplifting our hearts and spirits with their great affection for America's favorite pastime. The players and leaders of the League are the guardians of the most beloved and historic game in American history, and because of them, our seniors have the opportunity to still experience the joy of fielding a ground ball, hitting the winning run, teamwork, and camaraderie. The Babes of 1916 Senior Citizens Softball League have given its youthful ballplayers much more than the love of the game. They've given seniors the chance to play at the ballpark, inspiring cherished moments and creating memories that reach back to childhood—from the early innings of their youth—to the bottom of the ninth, two down, tie score, bases loaded. Batter up.

IN REMEMBRANCE OF DON PICKINPAUGH, MEMBER OF THE WASHINGTON TOWNSHIP HEALTH CARE DISTRICT BOARD OF DIRECTORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Don Pickinpaugh's years of service to the Board of Directors of the Washington Township Health Care District. Mr. Pickinpaugh passed away on February 6, 2003 of heart failure at Washington Hospital.

The longest serving member of the hospital's Board of Directors, Mr. Pickinpaugh was first elected to the Board in 1976. He was elected Board president five times during his 27-year tenure, most recently in 2002.

During his time on the Board, Mr. Pickinpaugh provided leadership on many projects, but most notable are his work on the acquisition of Washington West in 1997 and the renovation of the hospital's sixth floor in 2002. This renovation added more than 29 beds to the hospital's capacity.

Mr. Pickinpaugh's interest in health care developed when he served as a Navy chief hospital corpsman. While in the Navy, he supervised the operations of an emergency room at a major Naval hospital and served as a chief laboratory and blood bank technician.

Deeply involved in the community, Mr. Pickinpaugh was a long-time real estate broker in the Fremont area, and was actively involved in the Boy Scouts, Alameda County's Highland Hospital Citizen's Committee, and the Alameda County Tax Assessment Appeals Board. He was also a reading mentor at a Fremont Elementary School.

I send heartfelt sympathies to Don Pickinpaugh's family, and I join his colleagues in mourning the loss of this true community activist.

REMEMBERING THE HONORABLE WALTER J. KRASNIEWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, the day after Christmas 2002, The Honorable Walter J. Krasniewski passed from this life at the age of 73 years. He was surrounded by his family.

Judge Krasniewski served the U.S. Bankruptcy Court in the Northern District of Ohio for 32 years, retiring in 1997. The author of more than 500 legal opinions, during his tenure many of his opinions established case law for the Sixth Circuit. At his retirement before a packed courtroom of judges, attorneys, family and friends there to pay him tribute, Judge Krasniewski was recognized as one of the ten longest-serving judges in U.S. history. A dedicated promoter of the noble profession of the law, Judge Krasniewski was mentor to many people he encouraged in the pursuit of a law career.

Walter Krasniewski graduated from Xavier University, then obtained his law degree from the University of Toledo. After a time in private practice, he was employed by the State of Ohio as an assistant attorney. In 1963, he was appointed by Attorney General Robert Kennedy as an assistant U.S. attorney. He began his long career as a bankruptcy court judge in 1965.

Devoted to his family, Judge Krasniewski also paid careful attention to his community. He was involved in many civic activities and fraternal organizations. His thoughtful countenance was as well known to his associates as it was to those who appeared in his courtroom. Always a gentleman, he was also a true statesman.

Walter Krasniewski was a man committed to family, his faith, his profession, and his country. Truly we will miss this man of vision and integrity. Our heartfelt sympathy to his wife of 45 years, Mary Lou, his children Linda, Leslie, Laurie, and Lawrence, his brothers John and William, his grandchildren and great grandchildren.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor President Ronald Reagan on his 92nd Birthday. He is a great man and was a wonderful president. President Reagan stimulated economic growth, curbed inflation, increased employment, and strengthened our national defense. He cut taxes and government expenditures. It was during his term in office as President, the United States enjoyed its longest recorded period of peacetime prosperity without recession or depression. President Reagan sought to increase defense spending, but also wanted to improve relations with the Soviet Union.

Overall, the Reagan years saw a restoration of prosperity, and the goal of peace through strength seemed to be within grasp.

Mr. Speaker, I rise to honor President Reagan and wish him a Happy 92nd Birthday. I urge my colleagues to join me in wishing President Reagan more years of good health.

IN HONOR AND REMEMBRANCE OF EDWARD E. KOTECKI, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Edward E. Kotecki, Jr., beloved father, grandfather, great-grandfather, brother and friend to many.

As the retired CEO of century-old Kotecki Monuments of Cleveland, a company founded in 1896 by his grandfather, Mr. Kotecki combined his sharp business abilities with his great artistic talents to create exquisite, critically acclaimed shrines and sculptures displayed in churches, religious centers and cemeteries in Cleveland, and around the world.

With a commitment to the highest level of artistry, Mr. Kotecki traveled in search of the finest master sculptors. His search took him to Italy, Poland and Romania, and he personally sponsored each artist during their stay in the United States. Additionally, Mr. Kotecki blazed the trail for a new process of creating sculptures. From his European counterparts, Mr. Kotecki introduced to America a sculpting machine that created three-dimensional sculptures in a fraction of the time it would normally take.

During his tenure, Kotecki Monuments created a symphony of granite along the terrace of the Cleveland Museum of Art; assisted in the polishing of the Hubble Telescope; and worked alongside Cleveland steel mills in fabricating granite skid caps. Moreover, Mr. Kotecki consistently displayed a generous spirit and kind heart. He directed the Cleveland Police Officers Peace Memorial, and had the names of fallen officers inscribed at no charge to families. Additionally, Mr. Kotecki regularly donated labor and materials for the restoration of damaged Cleveland cemetery monuments.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Edward E. Kotecki, Jr.—business leader, beloved father, grandfather, great-grandfather, brother, and friend and mentor to many. Although Mr. Kotecki will be deeply missed, his vision, life and legacy will live on forever, like the granite angel whose wings rise forever against the Cleveland sky.

INTRODUCTION OF THE SAFE NURSING AND PATIENT CARE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. STARK. Mr. Speaker, I rise to introduce the Safe Nursing and Patient Act of 2003 with Rep. STEVEN LATOURETTE and more than 40 of our colleagues. Assuring quality medical care and addressing our nursing shortage should not divide us on partisan lines. That's why I'm especially pleased that the bill we're introducing today has support from Democrats and Republicans alike. Senator KENNEDY is introducing the companion legislation in the Senate.

There are some 500,000 trained nurses in this country who are not working in their profession. Of course, their reasons for leaving nursing are many. But nurses consistently cite their concerns about the quality of care they feel they are able to provide in many health care settings today. Nurses are also greatly concerned about being forced to work mandatory overtime.

Listen to these words of a nurse in the state of Washington:

> I have been a nurse for six years and most of the time I have worked in the hospital environment. It is difficult to tell you how terrible it is to "work scared" all the time. A mistake that I might make could easily cost someone their life and ruin mine. Every night at work we routinely "face the clock." All of us do without lunch and breaks and work overtime, often without pay, to ensure continuity of care for our patients. Yet, we are constantly asked to do more. It has become the norm for us to have patient assignments two and a half times greater than the staffing guidelines established by the hospital itself. I cannot continue to participate in this unsafe and irresponsible practice. So I am leaving, not because I don't love being a nurse, but because hospitals are not safe places: not for patients and not for nurses.

While stories like this are telling, we also have research to back up the concern. A recent study published in JAMA (October 23/30, 2002) proves what nurses have been telling us—that working too many hours while caring for too many patients leads to increased patient deaths and increased job dissatisfaction. The study found that the risk of death to a patient who has undergone surgery increases by 7 percent for each patient over four in a nurse's workload. It also found that patients in hospitals with the lowest nurse staffing levels (eight patients per nurse) have a 31% greater chance of dying than those patients in hospitals with four patients per nurse.

Studies also point to overtime issues as reasons for the nursing shortage. For example, a 2001 report by the General Accounting Office, Nursing Workforce: Emerging Nurse Shortages Due to Multiple Factors, concluded: [T]he current high levels of job dissatisfaction among nurses may also play a crucial role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession. . . .

We have the voices of nurses and the research evidence to prove that the practice of requiring nurses to work beyond the point they believe is safe is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

We have existing government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can safely work before consumer safety is endangered. However, no similar limitation currently exists for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would change that. It would set strict, new federal limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care. But, forced mandatory overtime would only be allowed when an official state of emergency was declared by federal, state or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes since alternative staffing and quality measures are already moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to $10,000 for violations of the act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain anti-discrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

This legislation is not the final solution. I believe that standards must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care.

I know that our nation's hospital trade associations will claim that my solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

This bill takes the first step to address the problem by strictly limiting the ability of providers to force nurses to work beyond their professional opinion of what is safe for fear of losing their jobs. This is a very real problem facing the nursing profession and that is why my bill is endorsed by the American Nurses Association, AFSCME, AFT, SEIU, AFGE, UAW, and the AFL-CIO—organizations that speak for America's nearly 3 million nurses.

Again, my bill is not the sole solution. I supported the Nurse Reinvestment Act, which was passed by Congress and signed into law last year. That legislation authorizes new federal investment and initiatives to increase the number of people pursuing a nursing education. Such efforts will help in the future, but it will be years before that law's impact is felt in our medical system. And, it will take even longer if the President and Republicans in Congress continue to withhold the funding necessary for the act to be implemented.

We need to help now. We must take steps to improve the nursing profession immediately so that today's nurses will remain in the field to care for those of us who need such care before new nurses can be trained. We also need today's nurses to be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues to enact the Safe Nursing and Patient Care Act. It will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

STATE OF THE UNION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; CALMING FEARS

(By Bill Emmott)

Before President Bush's State of the Union address, worry about war and suspicion of America were the prevailing views in the outside world. After his address, worry and suspicion still prevail. But there is now hope that the suspicion, at least, could soon ease.

Don't misunderstand. I have long supported America's effort to enforce the United Nations resolutions calling on Saddam Hussein to disarm, and have felt that only under an ever-nearing threat of war was there any chance that this might be achieved, peacefully or otherwise. Few of my fellow Europeans (and surprisingly few Britons) have felt the same. Every time they have seen Mr. Bush speaking informally about this issue, their fears and suspicions have grown. However, every time they have seen him make a big, formal speech (as at the United Nations in September and before Congress on Tuesday) they have felt reassured.

This time, the reassurance did not come from his deliberately reassuring gestures, such as the promise to put up $15 billion to combat H.I.V. and AIDS in Africa and the Caribbean or the $1.2 billion for research into pollution-free cars. It came from his announcement that on Feb. 5 Secretary of State Colin Powell would reveal evidence of Iraq's weapons concealment to the Security Council.

It was reassuring because it suggests that some proof exists. Admittedly, the lust for evidence represents a sort of mass self-delusion, a belief that somehow the 1990's didn't happen and that no weapons programs were found then. It also represents topsy-turvy thinking: that the burden of proof is on Mr. Bush, not Saddam Hussein. Still, such thinking is a reality that the White House needs to face.

Such evidence is not needed on technical, moral or legal grounds. But it is needed to secure a broad coalition, which in turn is highly desirable if the risks of war—and an unstable aftermath of war—are to be reduced. At least from this vantage point in London, the recent opposition to war heard from France and Russia looks shallow. Some credible, publicly usable evidence is all that is needed for them to be able to back a second United Nations resolution and even to offer military support.

Following President Bush's address, therefore, an extremely favorable situation looks to be within America's grasp—a broad coalition and a second resolution, both just at the time when the military buildup is reaching its peak. Saddam Hussein, no doubt, will have fresh delaying tactics up his sleeve, such as apparent, partial admissions or concessions about weapons programs with which he will hope to sow new divisions and confusion. The wider the coalition against him, and the shorter the time he has available, the lower will be his chances of success.

The president's speech brought that prospect closer. Now Colin Powell must clinch it.

THE LITHUANIAN-AMERICAN COMMUNITY CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Lithuanian American Community Cleveland Chapter and their celebration of the 85th Anniversary of the Restoration of Lithuania's Independence, which will take place on Sunday, February 16, 2003 at Our Lady of Perpetual Help auditorium.

The Lithuanian American Community has focused on the celebration of Lithuanian heritage and providing educational, cultural, and social services to its members. The many events it sponsors such as folk dances, art and science symposiums, and theater festivals, are always open to the public in an effort to share Lithuania's rich culture with others. The Lithuanian American Community has done an excellent job of supporting cultural interaction between the United States and Lithuania and looks forward to further integration in the West.

I would like to take this opportunity to honor and thank the leaders and members of the Lithuanian American Community of Cleveland for organizing these wonderful festivities, and for sharing their rich culture with all Clevelanders.

Mr. Speaker, please join me in recognizing the Lithuanian American Community Cleveland Chapter, a wonderful organization that has provided support for Lithuanian Americans, and enriched Cleveland with the contribution of their culture and heritage. May Sunday's celebration of the Restoration of Lithuania's Independence be a wonderful reminder of Cleveland's richly diverse community, and a joyous occasion for all whom attend.

SPEECH BY GENERAL JAMES L. JONES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to General James L. Jones who recently became the first Marine to assume command of the United States European Command, EUCOM. General Jones assumed command of EUCOM in Stuttgart, Germany, on January 16, 2003. Also, in a change of command ceremony held on January 17, 2003, in Mons, Belgium, General Jones became NATO's Supreme Allied Commander, Europe. Mr. Speaker, I am proud to share with the Members of the House the speech General Jones presented as he stepped into the command at EUCOM.

EUCOM COC REMARKS

Ambassador Coats, Members of Congress, Secretary Wolfowitz, General and Mrs. Myers, General and Mrs. Ralston, General and Mrs. Wald, State Secretary Bohmler, Lord Mayor Doctor Schuster, Professor Doctor Rommel, Distinguished Guests, Ladies and Gentlemen, Men and Women in Uniform, and Friends and Families: It is truly wonderful to be in Stuttgart again! Having been raised in Europe, and having served in this command from 1992–94, I have grown to appreciate the privilege and warmth of German hospitality—thank you one and all for welcoming us back and for making this a truly special occasion for Diane and me.

Men and women in uniform have the honor of serving our respective nations . . . and for Americans here present, it is a special responsibility to be able to serve our country overseas. America is fortunate to be a Nation of influence . . . the record of history will reveal it to be an influence for the greater good of freedom-loving people for stability and for the cause of peace in the world.

Nonetheless, we live in dangerous times . . . there are some in this world who would threaten our common ideals and our goals. They follow an ideology of illicit trade, illegal drugs, assassination, and global terrorism. They are, today, the cause of much of the suffering in the world, and so . . . it is morally right that those who love freedom . . . and are willing to defend it . . . pursue them into every dark corner of the world from which they plot and ply their trade.

We must, and will, remain vigilant and steadfast . . . victory in this global war will not come quickly . . . nor will we achieve it alone. It will take men and women of great character and courage to prevail in these demanding times—men and women such as those assembled here today . . . the men and women of the U.S. European Command working towards our common objectives in partnership with our friends and allies.

More than courage and character, qualities of principled leadership will remain vitally important. Fortunately for all of us, we have all benefited first hand from the extraordinary leadership of General and Mrs. Ralston over the past two and one-half years.

Joe and Dede, thank you both for your years of service to our Nation and to freedom loving people everywhere . . . for your caring advice and warm friendship . . . for your extraordinary generosity and thoughtfulness in making this transition so effective and enjoyable . . . Diane and I wish you every happiness as you move into the next phase of your lives and as you go north to Alaska.

Men and women of the U.S. European Command, I am extremely humbled and proud to serve with you. Many challenges remain. We will not lack for important things to do. Where there is great challenge, there is great opportunity for those with the will and the courage to seize the moment. Now is such a moment.

The war on terrorism, changes to the unified command plan, and ongoing operations will all complete for our time and our resources . . . and we must also ensure that the quality of life provided to our families receives proper attention as well, for they play a critical role in the readiness of our force.

Diane and I look forward to working with you and your families . . . to continue to improve the spirit of security and cooperation we have worked so hard to build. To our German hosts, thank you for your warm hospitality and support . . . and to all of you present here today, thank you for making this event such a memorable one for both Diane and me.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ISSA. Mr. Speaker, today I join my many colleagues in mourning the loss of the seven courageous men and women on board the space shuttle *Columbia*. This is indeed a tragic loss, for the families of these seven astronauts, and for our Nation. These men and women committed their lives to the pursuit of knowledge and, in that pursuit, they made the ultimate sacrifice. For their courage and self-sacrifice they will be forever remembered as heroes.

While the *Columbia* tragedy demonstrated the risks involved in manned space travel, it also reminds us that NASA has had an excellent performance record over the past four decades. The courageous and talented men and women of NASA have made discoveries in space that have profoundly improved our lives on earth. Our exploration of space, our pursuit of knowledge must go on. As the families of the *Columbia* seven have stated, we cannot look back, we must press forward with our exploration of new territories.

Mr. Speaker, I am honored to be here today, remembering these fallen heroes. I am grateful for the resolve of our astronauts, our President, and Americans everywhere to remember the past while looking to the future. I urge my colleagues to unequivocally support this resolution.

LATIN AMERICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; REMEMBER US?

(By Enrique Krauze)

Focused on its enemies, the Bush administration has forgotten its friends. Only one world region went entirely unmentioned in the State of the Union speech: Latin America. In another, far distant age—five days before terror struck New York and Washington—President Bush pledged a new alliance with President Vicente Fox of Mexico, on the grounds that a strong Mexico makes for a stronger United States. After 9/11, however, everything changed.

All of Latin America now seems aware that the United States has returned to an essentially reactive diplomacy that seems to come to life only when there are missiles pointing at its shores, Marxist guerrillas in the jungles, or revolutionary governments in the old banana republics. This is unfortunate because Latin America (with the exception of Cuba) has for a decade been abandoning its old grievances, drawing closer to the United States, opting for democracy and rejecting militarism, statism and Marxism. What is needed to make Washington take this Copernican shift seriously and support it in tangible ways? Maybe what is needed is for the miracle to end. And it may indeed end, if, in the face of American neglect, Latin Americans turn toward the biggest specter of the past: populism, the age-old temptation to put power in the hands of a heaven-sent strongman—yesterday in Alberto Fujimori's Peru, today in Hugo Chavez's Venezuela, and tomorrow perhaps in a charismatic Mexican politician.

Unfortunately, populist sentiment has been reinforced by Washington's mistakes. It lost democratic credibility by not condemning the coup against the populist but democratically elected Mr. Chavez. There was the scolding of Brazil and Argentina by Paul H. O'Neill, the former Treasury secretary, which sent their currencies tumbling. And there is the supreme shortsightedness of the economic blockade of Cuba.

More worrisome still is the administration's attitude toward its neighbor. The shelving of the 2001 immigration agreement was a mistake that has been compounded by new subsidies for American farmers, which fly in the face of the reforms required of Mexican agriculture under Nafta. Mexico's rural regions are its most sensitive. It was peasants who fought the Mexican Revolution 90 years ago, and it is from rural Mexico that the next explosion would likely come.

I agree with Mr. Bush that if Saddam Hussein is not evil "then evil has no meaning." But to combat evil, one must find strength in friendship. In dealing with the south, George W. Bush should try a different doctrine: pre-emptive cooperation.

IN HONOR OF CUYAHOGA HEIGHTS POLICE CHIEF RICHARD W. UNGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise to today in honor and recognition of Police Chief Richard W. Unger, upon the occasion of his recent retirement from the Cuyahoga Heights Police Department, after twenty-seven years of dedication to the force and honor of the badge.

Chief Unger grew up in Cuyahoga Heights, and committed his entire law enforcement career to protecting the safety of the residents of his hometown. He joined the Cuyahoga Heights police department in 1976. Within ten years, Chief Unger was promoted to Lieutenant, then Captain. During that time, he also served as the Juvenile Officer, and was one of the original members of the Cuyahoga Valley SWAT team.

In 1992, at the youthful age of thirty-nine, Mr. Unger was promoted to the position of Police Chief. Chief Unger's total dedication to his profession was also reflected in his pursuit of additional law enforcement education and training. Throughout his law enforcement tenure, Chief Unger regularly attended workshops, classes and seminars to bolster his experience and knowledge. In addition, Chief Unger has been a member of many safety force commissions and boards, and has been awarded numerous awards and commendations for his exceptional work.

Mr. Speaker and Colleagues, please join me in honor and celebration of Cuyahoga Heights Police Chief Richard W. Unger, as we reflect on the past twenty-seven years of his significant service to the citizens of Cuyahoga Heights. Chief Unger's easy-going nature, integrity, expertise, and focus on protecting his constituents in Cuyahoga Heights have all served to raise the grade safety operations in Cuyahoga Heights to an exceptional level. Chief Unger has been an outstanding role model for his four children, grandchildren, and for every resident of Cuyahoga Heights. Chief Unger's exceptional service, focused on the welfare and safety of families and individuals, is truly significant and worthy of our gratitude and recognition. We wish Chief Unger, his wife Katherine, and his entire family many blessings and great happiness in his retirement. We also wish him many wonderful cloudless summer days of smooth sailing and great fishing along the waves of Lake Erie—Port outboard, Starboard home.

HONORING THE OHIO WESLEYAN UNIVERSITY WOMEN'S SOCCER TEAM'S SECOND NCAA CHAMPIONSHIP TITLE

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the Ohio Wesleyan University Battling Bishops Women's Soccer Team, who have won their second consecutive National Collegiate Athletic Association Division III Championship title.

Coach Bob Barnes led the Battling Bishops to a win over Messiah College in the NCAA Division III championship game on November 30, 2002 in Geneva, N.Y. on the campus of Hobart and William Smith Colleges. This game concluded a remarkable 24 and 0 season that saw veteran and freshman players make positive contributions and grow as student athletes.

The national title makes the Bishops the first team to repeat as NCAA Division III champions since the University of California at San Diego in 1995–97. The win also extended the Battling Bishops' NCAA Division III-record winning streak to 45 straight games. The shutout was Ohio Wesleyan's 20th of the season.

Coach Barnes has built a successful team while upholding the school's strong tradition of requiring success in the classroom as well as on the playing fields. His leadership has paid off and the Battling Bishops have back-to-back championships to show for it and memories of this winning season for a lifetime.

The National Soccer Coaches Association of America and Adidas have also named Coach Barnes the NCAA Division III Coach of the Year. This is also the second straight NCAA Coach of the Year honor for Barnes, who is a 1989 Ohio Wesleyan graduate.

The 2002 OWU Women's Soccer Team is as follows: Freshmen—Louise Cooley, Alicia Grambeau, Hillary Hughes, Kelsey McDonough, Sara Vogel, Sarah Wall, Melanie Yoder. Sophomores—Stefanie Fluke, Toni Frissora, Deborah Lochner, Kahrman McKenzie, Jill Taylor, Carrie Williams, Jennifer Wise, Kelsey Wright. Juniors—Casey Dobbins, Erika Howland, Krista Pouliot, Liz Sheehan, Tiffany Soggs, Akeya Terrell, Amy Work. Seniors—Emily Bayer, Lindsey Bland, Bre Cady, Mindy Hammond, Jamie Jenkins.

As a proud graduate of Ohio Wesleyan University, I offer my sincere congratulations to the Battling Bishops and hope that I will have the opportunity to give similar remarks next year at the conclusion of the 2003 season.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

SPEECH OF

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. KLINE. Mr. Speaker, twenty-two years ago, as a young major of Marines, I had the high honor of serving President Reagan as his military aide. On inauguration day in 1981, this great man started immediately to improve the morale and pride of the armed forces. He had real admiration and respect for Americans in uniform, and real concerns about the status of our military forces in that troubling decade following the war in Vietnam. It seems impossible now, but in those years we were not permitted to wear the military uniform, unless by exception, in our nation's capital—a sad indicator of the state to which pride and confidence had fallen.

During his first inaugural parade, President Reagan told each of the service chiefs that it was time for a change. He told them he wanted to see more uniforms on the street. He knew that this change of direction and attitude was important not only to those wearing the uniforms, but to all Americans. The time of shame and remorse was over. We owe a great debt to this great man for many, many reasons. But, perhaps the first reason is his remarkable transformation of our armed forces.

Thank you, Mr. President and Happy Birthday!

BEYOND VIETNAM LIES IRAQ: SHARED SACRIFICE IN THE WORDS OF DR. MARTIN LUTHER KING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RANGEL. Mr. Speaker, it is imperative that this year as we celebrate Dr. Martin Luther King's birthday and Black History Month, that Dr. Martin Luther King be remembered not only for his involvement in the civil rights movement, but also for his quest to achieve peace and justice for all by speaking out against war. On April 4, 1967, Dr. Martin Luther King gave a speech entitled "Beyond Vietnam." In this speech, Dr. King spoke out against the Vietnam war, and more importantly, spoke of the need to wage peace, not war.

In the weeks that President Bush and his administration have been leading this country to war against Iraq, I have found myself going through many of the same motions of a man who opposed a war more than thirty years ago. I began by voting against the Congressional Resolution that gave President Bush the authority to carry out this war, and have most recently pushed for Americans to more carefully consider the costs of going to war without just cause by introducing a bill that would reinstate the draft. My push to reinstate the draft was meant to first, show my opposition to a unilateral preemptive strike against Iraq and second, to insure that if America does go to war, that an equitable representation of all classes of Americans are making the sacrifice for our great country.

In being reintroduced to Dr. King's speech, I found that, while he was attempting to end a war, his goals in giving the "Beyond Vietnam" speech were similar to my own, in that he wanted the persons being called upon to fight the war to realize that the war they were fighting was serving the needs of persons that were not interested in serving their needs. As have I, Dr. King recognized that the poor were disproportionately shouldering the burden of a war. Dr. King described the war as a "cruel manipulation of the poor" and an "enemy of the poor" that was "sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population."

The recognition that the sacrifices being made for this country were (and continue to) not be shared was only one of a number of realizations Dr. King made in regards to the Vietnam War. As many of the insights he made then continue to be relevant in our journey down the warpath to Iraq, I invite you to read these excerpts from a speech delivered on April 4, 1967, at a meeting of Clergy and Laity Concerned at Riverside Church in New York City and consider the words of Dr. Martin Luther King.

BEYOND VIETNAM: A TIME TO BREAK SILENCE

I come to this magnificent house of worship tonight because my conscience leaves me no other choice. [. . .] The recent statement of your executive committee are the sentiments of my own heart and I found myself in full accord when I read its opening lines: "A time comes when silence is betrayal." That time has come for us in relation to Vietnam. [. . .] I come to this platform tonight to make a passionate plea to my beloved nation. [. . .] Tonight, however, I wish not to speak with Hanoi and the NLF, but rather to my fellow Americans, who, with me, bear the greatest responsibility in ending a conflict that has exacted a heavy price on both continents.

Since I am a preacher by trade, I suppose it is not surprising that I have seven major reasons for bringing Vietnam into the field of my moral vision. There is at the outset a very obvious and almost facile connection between the war in Vietnam and the struggle I, and others, have been waging in America. A few years ago there was a shining moment in that struggle. It seemed as if there was a real promise of hope for the poor—both black and white—through the poverty program. There were experiments, hopes, new beginnings. Then came the buildup in Vietnam and I watched the program broken and eviscerated as if it were some idle political plaything of a society gone mad on war, and I knew that America would never invest the necessary funds or energies in rehabilitation of its poor so long as adventures like Vietnam continued to draw men and skills and money like some demonic destructive suction tube. So I was increasingly compelled to see the war as an enemy of the poor and to attack it as such.

Perhaps the more tragic recognition of reality took place when it became clear to me that the war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population. We were taking the black young men who had been crippled by our society and sending them eight thousand miles away to guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem. So we have been repeatedly faced with the cruel irony of watching Negro and white boys on TV screens as they kill and die together for a nation that has been unable to seat them together in the same schools. So we watch them in brutal solidarity burning the huts of a poor village, but we realize that they would never live on the same block in Detroit. I could not be silent in the face of such cruel manipulation of the poor.

My third reason moves to an even deeper level of awareness, for it grows out of my experience in the ghettoes of the North over the last three years—especially the last three summers. As I have walked among the desperate, rejected and angry young men I have told them that Molotov cocktails and rifles would not solve their problems. I have tried to offer them my deepest compassion while maintaining my conviction that social change comes most meaningfully through nonviolent action. But they asked—and rightly so—what about Vietnam? They asked if our own nation wasn't using massive doses of violence to solve its problems, to bring about the changes it wanted. Their questions hit home, and I knew that I could never again raise my voice against the violence of the oppressed in the ghettos without having first spoken clearly to the greatest purveyor of violence in the world today—my own government. For the sake of those boys, for the sake of this government, for the sake of hundreds of thousands trembling under our violence. I cannot be silent. [. . .]

Now, it should be incandescently clear that no one who has any concern for the integrity and life of America today can ignore the present war. If America's soul becomes totally poisoned, part of the autopsy must read Vietnam. It can never be saved so long as it destroys the deepest hopes of men the world over. So it is that those of us who are yet determined that America will be are led down the path of protest and dissent, working for the health of our land. [. . .]

And as I ponder the madness of Vietnam and search within myself for ways to understand and respond to compassion my mind goes constantly to the people of that peninsula. I speak now not of the soldiers of each side, not of the junta in Saigon, but simply of the people who have been living under the curse of war for almost three continuous decades now. I think of them too because it is clear to me that there will be no meaningful solution there until some attempt is made to know them and hear their broken cries. They must see Americans as strange liberators. [. . .]

After the French were defeated it looked as if independence and land reform would come again through the Geneva agreements. But instead there came the United States, determined that Ho should not unify the temporarily divided nation, and the peasants watched again as we supported one of the most vicious modern dictators—our chosen man, Premier Diem. The peasants watched and cringed as Diem ruthlessly routed out all opposition, supported their extortionist landlords and refused even to discuss reunification with the north. The peasants watched as all this was presided over by U.S. influence and then by increasing numbers of U.S. troops who came to help quell the insurgency that Diem's methods had aroused.

When Diem was overthrown they may have been happy, but the long line of military dictatorships seemed to offer no real change—especially in terms of their need for land and peace.

The only change came from America as we increased our troop commitments in support of governments which were singularly corrupt, inept and without popular support. All the while the people read our leaflets and received regular promises of peace and democracy—and land reform. Now they languish under our bombs and consider us—not their fellow Vietnamese—the real enemy. They move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. They know they must move or be destroyed by our bombs. So they go—primarily women and children and the aged. [. . .] They wander into the hospitals, with at least twenty casualties from American firepower for one "Vietcong"-inflicted injury. So far we may have killed a million of them—mostly children. They see the children, degraded by our soldiers as they beg for food. They see the children selling their sisters to our soldiers, soliciting for their mothers.

What do the peasants think as we ally ourselves with the landlords and as we refuse to put any action into our many words concerning land reform? What do they think as we test our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe? Where are the roots of the independent Vietnam we claim to be building? Is it among these voiceless ones?

We have destroyed their two most cherished institutions: the family and the village. We have destroyed their land and their crops. [. . .] Now there is little left to build on—save bitterness. Soon the only solid physical foundations remaining will be found at our military bases and in the concrete of the concentration camps we call fortified hamlets. The peasants may well wonder if we plan to build our new Vietnam on such grounds as these? Could we blame them for such thoughts? We must speak for them and raise the questions they cannot raise. These too are our brothers. [. . .] They question our political goals and they deny the reality of a peace settlement from which they will be excluded. Their questions are frighteningly relevant. Is our nation planning to build on political myth again and then shore it up with the power of new violence?

Here is the true meaning and value of compassion and nonviolence when it helps us to see the enemy's point of view, to hear his questions, to know his assessment of ourselves. For from his view we may indeed see the basic weaknesses of our own condition, and if we are mature, we may learn and grow and profit from the wisdom of the brothers who are called the opposition. [. . .]

At this point I should make it clear that while I have tried in these last few minutes to give a voice to the voiceless on Vietnam and to understand the arguments of those who are called enemy, I am as deeply concerned about our troops there as anything else. For it occurs to me that what we are submitting them to in Vietnam is not simply the brutalizing process that goes on in any war where armies face each other and seek to destroy. We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved. Before long they must know that their government has sent them into a struggle among Vietnamese, and the more sophisticated surely realize that we are on the side of the wealthy and the secure while we create hell for the poor. [. . .]

This is the message of the great Buddhist leaders of Vietnam. Recently one of them wrote these words: "Each day the war goes on the hatred increases in the heart of the Vietnamese and in the hearts of those of humanitarian instinct. The Americans are forcing even their friends into becoming their enemies. It is curious that the Americans, who calculate so carefully on the possibilities of military victory, do not realize that in the process they are incurring deep psychological and political defeat. The image of America will never again be the image of revolution, freedom and democracy, but the image of violence and militarism."

If we continue, there will be no doubt in my mind and in the mind of the world that we have no honorable intentions in Vietnam. [. . .] The world now demands a maturity of America that we may not be able to achieve. It demands that we admit that we have been wrong from the beginning of our adventure in Vietnam, that we have been detrimental to the life of the Vietnamese people. The situation is one in which we must be ready to turn sharply from our present ways.

[. . .] I would like to suggest five concrete things that our government should do immediately to begin the long and difficult process of extricating ourselves from this nightmarish conflict: (1) End all bombing in North and South Vietnam; (2) Declare a unilateral cease-fire in the hope that such action will create the atmosphere for negotiation; (3) Take immediate steps to prevent other battlegrounds in Southeast Asia by curtailing our military buildup in Thailand and our interference in Laos; (4) Realistically accept the fact that the National Liberation Front has substantial support in South Vietnam and must thereby play a role in any meaningful negotiations and in any future Vietnam government; (5) Set a date that we will remove all foreign troops from Vietnam in accordance with the 1954 Geneva agreement. [. . .]

Meanwhile we in the churches and synagogues have a continuing task while we urge our government to disengage itself from a disgraceful commitment. We must continue to raise our voices if our nation persists in its perverse ways in Vietnam. We must be prepared to match actions with words by seeking out every creative means of protest possible. [. . .]

The war in Vietnam is but a symptom of a far deeper malady within the American spirit, and if we ignore this sobering reality we will find ourselves organizing clergy- and laymen-concerned committees for the next generation. They will be concerned about Guatemala and Peru. They will be concerned about Thailand and Cambodia. They will be concerned about Mozambique and South Africa. We will be marching for these and a dozen other names and attending rallies without end unless there is a significant and profound change in American life and policy. Such thoughts take us beyond Vietnam, but not beyond our calling as sons of the living God.

In 1957 a sensitive American official overseas said that it seemed to him that our nation was on the wrong side of a world revolution. During the past ten years we have seen emerge a pattern of suppression which now has justified the presence of U.S. military "advisors" in Venezuela. This need to maintain social stability for our investments accounts for the counter-revolutionary action of American forces in Guatemala. It tells why American helicopters are being used against guerrillas in Colombia and why American napalm and green beret forces have already been active against rebels in Peru. It is with such activity in mind that the words of the late John F. Kennedy come back to haunt us. Five years ago he said, "Those who make peaceful revolution impossible will make violent revolution inevitable." [. . .]

I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values. We must rapidly begin the shift from a "thing-oriented" society to a "person-oriented" society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered.

A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies. [. . .] A true revolution of values will soon look uneasily on the glaring contrast of poverty and wealth. With righteous indignation, it will look across the seas and see individual capitalists of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries, and say: "This is not just." It will look at our alliance with the landed gentry of Latin America and say: "This is not just." The Western arrogance of feeling that it has everything to teach others and nothing to learn from them is not just. [. . .]

We must move past indecision to action. We must find new ways to speak for peace in Vietnam and justice throughout the developing world—a world that borders on our doors. If we do not act we shall surely be dragged down the long dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

Now let us begin. Now let us rededicate ourselves to the long and bitter—but beautiful—struggle for a new world. This is the calling of the sons of God, and our brothers wait eagerly for our response. Shall we say the odds are too great? Shall we tell them the struggle is too hard? Will our message be that the forces of American life militate against their arrival as full men, and we send our deepest regrets? Or will there be another message, of longing, of hope, of solidarity with their yearnings, of commitment to their cause, whatever the cost? The choice is ours, and though we might prefer it otherwise we must choose in this crucial moment of human history.

IN HONOR OF DANNY H. CAMERON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Danny H. Cameron, respected businessman, community advocate, dedicated family man, and friend and mentor to countless, as he is honored as the Black Professional of The Year by the Black Professionals Association Charitable Foundation in Cleveland, Ohio.

Since its inception in 1982, Mr. Cameron has led the National City Community Development Center (NCCDC) as its President and

Executive Director. In this capacity, he has carried out the mission of the NCCDC with great focus, vision, and dedication, aimed at uplifting the residential and commercial aspects of our Cleveland neighborhoods. Under his direction, the National City Community Development Center has extended into the communities of six states. The astounding achievements of Mr. Cameron and the NCCDC include investments of nearly 400 million dollars into the construction, renovation and preservation of homes in Cleveland and other cities, resulting in 39,000 affordable housing units for low and middle-income families and individuals. Amazingly, because of the direction of Mr. Cameron, more than ninety percent of new housing in Cleveland grew out of NCCDC investments.

In addition to his professional accomplishments, Mr. Cameron has been a deeply committed community volunteer. He has created programs for area high school students that encourage learning and growth in the areas of computer technology, and has developed funds that provide college scholarships to area youth. Mr. Cameron has also committed his time, service and expertise on the boards and commissions of many worthy civic and community agencies.

Mr. Speaker and Colleagues, please join me in honor of Mr. Danny H. Cameron, as we recognize his significant contribution to our community. His work, expertise and dedication have served to improve and unify our diverse citizenry. Mr. Cameron's strong leadership abilities, vision, and passion for social and economic justice for all have earned him the deep admiration and respect of the Cleveland community and communities beyond. Mr. Cameron's gift of service to others raises the spirit of families, strengthens the unity of inner city streets, and provides a window of light and hope in our neighborhoods by illuminating our corner of the universe, one family, one house, and one street corner at a time.

HONORING THE ACCOMPLISHMENTS OF SEAMUS CONNOLLY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, it is my privilege to enter into the RECORD today these remarks to acknowledge the accomplishments of Seamus Connolly. He is the Director of the Boston College Irish Studies Music, Song, and Dance Program. Mr. Connolly is an established Irish Fiddler and Gaelic musician, and his great success and technical precision in competitions in the '60s were extremely influential in setting a high standard of craft for today's players. Mr. Connolly first came to the United States in 1972 as a member of the first Comhaltas Ceoltóirí Eireann (CCE) tour. After immigrating to the United States in 1976, Mr. Connolly settled in Groton, Massachusetts, and entered into the realm of teaching to extend his knowledge of music at the request of Larry Reynolds, President of the local branch of CCE. His presence and committed teaching in Boston is influential throughout the East Coast, making it a badge of honor for the area's musicians to have a tune from Mr. Connolly, and his work with the Gaelic Roots Summer Program at Boston College makes the tradition accessible to an ever broadening circle.

In 1993, Mr. Connolly began the Gaelic Roots Summer Program as an indoor festival, which has progressed into an array of workshops, exhibitions, classes, and a concert series. In addition to his teaching, Mr. Connolly is a recipient of the Irish Echo Traditional Artist of the Year Award for 2002, and a ten-time winner of the Irish National Championship. He has produced numerous recordings, and a 132–page book with more than 50 Irish tunes and collaborations with other artists. Mr. Connolly has had the honor of representing Ireland on three "Masters of the Folk Violin" tours organized by the National Council for the Traditional Arts. In 1990, he won a Massachusetts Cultural Council Fellowship Award, one of three recipients from over 2,500 applicants. Also, Mr. Connolly appeared on the nationally televised "Today Show" and was profiled by Boston's WCVB–TV5 "Chronicle Program." He initiated, produced and cohosted with Larry Reynolds Comhaltas Ceoltóirí Eireann's ongoing weekly radio program of traditional Irish music on WNTN–1550 AM Boston. He also co-hosted the Irish segments of Boston's WGBH National Public Radio series "Ethnicity."

Mr. Speaker, it is with great appreciation and gratitude for Mr. Connolly's dedication and leadership to Irish music that I ask he be recognized. Mr. Connolly possesses the intelligence and poise of an excellent fiddle player, and graciously extends his talent to the community.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. LEE. Mr. Speaker, I want to first wish former President Reagan and his wife well on his birthday and my thoughts and prayers are with them as he deals with the terrible disease of Alzheimer's. While I support those provisions in H.J. Res. 19, the bill went well beyond a simple birthday wish. I could not in good faith cast a vote for a bill that stated that the Reagan Administration ensured renewed economic prosperity when millions of Americans were hurt by its economic policies.

RECOGNITION OF RAYMOND LANG

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to a great man who passed away on January 30th, 2003. Mr. Raymond K. Lang led a life of service both to his country and to his community. He served in the Air Force for four years, reaching the rank of sergeant, and was also a member of the Rhode Island Air National Guard's 143rd Arial Port Squadron for twenty years, retiring in April 2002 at the rank of master sergeant.

In 2001, he received an associate's degree in computer science from the Community College of Rhode Island, and until his untimely death, he worked diligently as a project leader in the information technology department at the Wolverine Joining Tube Company. He was an active member of the Asbury United Methodist Church and a committed volunteer for Habitat for Humanity.

Mr. Lang is survived by a wife, Debra Jean Lang; two sons, Peter R. and Ryan C. Lang; two brothers, John J. Lang Jr. and James E. Lang; and one sister, Lorena M. Zisk. They are a testament to his wonderful and giving life. He will be greatly missed and our thoughts and prayers go out to all those who mourn his loss. Thank you, Mr. Speaker.

BAIT AND SWITCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From The New York Times, Jan. 30, 2003]

BAIT AND SWITCH

(By Bob Herbert)

President Bush has learned how to deliver a moving speech. But Tuesday night's State of the Union Message did not address the most important question facing the American people: What kind of nation are we becoming?

The president spoke passionately about bringing "food and medicines and supplies and freedom" to the Iraqi people. But he is leading a hard-right administration here at home that is seriously eroding the economic security, the access to health care, the civil rights and civil liberties and the environmental protections of the American people. The first part of the president's speech was crafted to create exactly the opposite impression. He promised an economy "that grows fast enough to employ every man and woman who seeks a job." He proposed a prescription drug benefit for some retirees. And he said he was ready to commit $1.2 billion to research into environmentally friendly hydrogen-powered automobiles.

But those were largely bait-and-switch proposals. Despite rising unemployment, the president's plan for the economy was simply a continuation of his tax-cut mania. There was nothing in the way of a job-creation program or a real economic stimulus. And there was absolutely zero help offered to the states and local governments whose budgetary knees are buckling under the weight of their worst fiscal crisis since World War II.

The president's prescription drug benefit, tempting at first glance, is tied to a restructuring of Medicare that will curtail, not enhance, the delivery of health services to the elderly. It was designed to look like an act of compassion. It's not.

The hydrogen cars initiative was a particularly deft touch for a president who has been hammered for his environmental policies.

Hydrogen-powered autos could make a difference in the long term, say 20 or 30 years from now, or more. But what is much more significant is that Mr. Bush has stood like a rock with the opponents of increased fuel efficiency for the cars we're driving right now. The payoff for immediately improving vehicle fuel economy would be huge. In addition to saving money for motorists, it would cut pollution, curtail our contribution to the greenhouse effect and reduce our dependence on foreign oil.

We heard nothing about that in the speech.

The Bush administration is changing the nation in fundamental ways. However one feels about a U.S.-led invasion of Iraq, over the long term a bullying, go-it-alone foreign policy wedded to a military doctrine of preemption is a recipe for destabilization and paranoia around the world. And despite its professed commitment to compassionate policies at home, the administration's obsession with tax cuts is proving destructive on two fronts: It is draining the nation's coffers of money for social programs (including Medicare and Social Security), and blocking any real attempt to invest in a range of programs and infrastructure initiatives that are crucial to the-nation's long-term future.

Some of those programs relate directly to domestic security. These issues get short shrift in an atmosphere of imminent war. But I doubt that this is the kind of country most Americans want. And we are already beginning to pay the price. Local taxes are soaring and services are breaking down.

On the night of the president's speech, the governor of New Jersey, James McGreevey, announced that he would be cutting state aid to colleges and universities by 10 percent because of a $5 billion state budget gap. In Connecticut, nearly 3,000 state workers have been laid off and Gov. John Rowland said another 1,000 needed to go. In some states the public school week is being curtailed. In some, prisoners are being furloughed.

These are telling indications of the real state of the union. As the most powerful nation on earth, and the world's only superpower, the United States has a particular obligation to use its might wisely abroad and to distribute its benefits fairly at home. That is not an easy mission for a hard-right-wing administration, which is why the Bush administration puts such a premium on the rhetoric of compassion.

Behind the veil of rhetoric is a Darwinian political philosophy that, if clearly understood, would repel the majority of Americans. http://www.nytimes.com.

TRIBUTE TO THE HONORABLE WILLIAM McCLAIN AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor William McClain, a retired judge and former Cincinnati solicitor, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

In 1937, Judge McClain arrived in Cincinnati. A product of Wittenberg University and the University of Michigan Law School, he had determination and the good fortune to practice law with the late Theodore Berry. Among the great many firsts he established for African Americans in Cincinnati, Judge McClain became Cincinnati's first African American assistant solicitor (1942); member of the Cincinnati Bar Association (1950); city solicitor (1963); and Hamilton County Common Pleas Judge (1975). He also served as Hamilton County Municipal Court Judge (1977); Hamilton County Municipal Court trial referee (1979). He has taught at the University of Cincinnati College of Law and Salmon P. Chase College of Law. Even today, at age 89, Judge McClain spends time at his office in a major downtown Cincinnati law firm.

The numerous awards he has received include: the Ellis Island Gold Medal of Honor for contributions to culture, diversity and the American way of life; the Race Relations Award from the Ohio Dr. Martin Luther King Jr. Holiday Commission; the National Bar Association Hall of Fame; and a certificate of honor from the NAACP board for outstanding civic contributions to Cincinnati in race relations.

Judge McClain is married to Roberta White McClain, a retired supervisor for the Hamilton County Welfare Department.

All of us in Cincinnati thank Judge McClain for his service to our community, and congratulate him for being named a Great Living Cincinnatian.

HONORING CHARLES SCRIPPS AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Charles Scripps, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

Mr. Scripps is a grandson of E.W. Scripps, who founded the newspapers that began the Cincinnati-based media group that now includes the Cincinnati Post and Kentucky Post newspapers, broadcast television stations, and national cable television networks. Although he retired as the company's Chairman in 1994, Mr. Scripps remains on the Board of Directors and also serves as Chairman of the Board of Trustees of the E.W. Scripps Trust.

After attending the College of William & Mary and later Pomona College in California, Mr. Scripps began his career with his father's newspaper, the Cleveland Press, as a police reporter before World War II. After service with the Coast Guard during the war, he returned to the family's business.

During the 1980s, Mr. Scripps became an advocate for literacy. The Scripps Howard Foundation created an annual award, named for him, to encourage literacy outreach by the media. His civic associations do not end there. He serves on advisory boards for the Greater Cincinnati Salvation Army and the Hamilton County Juvenile Court. He is past president of the Inter-American Press Association, and he received an honorary degree in 1983 from Ohio University for his "championship of press freedom worldwide."

Mr. Scripps and his late wife, Lois Anne McKay, have four children. He married Mary Elizabeth Breslin in 1993.

All of us in Cincinnati thank Mr. Scripps for his service to our community, and congratulate him for being named a Great Living Cincinnatian.

HONORING THE PILGRIMS LANDING AT PLYMOUTH ROCK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce a resolution which recognizes December 21, 1620, the date when the pilgrims landed at Plymouth Rock.

The Pilgrims were Dutch and English citizens who sought to escape the religious persecution and economic problems of their time by immigrating to the New World. Their voyage was one of discovery and an enduring quest for freedom that began by boarding the Mayflower. After a difficult journey across the Atlantic, the pilgrims arrived prepared to create a new society modeled on freedom. The many months of hardship and deprivation was rewarded with their arrival at the New World. When land was sighted on November 9, 1620, the Pilgrims signed the Mayflower Compact, which ensured the equality of every person. This pact laid the foundation and moral framework for the future United States of America.

When the pilgrims landed on Plymouth Rock, they faced harsh conditions. It was too cold to plant crops and many died due to exposure, disease and starvation. It was not until the spring when the Pilgrims and Native Americans came together as a community teaching each other survival skills and agriculture that life gradually improved.

During the War of Independence, residents of Plymouth, Massachusetts began celebrating the historic landing at Plymouth Rock. It began as a feast that the descendents of the original pilgrims celebrated and eventually grew into a town festival. The festival continued through the years until President Abraham Lincoln started celebrating it in the White House during the Civil War.

In 1941, Congress passed a Joint resolution that "Thanksgiving" should fall on the fourth Thursday in November but not until now has Congress had the opportunity to commend the actual date the Pilgrims landed.

Please join me in commemorating the first of many steps that crafted this great nation. I urge my colleagues to join me in support of this resolution.

A TRIBUTE TO MS. DORIS HEYMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay homage to Doris Heyman, one of my district's most involved civic activists who sadly lost her courageous battle against cancer this month.

Doris was committed to creating a bright future for everyone she came into contact with. A dedicated educator, she was a preschool teacher for over 20 years who was determined to provide children with a solid foundation for school and life success. She was a leader who advanced children's issues through Voices for Children, a leadership organization promoting healthy lives for children and their families.

Doris was a compassionate volunteer for numerous causes and charities for nearly half a century. She actively participated in the American Cancer Society, the Humane Society, the Leukemia Society, and the Florida Breast Cancer Coalition. She was also very active at Safe Space/Domestic Violence Centers and at the Temple Beth Torah and Temple Beth El. This dynamo of a public servant gave hope and courage to many.

A political activist, Doris lived her life with incredible passion for several causes. She fought for beach renourishment, women's reproductive rights and the everglades restoration. Her fight for these causes remains within her legacy. Inspired by her mother's tenacious approach to politics, her youngest daughter, Sally, served as a member of the Florida House of Representatives and today is a Miami-Dade Board of County Commissioner.

Doris was a devoted wife and mother. She was a kindhearted and take-charge woman who fought tirelessly for causes that she believed in until she saw results. She was a very active person who loved the outdoors. Completely unselfish in all her endeavors, she was generous to those in need and will be missed by all that knew her.

HONORING THE SELECTION OF MS. ERIN BEAULIEU FOR THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Ms. Erin Beaulieu upon her selection as one of two recipients of the Virginia 2003 Prudential Spirit of Community Award.

Erin, a Red Cross member and eighth-grader at Whitman Middle School in Alexandria, Virginia, started a Red Cross student chapter at her school and encouraged her fellow students to become involved! The chapter now boasts more than 30 members dedicated to helping the American Red Cross respond. For her efforts, she was selected from more than 24,000 nominees to receive a Spirit of Community Award.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, constitute America's largest youth recognition program based exclusively on volunteer service. The award was created with the intent to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example.

Erin should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Erin for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can and do play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future. I call upon my colleagues to join me in applauding Erin for all that she has done.

SADDAM HUSSEIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From The Halifax Daily News, Feb. 11, 2003]

THE WRONG QUESTION: IT'S NOT WHETHER SADDAM HAS CHEMICAL WEAPONS, IT'S WHETHER HE'LL USE THEM

(By Gwynne Dyer)

U.S. Secretary of State Colin Powell did a good job at the United Nations last week of laying out the evidence that Saddam Hussein has kept some of the chemical and biological weapons that he had before the Gulf War of 1990–91, and maybe even made more since then. If you doubted it before, you shouldn't doubt it any more. But it was the right answer to the wrong question.

Saddam should be forced to comply with his obligations and destroy all those weapons, but if you are planning to launch a war next month that will probably snuff out tens of thousands of lives, you have to answer a different question. Is there a big enough risk that Saddam will use those weapons himself in the near future, or give them to terrorists to use, to justify pulling the inspectors out and killing all those people now? No, there is not. Saddam Hussein has had these weapons for at least 20 years, and he hasn't given them to anyone in all that time,. And why would terrorists need to get these weapons from Iraq anyway, when they could just steal their poison gas from the huge, poorly guarded stocks in Russia (secured, in some cases, with bicycle padlocks)—or mix them up in the kitchen sink like the Aum Shinrikyo cult did for its attacks on the Tokyo subway in 1995?

Besides, Saddam Hussein is no friend of al-Qaida. He is the kind of Arab leader the Islamists hate most: a secular, westernizing socialist who liberates women and makes deals with the West. Osama bin Laden says he is an "infidel" and has been calling for his overthrow for years.

Saddam is a thoroughly nasty dictator, but he is neither mad nor expansionist. In fact, if you were looking for a European parallel to Saddam Hussein's regime, it would be something like Nicolae Ceasescu's long reign in Communist Romania—except that Ceasescu, safely contained within the Soviet bloc, never had a war with his neighbours.

Saddam Hussein, who is 66 this year, comes from the Arab generation that believed in modernization through revolutionary socialism on the Eastern European model. During the 1970s he behaved like a classic Communist leader, eliminating his rivals but taking the task of raising people's living standards quite seriously. With abundant oil revenues available, he built an Iraq where most people had decent jobs, the children were all in school, and women were freer than anywhere else in the Arab world. Then came the war with Iran, and everything went wrong.

Saddam always dreamed of becoming the hero-leader of the Arab world on the model of Egypt's Gamal Abdul Nasser, which is why he had a nuclear weapons program. (The first Arab leader to acquire a deterrent against Israel's nuclear monopoly automatically becomes an Arab hero.) He never showed any desire to conquer his neighbors, but Iraq did have territorial disputes with Iran and Kuwait, both dating back to before he was born—and he did not manage them well.

He signed a treaty with Iran in 1975 settling the dispute over the Iraq-Iran border, but it unravelled after the Shah was overthrown in 1978, and the new Islamic government of Ayatollah Khomeini began inciting the majority of Iraqi Arabs who share Iran's Shia religious heritage to throw off Saddam's godless socialist rule. In the great blunder of his life, Saddam went to war with Iran in 1980. Iranians outnumber Iraqis three-to-one, and without huge amounts of U.S. aid and those chemical weapons we keep hearing about (which the Reagan administration knew all about), he would not have survived.

Iraq emerged from that war in 1988 with hundreds of thousands dead, the welfare state in ruins—and $60 billion in debt to its Gulf Arab neighbours. Saddam asked them to cancel the debt, since Iraq's sacrifices had "saved" them from revolutionary Iran. When they refused, he invaded Kuwait (which all the rulers of independent Iraqi have claimed as part of Iraq) in August 1990. He thought he had cleared this with his American allies, but neither party understood what the other was saying in his famous conversation with the U.S. ambassador in Baghdad.

When Saddam Hussein contacted U.S. President George W. Bush four days after the invasion and offered the U.S. unlimited Kuwaiti oil at one-third of world market price in return for a deal on Kuwaiti sovereignty, Bush Senior coldly ordered him out of Kuwait. He refused, the Gulf War followed, and he has been under UN sanctions ever since, clinging to power in the ruins of the country he once raised to prosperity. He has been a disaster for Iraq, but he is not the new Hitler. He is not even a visceral anti-American, though U.S.-Iraqi relations have been bitterly hostile since 1990.

So, the right questions are: is Saddam likely to give chemical or biological weapons to the Islamist terrorists he loathes this month or next, when he has not done so in the past 20 years? If not, why do we need a war with Iraq now that will kill a great many people with old-fashioned high explosives?

INTRODUCTION OF THE COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced a similar bill in the 107th Congress.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of the Rocky Flats Environmental Technology site. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

The open-space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands within and adjacent to that national forest.

We can see this throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling up valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountain tops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities to preserve open spaces along the backdrop and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning. It also does not infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with federal lands, it will work in collaboration with local communities, the state and private parties.

Mr. Speaker, I strongly believe it is in the national interest for the federal government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come. God may forgive us for our failure to do so, but our children won't.

For the information of our colleagues, I am attaching a fact sheet about this bill.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Generally: The bill would help local communities preserve the Front Range Mountain Backdrop in the northern sections of the Denver-metro area in a region generally west of the Rocky Flats Environmental Technology site.

Front Range Mountain Backdrop: The backdrop consists of the mountainous foothills, the Continental Divide and the peaks in between that create the striking visual backdrop of the Denver-metro area and throughout Colorado. Development in the Denver-metro area is encroaching in the Front Range backdrop area, and thus adversely affecting the esthetic, wildlife, open space and recreational qualities of this geographic feature. Now is the time to shape the future of this part of the Front Range. There is a real but fleeting opportunity to protect both protect Rocky Flats—a "crown jewel" of open space and wildlife habitat—and to assist local communities to protect the scenic, wildlife, and other values of the mountain backdrop.

WHAT THE BILL DOES:

Study and Report: The bill requires the Forest Service to study the ownership patterns of the lands comprising the Front Range Mountain Backdrop in a region generally west of Rocky Flats, identify areas that are open and may be at risk of development, and recommend to Congress how these lands might be protected and how the federal government could help local communities and residents to achieve that goal.

Lands Covered: The bill identifies the lands in southern Boulder, northern Jefferson and eastern Gilpin Counties in the Second Congressional District; specifically, an area west of Rocky Flats and west of Highway 93, south of Boulder Canyon, east of the Peak-to-Peak Highway, and north of the Golden Gate Canyon State Park road.

WHAT THE BILL WOULD NOT DO:

Affect Local Planning: The bill is designed to complement existing local efforts to preserve open lands in this region west of Rocky Flats. It will not take the place of—nor disrupt—these existing local efforts.

Affect Private Property Rights: The bill merely authorizes a study. It will not affect any existing private property rights.

Affect the Cleanup of Rocky Flats: The bill would not affect the ongoing cleanup and closure of Rocky Flats nor detract from funding for that effort, and will not affect existing efforts to preserve the options for wildlife and open space protection of Rocky Flats itself.

HONORING THE 100TH ANNIVERSARY OF BOILERMAKERS LOCAL 363

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of Boilermakers Local 363.

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers was born on September 1, 1893. On that day, at a meeting in Chicago, representatives from the International Brotherhood of Boiler Makers and Iron Ship Builders, which had been organized on October 1, 1880, and the National Brotherhood of Boiler Makers, which had been formed in Atlanta in May of 1888, resolved to consolidate their organizations. It was further agreed that the new organization, to be known as the Brotherhood of Boiler Makers and Iron Ship Builders of America, would make its Headquarters in Kansas City, Kansas. Two and a half years later, on June 9, 1896, the Brotherhood affiliated with the American Federation of Labor.

In subsequent years, the Brotherhood continued to grow, and in 1902, the Helpers division was formed. Because helpers were barred from sitting in the lodge room with mechanics, this new division had its own local unions and was entirely separate from the Boiler Makers. This would change a decade later when the Helpers Division would be consolidated with the Mechanics Division.

In March 1906, at a special Convention in Kansas City, the name of the Union was changed to the International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America in order to incorporate the newest division. Also at this time, the term "Boiler Makers" was condensed into one word, "Boilermakers."

The Boilermakers affiliated with the National Building Trades Department of the American Federation of Labor in February 1931. At the turn of the century, total membership stood at about 8,500, but by 1944, due in part to dramatic increases in the shipbuilding, railroad, and fabrication shop industries during World War II, the Boilermakers numbered over 350,000. In 1954, the Boilermakers merged their organization with the International Brotherhood of Blacksmiths, Drop Forgers and Helpers. The International Brotherhood of Blacksmiths had been organized in 1889 and added Helpers to both their membership and their name in 1901. A 1919 merger with the Brotherhood of Drop Forgers created the Union that, on June 29, 1953, merged with the Boilermakers to create the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. A year later, a new International seal was adopted to include all crafts.

On October 1, 1954, the Boilermaker National Health and Welfare Fund was established, on November 9, 1959, the Boilermakers National Joint Apprenticeship Fund began, and the Boilermaker-Blacksmith National Pension Trust became effective October 1, 1960. Delegates to the 1977 Convention voted to establish a Construction Division at International Headquarters for the purpose of servicing those members with employment in, or related to, the construction industry.

On March 15, 1984, the delegates to the Special Merger Convention of the United Cement, Lime, Gypsum and Allied Workers International Union voted to merge with the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. The merger of the CLGAW, formed in 1936, and its ten thousand members who dominate the building products and supplies industry, and the Boilermakers forged an organization with a greater ability to provide services to its members.

On October 1, 1994, a merger was consummated with the Stove, Furnace and Allied Appliance Workers International Union—a skilled trade union that was organized in 1891. The Stove Workers, with 5,800 members, became a Division of the International Brotherhood known as the Stove, Furnace, Energy and Allied Appliance Workers Division. The word energy was inserted to give special recognition to the coal miners within that Division. The Division had its members employed primarily in the manufacturing of stoves and various types of appliances.

During the same period, merger talks were also being carried out with an independent union known as the Western Energy Workers. This one-local union, formed in 1978 with members employed in the coal strip pits, signed a merger agreement with the Boilermakers effective December 1, 1994.

In October 1996, a merger agreement was made with the Metal Polishers, Buffers, Platers and Allied Workers International Union. This union was also an old line, skill trade union that was organized in 1892. This merger brought 4,000 new members to the Brotherhood. These members are employed primarily in plating and polishing shops within the United States and Canada.

Mr. Speaker, I ask my colleagues to join me in honoring the past, present and future members of the Boilermakers International Union, Local 363 on the occasion of their 100th Anniversary.

TRANSPORTATION COMMITTEE PROCEDURES FOR TEA 21 REAUTHORIZATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PETRI. Mr. Speaker, on behalf of Representative BILL LIPINSKI, the Ranking Democratic Member of the Subcommittee on Highways, Transit and Pipelines, Representative DON YOUNG, the Chairman of the Transportation and Infrastructure Committee, and Representative JIM OBERSTAR, the Committee's Ranking Democratic Member, I would like to outline the Subcommittee's procedure for identifying items of concern to Members as we take up the reauthorization of the Transportation Equity Act for the 21st Century (TEA 21). This legislation authorized $218 billion for our Nation's highway, transit, motor carrier, highway safety and research programs for 6 years and is due to expire on September 30, 2003.

The importance of the surface transportation systems to our Nation's economic health cannot be overstated. Highway and transit investments stimulate economic activity. These investments increase productivity by decreasing time spent on the road, encouraging new economic development, and increasing property values. Transportation investment generates a 6-to-1 net return on investment. The linchpin of economic vitality is free movement of people and goods. In the U.S., more than 75 percent of the Nation's freight moves on highways—an annual value to the economy of more than $5 trillion. And, for every $1 billion in federal highway and transit spending, more than 42,000 jobs are created or sustained.

Despite the gains of TEA 21, transportation investment has fallen short of what is needed. The Department of Transportation estimates that the cost to improve highway and transit conditions to optimal levels would require more than doubling our current combined federal program size to $74 billion per year. Meeting these needs will require a variety of strategies, including better use of existing systems, application of advanced technology, innovative financing, and public-private partnerships. It is our goal to develop a bill that increases transportation investment to improve and maintain this world-class system.

Reauthorization is the top priority of the Subcommittee on Highways, Transit and Pipelines. In the second session of the 107th Congress, the Subcommittee held a series of 17 TEA 21 oversight hearings and received testimony from 140 witnesses. The hearings gave many interested Members, the Administration and affected groups the opportunity to testify and present their views. We would be happy to make copies of these hearing transcripts available to any interested Members.

We anticipate that the bipartisan legislation we develop this year will be based largely on the information obtained at last year's extensive programmatic hearings. As we begin the process this year, we would like to encourage Members to inform the Subcommittee about any policy initiatives that they want the Subcommittee to consider in the reauthorization of TEA 21. Members having such specific policy requests should inform the Subcommittee in writing no later than March 14, 2003.

Many Members have already contacted the Subcommittee to inquire about, or to request, specific funding for critical transportation needs in their districts. On January 8, 2003, Transportation Committee Chairman DON YOUNG and Ranking Member JIM OBERSTAR sent a Dear Colleague that included a 21-question evaluation form for consideration of projects of importance to members. This form is reprinted in its entirety below. All project requests should be submitted no later than March 14, 2003. (Please note that this is a 2-week extension beyond the original deadline of February 28th.) Such submissions should be transmitted to us via the intranet website, http://ushrtrans.house.gov, and in writing, attached to a signed letter on the letterhead of the sponsoring Member.

We will also be holding a series of Subcommittee hearings in March and April, at which time Members and local officials will have an opportunity to testify on behalf of those requests. While these hearings are intended to give Members an opportunity to present information about specific project needs and policy requests, it is not necessary for Members to testify.

We look forward to working with all Members of the House as we prepare this important legislation that will set the course for our nation's surface transportation programs.

TRANSPORTATION PROJECT EVALUATION CRITERIA COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES

1. Name and Congressional District of the primary Member of Congress sponsoring the project.

2. Other Members supporting the project.

3. If the project is a highway project, identify the State or other qualified recipient responsible for carrying out the project.

4. If the project is a transit project, please identify the project sponsor (must be an eligible recipient of Federal transit funds).

5. Please categorize the project. (Check one)

Highway or bridge

Transit rail new start

Bus, bus equipment, or bus facility

Intermodal facility (passenger)

Intermodal facility (freight)

Bicycle and Pedestrian

Other (please identify)

6. Is the project eligible for the use of Federal-aid highway or transit funds under Title 23 or Title 49 of the United States Code?

7. If the project is a highway or bridge project, is it on the National Highway System?

8. Briefly describe the total project.

a. Is it part of a larger system of projects?

b. What is the total estimated cost of the project?

9. Please identify the specific segment for which project funding is being sought, including terminus points.

10. What dollar amount are you requesting in the authorization for this project or segment of a project?

11. Project Schedule:

a. What is the proposed schedule and status of work on the project?

b. What is the current stage of development of the project? (If the project is a transit new start, please specify whether the project is in alternative analysis, preliminary engineering, final design, has been issued a record of decision, under environmental review, or already has a current full funding grant agreement.)

c. Will the requested funding for the project be obligated within the next six years?

12. Project Plan:

a. Is the project part of the State's long-range plan?

b. Is the project included in the metropolitan and/or State Transportation Improvement Program(s)?

13. Is the project considered by the State and/or regional transportation officials as

critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.

14. Does the project have national or regional significance? Describe.

15. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns? If yes, please describe.

16. Describe the economic, environmental, congestion mitigation, and safety benefits associated with completion of the project.

17. Has the project already received funding through the State's federal-aid highway or transit formula apportionments or from other Federal, State, local, or private funds? If yes, how much and from what source?

18. Has the project received funding in a previous authorization act?

19. If the project has received funding in a previous authorization act, please cite the act(s) and amount(s) authorized.

20. Has the project received funding in a previous appropriations act?

21. If the project has received funding in a previous appropriations act, please cite the act(s) and amount(s) appropriated.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 18 and 19 on February 5th, had I been present, I would have voted "yea."

INTRODUCTION OF THE URBAN SPRAWL AND SMART GROWTH STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am reintroducing the "Urban Sprawl and Smart Growth Study Act." This bill, similar to one I introduced in the 107th Congress, is designed to shine a bright light on the influence of federal actions on urban sprawl and assure that federal agencies consider how their actions may add to this problem.

Mr. Speaker, communities in Colorado and throughout the country are struggling to preserve their special charter and quality of life in the face of burgeoning populations. Especially in the West and South, extreme population growth has resulted in the continual build-out of cities and the loss of surrounding farmland and open space. In my state, this growth is also spreading along interstate highways into the mountain valleys and forested regions. The resulting sprawl is creating congested highways, more air pollution, overtaxed city services, and crowded schools and shopping centers.

According to the recent census, Colorado is one of the most rapidly growing states. Between 1990 and 2000, the population growth in the United States was 13.1 percent. During the same period, Colorado's growth was 30.6 percent! And in many of our counties, the rate was even higher. What does this mean?

The City of Broomfield has grown so much that it has now become its own county. Traffic is so heavy in the area that Congress appropriated $1 million to study a new interchange at the intersection of U.S. 36 and Highway 287.

The cities of Fort Collins, Loveland, and Greeley are growing so fast, it's becoming difficult to tell where one ends and the other begins. These three cities are likely to become one in the next 10 years.

The south Denver portion of Interstate 25 near the Tech Center not only services the many offices in that area, but metro area sprawl has added more houses and towns on that end of Denver. Traffic is always bad there, no matter what time of day, and rush hour starts earlier and last longer now too.

Citizens in Colorado are asking their leaders to address the symptoms of sprawl and to help them control and manage growth more effectively. We got started with this effort in 1994, when then Governor Roy Romer initiated his "Smart Growth and Development Initiative." That initiative focused attention on the problems of sprawl, the unevenness of growth and development (some rural areas welcome more development), and the role of federal, state and local governments in creating and managing sprawl and its impacts.

Other states from North Carolina and Georgia to California and Oregon have been experiencing similar growth problems. Many are developing processes and mechanisms to deal with these problems. Some states have used growth control legislation creating urban service areas. Others have relied on their local communities to slow down or temporarily cease the issuance of building permits. Many have appropriated funds or created sales tax initiatives to purchase and protect open spaces and agricultural lands.

All of this has been done with an understanding that state and local governments are in the best place to plan for and manage growth and sprawl issues. Armed with zoning and other authorities, they are best suited to gauge the pulse of their citizens and determine where, when and how growth should best occur.

But the efforts of state, local and tribal governments to plan for and manage urban growth and sprawl can be thwarted by actions taken at the federal level. A well-developed plan by a local community can be swept aside by the routing of a major highway or the construction of a poorly cited post office. The cumulative effects of a number of smaller federal actions and policies together create or foster the very sprawl that communities have fought so hard to control.

NEED FOR LEGISLATION

The bill I am reintroducing today is designed to focus attention on the many federal decisions and projects that can either foster or ameliorate sprawl. It does this through the National Environmental Policy Act (NEPA), one of our nation's premier environmental laws. It requires all federal agencies to evaluate their activities and projects for social and environmental impacts and thereby take steps to avoid or mitigate these impacts.

Specifically, NEPA requires all federal agencies to include for all "major federal actions significantly affecting the quality of the human environment' a detailed statement by the responsible official on the environmental impacts of the proposed action, any adverse environmental effects that can't be avoided, alternatives to the action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources should it be implemented.

This is what is essentially required of an environmental impact statement (EIS). It is not, itself, a decision making document but is meant to guide agencies in making important decisions.

Generally speaking, most federal agencies have done a reasonably good job in implementing NEPA. However, when it comes to the cumulative impacts and indirect effects of federal actions—such as on sprawl—much of the NEPA analysis has not been adequate. Too often, federal agencies look at the specific, localized impacts of a proposed project and neglect to review the broader "spill-over" impacts that it may have on a region.

This observation was in fact identified in a September 2000 General Accounting Office report entitled "Community Development: Local Growth Issues—Federal Opportunities and Challenges." This report looked at the various ways that federal actions can foster sprawl or assist communities to better address sprawl impacts.

The report also noted that although NEPA provides that federal agencies review the "indirect and cumulative" impacts of federal actions or projects (such as sprawl), often that review is rather thin and not well explored. The report noted that when it comes to evaluating the "indirect and cumulative" effects of proposed federal actions (such as highways), "few agencies consider the effect of a proposed [federal] project on growth" in their NEPA reviews.

Contributing to this is the fact that Federal agencies often substitute an environmental assessment for a full EIS. On average, in recent years, Federal agencies prepared 30,000 to 50,000 environmental assessments annually compared to only 500 to 700 EIS's.

An environmental assessment is usually much shorter and less comprehensive than a full EIS. Generally, the purpose of the assessment is to help determine whether a proposed action would result in an impact significant enough to require preparation of an EIS. Unlike an EIS, however, the treatment of alternatives is often cursory. No formal public review or comment process is required. Indeed, it is difficult to obtain a copy of an assessment, since there is no requirement that it be made publicly available nor is it sent to a public repository.

CEQ STUDY

The bill that I am introducing today will address these problems. Specifically, this bill would direct the Council on Environmental Quality (CEQ), the agency that implements NEPA, to study how well federal agencies evaluate sprawl impacts of proposed federal action in conducting their environmental reviews. CEQ has done this type of review in the past. In 1974, CEQ studied the impacts of sprawl and produced a report entitled "The

Costs of Sprawl." In 1981, the CEQ also looked at the loss of agricultural land due to sprawl in its study entitled "National Agricultural Lands Study."

My bill would require the CEQ to update these studies by reviewing a variety of EISes and environmental assessments from at least 15 federal agencies. CEQ would analyze how well these documents have examined the impacts of proposed Federal actions on growth and urban sprawl. Among the programs to be reviewed are land management programs, such as those in the Departments of the Interior and Agriculture and Defense and the General Services Administration; transportation programs, such as those of the Federal Highway Administration and other agencies within the Department of Transportation; regulatory programs, such as those of the Federal Energy Regulatory Commission; and development assistance programs such as those in the Department of Housing and Urban Development, to name a few.

The bill further requires the CEQ to involve the public in this review by holding hearings in at least different regions throughout the country that are experiencing an increase in urban sprawl. A city like Denver or Boulder would be a prime place, along with others in the northeast, south, mid and far west.

Within 18 months, the CEQ would be required to provide a report to the Congress on its review. This report would include findings concerning the economic, environmental and land use effects of urban sprawl. It would describe how well federal agencies have been examining the sprawl impacts of their actions and projects, and make recommendations on how their environmental reviews can be improved.

CEQ would also make recommendations for nonregulatory actions that Federal agencies can take to assist States and local communities in promoting the beneficial effects of smart growth and to minimize actions by the agencies that result in adverse effects of urban sprawl.

CONSULTATION

The bill also does one other very important thing. It would require greater interaction between the federal agencies and those persons affected by agency decisions.

As the effect of federal actions or projects will be most acutely felt at the state and local level (including by Indian Tribes), it is critical that federal agencies work with them to ensure that growth and urban sprawl effects are addressed in Federal environmental reviews.

In that regard, the bill would require federal agencies to be more open early in the process of preparing environmental assessments as well as EISes. Agencies would be required to notify persons that may be significantly affected by the proposed action, including each State and local government, Indian tribe and private property owner. Agencies must conduct discussions with such persons on their proposed actions and alternatives, and seek to address their concerns, if any.

This process would assure a more thorough NEPA analysis if a state governor or a lead local or tribal governmental official requested the preparation of a full EIS, due to the proposed project's impact on urban sprawl. Although the decision is not dictated by such a request, the agency would be required to give it great weight in deciding to whether to do an EIS.

Through this process, state, local and tribal governments extra power to make sure that the sprawl impacts of federal actions or projects are thoroughly identified and reviewed—and potentially mitigated or addressed. In so doing, the bill would help communities plan for and manage such impacts to their communities and help federal agencies develop actions and projects that do not exacerbate sprawl.

Obviously, this bill addresses just one federal dynamic related to sprawl. There are hosts of other ways that the federal government can help communities address sprawl issues and retain their quality of life. These include federal assistance for open space purchases, providing incentives to preserve and keep agricultural land productive, affordable housing assistance, alternative energy planning, mass transit options, and so on.

But the first step in helping communities grapple with growth and sprawl is to give them the tools they need and to make sure that federal policies and action are not working at cross purposes. My bill is an attempt to increase the coordination between federal actions and local efforts so that communities can preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion. It is our obligation as federal officials to make sure the federal role is similarly positive, complementary and preserves quality of life.

OVERVIEW—URBAN SPRAWL AND SMART GROWTH STUDY ACT

SUMMARY

Federal actions and projects can significantly impact the ability of States, Tribes and local governments to plan for and manage growth and urban sprawl. The Urban Sprawl and Smart Growth Study Act would help address these impacts in two ways:

(1) Direct the Council on Environmental Quality (CEQ) to review how well federal agencies are considering the impacts their actions have on urban growth and sprawl; and

(2) Require Federal agencies to give greater weight to the input of state, local and tribal officials in considering these impacts.

BACKGROUND

One mechanism to address the federal role in sprawl is the National Environmental Policy Act (NEPA). This Act requires federal agencies to analyze the social and environmental impacts of major actions and to take timely steps to avoid or minimize these impacts. A September 2000 GAO report, "Community Development: Local Growth Issues—Federal Opportunities and Challenges" identified this mechanism and noted that federal agencies could do a better job of reviewing projects for sprawl impacts.

What the bill does:

Smart Growth Study: The bill would require the Council on Environmental Quality (CEQ) to review environmental documents of at least 15 federal agencies and examine how well they are considering urban sprawl and growth impacts of their projects.

Public Participation: In conducting this review, CEQ would be required to hold at least 5 public hearings throughout the country to gather public input on the adequacy of the review of growth and sprawl impacts of federal action or projects.

Smart Growth Report: CEQ would be required to issue a report to Congress on its findings and make recommendations on how federal agencies could do better in incorporating potential sprawl impacts in environmental reviews.

Comments on Sprawl: Agencies would be required to include written comments of sprawl impacts of federal actions or projects as part of Federal environmental documents.

State, Local and Tribal Governmental Consultation: In preparing environmental documents, federal agencies would notify affected state, local and tribal governments, who could then request that the agency conduct a more thorough environmental analysis under NEPA if the project would have an effect on sprawl. Federal agencies would be required to give great weight to such requests and document their decisions in writing.

What the bill does NOT do:

Amend or alter NEPA: The bill does not amend or otherwise alter NEPA and the rules and procedures adopted under this law.

Address the Totality of the Federal Role on Sprawl and Growth: The bill does not attempt to address the full range of federal policies and actions that can have effects on growth and sprawl; it focuses on the environmental analyses that are required under NEPA.

Overturn any particular Federal Action or Project: The bill does not overturn past Federal decisions, but would increase the coordination between federal actions and local efforts so that communities can preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion.

HONORING THE 50TH ANNIVERSARY OF SPECIAL CHILDREN INCORPORATED

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of Special Children Incorporated of Belleville, Illinois.

Special Children Incorporated is a not-for-profit organization which began in 1953 as "The Parent Group for Mentally Retarded Children, Incorporated", when a group of parents came together to address their concerns over a lack of appropriate education for children with special needs. After developing and holding classes in local churches and homes, a permanent site was constructed in 1971 at 1306 Wabash Avenue in Belleville. A 10,000 square foot addition was completed in 1993 to meet the expanding needs of the agency. This building was constructed completely from the fundraising efforts of parents and community volunteers.

Special Children, Inc. continues to provide services for individuals in the St. Clair, Monroe, Randolph and Madison county area. The mission of Special Children, Inc., is to provide educational and early intervention services to children developmentally and/or physically disabled from birth through 21 years of age and to provide education and support to the parent/guardian in hopes that these children can continue to reside in the most supportive and least restrictive environments.

Mamie O. Stookey School is approved by the Illinois State Board of Education as a Non-Public Facility in the State of Illinois to educate trainable mentally handicapped and severe profound handicapped students. Special Children develops an individual education plan, which provides a comprehensive assessment of the student's health, education, and social needs. An interdisciplinary team trained to provide specialized pediatric treatment is provided, as is a low pupil-teacher ratio. Special Children also provides for an adaptive physical education program including swimming, bowling, and adaptive therapescrotoscrotoutic playground. Daily progress reports to the family/guardian of each student are given as well as linkage and coordination to other community resources.

The program has eight self-contained classrooms that provide individualized instruction in the area of motor skills, language and communications, socialization; self help skills of daily living, and pre-vocational activities. The program focuses on a developmental curriculum, which include a variety of support services; Physical Therapy, Speech Therapy, Occupational Therapy consultation, adaptive physical education, social services, and nursing.

The family has the primary responsibility for the child's early learning environment. What happens in these early years is crucial to the child's success during the school year. Born of this belief and commitment to help parents of young developmentally delayed children do their job more effectively and enjoyably, the PRIME/CARE program started in 1974. An Individual Family Service Plan (I.F.S.P.) provides a comprehensive assessment of the child and family's health as well as their education and social needs. An interdisciplinary team has also been trained to provide specialized pediatric treatment and case management. Special Children follows an interagency approach to treatment designed to enhance coordination and ease the transition between medical, social, and educational services in the community.

Special Children provides for comprehensive developmental assessment at referral and also schedules assessments by other professionals for coordination and individualized planning. They provide progress review and a program update every three months. All assessed, but not eligible, children are referred to appropriate community resources. Special Children Service teams represent these area disciplines; Special Instruction, Speech and Language Therapy, Physical Therapy, Occupational Therapy, Social Work and Service Coordination.

Additional Special Children Services include; PRIME (home based)—Weekly home visits, CARE (toddler Classroom), Parent Support Groups and a Parent Education Group. Special Children Inc. also serves Newborns Through Two Year Olds, primarily infants at risk for developmental disabilities as the result of prenatal, perinatal and neonatal factors; such as: severe respiratory distress, prematurity, seizures and feeding problems. Special Children also treats infants and toddlers with diagnosed medical disorders such as; Rubella, Tuberous Sclerosis, Cerebral Palsy, Microcephaly and Down's syndrome. Infants, Toddlers and Preschoolers with delayed development (25 percent or more) in one or more areas are also treated for analysis in: cognition, expressive language, receptive language, fine motor development, gross motor development and affective/social/emotional development.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of Special Children Incorporated and recognize the work that they do in the community to benefit the health, safety and welfare of children.

THE DIETARY SUPPLEMENT INFORMATION ACT AND THE EPHEDRINE ALKALOID CONSUMER PROTECTION ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mrs. DAVIS of California. Mr. Speaker, today I am re-introducing two bills that address an important public health issue: the safety of dietary supplements. Walk into any neighborhood drug store or discount store and you will find yourself surrounded by a variety of dietary supplements. Their labels tout promises ranging from "safe and easy" weight loss to increased muscle gain to lower cholesterol. However, dietary supplements are not subject to rigorous safety or efficacy standards and face only limited regulatory oversight under federal law.

My bills will protect consumers and increase the flow of information to the public. They will give the Food and Drug Administration (FDA) the authority it needs to make informative and scientific decisions about the safety of dietary supplements.

The Dietary Supplement Information Act requires manufacturers, producers and distributors of dietary supplements to register with the FDA. They would be required to submit all serious adverse event reports to the FDA within 15 days. Supplement manufacturers and the FDA will work as partners to investigate and analyze these reports. To make sure that consumers know how to report an incident to the FDA directly, my legislation will require the FDA's MedWatch phone number and website to be printed on all dietary supplement product labels. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a postmarket surveillance study to ensure that the product is safe.

Many of these dietary supplements contain ephedra, also commonly listed as ma-huang or ephedrine alkaloids. Sadly, a number of consumers, including some of my own constituents, have experienced adverse reactions after using ephedra-based supplements. Lured in by product claims of more energy, quick weight loss or improved athletic performance, consumers experienced depression, agitation, heart attacks, and strokes. In some cases, people have died after taking ephedra supplements. These severe effects demand increased public awareness, especially since the average customer profile includes young people.

The Ephedrine Alkaloid Consumer Protection Act gives consumers information about the potentially lethal side effects and drug interactions of ephedrine alkaloid products. First, it will require a standardized warning to be printed on the label. The bill will also make sure that consumers know how to report any concerns or adverse reactions by requiring the FDA's MedWatch phone number and website to be printed on the product label. Finally, the bill will protect our kids by prohibiting the sale of ephedrine to minors. No person under the age of 18 years old will be able to buy ephedrine products.

To ensure that this provision is enforced, products will be kept "behind the counter" so that sales personnel are more aware of the age restriction. Putting the product behind the counter will also make adults more aware of the risks associated with ephedra. If they have to ask for assistance to get the product, they will be more likely to read the warning label and talk to the pharmacist about possible side effects.

Since I first introduced these bills two years ago, momentum has clearly grown for improving consumer safety regarding ephedra. I have seen a growing number of organizations that are addressing the issue on their own. The American Medical Association and its Canadian counterpart recommend banning ephedra. The National Football League recently joined the ranks of the International Olympic Committee, and the National Collegiate Athletic Association in prohibiting ephedra use among their athletes.

Collaborating developments in the science community and courtrooms support these actions. A recent study conducted by the University of California at San Francisco reported that dietary supplements containing ephedra accounted for 64 percent of all adverse event reports related to dietary supplements. The emergence of "ephedra-free" products indicates conflict within the industry, possibly a sign that the supplement industry is also slowly realizing the negative effects of ephedra. Allegations against ephedra supplement manufacturers include sloppy research practices, the omission or destruction of negative research data, study design violations, unreported adverse events, along with deception and fraud. In fact, last year a jury in Alabama awarded $4.1 million to four people who suffered strokes or heart attacks after taking ephedra diet pills.

Despite the growing list of allies and evidence, there is still much work left to do within our own communities. Earlier this year, I received a compelling letter from a young woman in San Diego. She said,

> Being a 23-year-old woman, I am exposed to hundreds of diet pills and the need to be thin. One of my dear friends had a stroke from taking an over-the-counter diet pill. She went from a coma, to a vegetable, graduated to a wheelchair and now walks with a cane one year later. She is unable to go to school or work and cannot function as a normal 23-year-old.
>
> These dietary supplements are dangerous and harmful. People do not realize the consequences of these magical pills. They are given the notion that they are going to become this "model-type image" from taking supplements, but the adverse effects of them outweigh any benefits.

It is heartbreaking to think of how an innocent purchase irrevocably changed this young woman's life. Ephedra has opened eyes about the need for regulation of the entire dietary supplement industry. Ephedra is a symptom, a deadly symptom, of a larger issue, which is the lack of regulatory control over a multibillion dollar industry.

A change in the current law is critically needed. The FDA must be allowed to collect and distribute accurate information about dietary supplements. At present, its hands are tied. I want to make it very clear that my legislation will not ban dietary supplements. Rather, they offer a common-sense approach to giving the FDA the authority to regulate the industry while maintaining freemarket access. Consumers have a right to know what they are putting into their bodies. We cannot continue to stand on the sidelines and watch them suffer serious medical consequences from these products. Our young people and loved ones are at risk.

I urge my colleagues in Congress to join me in swiftly passing these two bills into law.

THE COURAGE TO DREAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HOYER. Mr. Speaker, risk and danger are constant companions of progress. And last Saturday morning, we were reminded again that progress at times inflicts a painful price.

Fate has called the brave crew members of the Space Shuttle *Columbia* home, and, here on Earth, we maintain our faith that they have now begun a far better journey—one of our Creator's design.

Words are small comfort today to those closest to this tragedy, the families and friends of Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark and Illan Ramon. A grateful Nation mourns their loss and honors their courage and sacrifice.

We also offer heartfelt condolences to those left behind, especially the twelve children who have lost a mother or father. We pray that time, and a recognition of this great mission, provide some comfort and help to heal this wound.

The history of America is marked not only by sacrifice in the service of others, but by a yearning to explore, to discover, to progress . . . from the first permanent settlers in the new world at Jamestown . . . to the expedition of Meriwether Lewis and William Clark . . . to the Wright Brothers' first flight at Kitty Hawk . . . to Neil Armstrong's first step on the moon a mere 66 years later.

The crew of the *Columbia* now joins that pantheon of American heroes who had the courage to dream, as well as the willingness to turn their vision into reality.

Although they traveled millions of miles in space, they sought answers to the questions that lie closest to the human heart.

The most fitting tribute that we can pay to their legacy is to fulfill this solemn pledge: We will continue the work that you have advanced.

And we will do so with the realization that it is our responsibility to determine the cause of this tragedy and to minimize the risk to those engaged in the exploration of space and the unknown.

Our Nation has always risen to a challenge and overcome adversity through perseverance.

That is a measure of our greatness. And, today, that is the calling that our national character commands us to undertake and continue.

COOPERATIVE LANDSCAPE CONSERVATION PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to authorize a program to help States, local governments, and private groups protect open space while enabling ranchers and other private landowners to continue to use their lands for agriculture and other traditional uses.

The bill, entitled the "Cooperative Landscape Conservation Act," is based on provisions that were previously passed by the House as part of the Conservation and Reinvestment Act (CARA) but on which the Senate did not complete action. It is also similar to a bill I introduced in the 107th Congress.

I think the program that this bill would establish would be good for the entire country and it would be particularly important for Colorado.

In Colorado, as in some other States, we have experienced rapid population growth. That brings with it rising land values and property taxes. This combination is putting ranchers and other landowners under increasing pressure to sell their lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes.

That's why conservation easements are so important for our state. It's why the state and many local governments are interested in acquiring conservation easements on undeveloped lands. It is also why non-profit organizations like the Colorado Cattlemen's Agricultural Land Trust and the Nature Conservancy—to name just two of many—work to help ranchers and other property owners to make these arrangements and so avoid the need to sell agricultural lands to developers.

I strongly support this approach. Of course, by itself it is not enough—it is still important for governments at all levels to acquire full ownership of land in appropriate cases. But in many other instances acquiring a conservation easement is more appropriate for conservation and other public purposes, more cost-effective for the taxpayers, and better for ranchers and other landowners who want to keep their lands in private ownership.

But while it is usually less costly to acquire a conservation easement than to acquire full ownership, it is often not cheap—and in some critical cases can be more than a community or a nonprofit group can raise without some help. That is where my bill would come in.

Under the bill, the Secretary of the Interior would be authorized to provide funds, on a 50 percent match basis, to supplement local resources available for acquiring a conservation easement. For that purpose, the bill would authorize appropriation of $100 million per year for each of the next 6 fiscal years—similar to the amount that would have been authorized by the CARA legislation that the House passed last year.

The bill provides that the Secretary would give priority to helping acquire easements in areas—such as Colorado that are experiencing rapid population growth and where increasing land values are creating development pressures that threaten the traditional uses of private lands and the ability to maintain open space. Within those high-growth areas, priority would go to acquiring easements that would provide the greatest conservation benefits while maintaining the traditional uses—whether agricultural or some other uses—of the lands involved.

The bill would not involve any federal land acquisitions, and it would not involve any federal regulation of land uses—conservation easements acquired using these funds would be governed solely under state law.

Mr. Speaker, the national government has primary responsibility for protecting the special parts of the federal lands and for managing those lands in ways that will maintain their resources and values—including their undeveloped character—as a legacy for future generations. Regarding other lands, the challenge of responding to growth and sprawl is primarily the responsibility of the states and tribes, the local governments, and private organizations and groups—but the federal government can help.

This bill would provide help, in a practical and cost-effective way. For the information of our colleagues, I am attaching a summary of its main provisions.

DIGEST OF "COOPERATIVE LANDSCAPE CONSERVATION ACT"

The bill is based on provisions included in the House-passed Conservation and Reinvestment Act (CARA) legislation of the 106th Congress. It would provide federal financial assistance to states, local governments, Indian tribes, and private groups working to preserve open space by acquiring conservation easements.

Background: In Colorado and other rapidly-growing states, rising land values and property taxes are putting farmers and ranchers (and other landowners) under increasing pressure to sell their lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes. The party acquiring the conservation easement would have an enforceable property right to prevent development.

WHAT THE BILL WOULD DO

Program—The bill would establish the "Cooperative Landscape Conservation Program," to be administered by the Department of the Interior. The program would provide grants to assist qualified recipients to acquire conservation easements.

Funding—Bill would authorize appropriations of $100 million/year for fiscal years 2002 through 2007. Funds would be used for grants, would be on a 50%-50% matching basis, for purchase of conservation easements on private lands in order to provide wildlife, fisheries, open space, recreation, or other public benefits consistent with the continuation of traditional uses by the private landowners. Up to 10% of annual funds could be used by Interior Department to provide technical assistance.

Priority—(1) Priority for grants would be to help acquire easements in areas where rapid population growth and increasing land values are creating development pressures that threaten traditional uses of land and the ability to maintain open space; (2) within those areas, priority would go for acquiring easements that would provide the greatest conservation benefits while maintaining traditional uses of lands.

Eligible Recipients—would be agencies of state or local government, tribes, and tax-exempt organizations operated principally for conservation.

Enforcement—Only an entity eligible for a grant could hold and enforce an easement acquired with program funds; at time of application, state Attorney General would have to certify that an easement would meet the requirements of state law.

WHAT THE BILL WOULD NOT DO

Bill would NOT involve any federal land acquisition.

Bill would NOT involve any federal regulation of land use.

IN APPRECIATION FOR SHARING AN EXTRAORDINARY STORY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. ROSS. Mr. Speaker, I rise today to share the story of a brave and resourceful veteran from my district. Recently, I had the pleasure of presenting him with the Distinguished Flying Cross medal—nearly sixty years after the flight engineer saved his plane by repairing it mid-flight.

Ray Huntsinger served as a flight engineer with the United States Army Air Corps, now the Air Force, during World War II. During a mission to bomb Nazi oil reserves in Romania, Huntsinger's plane suffered damaged from anti-aircraft fire. He examined the plane and found that its hydraulic lines, which affect the air brakes and landing gear, had been ruptured. After notifying the pilot that he would have to make an emergency landing, Huntsinger set to work. Using materials he found on the plane, he constructed a patch over the damaged lines, and he strapped parachutes to the plane's waist to slow it down after landing. After circling the airfield until all emergency vehicles were in place, the pilot began his descent, and executed a perfect landing—the makeshift patch saved the day.

Years later, after retiring to Hot Springs Village, Huntsinger recounted the story to a friend of his who happened to be a retired Air Force Colonel. That friend submitted the story to the Air Force, and almost sixty years after that mid-flight repair, Huntsinger was awarded the Distinguished Flying Cross Medal.

I am so pleased to have the opportunity to properly honor one of our veterans. Mr. Huntsinger had an outstanding military career with the U.S. Army Air Corps during the Second World War. He flew fifty combat missions out of Italy, and in the incident that earned him the Flying Cross distinction, he demonstrated incredible ingenuity and resourcefulness, saving the lives of his fellow soldiers as they fought for their country. I welcome any opportunity to thank our veterans and to hear their stories, and this is quite a story!

INTRODUCTION OF THE CLEAN WATER PROTECTION ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PALLONE. Mr. Speaker, today I introduce the Clean Water Protection Act, legislation to protect the beauty and quality of our nation's water resources. This legislation would add a definition to the Clean Water Act that would place a specific prohibition on the use of wastes in "fill material" that is placed in waters of the United States. I am pleased that my colleague, Representative Christopher Shays, has joined me in this effort.

This legislation was predicated by an executive rule change on May 3, 2002, that altered the long-standing definition of "fill material" in the Clean Water Act regulations enforced by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps). The Administration's new definition allows the Corps to permit waste to be used to fill streams, wetlands, and other waters. Importantly, the rule change would have nationwide effects, by allowing all industries to seek permits from the Corps to dump their wastes in waters.

On May 8, 2002, a federal court in West Virginia decided that the Administration's rule change violated the Clean Water Act and was therefore illegal. Late last month, however, a U.S. appeals court in Richmond reversed the lowercourt ruling that would have ended the practice of filling rivers and streams with waste rock and dirt from mountaintop removal coal mining operations.

There are far-reaching consequences of the Appellate Court's decision. The Administration's new definition of "fill material" is an attempt to legalize the dumping of countless tons of mountaintop removal coal mining waste—a practice that has already burned and destroyed 1,000 miles of Appalachian streams. The new rule also expressly allows hardrock mining waste, construction and demolition debris, and other types of harmful wastes to be dumped into rivers and streams across the country. Given the possible presence of contaminants such as heavy metals, asbestos, or harmful organic compounds in some of these wastes, the implementation of the new definition of "fill material" in the Corps" regulations could have disastrous impacts even beyond the harm caused by burying streams and other waterways. Congress meant for the Clean Water Act to protect our nation's water resources; the Administrative rule change endangers those resources.

The dangerous precedent set by the Administration's rule change undermines the Clean Water Act. This is why I have proposed the Clean Water Protection Act. This legislation would establish a definition for fill material in the Clean Water Act, such that no wastes could be used to bury our streams and wetlands. Creating a statutory definition of "fill material" that expressly excludes waste materials will end the need for further court proceedings and will clarify environmental law consistent with the purpose of the Clean Water Act—to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

Clean air and water are not partisan issues; they are issues of vital importance to all Americans. We cannot let the Clean Water Act fade into history as simply a "romantic ideal", but rather we must ensure the protection of our waters, so that our grandchildren have streams to play in and clean water to drink.

Mr. Speaker, I urge my colleagues to support this legislation to protect the quality and magnificent beauty of our nation's streams and wetlands.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of the resolution extending this body's congratulations to Israel on their recent elections. I stand with my colleagues and commend Israel as it continues to conduct democracy in a region filled with dictatorship and totalitarian regimes.

On January 28, 2003, nearly four million Israelis went to the polls to participate in the country's 15th national election since becoming a state in 1948. The election was Israel's 5th in the last decade, and comes at an extremely critical juncture in the country's short history. An ongoing conflict with the Palestinians, a looming U.S. war against Iraq, the global war on terrorism, and a struggling Israeli economy all played pivotal roles in the campaign. But when all was said and done, Israelis reelected Prime Minister Ariel Sharon, and established a near majority for the Likud Party in the Israeli Knesset. Prime Minister Sharon's victory was especially significant, as it was the first time in 25 years that Israelis reelected a sitting Prime Minister.

As the sole democracy in the Middle East, Israel is the most reliable ally of the United States in the region. I come to the floor today and further express my commitment to a strong U.S.-Israel relationship. Israel has stood by the U.S. in our war on terrorism, and we shall stand with Israel as it continues down the daunting road toward peace and security. Terrorism never has been, and never will be, an ingredient to peace in the Middle East, and the U.S. must stand by Israel in its efforts to protect its borders and its citizens.

Mr. Speaker, each of us has his or her own unique way of expressing our support for Israel and the relationship that the U.S. enjoys with the small Middle Eastern country. Coming to the floor today in support of this resolution is just one way Members can show their support. Traveling to Israel is another. I make my commitment today to visit Israel sometime during the 108th Congress to show my support for the Jewish state, and I urge my colleagues to make similar commitments.

Israel is a place rich with history. It is filled with beauty and its people are filled with kindness and generosity. Members of Congress can make no stronger statement of their support for Israel then to travel there and experience first hand the issues facing Israeli leaders attempting to make peace. I am looking forward to the trip that I am co-hosting over the Memorial Day recess with black and Jewish Members, and I do hope that my colleagues will make similar statements of their support. Only next time, we make them in the streets of a peaceful Jerusalem.

CELEBRATING AFRICAN AMERICAN MONTH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor the Members of the Congressional Black Caucus and all the black members of Congress that have served this Nation. As America observes African American History Month, I would be remiss not to remember the giants of this institution who made it possible for me to stand before you today. In the 212 years of Congressional History, there has been only 108 black Members of Congress: 104 elected to the House and 4 to the Senate.

In the great State of Florida there have been five black Members of Congress and I have the distinctive honor to serve as one of them.

I want to commend your attention to the first black Member of Congress elected from the State of Florida, Josiah Thomas Walls.

Congressman Josiah Thomas Walls was the only black representative from the State of Florida before reconstruction. He was born, probably to slavery, in or near Winchester, Virginia, on December 30, 1842. As a child, Josiah Walls moved to Darksville in what is now West Virginia. Josiah Walls briefly attended the county normal school in Harrisburg, Pennsylvania, and may have received additional education. As a Congressman, Josiah Walls described his impressments into the Confederate army and his capture by Northern forces at the siege of Yorktown, Virginia, in May 1862. By July 1863 he had entered the Third Infantry Regiment, United States Colored Troops at Philadelphia, becoming a corporal in October. Josiah Walls moved with his regiment to Florida in February 1864. After his discharge in October 1865 he worked at a sawmill on the Suwannee River and later taught at Archer in Alachua County.

In 1867, Josiah Walls was elected to represent Alachua County at the 1868 Florida Constitutional Convention. The county convention of March 1868 also nominated Josiah Walls for the state assembly. He was elected, taking his seat in June. Later that same year he was elected to the state senate from the Thirteenth District and took his seat the following January. Josiah Walls participated in several national conventions held to discuss problems facing blacks. At the Southern States Convention of Colored Men in 1871 he proposed an amendment to a resolution of support for President Ulysses S. Grant, which called on the Republicans to nominate John Mercer Langston for Vice President in 1872.

In August 1870, Florida Republicans nominated Walls for the state's lone seat in the House of Representatives. Walls appeared to win a narrow election victory and presented his credentials to the Congress on March 4, 1871. He accepted assignments to the Committee on Militia, the Committee on Mileage, and the Committee on Expenditures in the Navy Department.

Congressman Walls put forth several proposals and spoke on a variety of subjects. Since he feared public education would receive little attention if it were administered by southern states, he supported a measure to establish a national educational fund financed with money from public land sales. He introduced bills for the relief of private pensioners and Seminole War veterans. He strongly favored expenditures for internal improvements in Florida and supported efforts to grant belligerent status to rebels fighting in Cuba for independence from Spain, which still permitted slavery to exist on the island.

After a disputed election and defeat for renomination to the House, Josiah Walls took an indefinite leave of absence from public service.

Upon his return to Alachua County, Josiah Walls owned and operated a successful tomato and lettuce farm, sawmill and orange groves. He also remained interested in political developments. He slipped into ill health and lost his fortune when a February 1895 freeze ruined his crops. Shortly thereafter he was placed in charge of the farm at Florida Normal College (now Florida A&M University). He died in Tallahassee on May 15, 1905.

As a great writer once penned, "God will not let us fall . . . For our work is good, We hope to plant a nation, Where none before hath stood." Congressman Josiah Walls planted a nation for other African Americans to follow.

Today, I honor him and ask all my colleagues to join me in remembering this politician and great leader from the great State of Florida.

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to improve the ability of the Bureau of Land Management and the Forest Service to respond to a serious problem affecting federal lands in Colorado and other states.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged.

One of the uses that cause the greatest impacts are recreational off-road vehicles. The results can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems, by appropriate restrictions and putting some sensitive areas off-limits to vehicle use.

Most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use (large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas), even a relatively few who violate management requirements can create serious damage to public land resources.

Yet, in some cases, recreational off-road vehicle users ignore these closures and management requirements. Often times, when these activities occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under BLM's basic law, the Federal Land Policy and Management Act of 1976, fines for violations of regulations—including regulations governing ORV uses—are limited to $1,000. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such violations—to $10,000 or the costs of restoring damaged lands, whichever would be greater. The bill is similar to one that I introduced in the 107th Congress.

The need for this legislation was demonstrated by incidents in several state, including some in Colorado.

For example, in the summer of 2000 two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, "alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires."

Despite the extent of the damage, the violators were only fined $600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, Colorado, that became popularly known as the "mudfest."

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicle users. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from $66,000 to hundreds of thousands of dollars.

Most of the "mudfest" damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a $50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensured, or stands as much of a deterrent for future similar behavior.

These are but two examples. Regrettably, there have been many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and relevant laws governing the Forest Service to authorize these agencies to assess greater fines on recreational off-road vehicles for violations of management, use and protection requirements. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to $10,000 in fines, or 12 months in jail, or both, for violations of road and trail closures and other management regulations by recreational off-road vehicles. The bill also would authorize the Secretary of the Interior and the Secretary of Agriculture, in lieu of a specific dollar fine, to assess fines equal to the costs required to rehabilitate federal public lands from damage caused by recreational off-road vehicle violations.

In addition, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper use of vehicles on federal lands.

This would give these agencies additional resources to recover damaged lands and areas that may be exposed to repeated violations.

The bill does not put any lands "off limits" to recreational off-road vehicle use. In fact, it does not affect any specific lands in any way. The bill also does not provide for increased fines for other activities that can damage federal lands. There may or may not be a need for legislation along those lines, but in the meantime I am seeking only to address this one problem.

Mr. Speaker, earlier this month I met with Chief Bosworth regarding several matters related to management of the National Forests. During our conversation, he said that he considered problems associated with off-road vehicles one of the greatest problems facing the Forest Service.

I agree with the Chief—in fact, I think improper use of recreational vehicles is a problem of growing seriousness throughout the west. My intention with this bill is to help address this problem so that all recreational users of our public lands can have a rewarding, safe and enjoyable experience. Everyone's experience is diminished when a few bad actors spoil the resources and the beauty of our lands. I think this bill can help provide the BLM and the Forest Service with better tools to respond by allowing appropriate recreational use of our public lands while also protecting the resources and values of these lands that belong to all the American people.

For the information of our colleagues, I am attaching a fact sheet about the bill.

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

BACKGROUND: In Colorado and throughout the west increased population growth has brought increased recreational use of federal lands. This has made it harder for land-managing agencies to adequately control and manage such use.

Recreational and other use of off-road vehicles (ORVs) can present serious problems. This use should be allowed to continue, but must be managed and controlled to minimize or avoid adverse effects. That involves closing-off some sensitive areas and other regulations.

Improper use of vehicles can result in serious damage to the national forests and the public lands managed by the Bureau of Land Management (BLM). This can involve damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts to the landscape; loss of quiet areas due to the deeper penetration of off-road vehicles into previously secluded areas of the public lands; and impacts to wildlife from noise and effects on migration corridors.

Currently, the Forest Service and BLM do not always have clear authority to assess fines commensurate with the costs of enforcement and the damage that often results. For example, under the law governing BLM lands, federal officials can only impose up to $1,000 in fines while the damage that results could cost thousands more to address. The Forest Service's authority also needs clarifying and strengthening.

The bill would provide new authority, in order to increase public awareness, deter violations, and help cover the costs of enforcement and damages to affected lands.

What the bill would do:

Allow Increased Fines: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess fines of up to $10,000 or the costs of restoration, whichever is greater, for violation of ORV regulations. The current provisions for imprisonment of 12 months in jail is retained.

Apply Fines to Enforcement and the Area Damaged: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the costs of enforcing off-road violations, increasing public awareness of the problem, and to repair damages to lands affected by such violations.

What the bill would not do:

Increase Closures of Public Lands: The bill would not require that any particular lands be "off limits" to recreational off-road vehicle use. Decisions about which roads or trails will remain open to such use would continue to be made by the land-management agency.

Apply to Other Uses: The bill would not impose increased fines for violation of any regulations other than those applicable to use of vehicles.

Eliminate Fines for Other Violations: The bill would not affect the current ability of the federal public land agencies from assessing existing fines and penalties for other activities that violate management, use and protection requirements. Such fines would continue to apply to violations of other regulations.

HONORING MUNIR H. ABBASY, M.D.

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to enter into the RECORD today these remarks to honor the accomplishments and life of Munir H. Abbasy, M.D., who died in a single engine airplane crash that he was piloting on July 29, 2001.

Dr. Abbasy graduated from Liaquat Medical College in Pakistan in 1969, and completed his internship at Cook County Hospital in Chicago. Abbasy followed his internship with a position as a general surgeon at Northwestern University Medical Center in Chicago, and a neurosurgical residency at the University of Pittsburgh. After moving to Massachusetts in 1976, Dr. Abbasy joined the Neurosurgical and Neurological Group Inc. in Springfield. Additionally, he was on the medical staff of the area hospitals, including Baystate Medical Center, Mercy Medical Center, and Holyoke Hospital. Abbasy served as the Chief of Neurosurgery at Mercy Medical Center from 1988–1993, and extended his services to Baystate Medical Center from 1993–2001. Also, Dr. Abbasy was the assistant clinical professor in the neurosurgery department at Tufts University.

Dr. Abbasy was an established neurosurgeon who was commended on his extreme precision during surgery. Accordingly, Abbasy was the first neurosurgeon in Western Massachusetts to perform a "Jannetta Procedure," which is a microvascular decompression of a cranial nerve for those who suffer from a tic douloureux and hemifacial spasm. Dr. Abbasy pioneered the practice of lumbar microdissectomies as an outpatient service at Baystate Medical Center in 1996, which reduced recovery time and created savings for the hospital.

As a resident of Longmeadow, MA, Dr. Abbasy was extremely involved in his community. He was a member of the Hampden District Medical Society, the American Medical

Association, the New England Neurological Society, the Pediatric Section of AANS/CNS, and the Congress of Neurological Surgeons. Furthermore, he was a director of the Longmeadow Montessori School.

According to his colleagues, friends, and family, Dr. Abbasy was a remarkable, bright, and extremely dedicated surgeon. He brought passion to his practice and always wanted to better the institutions and process of healthcare. He is survived by his wife, the former Ann O'Connor, a son, Jamil, and a daughter, Shareen Abbasy.

Mr. Speaker, Dr. Abbasy was a valued member of the community and an amazing individual. He served the medical community for 25 years and his work will be remembered and appreciated. He will be missed by all who had the opportunity to know him.

TRIBUTE TO THE ELDER HIGH SCHOOL FOOTBALL TEAM

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CHABOT. Mr. Speaker, on the blustery, frigid evening of November 30, 2002, the Elder High School football team made their championship dreams a reality. On a snow-covered field, the Elder Panthers overcame the weather, a four-hour bus ride, and a spirited Warren Harding team to return the Ohio state football championship to Cincinnati for the first time since Princeton High School won in 1987.

Thousands of Elder faithful braved the cold and snow flocking to Fawcett Stadium to urge the Panthers to victory. Those who couldn't make the cross-state trip sat glued to their TVs hanging on every play. From the opening kickoff to the three critical touchdown drives led by Rob Florian to the game-saving incompletion forced by Kevin Harnist on Warren Harding's tying two-point conversion attempt, fans were thrilled by the championship effort and heart displayed by the young men from Elder.

After capturing the state championship, Elder garnered well-deserved team and individual honors. The Panthers were ranked ninth in the national high school football rankings released by USA Today. Individually, Coach Doug Ramsey was named Ohio Tri-Coach of the Year, and Senior LB Tony Carvitti was selected as Ohio Tri-Defense Player of the Year. Other All-Ohio honorees include: First Team selection Bill Poland; Second Team selection Tom Anevski; and Special Mention selection Bradley Glatthaar.

Throughout their triumphant season, Elder's young men labored and sacrificed to forge a championship team. Elder's hard-fought and inspiring victory has brought pride and honor to Price Hill and our entire community. Football fans throughout the Cincinnati area congratulate the Panthers and share in their celebration.

Mr. Speaker, to appropriately honor these young men and coaches. I'd like to submit for the Record the roster of the 2002 Elder panthers and a copy of their schedule and game results.

Elder High School, 2002 Ohio High School State Football Champions, Final Record: 14–1

REGULAR SEASON

Game 1, August 24, 2002: Elder 42—Dixie Heights 7.

Game 2, August 31, 2002: Louisville Trinity 44—Elder 20.

Game 3, September 6, 2002: Elder 42—Western Hills 8.

Game 4, September 13, 2002: Elder 45—Indianapolis Roncalli 7.

Game 5, September 21, 2002: Elder 45—Cleveland St. Ignatius 35.

Game 6, September 27, 2002: Elder 21—St. Xavier 17.

Game 7, October 5, 2002: Elder 47—Moeller 21.

Game 8, October 11, 2002: Elder 29—LaSalle 19.

Game 9, October 18, 2002: Elder 45—Indianapolis Cathedral 30.

Game 10, October 25, 2002: Elder 35—Oak Hills 8.

PLAYOFFS

Round 1, November 2, 2002: Elder 20—St. Xavier 14.

Round 2, November 9, 2002: Elder 31—Huber Heights Wayne 3.

Regional Championship, November 16, 2002: Elder 28—Colerain 21.

State Semi-Final, November 23, 2002: Elder 34—Findlay 31.

State Championship, November 30, 2002: Elder 21—Warren Harding 19.

2002 Elder Panthers Varsity Football Roster

Head Coach: Doug Ramsey.

Assistant Coaches: Ken Lanzillotta; Ray Heidorn; Mike Kraemer; Craig James; Tim Schira; Matt Eisele; and Pat Good.

Seniors: #78 Tom Anevski; #44 Tony Arszman; #6 Bob Asman; #3 Greg Bachman; #35 Mike Barone; #86 John Bauer; #73 Marty Bauer; #7 Nick Brandhorst; #36 Kyle Brunsman; #76 Digger Bujnoch; #4 Dan Byrne; #97 Tony Carvitti; #33 Chris Chambers; and #98 Pat Christman.

#77 Conrad Cross; #15 Brian Crowley; #8 Nick Daut; #2 Craig Davis; #40 Mike Eagan; #1 Eric Hamberg; #26 Kevin Harnist; #32 Frank Hilvers; #21 Cody King; #81 Dan Kloepfer; #64 Anthony Louderback; #38 Dan McDonald; #89 Bryan McKiddy; and #49 Jake Paff.

#37 Bill Poland; #95 Mike Riga; #79 Alex Robinson; #9 Chris Rothwell; #25 Dan Scherrer; #50 Nick Schwander; #5 Scott Spitznagel; #63 Brian Stall; #51 Ben Sprengard; #56 Todd Turner; #80 Kevin Vater; #93 Brandon Wittwer; and #75 John Wolff.

Juniors: #34 Eric Andriacco; #54 Steve Baum; #58 Kenny Berling; #62 Ryan Brinck; #20 Michael Brown; #68 Alec Burkhart; #23 Mark Byrne; #42 Steve Haverkos; #70 Chris Heaton; #82 Nick Klaserner; #17 Danny Kraft; #48 Joe Lind; #47 Pat Lysaght; and #53 Corey McKenna.

#65 Nick Rellar; #14 Jake Richmond; #91 Tony Stegeman; #88 Ian Steidel; #22 Mike Stoecklin; #45 Tim Teague; #24 John Tiemeier; #19 Sean Carroll; #18 Charlie Coffaro; #71 Justin Crone; #29 Brett Currin; #12 Rob Florian; #84 Kurt Gindling; #11 Bradley Glatthaar; and #99 Alex Harbin.

#60 Mike Meese; #92 Tim Mercurio; #30 Drew Metz; #72 Mark Naltner; #28 Alex Niehaus; #43 Billy Phelan; #31 Seth Priestle; #90 Matt Umberg; #10 Jeff Vogel; #16 Eric Welch; #74 John Wellbrock; #87 Mike Windt; #55 Eric Wood; and #94 Mike Zielasko.

Sophomores: Craig Carey; D.J. Hueneman; Eric Kenkel; Rick Stautberg; and Nick Williams.

Managers: Kyle Miller and T.J. Weil.

INTEREST-FREE FUNDS FOR PUBLIC SCHOOL CONSTRUCTION AND MODERNIZATION PROJECTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that would provide $25.2 billion in interest-free funds over the next two years for public school construction and modernization projects.

Currently, our public school system has extraordinary unmet needs for funds to construct and modernize schools. Consider the following facts:

The average age of a public school in the United States is 42 years.

One-third of all public schools in the United States are in need of extensive repair or replacement.

Three and a half million students attend schools that need major repair or replacement.

According to a recent report from the National Education Association, it will cost $332 billion to bring the existing public schools into overall good condition. Billions more will be required to construct new schools to meet expanding student enrollments.

President Bush's education program places strong emphasis on raising standards in America's classrooms, but does not provide promised Federal help for the cost of additional testing and services required to reach that goal. His program also ignores the fact that school facilities are an important part of raising student performance. Inferior facilities make teaching more difficult. They also send a clear message to the student that this nation does not value their education. The President's program seems to be designed to fail.

My legislation will provide funds for school modernization projects through a federal tax credit. The tax credit will, in effect, pay the interest on $25.2 billion of school modernization bonds. All decisions relating to how those funds would be used would continue to be made at the local level.

My legislation is based on a successful model, the Qualified Academy Bond (QZAB) program enacted in 1997. A California local school official described that program as a "local school district's dream" after having successfully participated in a bond offering subsidized under that program. U.S. Education Secretary Rodney Page endorsed a similar proposal in 1999 when he was Superintendent of the Houston schools. In a statement submitted to the the Committee on Ways and Means, he said that school modernization bonds "represent the approach to Federal aid that will have a truly consequential impact on meeting the infrastructure needs of Houston and other large urban high poverty districts."

Mr. Speaker, I regret that I am introducing this bill today without the broad bipartisan support that it has received in the past. The lack of bipartisan support is due to the fact that the bill is fundamentally inconsistent with the President's dividend exemption proposal. I am hopeful that the Congress will reject or substantially modify the President's dividend proposal and, therefore, make it possible to pursue this bill with its former bipartisan support.

Attached is a brief description of the bill and a table showing how the funds will be allocated among the States.

SUMMARY

The bill would subsidize $25.2 billion in zero-interest school modernization bonds. The federal government would provide tax credits for the interest normally paid on a bond. Funds that would have gone to pay bond interest would be freed for other education needs. For each $1000 of school bonds, the net benefit of the program to State or local school districts would be approximately $500.

Funding: The bill divides the interest-free funds for public school construction and modernization as follows:

$22 billion over two years for zero-interest school modernization bonds ($11 billion in both 2004 and 2005). The bill would allocate 60 percent of the $22 billion in bonds to states based on school-age population. The State education agency has the authority to allocate the State's share among the schools districts in the State with no restrictions as to what schools can qualify. The remaining 40 percent of these bonds would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding (poverty-based distribution).

$400 million in school modernization bonds for Bureau of Indian Affairs (BIA) schools.

$2.8 billion for expansion of the existing Qualified Zone Academy Bond program (QZAB). This amount is allocated among the States based upon the number or poor students. The State education agency has the authority to allocate the State's share among the school districts in the State; except that amount may be allocated only to schools with at least 35% poor students—those schools located in Empowerment Zones, Enterprise Communities or which have at least 35 percent of their students eligible for free or reduced price school lunch.

Federal Role: The federal government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new federal bureaucracy would be created.

Cost: The five-year cost to the Federal government is approximately $1.7 billion and the ten-year cost is approximately $6.8 billion.

The following table shows the estimated allocations under the bill.

Estimated state bond allocations

Alabama	$354,922
Alaska	53,398
Arizona	337,448
Arkansas	183,516
California	3,109,598
Colorado	296,358
Connecticut	292,085
Delaware	49,070
District of Columbia	88,904
Florida	1,188,467
Georgia	654,051
Hawaii	77,438
Idaho	93,409
Illinois	1,221,868
Indiana	459,436
Iowa	196,453
Kansas	196,866
Kentucky	295,249
Louisiana	473,051
Maine	84,355
Maryland	395,270
Massachusetts	467,254
Michigan	1,006,867
Minnesota	378,952
Mississippi	237,537
Missouri	452,673
Montana	65,077
Nebraska	131,275
Nevada	92,951
New Hampshire	80,802
New Jersey	660,175
New Mexico	157,627
New York	2,476,435
North Carolina	488,119
North Dakota	46,596
Ohio	1,019,626
Oklahoma	277,839
Oregon	235,626
Pennsylvania	1,044,126
Puerto Rico	378,751
Rhode Island	90,648
South Carolina	284,932
South Dakota	56,180
Tennessee	421,577
Texas	1,998,390
Utah	175,947
Vermont	42,022
Virginia	422,902
Washington	402,308
West Virginia	123,951
Wisconsin	491,648
Wyoming	38,712
Outlying Areas	51,263
BIA Schools	400,000
Total	25,200,000

HELENA MARQUES—SOUTHCOAST WOMAN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most difficult issues that we have been dealing with in these past years has been that of immigration. Sadly, it has become politically popular to blame immigrants for a wide variety of problems for which they are not, in fact responsible, and people have increasingly overlooked the important cultural and economic contributions immigration continues to play in our Nation of immigrants.

In my efforts to provide fair treatment for immigrants, both as a matter of equity and as a matter of correctly assessing our national interest in a sensible immigration policy, I have benefited enormously from the counsel, advocacy and commitment of Helena Marques. She has been an extraordinary asset to all of us who are charged with helping to make national policy on this matter, and she has been a beacon of strength for those in the immigrant community and their families who have been affected by our policies. I concur wholeheartedly with the decision of the New Bedford Standard Times to designate her the south coast woman of the Year, and I ask that the article describing her work from the Standard times be printed here, because I believe our colleagues will benefit from reading about her important work on the immigration issue.

After Sept. 11, 2001, Helena Marques had bad news for the mothers of area residents deported from the area to Portugal.

As she delivered the news during a meeting in a South End Holy Ghost club, she couldn't maintain her composure, and wept with the women. She wept because she felt helpless. She wept for the victims of the terrorist attack.

The following day, she was back at her office at the Immigrants' Assistance Center, advocating for immigrants' rights with the same energy she always carried, even if the woes were now almost insurmountable.

Those who know Ms. Marques say she is the kind of woman: one who easily gets involved in the suffering of those she helps, but also one who can be a no-nonsense advocate and diplomat, businesswoman and lobbyist.

Ms. Marques, 42, picked up an agency in tatters when she took over the helm in 1996, led it through its greatest growth, and is now fighting on several fronts to maintain the level of service she helped create.

For all she has done since 1996, Ms. Marques is The Standard-Times' 2002 SouthCoast Woman of the Year.

Ms. Marques, a mother of one from Acushnet, with a bachelor's degree in business administration, started her job with IAC as a secretary more than 20 years ago, when the agency had only four employees and a small budget.

She rose through the ranks and in 1996 became the executive director of the now much bigger 31-year-old agency.

Coincidence or not, the year 1996 would forever be engraved in the history of IAC and of immigrant rights in America.

The agency was placed on probation by the United Way due to administrative shortcomings and it had also suffered severe cuts in funding from the state and federal governments.

Nationally, immigrants were losing welfare benefits and a new, stiffer deportation law was quietly coming into effect, which would soon devastate many area families.

"When I got promoted to this position it was at a time things were the worst," Ms. Marques said. "The worst year anybody can take over an agency."

Nevertheless, Ms. Marques, one of seven Madeiran immigrant children and the product of the New Bedford public schools, persisted.

She rolled up her sleeves and got to work.

In four years, Ms. Marques tripled IAC's size, turning it from a struggling agency into a major immigrant services and advocacy group. New programs sprung up during the time and the agency opened two branch offices, including one in Taunton.

Some of the programs Ms. Marques helped create include the native language citizenship classes, educational in-jail programs for individuals facing deportation and citizenship programs in schools. Additionally, she helped form the Women Immigrants Support Hub for family members of deportees.

The agency also expanded beyond the Portuguese community and started serving other immigrant groups in the city.

One major effort included raising national and international attention to the effects of the 1996 deportation laws, which locally have resulted in the deportation of more than 400 Portuguese nationals and more than 100 Cape Verdean nationals.

The plight of those immigrants struck a chord because many were being deported for seemingly minor crimes after living most of their lives in the United States.

Ms. Marques took the cause wholeheartedly.

As a deportation fighter, sometimes she stood in the rain with WISH members, holding signs in front of District Attorney Paul

F. Walsh Jr.'s office to stop a local deportation program. She also shared hugs at community events and personally talked with anyone who wished to speak with her.

Other times she traveled to Washington to bring the local message to politicians or appeared on television and radio shows to spread the word.

She also became a well-known person in the community, befriending Sofia Milos, the star of the yet-unreleased romantic comedy "Passionada."

What's surprising, or not, is that she has played all the roles well, say those who know her.

"What I'm struck by in Helena is how she is so committed but careful," said congressman Barney Frank, D-Mass., who has consulted Ms. Marques on several pieces of legislation. "It's easy to be a diplomat if you don't care. It's very difficult to find someone that is both a zealot and a diplomat. She doesn't allow her passion to impair her judgment."

Rep. Frank said he met Ms. Marques around the time she took over IAC. He said his office has worked with her since that time.

"I think she does a great job representing the immigrant community," Rep. Frank said.

Ms. Marques says that what she does comes naturally.

"A lot of times, the immigrant populations are in fear of speaking about issues that are important to them," she said. "Being an immigrant myself, seeing what my parents have gone through, I can relate.

"Not too many people have jobs that they feel they're helping out the community. At the end of the day I know that I've made a difference. To me it's a very humble job," she said.

Ms. Marques works behind her desk at the Crapo Street IAC offices; dinners with politicians and her networking efforts have helped turn IAC into a $450,000 agency, but it's her advocacy work that has made her visible in the community.

"She's deeply committed to the work that she does, and she's deeply rooted in the community," said Nancy Lee Wood, a sociologist who helped form the WISH group with Ms. Marques. "She has a deep sense of compassion and caring about what happened to her people."

Ms. Wood has accompanied Ms. Marques on vigils, meetings with public safety officials and politicians and has helped organize WISH meetings and other programs.

Ms. Marques' enthusiasm has impressed her.

"I think she has worked very hard to build up the IAC. That takes a lot of energy, a lot of faith in the future," she said. "It just takes a lot of courage to just forge ahead and implement a lot of programs."

Ms. Marques became the executive director of IAC at a time when the agency was under scrutiny and executive directors changed with the tide.

Today, the members of the board of directors of the organization think they made the right choice when they decided to name Ms. Marques executive director.

"She totally believes in what the center stands for. We have complete trust in her," said Edward Macedo, president of the board. "She deals with the board very well, she knows where the board is coming from. We work very closely together."

Mr. Macedo has been president of the board at IAC for three years, but has been a member at least since Ms. Marques took the job. He said that during that time he has seen her go beyond her obligations.

"She goes way beyond," he said. "She gives of herself beyond her time also."

Ms. Marques, who is currently working hard to secure $150,000 in lost state funds, said she is as committed as ever in her job, despite the difficulties.

"I'm looking anywhere and everywhere for money," she said. "Now, more than ever, I feel I need to do what I'm doing. When the immigrant population is being targeted like it is right now, people like me need to be vocal."

Ms. Marques' dedication started when she first stepped into IAC as a secretary.

"Because (IAC) was so small I did everything," she said. "I was like a sponge, I wanted to learn as much as I could about the agency."

Ms. Marques said at times, when the job seems to be too much to handle, the gratification from helping others has kept her going.

"I do feel with so much tragedy coming in, I see it on a daily basis, that I feel lucky," she said. "I don't take anything for granted because of what I see here."

TRIBUTE TO INEZ WILLIAMS BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CLYBURN. Mr Speaker, I rise today to pay tribute to a native South Carolinian whose love of family and faith in God have blessed her with a rich and full life. On February 20, 2003, Mrs. Inez Williams Brown will celebrate her 90th birthday, and in marking this important occasion, I believe it is important to highlight a few of the contributions she has made.

Mrs. Brown, the granddaughter of slaves, was born on the Blake Plantation in Colleton County. Her father, Burton, was the youngest of five children born to Sally Prince. At an early age, he married Mamie Daily, and they had five children. Inez, the youngest, was born on February 20, 1913. Before she reached her first birthday, Inez's mother died in childbirth. Her father attended South Carolina Normal Institute. He was an ordained Baptist minister and also taught school.

Inez met and married Willie Williams, also a minister. They began their lives together in Hendersonville, South Carolina, and later spent four years in Georgia. They settled in Charleston, South Carolina in 1940. They had eleven children. After the death of Reverend Williams, Mrs. Williams raised 10 children by herself with the help of her eldest son, Alfred Williams and a brother-in-law, Elijah Williams. Her dedication to her family is reflective of the strong commitment exhibited by many African-American mothers.

After all but two of her children were adults, Inez Williams married Mr. Ed Gadsden, who died two years later. And in 1981, she married Robert Brown, who passed away in 2000.

Mrs. Brown's legacy is in the family she raised nearly on her own. Her eldest son, Alfred, is the Pastor of Canaan Baptist Church with a membership of over 800 parishioners. Mozell Myers is a retired schoolteacher, and a leader among ministers' wives in the A.M.E. Church. Luethel McNeil is an insurance professional and an ordained minister in New Jersey. Mildred Williams is a schoolteacher and writer in Oakland, California. Lelia Mae Daniels is in law enforcement in El Paso, Texas. Isaac "Ike" Williams, is a former S.C. Field Director of the N.A.A.C.P. and presently serves on my District Staff. Ike's twin, Rebecca Small, is a speech therapist in Newark, New Jersey. Bessie Simmons is an Executive Assistant and Director of Quality Assurance for Quovadx, Inc., an information technology provider for the Medical University of South Carolina (MUSC). She is also an internationally renowned poet. Gloria Edwards is a retired secretary for pediatric clinics at MUSC. Susie Manning is Director of Adult Treatment Services for Richland County Behavioral Health Center of the Midlands, LRADAC. The youngest, Leon Williams, is a retired Warehouse Manager for the Columbia, South Carolina Housing Authority.

Mrs. Brown has been active with the NAACP, the Senior Citizens program in Union Heights, and an avid Voter Education and Participation activist. She is the Mother of her church, Canaan Missionary Baptist Church, where she has been a member for over 60 years.

Mr. Speaker, I ask you and my colleagues to join me in saluting this great woman on her 90th birthday. Her unbounded love and extraordinary maternal sacrifice and dedication are legendary. This granddaughter of slaves has demonstrated with great fervor, her commitment to her family, her community and her God.

ON THE RETIREMENT OF COLONEL EDWARD S. JONES, USAF AFTER 29 YEARS OF DISTINGUISHED SERVICE TO THE UNITED STATES OF AMERICA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the outstanding career of Colonel Edward S. Jones who is currently the Comptroller for the Defense Commissary Agency at Fort Lee, Virginia. Colonel Jones will retire after 29 years of distinguished service in the U.S. Air Force and I would like to take this opportunity to thank him for his selfless service to both the Air Force and to the United States of America.

Commissioned in 1974 as a Distinguished Graduate of the Air Force Reserve Officer Training Corps, Colonel Jones has served in comptroller positions at all levels of the Air Force: wing, major command, headquarters, unified command, and finally, defense agency.

Colonel Jones' list of prior assignments includes: Director of Financial Management, Air Force Reserve Command, Robins Air Force Base, Ga.; Deputy Director of the Operations Center and Deputy Director of Resource Management, Headquarters, Defense Commissary Agency, Fort Lee; and Chief, Integration and Accounting Branch, Comptroller Division, Directorate of Acquisition and Resources, U.S.

Special Operations Command, MacDill Air Force Base, Fla., and Executive Secretary to the Air Force Commissary Service Board of Directors, the Pentagon, Washington, DC.

A graduate of the Valdosta State University, Ga. holding a Bachelor of Business Administration degree, Colonel Jones also holds a Masters of Business Administration from Golden Gate University, San Francisco. His military education includes the Air War College, Armed Forces Staff College, Professional Military Comptrollers School, Air Command and Staff College, and Squadron Officer's School.

Colonel Jones' awards and decorations include: the Defense Meritorious Service Medal with one oak leaf cluster, Air Force Meritorious Service Medal with three oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award with two oak leaf clusters, American Defense Service Medal, Air Force Overseas Ribbons, and the Air Force Longevity Service Award with five oak leaf clusters.

Mr. Speaker, I ask that you join me, our colleagues, and Colonel Jones' many friends and family in saluting this distinguished officer's lifetime of service. Colonel Jones is the very embodiment of patriotism and it is fitting that the House of Representatives honors him on this day.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. GALLEGLY. Mr. Speaker, on February 11, 2003, I was unavoidably detained and unable to vote on H. Res. 61. However, I would have voted yes.

As you know, I have always been a strong supporter of Israel. As the only democracy in the Middle East, Israel is a beacon of liberty and a model for her neighbors. As a country under siege and in an almost constant state of war against terrorists, Israel also serves as an inspiration for the United States as we continue our war against terrorists.

HONORING THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA WASHINGTON, DC INTERNS AND INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HASTINGS of Florida. Mr. Speaker, it is with great pride and enthusiasm that I rise today to pay tribute to Flinders University of South Australia Washington, DC Internship Program. The Flinders University program is to be commended for providing five Australian college students with the opportunity to experience the American political process first hand, while at the same time, furthering the already strong relationship between the United States and Australia.

For the past six weeks, I have had the privilege to participate in the Flinders University program. The intern assigned to my office, Ms. Tamera Gale, has been an incredible asset to my staff and me. I have learned from her, and I certainly hope that she has learned from me.

Tamera is a third year college student at Flinders University in her hometown of Adelaide, Australia. She is majoring in American Studies. When speaking with her recently, Tamera expressed her appreciation for the opportunity to intern in my office. But as I told her then, I truly appreciate the opportunity to have her working with my staff and me.

During her time in my office, Tamera has assisted in the drafting of a resolution honoring the long-standing U.S.-Australia relationship, as well as educating herself and others on the rich history of African Americans in the U.S. Armed Forces. The fruit of Tamera's labor has been passed on to my colleagues in the House of Representatives through my African American History Month Dear Colleague letters honoring the lives of a different African American military hero each day.

Mr. Speaker, we live in a good country filled with opportunity and good people. However, we venture outside of our borders all too little. The Flinders University of South Australia Washington, DC Internship Program provides Australian students with the opportunity to travel to the United States and view our democracy and life in our country. Equally, the program provides Members and staff with an opportunity to learn about the political process and life in Australia, a country and continent that too few of us visit.

It has been an honor to have Tamera intern in my office, and I wish her and her fellow interns good luck and fortune in all of their future endeavors. I look forward to participating in the Flinders program next year and urge my colleagues to do the same.

FEBRUARY IS AMERICAN HEART MONTH

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FOLEY. Mr. Speaker, I would like to take this moment to help recognize February as American Heart Month.

As Co-Chair of the Congressional Heart and Stroke Coalition I am well aware of the seriousness that cardiovascular disease plays in the lives of approximately 62 million Americans today. The statistics are staggering:

One million Americans die from some form of cardiovascular disease each year—one American every 33 seconds.

Heart disease is the number one killer in the United States, topping cancer (549,000 deaths), Alzheimer's Disease (44,536) and HIV/AIDS (14,802).

Women in particular are greatly affected, with one in five having some form of cardiovascular disease.

Heart disease and stroke are expected to cost the U.S. over $350 billion in 2003.

We should not be without hope, however, since cardiovascular diseases can be treated aggressively with a variety of procedures. Various treatment options include medicines for high blood pressure—a leading risk factor of heart disease and stroke, medicines that lower cholesterol, clot-buster medicines that can save the lives of heart attack patients and medicines that can prevent repeat heart attacks.

These means of combating heart disease are not cheap. This is why I have co-sponsored legislation in the past that will add more benefits to Medicare recipients, covering procedures such as cholesterol screening and medical nutrition therapy. I am looking forward to re-introducing the Medicare Wellness Act in the 108th Congress.

Even with the improved access to medical procedures and medicines, the American people still need to be educated on the issue of cardiovascular disease and its prevention. The U.S. Surgeon General considers over 61 percent of the American public overweight. We must continue to stress the need for including a healthy diet and regular exercise into our daily living. Education will lead to increased prevention.

Healthcare will be an important issue facing Congress this year. We must continue to provide funding for preventative education programs in addition to funding for research to stop the number one killer of Americans this year—cardiovascular disease.

I will continue to work as Co-Chair of the Congressional Heart and Stroke Coalition in order to increase the awareness of strokes and heart disease among the Members of Congress and the Administration.

IMPROVING CALCULATION OF FEDERAL SUBSIDY RATE

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of S. 141, and to commend Chairman MANZULLO and Ranking Member VELÁZQUEZ for their leadership in bringing this much needed legislation to the floor.

Passage of S. 141 will be the first step in correcting the SBA lending problems plaguing our nation's small businesses. This measure encourages the Administration to use a 7(a) subsidy rate model that would more accurately reflect the true cost of the small business loan programs to the taxpayer. Specifically, it permits the Office of Management and Budget (OMB) and the Small Business Administration (SBA) to use a recently completed econometric model to calculate the credit subsidy rate for the 7(a) small business loan guarantee program.

Once enacted into law, this measure will allow SBA's flagship loan program to meet the borrowing demands of our nation's small businesses. Without this legislation, the program would limit 7(a) loans to less than $5 billion for FY 2003. Currently, the 7(a) program is operating at a very reduced capacity, with a loan size cap of $500,000, to avoid exceeding the program limitations. According to a recent GAO study, the current model has also resulted in overcharges or taxes of $1.5 billion over the last 10 years. By limiting the 7(a) guaranteed small business loan program, we are unnecessarily restricting capital for America's small businesses to expand and create jobs.

In 2002, this crucial program backed 51,666 loans worth over $12 billion to small firms nationwide. Last year, 21 different financial institutions in Rhode Island approved 932 7(a) loans for a total of over $75 million to Rhode Island's small business community. In fact, 7(a) loans make up nearly one-third of all long-term loans made to U.S. small businesses. This program is important to every small business in America and deserves our continued support.

Small businesses are the backbone of Rhode Island's economy and account for more than 98 percent of the jobs in the state. As a proud member of the Committee on Small Business, I have been extremely concerned about the ability of small businesses to start and grow in the current economic climate. Now more than ever, Congress must support the growth of America's small businesses and help stimulate the real engine of this nation's economy. For these reasons, I rise in strong support of passage of S. 141 and urge my colleagues to support it as well.

TRIBUTE TO LETTY L. CARPENTER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CARDIN. Mr. Speaker, I rise to honor the exemplary career of Letty L. Carpenter of Jefferson, Maryland, on the occasion of her retirement from the Centers for Medicaid & Medicaid Services (CMS) after 30 years of Federal service. At a time when the need for dedicated public service to our nation is more critical than ever, it gives me great pleasure to honor the commitment Letty has demonstrated to such service, particularly for the low-income and vulnerable populations served by the Medicaid program. Her commitment is even more impressive when you realize that Letty regularly has arisen at 4:00 am to make the long commute from her home in lovely, rural western Maryland to her position with CMS in Washington, DC.

Letty was born and raised in Chicago, Illinois. She received a B.A. in Political Science from the University of Illinois in Urbana, Illinois, and a Masters of Arts in Geography, as well as a Masters of Public Health from the University of Michigan, Ann Arbor. Letty entered Federal service as a volunteer and later a recruiter for the Peace Corps, serving from July 1965 to May 1968. As a volunteer in Senegal, she introduced aural-oral techniques of language instruction to local schools to replace traditional rote teaching methods, wrote instructional materials, and also participated in laying the groundwork for a maternal and child health outreach program through the local hospital. As a recruiter in the United States, she conducted advertising and advance work for the Peace Corps recruitment drives at 40 midwestern universities and colleges. From 1970 to 1974, she worked for the University of Michigan, first as a Community Coordinator then later as a Research Assistant.

Letty continued her Federal career in Washington, DC, in 1974 when she was selected for the Management Intern Program with the Department of Health and Human Services (then HEW). Through this program, she had several rotational assignments to different agencies throughout the Department. From 1977 to 1979, she was a program analyst in the Medical Services Administration of the Social and Rehabilitation Services agency in HEW.

Letty started in the Centers for Medicare & Medicaid Services (formerly the Health Care Financing Administration) in the Medicaid Bureau in January 1979 and has worked for CMS until the present time. She has worked in the Office of Legislation for the last 23 years, where she has played a critical role in the passage of legislation through her assistance to senior managers in HHS, OMB and the White House, as well as Members and staff of Congress and their support agencies.

During her tenure in CMS, Letty has served nine agency Administrators and ten Department Secretaries all of whom have recognized her contributions with numerous awards, including Administrator's Achievement Awards and the Secretary's Award for Distinguished Service.

Letty is recognized nationally, within and outside the government, as a renowned expert in the intricacies of Medicaid law, regulations and policies, particularly those related to the extremely complex area of Medicaid eligibility requirements. She possesses exceptional abilities to skillfully analyze complex situations, focus attention on the key issues, develop practical options to address them, and explain it all in clear, concise and understandable language.

Letty has also skillfully trained numerous current and former colleagues in the complexities of Medicaid policy and part of her legacy in CMS will continue through the knowledge she has imparted to the current employees of the Office of Legislation and other parts of the Agency. Many people call her from around the country, from Federal, State, and local government agencies, as well as the private sector, for assistance because of her expertise in the Medicaid program.

All of Letty's colleagues in CMS and HHS will sorely miss her knowledge, insight, and can-do attitude, as well as her encouragement and lively sense of humor. Letty always has taken her responsibilities to the low-income and other vulnerable beneficiaries of the Medicaid program very seriously, but not herself. I join her colleagues and friends in congratulating her on her impressive achievements and wishing her well as she retires from Federal service. We expect that she will continue to be a valued participant in many important issues, as well as an even more active member of the Jefferson, Maryland, community, where she and her husband, Jim, have long resided.

COMMEMORATING THE ONE-HUNDREDTH ANNIVERSARY OF THE SALT RIVER PROJECT

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RENZI. Mr. Speaker, in the sun-soaked regions of Arizona, the most precious natural resource is not gold, nor is it silver. It is a priceless commodity, whose worth is not determined by its luster or quality, but by its volume and quantity. Even the world's most talented scientists are unable to replicate it, and it cannot be manufactured by machine.

It is water that sustains us and shapes our future to come. Without this gift of life, in the form of summer monsoon rain and high-mountain snowmelt, our lands would be uninhabitable and our lives impossible.

The Salt River Valley, which runs from eastern through central Arizona, is a main artery that carries within it the life-blood of the state. More than 2000 years ago, its lush banks were the home of the first people of Arizona, the Hohokam, who created an intricate network of irrigation canals that gave life to their communities.

Today, after countless natural cycles of alternating seasonal drought and flood, life, death and renewal, the early ingenuity of the Hohokam people lives on through the vision of the founders and 4,300 employees of the Salt River Project, the largest provider of surface water in Arizona and the nation's third-largest public power utility.

The Salt River Project began in 1903 when an association of landowners in the Phoenix area, frustrated by their inability to manage the water supply for their crops and cattle, incorporated their properties as collateral toward a federal loan under the National Reclamation Act. This community corporation led to the construction of the Theodore Roosevelt Dam, the largest structure of its day, and the foundation for a prosperous local economy and municipal infrastructure that was able to control the source and supply of its most valuable natural commodity.

In the century following this initial project, the focus and scope of the Salt River Project has grown to include a number of major power plants and generating facilities in Arizona and the Southwest that use thermal, hydroelectric and nuclear reaction for power production. Every day, Salt River Project's modern network of dams and power generating plants deliver water to more than one million residents and serve electricity to more than 780,000 customers at some of the lowest prices among major utilities in the Southwest, according to the Federal Energy Regulatory Commission. This attention to customer needs has earned Salt River Project accolades inside and outside of the energy and water industry.

As a result of the region's continuing capacity for development and efficient water management, census figures have shown Arizona's growth rate to be one of the fastest in the nation, with a 40 percent increase in population during the 1990's. The prosperity and quality of life that is presently enjoyed by every citizen of the great state of Arizona, is a testament to the vision of the founders of the Salt River Project and a legacy that has endured for the past one hundred years through the actions of its current and past employees.

Mr. Speaker, I rise today to congratulate the Salt River Project on the hundredth anniversary of its founding and to honor those individuals who have participated in bringing the precious gift of water to our desert environment.

IN RECOGNITION OF SOME EVERYDAY HEROES

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize four outstanding individuals who helped me resolve a matter involving one of the youngest constituents of the Fourth District of Virginia.

Jacquelyn Dominguez is the one year old daughter of a servicemember stationed at Ft. Lee. Jacquelyn was born with Cystic Hygroma on the right side of her neck. At the time of her birth, the cyst was diagnosed as "free floating." Last September 2002, the Army flew the family to Walter Reed Hospital in Washington, DC, for Jacquelyn to be seen by a specialist. The specialist did several MRIs and determined that the cyst was growing inward on Jacquelyn's neck, cutting off her breathing. The best option for treatment on this tender child would be an experimental drug, Picibanil Sclerotherapy, also known as OK 432.

It is not standard procedure for medical health providers to provide for experimental procedures. It is certainly not standard for them to read, and reread, and reread the rules again until they can find an exception. These four individuals, who neither I nor my staff had ever met before the plight of this little girl, took on my cause and made a difference.

They helped me save this little girl's life. For that I, and Jacquelyn's active duty family will always be grateful. It is at this time that I would like to recognize Ms. Mary Dix, Vice President of the Uniformed Services University of Health Science (USUHS), Colonel Charles C. Partridge, the Legislative Counsel for the National Association for Uniformed Services (NAUS), Dr. Stephen K. Scroggs, Ph.D., the Vice President of Government Affairs at Sierra Military Health Services, and the most valuable player of this team, Ms. Christine Van Cleave, of TRICARE Management Activity—Aurora, Colorado.

Mr. Speaker, I ask that you join me, our colleagues, and Jacquelyn Dominguez' family in saluting these four outstanding Americans. Their willingness to help young Jacquelyn is the very embodiment of our country's spirit, and it is fitting that the House of Representatives honors them on this day.

TRIBUTE TO MS. OLA RICHBOURG

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MILLER of Florida. Mr. Speaker I rise today to honor one of Florida's most cherished and dedicated citizens, whom over the course of her life has given an immeasurable amount of time and effort to the community that she has worked so hard to build. On February 15, 2003, the city of Laurel Hill will honor Ms. Ola Richbourg as its Citizen of the Year for 2003, recognizing her long and distinguished period of service to the Laurel Hill community.

Born on March 27, 1921 in the same wood frame home where she lives today, Ola is described by her peers as a lady that will go out of her way to help others. The daughter of John Franklin and Katie Haynes Richbourg, she learned the value of working for her community at an early age from her father who served three terms as a state representative, beginning in 1907. In 1977, she was appointed to the position of County Clerk of Laurel Hill and was subsequently elected, in 1979, to the City Council, where she remained for thirteen years.

Even more remarkable is her history of service to her country. Upon graduating from Laurel Hill High School in 1939 and attending a government-run school in Ocala where she learned shorthand and typing, Ola joined the United States Marine Corps on November 5, 1943, during the height of World War II. It was at a movie that Ola saw a commercial asking women to join the military in order to free up men to fight overseas. To Ola, it was an easy decision. She was simply doing whatever she could to help her country in a time of crisis, but her decision would have a profound impact on the future of our nation. It was her, and many other women's, choice to fight for her country, that would open up all kinds of new doors for women. Following World War II, Ola returned to Laurel Hill, believing she was done with military service. However, shortly thereafter, the Korean War broke out and she reenlisted without hesitation. Dedicating herself to the Marine Corps for nearly two decades, Ola retired as a Tech Sergeant in 1966.

Her strength and determination led her to fight for her country in one of the most important world conflicts of the 20th century and to personally win a battle against cancer of the larynx. Her smile is contagious and her heart as big as they come. She remembers how a nickel could once buy a big RC Cola and lots of candy and that fateful day when she learned where Pearl Harbor was, changing her life forever. It his her kindness and humility that have allowed her to do so much for so many during her life and I know she will continue to do so in the years to come.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to Ms. Ola Richbourg as she receives this special recognition as Laurel Hill's Citizen of the Year. Her contributions to the citizens of Laurel Hill and the United States of America are significant and impressive and I consider her a patriot of the highest order. On this such occasion, we honor a great soldier, civil servant, and neighbor; one of America's greatest citizens.

EAGLES CELEBRATE 100TH ANNIVERSARY IN SCRANTON

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th anniversary of the Fraternal Order of Eagles in Scranton, Pennsylvania. The Eagles Aerie No. 314 will celebrate this anniversary with a dinner-dance on February 22, 2003.

The Scranton Aerie began on Wyoming Avenue at a four-story building with two large concrete eagles at the top. The fourth floor was a magnificent dance hall; the third floor was used as a meeting hall by the Eagles as well as many local unions; and the second floor housed a social room with a wide, white marble staircase as its entrance. The first floor housed various businesses over the years. Throughout the early years, the Aerie had drill teams that performed in parades.

The 300 members of the Scranton Aerie are part of a national organization founded in 1898 that is now one million strong, with members in every state and parts of Canada as well. The Scranton Aerie moved to its present building in 1977 and takes pride in being the only fraternal organization with its own building in Scranton.

The Scranton Eagles are active with numerous charity projects, having donated several thousand dollars over the years, and with hosting state tournaments and conferences that bring hundreds of people to Scranton.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 100th anniversary of the Fraternal Order of Eagles in Scranton as well as their dedication to serving the community, and I wish them all the best.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. WAXMAN. Mr. Speaker, as the Ranking member of the House Committee on Government Reform, I join Chairman TOM DAVIS, Representative JOHN MCHUGH and Subcommittee Ranking member, Representative DANNY K. DAVIS, in introducing the "Postal Civil Service Retirement System Funding Reform Act of 2003."

The legislation we introduced today corrects the calculation of the Postal Service's contributions to its pension fund and provides immediate and needed financial relief to the Postal Service. It allows the Postal Service to reduce its debt and hold off on rate increases until at least 2006. It does this by crediting the

Postal Service for the real value of contributions it made in the past and changing how contributions will be computed in the future.

This legislation is being introduced quickly because, without it, the Postal Service faces an increasing financial crisis. The Postal Service has suggested that, in the absence of such a change, a rate increase will be necessary within a year. While there is a need for action to be taken quickly, the issue requires more measured consideration than we are able to give it in this short time. That is why the bill includes a mechanism for Congress to revisit this issue. The bill requires the Postal Service to report on the ways in which the savings can best be used so that Congress can make an informed decision on such use. Given the many serious concerns about the Postal Service's future obligations, our legislation is only the first step in addressing much larger problems.

The legislation that we introduced today, however, is not perfect and we are still working on areas of disagreement. For instance, the bill requires the Postal Service to pay the pension costs associated with military service both before and after the change from the old Post Office Department to the new Postal Service. I do not believe this is a good idea; I am not convinced that the Postal Service, which is supposed to run like a private business, should be paying the costs of military service for employees in the Civil Service Retirement System. I am confident we will continue to be able to work together to resolve this important issue.

In closing, I want to commend Chairman DAVIS, Rep. MCHUGH, and Rep. DANNY DAVIS for their efforts in addressing this problem and for working in a bipartisan manner. The Postal Service faces many challenges and I look forward to working together on strengthening our nation's Postal Service.

FUEL CELL RESEARCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak about promising technology that could help protect our environment and safeguard our national security. Given time and support, research into hydrogen-powered fuel cells could yield a reliable, clean source of power and curtail our dependence on foreign oil.

By chemically combining oxygen and hydrogen, fuel cells generate electricity up to three times more efficiently than any internal combustion engine. Hydrogen has the highest energy content of any known fuel, and hydrogen-powered fuel cells run almost silently while emitting no pollutants. An automobile powered by fuel cells would produce only water as waste. Furthermore, hydrogen could be used for far more than transportation. Hydrogen fuel cells could be used to power homes and offices, and even to replace batteries for computers, cell phones, and other appliances.

Fuel cells could not only serve as a clean and efficient energy source, but also as a way to limit our reliance on foreign oil. If we don't concentrate on viable alternatives to now, the United States is expected to import 68 percent of the oil it consumes by 2025. Should hydrogen-powered fuel cells fulfill their promise, we could drastically reduce that figure and ensure our independence in a way that keeps our environment protected.

Despite the great potential of this technology, there are significant obstacles to overcome. Usable hydrogen remains expensive to produce and difficult to store effectively. At present fuel cells can cost up to ten times more than conventional engines. There is important work to do in this field, and I am proud to say that there are over a dozen organizations in my home state of Texas hard at work on solutions. Often Texas is thought of as oil country, but our state has the opportunity to play a vital role in the development of viable alternatives.

As a ranking member of the Science Committee, I am very interested in any technology that could help keep our environment cleaner and our people more secure. I appreciate the opportunity to participate and look forward to ongoing involvement in this promising avenue of research.

INTRODUCTION OF THE SOCIAL SECURITY PROTECTION ACT OF 2003

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. SHAW. Mr. Speaker, today I am introducing the Social Security Protection Act of 2003 to provide the Social Security Administration with the additional tools they need to fight activities that drain resources from Social Security and undermine the financial security of beneficiaries.

Many Social Security and Supplemental Security Income beneficiaries have individuals or organizations called "representative payees" appointed by the Social Security Administration to help manage their financial affairs when they are not capable. At present nearly 8 million beneficiaries entrust their financial arrangements to 'rep payees'. Representative payees safeguard income and make sure expenditures are made for the beneficiary's good. While most are conscientious and honest, some are not.

Despite current precautions, abuse continues. For example, the Social Security Administration Office of Inspector General investigated one case in which an organization serving as representative payee to several hundred beneficiaries inappropriately charged those beneficiaries over $100,000 in fees, which were paid for almost entirely using their benefits. In addition, this representative payee continued to receive and accept beneficiaries' checks without notifying the SSA when beneficiaries left the organization's care or were missing.

The Inspector General reported that between January 1997 and December 1999, Social Security identified over 2,400 representative payees who misused approximately $12 million in benefits entrusted to their management. This bill raises the standards for persons and organizations serving as representative payees and imposes stricter regulation and monetary penalties on those who mismanage benefits entrusted to their care.

This bill also picks up where previous legislation ended in stopping benefit payments to those who have committed crimes. In 1996, Congress passed provisions denying Supplemental Security Income benefits to persons fleeing to avoid prosecution or confinement. However, these fugitive felons can still receive Social Security benefits, and the Congressional Budget Office estimates we will pay over $500 million to them over the next 10 years directly out of the Social Security trust funds. This is not right, and this legislation denies the money to those fleeing justice.

My legislation also provides tools to further safeguard Social Security programs, help shield Social Security employees from harm while conducting their duties, expand the Inspector General's ability to stop perpetrators of fraud through new civil monetary penalties, and prevent persons from misrepresenting themselves as they provide Social Security-related services.

My legislation not only prevents fraud and protects the Social Security programs, it also helps those who are legitimately seeking to receive benefits by improving the attorney fee withholding process. This bill caps the current attorney fee assessment and extends fee withholding to Supplemental Security Income claims, enabling more individuals with disabilities to receive needed help navigating a complex application process for benefits.

And finally, this legislation continues the great work of the Ticket to Work and Work Incentives Improvement Act, helping individuals with disabilities to return to work and independence when they are able.

Protecting Social Security programs is a key responsibility of the agency and of Congress. Taxpayers must be confident that their hard-earned payroll dollars are being spent accurately and wisely, and in the best interest of beneficiaries. That is why the 107th Congress's version of this bill, the Social Security Program Protection Act of 2002 (H.R. 4070), passed the House with overwhelming bipartisan support, 425–0. This bill is the culmination of bipartisan effort, as well as the cooperation and support of the Social Security Administration and the Office of Inspector General. The legislation also benefited from prior feedback by advocacy groups and law enforcement agencies. Last, but certainly not least, this bill results in a small amount of savings for both the Social Security trust funds and general revenues.

I urge all Members to cosponsor this important legislation and look forward to bringing this bill to the floor as quickly as possible.

INTRODUCTION OF LEGISLATION PROVIDING IMPROVEMENTS TO SOCIAL SECURITY PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MATSUI. Mr. Speaker, I pleased today to join with Congressman Clay Shaw, the Chairman of the Subcommittee on Social Security, to introduce legislation to make important improvements in the Social Security program. These improvements would better protect vulnerable beneficiaries who cannot manage their own benefits; expand access to professional representation for disability claimants; and reduce the vulnerability of the program to fraud and abuse. The bill is very similar to H.R. 4070, which was adopted unanimously in the House last year. Unfortunately, even though the bill later passed the Senate with some minor changes, the House did not take it up again before the 107th Congress adjourned.

This bill was developed as a result of hearings our Subcommittee has held over the past several years, recommendations from the Social Security Administration and its Inspector General, and the concerns of beneficiaries and their representatives. It makes the following changes:

Representative Payees: Some Social Security and Supplemental Security Income (SSI) beneficiaries are unable to handle their own benefits, because they are too young, too frail, or otherwise unable to manage their own funds. In such cases, SSA appoints a "representative payee" to manage their benefits. The payee can be a family member or other individual, or an organization. The bill makes improvements in the representative payee system to prevent misuse of beneficiary funds by payees, to increase oversight of payees, and to expand the ability of SSA to repay benefits which are misused by a payee.

Attorney Fees: The bill extends SSA's fee-withholding system to attorneys who represent SSI claimants, so that they could be paid directly by SSA out of the past-due SSI benefits. In this way, more individuals would be able to gain access to professional representation in pursuing their claim. It also caps the user fee that SSA charges for processing attorney payments at $75.

Program Protections: The bill increases penalties for misrepresenting facts relating to benefit eligibility; denies Social Security benefits to fugitive felons and those in violation of parole or probation; requires companies that offer for a fee services that SSA provides for free to say so in their solicitations; and makes other changes requested by the Office of Inspector General to prevent fraud and abuse.

The bill also makes other miscellaneous, technical and conforming changes to the Social Security Act.

I want to especially highlight the importance of the attorney-fee changes. Professional representation is a valuable—and indeed vital—service. The disability determination process is complex. Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, among claimants represented by an attorney, 63.6 percent were awarded benefits at the hearing level in 2000. In contrast, only 40.1 percent of those without an attorney were awarded benefits.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those past-due benefits in order to pay the attorney for the services he or she provided. This system of direct-payment, which is only available to attorneys representing applicants for Social Security disability insurance benefits, helps to promote access to representation by assuring that attorneys receive payment for their services while protecting beneficiaries by capping allowed fees.

The bill makes two important changes to the attorney fee system. First, it extends the direct-payment system to attorneys representing claimants for SSI. Without direct fee payment, SSI claimants are often unable to obtain needed legal representation, as there is no way for attorneys to be assured of payment for their services. Such claimants are often particularly in need of professional assistance, as they have no other sources of income to fall back on should their claim for disability be wrongly denied.

Second, the bill caps the processing fee deducted from the attorney's payment at $75. Since the adoption of the processing fee in the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170), our Subcommittee has conducted two hearings on the long delays involved in paying attorney fees. We have had some success in speeding up payment, but there remains much room for improvement. It is only fair to cap the processing fee if SSA cannot assure timely payment of fees. Hopefully, this cap, in combination with the other provisions of the bill, will also mitigate the loss of experienced representatives from the disability bar, who have been forced to close their practices as a result of delays in fee payments and the imposition of the processing fee.

In closing, I look forward to working with Chairman Shaw on this piece of legislation in the same bipartisan manner that characterized our successful efforts on the Work Incentives Improvement Act, the repeal of the retirement earnings test, and our ongoing efforts to protect the security and privacy of Social Security numbers. With this sort of collaboration, I am certain that we can pass this bill as well.

HONORING PHYLLIS SHAPIRO SEWELL AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Phyllis Shapiro Sewell, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; leadership; and distinctive accomplishments.

Bright and well educated, Phyllis graduated from Wellesley College with honors in economics in 1952. She often says she found her first job by perusing the newspaper classified advertisements under "Help Wanted—Female." She could not have imagined then her impact as a pioneer in women's rights in the workplace. As a junior analyst with Federated Department Stores, Phyllis' hard work and dedication set her apart as she began her ascent up the corporate ladder. By the time she was 28, she had been promoted to research director. She spent her entire career at Federated, an $11 billion corporation operating department stores, discount stores and supermarkets. Phyllis' responsibilities centered on corporate and divisional strategic plans; studies of consumer attitudes and buying habits; and development of effective and information systems.

After retiring from Federated as a senior vice president, Phyllis had a second career serving on several major corporate boards, including Pitney Bowes Inc.; U.S. Shoe Corporation; Lee Enterprises, Inc.; Sysco Corporation; and Huffy Corporation.

Phyllis was named to Business Week's list of top 100 corporate women and to Industry Week's list of top 85 executives. She received Wellesley College's Alumnae Achievement Award in 1979 and was inducted into the Ohio Women's Hall of Fame in 1982.

Devoted to her family, Phyllis is married to Martin Sewell, and they have a son, Charles. Phyllis has also given her talents to the boards of the Cincinnati Jewish Federation; Jewish Foundation of Cincinnati; and United Way.

All of us in Cincinnati thank Phyllis for her service to our commnunity, and congratulate her for being named a Great Living Cincinnatian.

TRIBUTE TO VAL ALVARADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Valentino Alvarado of Montrose, Colorado. Val served in the United States Navy for over 23 years and is a veteran of three American wars. Val had been in the Navy less than a year when his ship, the USS *Maryland*, was hit during the Japanese attack on Pearl Harbor on December 7, 1941. Today, I would like to pay tribute to Val's life and contributions before this body of Congress and this nation.

Val joined the Navy when he was still in his senior year at Montrose High School. At age 17, Val dropped out of high school and went to boot camp in San Diego. After basic training, he was assigned to the USS *Maryland*, serving as a mess cook stationed in Pearl Harbor. On the morning of the attack, two Japanese torpedoes hit the bow and stern of his ship, causing many casualties to the crew. Miraculously, Val was able to escape the attack unharmed and soon reported to a new ship preparing for war.

After World War II, Val continued to serve his country through both the Korean and the Vietnam Wars. Between wars, Val made a living as a professional boxer and won the military bantam weight boxing title. After serving in the military for 23 years, Val retired and went into law enforcement. He was the first Hispanic officer ever to serve in the Montrose Police Department. He also enrolled at Colorado University, where Val received his bachelor's degree. Today, Val lives at home in Montrose and serves as a role model and mentor to his two grandchildren, who he also wants to see graduate from college.

Mr. Speaker, it is with earnest respect that I recognize Valentino Alvarado of Montrose, Colorado before this body of Congress and this Nation. Throughout his life, Val has served his country with the honor, distinction, and integrity that we, as Americans, have come to respect from our Nation's military. His courage is a testimony to his character, and it is an honor to represent such an outstanding American in this Congress.

TRIBUTE TO JESSICA WEHLING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Jessica Wehling of Grand Junction, Colorado. Last December, Jessica received the highest award for a Junior Girl Scout, the Gold Award. Today, I would like to pay tribute to Jessica's commitment and accomplishments before this body of Congress and this Nation.

Jessica Wehling has served her community and her country in many ways as a Girl Scout. She began her career as a Daisy Girl Scout, where she first learned the values of discipline, commitment, and goodwill that have become her hallmark. As an example of her ingenuity, when Jessica's car was hit by a truck in the Fruita Monument High School parking lot she began brainstorming parking alternatives to prevent future accidents at the school.

Through her efforts, Jessica was able to redesign the parking lot to add more spaces, a drop off area, and make it more driver friendly. Jessica also came up with an incentive program that gave preferred parking spots to students who carpooled to school. Her project displayed a great deal of ingenuity and initiative. Fruita Monument High School has now redesigned the parking lot and plans to begin Jessica's carpool incentive program in January.

Mr. Speaker, it is with great pride that I recognize the contributions of Jessica Wehling of Grand Junction, Colorado before this body of Congress and this Nation. Jessica's hard work and determination serves as an inspiration to us all, and it is an honor to represent such an outstanding American in this Congress. I look forward to witnessing Jessica's future accomplishments and wish her all the best. Keep up the good work.

IN HONOR OF MURIEL SEABROOK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mrs. Muriel Seabrook for serving the children and families of Jersey City. Upon her retirement, she was honored at Casino in the Park in Jersey City, New Jersey, on December 7, 2002.

Mrs. Seabrook began working as a parish social worker for the Trinity Lutheran Church in Jersey City, and became a caseworker for the Hudson County Welfare Board. In 1966, she began her 37 years of devoted service with the Jersey City Child Development Centers, Inc., "Project Head Start". Through her hard work and dedication, she rose to the position of assistant director in 1979. For her exceptional work, the National Head Start Association honored her as the 1999 Administrator of the Year.

She has further contributed to the community through her involvement in a variety of organizations, including: the Hudson County-New Jersey Child Placement Review Board, as chairperson; the National Review Panel for the Office of Human Development Services; and the Comprehensive Program Review Team, as an ACYF peer reviewer. In addition, she has been an organist and choir director in parishes throughout Minnesota and New Jersey for over 40 years.

Mrs. Seabrook graduated from St. Olaf College with a degree in Sociology. She is a devoted wife, mother, and grandmother.

Today, I ask my colleagues to join me in honoring Mrs. Muriel Seabrook for her selfless devotion to making Jersey City a better place for our children and our families.

TRIBUTE TO LYMAN THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Lyman Thomas, who sadly passed away recently at the age of 76. Lyman was a pillar of the Montrose community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Lyman was born to Charles and Beulah Thomas on March 22, 1926. At the age of nine, Thomas suffered the loss of his father. As a member of what has been called the "greatest generation," Lyman's life exemplifies the dedication to others embodied by many from that era. In 1944, Lyman joined the Air Force in order to serve his country during WWII. Upon leaving the service, Lyman attended Colorado A&M (now CSU) and within a year was able to pursue a career in aviation. In June of 1948 Lyman married Lila Whitley with whom he raised two children: Lyman Jr., who sadly passed away in 1983, and daughter Lennette.

Lyman began his career with Monarch (Frontier) Airlines, eventually moving over to Delta, where his ability and dedication allowed him to assume a managerial position in the Delta Chamber of Commerce. It was while he held this position that Lyman and fourteen others founded Club 20, designed to unify the voices of over 20 counties, earning it the nickname the "Voice of the Western Slope." It was Lyman's passion for his community that caught the eye of two governors of Colorado. Lyman was appointed to the Parks and Recreation Board and later, due to the efforts of Club 20, to the committee charged with selecting a location for Interstate Highway 70. In 1953 most roads connecting Western Slope towns were dirt or gravel. It was Lyman's efforts on this committee, and the important contributions of Club 20, that were instrumental in the paving of local roads.

Mr. Speaker, it is my honor to pay tribute to the life of Lyman Thomas, a man whose character and impact on others is evident in the lives of all who have crossed his path. It is with admiration, respect and a sense of sadness that I recount Lyman's 76 years of life before this body of Congress. Although Lyman has left us, his good-natured spirit lives on through the lives of those he has touched. I would like to extend my thoughts and deepest sympathies to Lyman's family and friends during this difficult time.

TRIBUTE TO JOSEPH PADDILLA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Joseph Paddilla of Denver, Colorado. Mr. Paddilla's efforts have helped countless members of the Colorado community. Through his construction work, Joe has made a difference in the lives of others.

Joe began his career in construction while still in high school, helping his father to build and remodel kitchens. Following high school, he attended the University of Florida. In 1982, Joe started his own business, Town & Country Kitchens, designing and manufacturing custom kitchens. In his role as owner, Joe was a pioneer in the construction of handicapped accessible kitchens even before building codes had mandated their construction. It was for this kind of forward thinking that Mr. Paddilla was awarded the Mayor's Award for Outstanding Contribution to the Disabled Community in 1983.

Mr. Paddilla's efforts to help the handicapped community have been innumerable. On behalf of Police Officer Toby Bethel, who was injured in the line of duty, Joe was instrumental in designing and financing a kitchen that Officer Bethel could use. Joe worked diligently with the Denver Home Builders Foundation to assist Officer Bethel. I would like personally to thank Mr. Paddilla for all of his hard work on this project. He and his company have also designed and built a $1.5 million, state-of-the-art home as a donation to Cherish the Children, an organization that provides educational assistance to children. He is currently the president and chairman of the Costuyendo Education Network, a program that educates minority and immigrant construction workers through bilingual education, teaching them how to start their own businesses in Colorado. Mr. Paddilla has helped his community in many ways, and continues with his active involvement in various philanthropic organizations.

Mr. Speaker, it is with great respect that I recognize Mr. Joseph Paddilla before this body of Congress and this nation. Through his efforts to help his community, Mr. Paddilla has served others in an exceptional manner, and I feel honored to have the opportunity to pay tribute to him.

IN HONOR OF ALEX ANTÓN'S AND ROGER E. HERNÁNDEZ'S PUBLICATION, CUBANS IN AMERICA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the publication of Cubans in America: A Vibrant History of a People in Exile, by Roger E. Hernández, and Alex Antón. A documentary of four centuries of Cubans living and thriving in America, the book follows the history of Cubans in America from the 16th century, with the settlement of St. Augustine, to the present day.

Mr. Roger E. Hernández, a nationally syndicated columnist writing on Hispanic-American issues, along with Alex Antón, published Cubans in America in May of 2002.

Mr. Hernández writes for a weekly op-ed column distributed by King Features Syndicate to some 40 daily newspapers across the nation. He also writes articles for other newspapers and magazines, is a frequent guest on televisions and radio political talk shows, travels the country delivering lectures, and wrote several books that make up part of a series about South America for 4th through 6th grade students.

Mr. Hernández left Cuba with his parents at the age of nine. He quickly established himself in the United States and earned a BA in Journalism at Rutgers University in 1977. Currently, he lives with his wife and two children in Boonton, New Jersey.

Today, I ask my colleagues to join me in honoring Roger E. Hernández and Alex Antón for the publication of Cubans in America: A Vibrant History of a People in Exile. I commend these authors for celebrating the importance and influence of Cubans in our Nation.

TRIBUTE TO RUSSELL D. SERZEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with honor that I recognize Mr. Russell D. Serzen of Durango, Colorado. Russell was a man of absolute integrity and strength. His conviction and dedication to Fort Lewis College's Community Concert Hall was a great asset, and yielded great benefits to his community. At this time, I would like to pay tribute to Russell's life and accomplishments.

Mr. Serzen was born in Chicago, in 1933. He attended the University of Illinois, where he played hockey and baseball. He was named Most-Valuable-Player in baseball in 1954, and that same year he signed a contract with the New York Yankees. His baseball career was cut short in 1956, as he entered the Army. He was the first baseball player to be introduced into the University of Illinois's Hall of Fame. On September 19, 1950, Russell married Elizabeth Hanson. The two were blessed with three children. During his youth, Mr. Serzen was a medical supply salesman and a founding member of the Institute for Orthopaedic Enlightenment.

In 1989, Mr. Sezen retired to Durango, Colorado. Once he was there, he became a strong supporter of Fort Lewis College's Community Concert Hall. He was always doing something to promote the community's interest in the Concert Hall, from organizing pledge drives to helping with the program planning. While living in Durango, his passions included jazz and handball. It was this passion for jazz that lead him to become so involved with the Community Concert Hall. Through his many efforts, Fort Lewis College's Community Concert Hall has grown in strength and in renown.

Mr. Speaker, it is with great pride that I recognize Mr. Russell D. Serzen before this body of Congress and this nation. His advocacy for the Performing Arts in Western Colorado has helped establish a strong tradition of music and its appreciation. His memory will live on in the lives of his family, his friends, and the many people who were touched by his life.

TRIBUTE TO POSADA AGENCY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Posada Agency of Pueblo, Colorado for their outstanding commitment to Southern Colorado's homeless citizens. Recently, the Posada Agency held an open house celebrating the opening of the newly remodeled Elko Motel. The Posada Agency renovated the building to provide a safe living area for Pueblo's homeless families. Today I would like to pay tribute to their service before this body of Congress and this nation.

The Posada Agency for the homeless is a non-profit organization that provides for the immediate needs of the homeless while simultaneously working to overcome the problems that have led to their homelessness. The agency incorporates the services of many philanthropic groups, government agencies, and nonprofit organizations to provide the resources necessary for the fight against homelessness. Through their transitional housing and employment assistance programs, Posada has been able to serve over 37,000 homeless in Southern Colorado.

The Elko Motel was purchased by the Posada Agency two years ago with financial contributions from the El Pomar foundation and the David and Lucile Packard Foundation. Since then, the Posada Agency has been completely renovated. Today, the hotel has new plumbing, wiring, and carpeting, providing a structured and safe environment for Pueblo's homeless families.

Mr. Speaker, it is with earnest respect that I recognize the Posada Agency for the homeless before this body of Congress and this nation. I would like to commend all the men and women of the agency for their tireless commitment to such a noble endeavor. Through their dedication and goodwill, the Posada Agency has been able to help countless numbers of homeless get back on their feet, and it is an honor to represent such an outstanding group of Americans in this Congress.

IN HONOR OF NORTH HUDSON REGIONAL FIRE AND RESCUE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor North Hudson Regional Fire and Rescue (NHRFR) and its outstanding professional firefighters and rescue personnel who are the pride of the five northern New Jersey communities that they serve with such great distinction—Union City, Weehawken, North Bergen, West New York and Guttenberg.

In the aftermath of the 9/11 terrorist attacks on the World Trade Center and the Pentagon, there is renewed national appreciation and respect for the heroic men and women who put their lives at risk in the line of duty every day in every American community. These are truly the heroes in our midst, each and every one an authentic profile in courage. I share the pride of my fellow Hudson County citizens in the outstanding performance of NHRFR fire and rescue personnel in support of their NYFD and NJ-based colleagues on 9/11, and each and every day preceding and following that horrific tragedy.

Prior to my Congressional service, I had the privilege of being the mayor of Union City, New Jersey. As a mayor, I learned a lot about what it takes, in terms of money, management and leadership capability, and training time to develop and maintain a fire and rescue fire-responder team that is prepared and equipped to handle every conceivable emergency situation in a community. I am grateful to have had that experience, because I gained a great deal of understanding and insight about what we, as a nation, must now do to ensure that our fire and rescue first responders have the tools and the training to meet the growing demands and dangers of their public safety mission.

Since 9/11, the mission of our local fire and rescue first responders has expanded exponentially, and is now elevated to the level of a national defense imperative. With the ominous continuing threat of more terrorist attacks on American soil, our local fire and rescue teams face a daunting array of new and highly-dangerous emergency response conditions, ranging from "conventional" bomb attacks on buildings, aircraft and public transportation systems, to attacks involving "dirty" nuclear bombs, lethal chemicals and biological warfare materials.

Regrettably, the President's words about providing resources for first responders have not yet been matched with funding that our local fire and rescue teams desperately need for upgraded equipment and specialized training to meet the growing challenge of post-9/11 terrorist attack scenarios. I have publicly urged Homeland Security Secretary Tom Ridge to release critical funding for our nation's first responders. The President's words of praise for fire-fighters and rescue personnel at the World Trade Center disaster site included his promise to deliver major funding for first responders. This Presidential promise must be kept, because failure to do so imperils the safety of the American public, and endangers the very lives of the heroic men and women whose job it is to run toward the danger and help to save their fellow human beings.

Specialized training for our local fire and rescue first responders is a key area where there is a critical need for additional federal funding. In order to underscore the importance of good training, I would like to share with my colleagues an article about North Hudson Regional Fire and Rescue that appeared in the December, 2002 edition of Fire Engineering. I commend this article about NHRFR to my colleagues, because it will provide them with a "window" through which to view all of the complexities involved in planning and managing technical rope rescues. Though the NHRFR team might regard this operation as "just another day at the office", the techniques employed in their dramatic rescue of a man who had fallen 100 feet off the Palisades cliffs should conjure up images in the minds of my colleagues about the application of these highly specialized technical skills in disaster site settings.

I also want to extend my congratulations to North Hudson Regional Fire and Rescue for its achievement as the winner of the New Jersey State League of Municipalities 2002 Innovation in Governance Award for its exemplary Quantitative Safety Project. NHRFR's achievement has been further recognized by the National League of Cities, which has added NHRFR's project information to the NLC national research database of "best practices" models.

Mr. Speaker, I ask consent to include the text of the December 2, 2002 Fire Engineering article about North Hudson Regional Fire and Rescue with my remarks in the CONGRESSIONAL RECORD.

[From Fire Engineering, Dec. 2002]

PLANNING AND MANAGING TECHNICAL ROPE RESCUES

(By Anthony Avillo)

On October 11, 2002, North Hudson (NJ) Regional Fire & Rescue responded to the Palisades cliffs for a reported injured man. The victim was discovered approximately 100 feet below Boulevard East in Weehawken, New Jersey. Rescuers successfully removed him from the cliffs and transported him to a local hospital, where he was treated for injuries suffered in the fall and for hypothermia (see photos and cover photo).

Successful technical rope rescues (TRRs) do not just happen. Successful rope and rigging operations are the end product of a program approach based on planning, preplanning, practice, and implementation.

There are three priorities to address whenever operating at a technical rescue:

Priority 1: Safety of operating personnel (Command's overriding concern).

Priority 2: Stabilization of the victim medically and of possible incident complications.

Priority 3: Victim removal.

KEYS TO SUCCESS

For a positive outcome, you must consider the following points:

Preplanning. A large percentage of TRR decisions lend themselves to preplanning. The "we'll figure it out on the mountain" school of thought is a failure-rich mindset. When preplanning, consider tactics, strategies, and action paths. Preplanning clears the screen for the rescue commander and allows him to focus on unique aspects and variables of the particular incident. TRRs require rapid, on-site decisions and tactics. This task can consume command energy and divert attention away from other command and control goals. If you preplan system construction, apparatus placement (anchor points), and on-line and in-system personnel assignments, the IC and rescue personnel will arrive on-scene with a continuum of predeterminations and are more able to respond to the variables.

Training and technical skills. North Hudson Regional performs three or four of these rescues a year, and each presents its own set of challenges. Improvisation is often the name of the game to be successful. Remember, however, that only through mastery of the technical skills and equipment required to conduct a technical rope rescue is safe improvisation possible. To be able to safely improvise at the scene takes countless hours of training and extreme familiarity with the equipment.

At times, it may be necessary—based on staffing and the demands of the rescue—to teach simple rescue techniques such as belay line on the spot as the incident is unfolding. This still requires initial personnel with technical skills.

Preassigned positioning of the rescue team. Successfully conducting this type of operation requires developing an organization prior to the incident. Training on rigging construction and rope and knot skills is essential, but you also must focus on preassignment of incident positions and responsibilities. Address span-of-control issues and key operating positions, and spell out responsibilities and duties in standard operating procedures. Preassign primary and backup personnel for all on-line and rigging positions. It is a good idea to have at least one member of each on-line team trained to at least the first responder or EMT level so that you can perform an immediate victim assessment when you reach the victim. Also preassign Command positions such as rescue group leader, hauling boss (that member assigned to run the actual hauling/lowering operation), rigging master (the member assigned to oversee all anchoring and rigging operations), hot zone safety officer, and other support positions. Continuous cross-training of personnel will increase organizational and operational flexibility and thus effectiveness.

Apparatus positioning. You get only one chance to position properly at this type of incident. Officers should stage apparatus for optimal tactical flexibility. Congesting the scene, especially in a remote area where many of these rescues take place, will only complicate the problem. Aerial apparatus should get the key positions, as the device will likely be used as a gin pole from which to lower personnel and hoist victims. Again, preplan. Companies responding without aerial capability must not drive into the middle of the operational zone.

Foremost in the minds of the IC and the first-arriving officers is the availability of anchor points. These should be "bombproof," or immovable. Common anchor points include apparatus, trees, telephone poles, and solidly anchored fences. In apparatus-unfriendly areas, big trees or big rocks have been used. Leave a clear path between anchor points, hauling/lowering devices, and the target zone.

Command and control. Strong command and control are integral to safe, organized, and coordinated rescue operations. The key to this organization is decentralization of the rescue ground. If this can be resolved prior to an incident, the less the IC has to think about in regard to how to break down the operational area and to whom to assign these responsibilities.

Predesignation of rescue personnel coupled with an effective SOP that is both adhered to and enforced is the first step in this organizational process. One of the most crucial positions assigned is the Operations Section chief, who will act as a buffer between the IC and the rescue operation, freeing the IC to attend to other issues pertinent to the incident, while not directly participating in the operation itself.

Control of the scene by designating operational zones is the next step in the command and control process. Address scene and perimeter control in SOPs, similar to establishing haz-mat control zones. Control zones are as follows:

Target zone: The area where the victim is located. Keep the number of target zone personnel to a bare minimum, usually two rescuers. This is the most dangerous area on the rescue ground, usually the last zone established and the first terminated. A major focus of Command should be to minimize operational time in the target zone. It is essential that, whatever number of rescuers are on-line, there be an equal number of rescuers (basically a rescue rapid intervention team) properly geared up and ready to go should something go wrong in the target zone.

Hot zone: The main area where technical rescue operations (rope systems and rigging) take place. Participation in the hot zone should be by "invitation only" and be limited to those personnel whose duties and responsibilities are directly related to the safe setup, operation, and breakdown of rescue systems. The rescue group leader, hot zone safety officer, hauling boss, rigging master, and rescue group support personnel are located in the hot zone.

Warm zone: The area where support of the technical rescue operation is attended to. The Operations Section chief is generally located in this area. He should liaison with the hot zone safety officer and rescue group leader and reinforce and support the hot zone activities as required. He will also keep Command informed and updated on incident progress. Generally, if the incident is going smoothly, the Operations Section chief remains in the warm zone. He only moves if the need arises. The incident safety officer, whose duty is to monitor overall scene safety, is generally located in the warm zone but may spend some time in the other zones as the situation dictates. Also initially located in the warm zone are those personnel who will support the operation and work in the hot zone once the rescue system is assembled. They are essentially hauling personnel, who are best kept a safe distance from the main setup area until the hauling/lowering is ready to proceed.

Cold zone: This is the area where incident support operations are directed to both the internal rescue operation and external activities required to coordinate and bring the incident under control. The Command Post is located in this area, providing direction and overall control of the incident. An accountability officer and entry control point supervisor should also be located in this area. In addition, firefighter rehab and EMS are located in the cold zone, as are personnel assigned as tactical reserve.

Public zone: This area is for such extrinsic activities as public information. The department's public information officer should establish a press area. Uncommitted apparatus staging should also be located in this zone. Perimeter and scene control is nothing new to the fire service, but it is a critical and often overlooked portion of the technical rescue operation.

Victim/target zone access and stabilization. The main priority of the entire operation must be the victim and where he is located (the target zone). The rescue group leader must determine the safest, most effective path for rescuers to reach the victim.

Assess target zone terrain. Ask yourself, What hazards are present? Is it dark? Is a steep slope involved? Is there a frictionless footing hazard such as wet or icy terrain? Are there anchor points in the target zone that can be used as temporary tie-offs for rescuers? What special equipment will be required to work in the target zone, and what is the best way to get it there? Utility umbilicals should be built into all rescue systems to ferry equipment and supplies to the target zone. Lifelines should NOT be used for this purpose.

Then, assess the victim: Can you even see the victim? Is there more than one victim? Can a thermal imaging camera help? What is the probable medical profile of the victim(s)? You must try to improve victim comfort as soon as possible. This may include conducting a medical assessment in the target zone, providing blankets to keep body heat from being lost, and administering fluids and possibly intravenous medication prior to removal. The rescue group leader must keep the victim's comfort in mind as the incident unfolds. Sometimes, so much is going on topside that the victim's needs take a backseat. Remember, the entire complex operation stems from the victim's predicament.

EMS considerations. EMS will play a large part in this type of rescue, from administering to the victim to medical monitoring of rescue personnel. As with any other agency, determine the scope of EMS personnel's participation, roles, and responsibilities in advance. Assign an EMS group supervisor, preferably prior to the incident. The bulk of the EMS responders should remain in the cold zone, with unobstructed access into and out of the operational area. A skeleton crew of EMS personnel with equipment should stand by in the warm zone until the victim has been packaged and is being removed from the target zone. EMS personnel should be in a safe area (you can call this area the victim landing zone) where they can have immediate access to the victim when he is brought safely topside.

Unassigned personnel/staffing considerations. To conduct technical rope rescues safely and properly requires much staffing. Command must ensure that a tactical reserve is on-scene as soon as possible. A good rule of thumb to follow is to double the number of personnel you think you will need. To maintain proper control over incoming personnel, establish strict staging and non-assigned personnel policies. Additional personnel should report to the command post for assignment. This requires a gatekeeper position similar to the lobby control officer in a high-rise operation. Establish a gatekeeper position at each zone to keep track of who passes in and out.

From the command post, assign staffing as per the requirements set forth by the operational zones. As stated, personnel will be required for the bull work, the working of rescue and belay lines. These personnel are not usually essential to the rigging operation, so stage them in the warm zone. When they are needed, conduct a briefing outlining their hot zone duties. In the hot zone, brief them again prior to operation.

You will need other personnel for equipment and stretcher shuttles, lighting, and other support operations not directly involved in the rescue but essential to the operation. Remember, too, that other odd jobs will always pop up. The work of support personnel keeps the operation moving in the proper direction.

Communications. Communications during large-scale incidents can be a nightmare if you do not properly control and predetermine them before the incident. The rescue team (on-line), the rescue group leader, and the hot zone safety officer at a minimum should operate on a rescue frequency (basically the fireground frequency) while the Operations Section chief and the IC maintain a Command frequency. Aides can be used to monitor the rescue frequency.

Although many of the communications will be face-to-face, also establish a hand signal communication system—especially for the member operating the aerial device. From the turntable, it may be difficult to hear the commands of someone guiding the device over the target zone.

Establish communication with the victim as soon as possible. Make every effort to put him at ease. Explain to the victim that he should not risk further injury by trying to respond to conversation or attempting to help the rescuers in the rescue operation. Also explain to the victim what is taking place and how the rescue will unfold. Establishing confidence and trust will greatly assist in the transition (vertical trip) from the target zone to the hot zone.

Safety. Safety must be the IC's overriding concern at all times. He must have zero tolerance for firefighter injury and must communicate this attitude through strong command and control.

A predesignated hot zone safety officer must oversee the operation in the hot zone and monitor and advise on activities in the target zone. He must have the technical skills and training of the other members operating in the hot and target zones. An overall incident safety officer should monitor hazards in the other designated operational zones. Safety should permeate the entire rescue ground.

Aerial devices must be rated for rope operations. Light-duty ladders rated for 250 pounds at the tip are not acceptable. Aerials should be rated for at least 500 pounds at the tip. Platforms may be well-suited if they have an adequate tip load to handle such rescues. Use aerial devices as gin poles only. While rotation of the devices is acceptable and will be necessary, using the devices for raising and lowering a load is not advised. This should be done only by manipulation of the rope systems.

All rope systems for rigging and on-line operations should be redundant—no member should operate with fewer than two ropes attached to him. The same is true for any victims moved on-line in litters.

Use utility tag lines on all equipment lowered and raised. This will eliminate unwanted equipment movement and help steer it in the right direction.

Another safety consideration is proper lighting of the target zone and topside, especially if the incident will extend into the night hours. Request a light unit well in advance of when you'll need it.

Engine noise and exhaust can create problems on-scene. Shut down apparatus not directly involved in the operation, especially those in the hot zone just being used as anchor points.

Technical rope rescue operations often show just how well or how poorly a department is prepared on the command and tactical levels. How well are you prepared?

TRIBUTE TO PRINCE ARTHUR SPEIGHTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Prince Arthur Speights of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Prince's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Prince courageously helped Ms. Lichtenberg out of the house personally, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities every day.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Prince Speights before this body of Congress and this nation. Prince's quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

TRIBUTE TO TAYLOR PROCTOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Taylor Proctor of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Taylor's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

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IN HONOR OF DINA MATOS McGREEVEY, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the outstanding accomplishments of Mrs. Dina Matos McGreevey, who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

The First Lady of New Jersey, Mrs. Matos McGreevey has been an exceptional member of her community and a true leader for New Jersey. Currently the executive director of the Columbus Hospital Foundation in Newark, Mrs. Matos McGreevey has worked to create programs such as the Senior Health Improvement Program, which provides free educational programs and screening for New Jersey seniors. As a member of the Portuguese American Congress of New Jersey and former president of the Portuguese American Congress—Continuing Political Committee, she organized voter registration drives and assisted thousands to become American citizens and registered voters.

Dina Matos McGreevey continues to demonstrate her compassion for improving New Jersey's communities. She is currently a trustee of the Ironbound Association, the Salvation Army Ironbound Boys' and Girls' Clubs and Senior Center Advisory Board, and the Women's Auxiliary of Columbus Hospital. Mrs. Matos McGreevey is also a participant in United Way's Celebrity Reading Program and is an honorary chair of the Special Olympics Complex Committee, the Drumthwacket Foundation, the Bernard W. Gimble Multiple Sclerosis Comprehensive Care Center Annual Fundraiser, and D.A.R.E.

Mrs. Matos McGreevey has served as commissioner of the Planning Board of the City of Elizabeth and treasurer of the Portuguese American Scholarship Foundation and the Northern New Jersey Maternal/Child Health Consortium's Planning Committee, and has been a member of the New Jersey Health Care Public Relations and Marketing Association. She is a fellow of the United Way of Essex and West Hudson Project Leadership Class of 1999.

Dina Matos McGreevey and Governor James E. McGreevey are the proud parents of Jacqueline Matos McGreevey.

Today, I ask my colleagues to join me in honoring Mrs. Dina Matos McGreevey for her exemplary service and dedication to the people and state of New Jersey.

THE GOOD SAMARITAN TAX ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, today I am pleased to join my colleague from Georgia, JOHN LEWIS, in introducing the "Good Samaritan Tax Act", a bill that has been introduced in three previous Congresses. Former Congressman Tony Hall (OH), now our Ambassador to the United Nations Agencies for Food and Agriculture, who originally initiated this proposal, was a cosponsor of the prior bills and the leading advocate for feeding the less fortunate.

The purpose of the bill is to help meet the demand for food for the needy. The end of the economic boom has increased the need for additional resources to feed the hungry. In fact, as more and more citizens are removed from the welfare rolls, or lose their jobs, many turn to food banks for help.

The bill would increase the incentives for restaurants, farms and other businesses in the food industry to donate food to food banks, homeless shelters and other charitable organizations. The Internal Revenue Code actually discourages contributions because of the uncertainty regarding the tax treatment of donations of food as compared to donations of other inventory. The bill has been designed to correct that deficiency.

We believe this bill would remove the uncertainty and provide the necessary incentive for businesses to increase their food donations. This would be accomplished by adding a provision to Section 170(e) of the Code that would indicate that the fair market value of donated food is determined, (1) without regard to internal policies, lack of market, or similar circumstances, whether the food cannot or will not be sold, and (2) if applicable, by taking into account the price at which similar products are sold by the taxpayer at the time of contribution. These have been points of controversy with the Internal Revenue Service, causing uncertainty as well as disincentives to incur the administrative and other costs necessary for the proper handling and preservation of food being donated. In addition, Section 170(e) would be amended to include businesses in addition to C corporations, as the current law provides.

We hope our colleagues will join us in cosponsoring this legislation.

CONDEMNING ANTI-SEMITISM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to introduce, along with my colleague Representative CARDIN, Representative WOLF, Representative HOYER, Representative LANTOS, Representative WAMP, Representative SLAUGHTER, Representative ADERHOLT and Representative HASTINGS, this resolution expressing the sense of the Congress that the sharp escalation of anti-Semitism, including violence, throughout the region of the Organization for Security and Cooperation in Europe, OSCE, is of serious concern to the U.S. Congress and the American people. We should make a concerted effort in our respective countries to end this disturbing trend.

Anti-Semitism is a disease that has bedeviled previous generations of Jews throughout the centuries and formed a black spot on human history. As the 20th century witnessed the nadir of extreme violence against the Jewish community and their institutions, we must take extraordinary steps to ensure this plague does not infect the 21st century to contaminate future generations. Yet our work is cut out for us, as this past year Europe witnessed a profound increase in vandalism against Jewish cemeteries, synagogues and cultural property, as well as mob assaults, fire bombings and gunfire. This year already a Jewish rabbi was stabbed twice in his Paris synagogue by an assailant. Thankfully, he was released from the hospital the same day. Certainly our own country is not immune, as acts of vandalism and violence continue to sporadically occur. As these incidents made graphically clear, silence is not an option when we are witnesses to insensitivity and violence.

The Helsinki Commission, which I co-chair and on which Mr. CARDIN serves has taken the lead in voicing concern and working for real change. On May 22, 2002, the Commission held a hearing to raise specific attention to the growing problem of anti-Semitic violence in the OSCE region. From that hearing a number of initiatives emerged. At the OSCE Parliamentary Assembly Annual Session in Berlin last July, I introduced and successfully secured unanimous approval of a resolution denouncing anti-Semitism and calling for all OSCE governments to do more. Mr. Speaker, for the RECORD, I submit the text of the OSCE PA resolution.

In addition, the U.S. delegation co-sponsored an unprecedented special session with the German delegation to further discuss the alarming trend with our fellow parliamentarians. In December, the Commission co-hosted here in Washington a parliamentary forum on anti-Semitism with German parliamentarians, also attended by a prominent member of the Senate of Canada, Jerry Grafstein. At the conclusion of this event, myself and the German co-chair, Gert Weisskirchen, signed a letter of intent highlighting specific areas for further work and pledging to enlist the support of other parliamentarians from OSCE participating States. I have submitted a copy of the letter of intent, for the RECORD.

Mr. Speaker, I am pleased to introduce this resolution, and I am eager for the House to go on record in support, making sure both the Congress and our government are doing everything possible to see an end to this scourge. I am especially pleased that the resolution calls for all OSCE participating States to ensure effective law enforcement and prosecution of individuals perpetrating anti-Semitic violence, as well as urging the parliaments of all participating States to take concrete legislative action at the national level. In sum, I look forward to working with my colleagues to continue our steadfast efforts to see an end to anti-Semitic violence.

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a nondiscriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;

10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

LETTER OF INTENT

AN ACTION PROGRAM: CONFRONTING AND COMBATING ANTI-SEMITISM IN THE OSCE REGION

As members of the German Bundestag and U.S. Congress and participants in the OSCE Parliamentary Assembly, we wish to express our deep concern regarding the significant increase in the number of anti-Semitic incidents in many countries of the OSCE. We condemn anti-Semitism in all its forms. Anti-Semitic bigotry must have no place in our democratic societies and needs to be actively opposed by all 55 participating States of the OSCE, including by members of Parliament. The sorry lessons of the past have demonstrated that the virus of anti-Semitism, when not successfully resisted, will lead to terrible tragedy for the Jewish people, and promote prejudice and intolerance towards other minority groups.

We affirm our commitment to work together closely to fight anti-Semitism and encourage colleagues in our respective legislatures, and in the legislative bodies of other OSCE participating States, to develop a series of specific measures to counter anti-Semitic actions and attitudes. In executing our action plan we will make full use of all appropriate OSCE institutions and instruments. Actions that we intend to pursue are the following:

A. Persuade other Parliaments in OSCE participating States to adopt resolutions condemning anti-Semitism as the U.S Congress and the German Bundestag have already done.

B. Energize governments and other elected officials at all levels in OSCE participating States to condemn forcefully and publicly anti-Semitic acts, when they occur.

C. Encourage all OSCE countries to enact appropriate criminal legislation to punish anti-Semitic acts and ensure that such laws are vigorously enforced.

D. Call upon governments in OSCE participating States, if they have not already done so, to adhere to international instruments which, by addressing the problem of discrimination, may counter anti-Semitic attitudes and actions.

E. Promote educational efforts throughout the OSCE region to counter anti-Semitic stereotypes and attitudes among younger people and help identify the necessary resources to accomplish this goal. Encourage teachers, social workers and members of the clergy to focus on anti-Semitic attitudes and behavior of younger people and support the development of curricula for teacher training.

F. Consider what concrete actions may be possible within the OSCE to discourage the proliferation of anti-Semitic, neo-Nazi and other racist material over the Internet, while preserving the right to freedom of expression.

G. Encourage religious leaders in OSCE participating States to work more closely together and consider the past experiences of certain religious institutions in dealing with the experience of the Holocaust.

H. Create an OSCE parliamentarian-based "Coalition of the Willing" to address anti-Semitic propaganda that appears to be increasing rapidly in a number of OSCE partner countries. Explore the possibility of using the OSCE's partnership with the southern and eastern Mediterranean countries for promoting this goal. We pledge to meet again in conjunction with the February 2003 Winter Session of the OSCE Parliamentary Assembly in Vienna to evaluate progress and seek the active support and cooperation of our parliamentary colleagues from other countries. On this occasion, we will also determine how we can best utilize the July 2003 Rotterdam Annual Session of the OSCE Parliamentary Assembly to further our common goal of combating anti-Semitism throughout the OSCE region.

Signed in Washington, D.C. on December 10, 2002.

CHRISTOPHER H. SMITH,
Member of Congress.
GERT WEISSKIRCHEN,
Member, German Bundestag.

INTRODUCTION OF THE PRIVACY PROTECTION CLARIFICATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MALONEY. Mr. Speaker, I rise today in support of legislation that I am reintroducing with my colleague, Representative JUDY BIGGERT of Illinois, the Privacy Protection Clarification Act. This legislation resolves the controversy as to whether attorneys at law, who are subject to strict codes of professional conduct, should be subject to the privacy section of the Gramm-Leach-Bliley Act (GLBA). The Biggert-Maloney legislation recognizes that the practice of law and the business of financial services are wholly different and that GLBA should be clarified to recognize this distinction.

With passage of GLBA in 1999, Congress took an important step in ensuring that consumer privacy is protected as financial institutions continue to merge and as the economy grows increasingly digital. As a member of the then Banking Committee, I was proud to play a role in requiring that financial services companies supply their customers with privacy policies and allow customers the right to opt-out of information sharing with third-parties.

Unfortunately, GLBA has caused significant confusion for the legal community. On February 11, 2002, I joined 12 of my bipartisan colleagues on the Financial Services Committee in writing to the Federal Trade Commission (FTC) to ask that it grant attorneys an exemption to the GLBA privacy provisions. As we wrote at the time, "Attorneys are already bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy protection than GLBA." After a thorough review the FTC determined that it does not presently have the authority to grant the exemption we requested.

The privacy protections in Title V of GLBA were a response to specific cases where consumers' private, personal financial information was mined without their consent in an effort to market products. Where Title V is an appropriate response to such cases, it is inappropriate to apply it to most lawyers whose clients already expect that all their disclosures are confidential, covered by state codes of ethics and attorney-client privilege.

For example, the Legal Aid Society of New York City had to translate its privacy notice into many different languages to serve its ethnically diverse clientele. It also had to devote an inordinate amount of time to dealing with confused clients who could not understand why they were getting privacy notices from their lawyers when information they share with their lawyers is presumed to be confidential. I fear this could have a chilling effect on the willingness of individuals to share critical information with their attorneys. The confusion these privacy notices are causing in New York is unnecessary given that there is express language forbidding the sharing of client information in the New York state ethics code for lawyers.

The recently filed amicus brief at the U.S. District Court of the District of Columbia by 19 state and local bar associations further lays out some of the ways that the Act conflicts with the practice of law, the rights of clients and the duties of attorneys. The brief was drafted by the former President of the American Law Institute, Professor Geoffrey Hazard.

To quote from the amicus brief: "Not only does the GLBA provide less broad and less beneficial privacy protection than do existing state ethics rules governing lawyers, there are contradictions and discrepancies in the concepts of confidentiality and in the responsibilities of the 'service providers' under GLBA as applied to practicing lawyers. These disconnections make clear that the application of both privacy regimes to lawyers is unworkable. . ." The stringent enforceable codes of professional conduct that attorneys are under contain opt-in requirements tailored to the profession. Their clients must affirmatively agree to the attorney revealing any personal information about that client.

I join Representative BIGGERT in introducing this legislation today, because it is my intention to target this limited area where the interpretation of GLBA can be improved by a legislative fix. The FTC's standing interpretation of Title V of the Act is causing confusion that is detrimental to the attorney-client relationship. It is appropriate for Congress to intervene. I have met with numerous constituents from New York City on this issue and am convinced that attorneys should not fall under the existing language.

I look forward to continuing to work to safeguard the privacy of my constituents during this Congress. This legislation is limited and strictly targeted. As for the larger privacy issues—the American public deserves more privacy protections, not fewer. When this body passed the GLBA provisions, we never considered its impact upon the practice of law because we had not intended it to apply to lawyers. Now that we see the confusion, expense and conflict that this act has wrought upon the legal community, we must act to clarify our original intent.

IN HONOR OF NELLIE POU, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Assemblywoman Nellie Pou of New Jersey who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

Currently deputy speaker of the New Jersey Legislature, Ms. Pou has led an impressive career and has quickly emerged as a leader in the New Jersey Assembly. She is the first woman and first Hispanic to represent the 35th Assembly District of New Jersey, and was named assistant minority leader after only three years in office. An active member of the legislature, Ms. Pou has authored a number of successful bills that reflect her commitment to health advocacy, child safety, and disabled and senior citizens. She has focused her efforts to improve education by reducing class-size and has secured funding to ensure the continuation of critical school programs across the state.

Assemblywoman Pou played a leading role in ensuring the 2000 Census was accurately reported and that New Jersey would not be underrepresented in the amount of federal aid it received. She was also a strong advocate for redrawing the legislative districts to fairly represent census results.

Ms. Pou holds an impressive record of service in government and working for the state of New Jersey. Before serving in the Assembly, Ms. Pou worked for more than 22 years in county and municipal government, and served as director of the Paterson Department of Human Services for 12 years.

Since being elected to the Assembly in 1997, she has served on two critical committees, the Assembly Budget Committee and the Assembly Appropriations Committee, which together oversee the development of the annual state budget. Ms. Pou has also served on the Assembly Housing Committee and the Task Force on School Facilities Construction Oversight. She is a member of the Women's Democratic Caucus, the Assembly Advisory Council on Women, and the New Jersey Task Force on Child Abuse and Neglect.

Currently serving her third term in office, Assemblywoman Pou is vice chair of the Assembly Appropriations Committee and a member of the Assembly Health and Human Services Committee, in addition to her appointment as deputy speaker.

Assemblywoman Pou is the mother of two children, Edwin and Taina.

Today, I ask my colleagues to join me in honoring Nellie Pou for her outstanding leadership and service to her district and the state of New Jersey.

INTRODUCING UNITED STATES-KOREA NORMALIZATION RESOLUTION OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the United States-Korea Normalization Resolution of 2003.

Sixty years ago American troops fought in a United Nations "police action" on the Korean Peninsula. More than 50,000 Americans lost their lives. Sixty years later, some 37,000 U.S. troops remain in South Korea, facing a North Korean army of nearly a million persons. After 60 years, we can no longer afford this commitment.

The U.S. defense guarantee of South Korea costs more than $3 billion per year in direct costs and approximately $12 billion per year in total costs. Total U.S. aid to South Korea has exceeded $14 billion since the war.

But South Korea of today is not the Korea of 1950. Today's South Korea is a modem, industrialized, economic powerhouse; it has a gross domestic product more than 40 times that of communist North Korea. It has a military more than 700,000 persons strong. Nor is it at all clear that the continued U.S. military presence is necessary—or desired.

Not long ago, incoming South Korean President Roh Moo-huyn, recognizing that the current tension is primarily between the United States and North Korea, actually offered to serve as a mediator between the two countries. It is an astonishing move considering that it is the United States that provides South Korea a security guarantee against the North.

Additionally, it is becoming more obvious every day that with the man on the South Korean street, the United States military presence in their country is not desired and in fact viewed as a threat.

We cannot afford to continue guaranteeing South Korea's borders when we cannot defend our own borders and when our military is stretched to the breaking point. We cannot continue subsidizing South Korea's military when it is clear that South Korea has the wherewithal to pay its own way. We cannot afford to keep our troops in South Korea when it is increasingly clear that they are actually having a destabilizing effect and may be hindering a North-South rapprochement.

That is why I am introducing the United States-Korea Normalization Resolution, which expresses the sense of Congress that, 50 years after the Korean War, the U.S. security guarantee to South Korea should end, as should the stationing of American troops in South Korea.

I hope my colleagues will join me by supporting and co-sponsoring this legislation.

A BILL TO CLARIFY THE TAX TREATMENT OF CERTAIN ENVIRONMENTAL ESCROW ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from California, Mr. BECERRA, together with my colleague, Mr. BOEHLERT from New York in reintroducing a bill intended to clarify the tax treatment of certain environmental escrow accounts. This bill was first introduced in the 107th Congress.

The provisions in the bill would encourage prompt and efficient settlements with the Environmental Protection Agency ("EPA") for the clean-up of hazardous waste sites. Currently, there is some uncertainty in the tax treatment of certain "settlement funds" that are, in effect, controlled by the EPA, in their role of resolving claims under Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"). This uncertainty may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites and reduce the ultimate amount to funds available for cleanup of such sites.

The EPA has recognized this problem and has recently written to the Department of the Treasury expressing support for clarification that these "funds will, for Federal income tax purposes, be treated as beneficially owned by the United States government and therefore not subject to Federal income tax if certain conditions are met." I include in the record, a copy of the EPA letter dated February 7, 2003.

Our bill follows the recommendations of the EPA on this important issue. Under our bill, if certain conditions are met, the EPA (U.S. government) will be considered the beneficial owner of funds set aside in an environmental settlement fund account. These conditions include the fund being: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the government or an agency or instrumentality thereof; and (4) upon termination, disbursed to the government or an agency or instrumentality thereof (e.g., the EPA). If such conditions are met, the EPA will be considered the beneficial owner of the escrow account for tax purposes and the account will not be considered a grantor trust for purposes of Sections 468B, and 671–677 of the Internal Revenue Code. These escrow accounts, which are established under court consent decrees, are a necessary tool to enable the EPA to carry out its responsibilities and resolve or satisfy claims under CERCLA. Under these types of consent decrees, the EPA should be considered the owner of such funds for Federal tax purposes.

Due to the current uncertainty as to the proper Federal income tax treatment of such government-controlled funds, taxpayers may be hesitant to promptly resolve their claims under CERCLA by contributing to the settlement funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. This goal is being frustrated by the existing uncertainty in the tax laws. The bill resolves these uncertainties and expedites the cleanup of Superfund hazardous waste sites by treating these escrow accounts as being beneficially owned by the U.S. government and not subject to tax.

We urge our colleagues to join us in cosponsoring this legislation.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 7, 2003.

MS. PAMELA F. OLSON,
Assistant Secretary—Tax Policy, Department of the Treasury, Washington, DC

DEAR MS. OLSON: I am writing to express support by the Environmental Protection Agency ("EPA") for clarification of the tax treatment of certain environmental cleanup "settlement funds" under IRC section 468B. The clarification would provide that such funds will, for Federal income tax purposes, be treated as beneficially owned by the U.S. government and therefore not subject to Federal income tax if certain conditions are met. As General Counsel to the agency, I am not offering an opinion on the legal issue or any other fiscal or tax policy aspects to this proposal. We defer to the Treasury Department on these issues. However, after consultation with our office of Enforcement and Compliance Assurance, I offer this letter to provide our views based on the environmental issues involved, that I hope will assist you in your review of this issue.

The cleanup of Superfund hazardous waste sites is sometimes funded by environmental "settlement funds" or escrow accounts. These escrow accounts are established in consent decrees between the EPA and the settling parties under the jurisdiction of a federal district court. They are a tool to enable the EPA to carry out its responsibilities and resolve its claims against private parties under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA").

While the escrow accounts are funded by the settling parties (defendants), some of these consent decrees require that the EPA approve expenditures of such funds (including the payment of costs and reimbursements), and provide that any remaining funds after termination will be paid to the EPA.

We have been briefed by some taxpayers' representatives that, under current law, there is uncertainty as to the proper Federal income tax treatment of such government-controlled funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. Uncertainty in the tax treatment of certain "settlement funds" may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites.

We would support appropriation conditions to ensure that escrow accounts are properly structured and safeguarded, such as conditions requiring that the funds are: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the federal government; (4) upon termination, disbursed to the government (e.g., the EPA); and (5) structured so that the government may be treated as beneficial owner for these purpose only, and not for other purposes such that the government has responsibility or liability for activities of the accounts or at their managers.

Thank you for considering our views of the environmental consequences of this issue.

Sincerely,

ROBERT E. FABRICAN,
General Counsel.

A SPEECH BY THE HONORABLE SEAN O'KEEFE, ADMINISTRATOR OF NASA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to bring the words of NASA's Administrator Sean O'Keefe to the attention of the Members of the House. Speaking at the National Cathedral in a memorial service February 6, 2003, for the crew of STS–107, Mr. O'Keefe provided us with words of comfort that should be shared with all.

SEAN O'KEEFE: To be an astronaut is to accept a lofty calling. The seven daring souls who we grieve for today represented the best of the human spirit. They did their chosen calling proud and they had a special grace. Today we pay tribute to the Columbia astronauts for what they did for us in carrying on the great tradition of the select few we call astronauts.

For over 40 years these remarkable men and women who we've all come to know proudly wearing their orange space suits and blue flight jackets have played one of history's most unique diplomatic roles, acting in peace for all mankind, they serve as our good will ambassadors to the universe.

Every time we send humans into space, our astronauts look up to the starry firmament seeking to extend our horizons throughout the vast expanse of God's creation. Our explorers go forward into the unknown with hope and faith. As Commander Rick Husband said, "There is no way that you can look at the stars, at the Earth, at the moon, and not come to realize there is a God out there who has a plan and who has laid out the universe."

In this magnificent cathedral, a portion of the lunar surface brought back to Earth by moonwalkers Neil Armstrong and Buzz Aldrin is encased in a precious stain glass window. As we worship today in celebration of seven wonderful lives, this glorious window reminds us that the exploration of space will go on propelled by the human urge to strive, to seek, to find, and not yield, and by our common faith in our Creator.

Our astronauts also have another role. By pursuing research to improve people's lives and expand our understanding of the natural world, these brave individuals help pioneer the future in ways undreamed by our ancestors. This was the noble work that joyfully motivated our seven courageous Columbia crew when they ascended to the heavens three weeks ago.

Now some day due to our astronauts dedicated space research, we may find better means of fighting cancer, of life-saving drugs, helping our parents and grandparents stay healthy throughout their lives. We will always thank the crew of Columbia STS–107 mission for their passionate commitment to this cause.

Now, of course our astronauts count on all the talented men and women of the NASA family represented here today. To help advance these ambitious research objectives, they're amazing people. Public servants who make up the NASA family. Everyday our scientists, engineers, safety and support folks come to work at all of our centers, thankful for the opportunity to engage in such exciting meaningful work on behalf of the American people. It is through their efforts that we are making tangible progress in our quest to improve aviation safety and efficiency, promote medical discoveries, probe more deeply into the universe, explore the planets and better understand the dynamics of Earth's climate system.

And while this is a difficult period for the men and women of the NASA family, we will persevere. The support we've received from the astronauts' families, from the President, from the Vice President, and from the nation has been of tremendous strength. We will not let you down.

Throughout this period of mourning, the brave families of the Columbia crew have been rocks of courage and dignity, providing much comfort to the nation and it's inspiration to us all.

Dave Brown's parents, Paul and Dorothy, along with their—his brother, Dave, are here with us today leading, I'm told, a very impressive contingent of the Brown family; as are John and Ian Clark, Laurel Clark's family; and Master Sergeant Jimmy Danielle, Mike Anderson's brother-in-law. To you and to all the families of the Columbia astronauts, we thank you for your incredible fortitude.

To honor the legacy of the Columbia astronauts, we have made a solid commitment to their families to find the cause of the accident, correct whatever problems we may find, and safely move forward with our work. Motivated by our mission goals of understanding and protecting the home planet, exploring the universe and searching for life, and inspiring the next generation of explorers, we will make good on this commitment.

The last element of our mission, to inspire the next generation of explorers is very important to NASA. It is a passion of ours. And because of the memory of the gallant 107 crew has done so much to inspire our youth, our shining hope for the future, to carry forth a torch of exploration and discovery, we are forever grateful to the Columbia astronauts.

As you might imagine, NASA has received a tremendous outpouring of condolences of the loss of the Columbia crew from people throughout the world. It struck us often of folks who pointed out the unique role that holds in many ways the astronauts have on our young and young at heart. One gracious letter came to us from Rosemary Callahan, the fifth grade teacher in Arlington, Virginia's St. Charles School. She wrote her letter after her students had thoughtfully taken time to write their own letters of condolence, and we thank them for their heartfelt gesture. In representing her students, we're honored to have Rosemary here with us today.

I'd like to read to you from her letter, which was written on Monday. "Today on the chalkboard I wrote the definition of a hero. 'A person admired for bravery, great deeds or noble qualities.' In the wake of the tragedy of Columbia and its astronauts, seven people have come to light as modern-day heroes. But they were heroes, people of great character and depth, long before Saturday. When profiled in the media, they were recognized for their spirit, for intellect, with a desire to learn and give to others, well-rounded people who could function together as a team. People who grabbed at life for the great and simple things. Indeed, they were the best."

Rosemary concluded these words by writing, "Our children continue to need heroes. Real heroes. May your beloved astronauts continue to inspire all as you move forward. Your hearts are heavy now, but in time God grant you a light heart again."

In this time of enormous sadness, these words from the Book of Revelation are most comforting: "And God will wipe away every tear from their eyes." The writer speaks of those who are at rest with God. These words also have significance for us who are still here on our earthly pilgrimage. "God will wipe away the tears from our eyes."

Our hope is not ultimately a hope grounded in the progress of human achievement, as remarkable as that may be, rather it is a hope grounded in the Creator who calls Rick, Willie, Michael, Kalpana, David, Laurel, Ilan and each of us by name. May he have the faith to lift our eyes towards the heavens as they did and find their God's peace.

May God bless the crew of STS–107 and may he lighten the hearts of their families and all who mourn for these valiant heroes.

RECOGNIZING BRUNO BARTOLUCCI FOR HIS OUTSTANDING SERVICE TO THE WINE INDUSTRY AND THE PEOPLE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Bruno Bartolucci, owner of Bartolucci Vineyards in Napa Valley California, for his outstanding contributions to America's wine industry and his community.

Born in San Francisco, the son of an immigrant garbage man, Bruno Bartolucci learned early on that hard work was not something to shy away from. Mr. Bartolucci's father relocated the family to a farm in Napa Valley in the 1930's and, though he was young, Mr. Bartolucci was responsible for tending to the chickens, gathering eggs, picking fruit and doing extensive maintenance. When the Bartoluccis began growing grapes, his workload became so extensive that during harvest season he only attended high school every other day.

Mr. Speaker, nearly 70 years have passed since Bruno Bartolucci first worked his father's vineyard. Since that time, Mr. Bartolucci's tremendous work ethic and personal commitment to excellence have made Bartolucci Vineyard famous for the quality of its grapes and renowned for its Cabernet Sauvignon.

Recently, America's wine business has experienced tremendous expansion. While it is gratifying to see such a robust industry, an unintended side effect of this growth has been the detachment of vineyard owners from their fields. This, however, is not the case at Bartolucci Vineyards.

Individuals visiting Mr. Bartolucci must walk into the fields to speak with him. It is there, amidst the perfectly aligned grape rows and surrounded by workers, that he can be found working in his classic green jumpsuit which sports the wears of his trade. At age 80, he still prunes grapes, supervises picking, fixes machines and maintains the beautiful garden.

Mr. Bartolucci's dedication to work is only overshadowed by the size of his heart. When he is not at work, Mr. Bartolucci can be found doing a wide variety of community service. Whether donating to charitable organizations or cooking dinner for the Sons of Italy, Mr. Bartolucci never ceases finding ways to serve our community's needs.

Mr. Speaker, Mr. Bartolucci is the standard to which all Americans should be compared. His commitment to farming and the community is rooted deeper than Napa Valley's famous vines. For these reasons and countless others, it is most appropriate that we honor Mr. Bruno Bartolucci today.

INTRODUCTION OF BELARUS DEMOCRACY ACT OF 2003

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Belarus Democracy Act of 2003, which is intended to help promote democratic development, human rights and the rule of law in the Republic of Belarus, as well as encourage the consolidation and strengthening of Belarus' sovereignty and independence. I am joined by Congressmen HOYER, HOEFFEL and Congresswoman SLAUGHTER, as original cosponsors.

When measured against other European countries, the state of human rights in Belarus is abysmal—it has the worst record of any European state.

Through an illegitimate 1996 referendum, Alexander Lukashenka usurped power, while suppressing the duly-elected legislature and the judiciary. His regime has repeatedly violated basic freedoms of speech, expression, assembly, association and religion. The democratic opposition, nongovernmental organizations and independent media have all faced harassment. Just within the last few months, we have seen a number of events reflecting the negative trend line: the passage of a repressive law on religion which bans religious activity by groups not registered with the government and forbids most religious meetings on private property; the bulldozing of a newly-built church; the incarceration of leading independent journalists; and the continued harassment, as well as physical attacks on the political opposition, independent media and nongovernmental organizations—in short, anyone who, through their promotion of democracy, would stand in the way of the Belarusian dictator. Moreover, we have seen no progress on the investigation of the disappearances of political opponents—perhaps not surprisingly, as credible evidence points at the involvement of the Lukashenka regime in their murders. Furthermore, growing evidence also indicates Belarus has been supplying military training and weapons to Iraq, in violation of UN sanctions.

Despite efforts by the U.S. Government, non-govermental organizations, the Organization for Security and Cooperation in Europe (OSCE) and other European organizations, the regime of Alexander Lukashenka continues its hold onto power with impunity and to the detriment of the Belarusian people.

One of the primary purposes of this bill is to demonstrate U.S. support for those struggling to promote democracy and respect for human rights in Belarus despite the formidable pressures they face from the anti-democratic regime. The bill authorizes increases in assistance for democracy building activities such as support for non-governmental organizations, independent media including radio and television broadcasting to Belarus, and international exchanges. The bill also encourages free and fair parliamentary elections, conducted in a manner consistent with international standards—in sharp contrast to recent parliamentary and presidential elections in Belarus which flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to that country's self-imposed isolation.

In addition, this bill would impose sanctions against the Lukashenka regime, and deny highranking officials of the regime entry into the United States. Strategic exports to the Belarusian Government would be prohibited, as well as U.S. Government financing, except for humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs.

The bill would require reports from the President concerning the sale or delivery of weapons or weapons-related technologies from Belarus to rogue states.

Mr. Speaker, finally, it is my hope that this bill would help put an end to the pattern of clear, gross and uncorrected violations of OSCE commitments by the Lukashenka regime and will serve as a catalyst to facilitate Belaras' integration into democratic Europe in which democratic principles and human rights are respected and the rule of law is paramount. The Belarusian people deserve our support as they work to overcome the legacy of the past and develop a genuinely independent, democratic country based on the rule of law and democratic institutions.

TRIBUTE TO THE WEBSTER HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Webster Schroeder High School Men's Varsity Football Team for winning the Class AA New York State Football Championship and for their outstanding efforts throughout this past season.

With great patience, courage, and dedication the Webster Warriors came together this season to capture the New York State Title, 28–7 against the Shenendehowa High School Football Team. The Webster Warriors, ranked eighth in Eastern Region Football, have continued their 19 game winning streak, the third longest in the state, with a perfect 13–0 season.

Through teamwork and determination the Warriors have established themselves as fierce competitors in AA Football. The team has stayed focused on its goals and has not let anyone stand in its way towards reigning at the top of the division.

On behalf of the people of the 25th District of New York, it is my honor to congratulate the Webster Schroeder High School Football Team and their coaching staff on their Class AA State Football Championship. With these remarks, I would like to recognize the following players and staff. Andrew Fichera, Mike Smith, Justin Costanza, Mike Kaplun, Ray Jones, Joe Aquilina, Dave Serinis, RJ Kelly, Eddie Paffendorf, John Piccone, Jack Mooney, Mike Mahoney, Janney Appell, Dave Dodge, Lee Williams, Mike Stenclik, Carl Garritano, Phil Galletto, Geremy Powers, Mitch Pawluk, Mike Ruggieri, Steve Caezza, Mike Hughes, Marco Falletta, Joe Nacca, Jim Mikolajko, Chris Joyce, Greg Pitts, Khyle Petrie, Andrew Hughes, Bryan Lehrer, Ryan Johnson, Aaron Frank, Craig Avalone, Jimmy Johnson, Brandon Mack, Rob Herman, Melood Abugasea, Mike Yokopovich, Chris Massaro, Mark Dyroff, Steve Jonas, Dave Burgess, Joe Powell, Chris McClurg, Brian Caston, Justin Schifano, Russ Corona, Steve Hollis, Jeff Bucciarelli, Evan McConnell, Chad Costanza, Brian Mack, Billy Bulmahn, Mark Chavoustie, Head Coach Anthony Bianchi, and Assistants Jim Bellucco, Dave Howlett, Chris Urban, Jim Cleveland, Jim Fichera, and Vito Torregiano.

IN HONOR OF HECTOR M. CORCHADO, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Councilman Hector Corchado who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

A longtime resident of Newark, Councilman Corchado has proven himself to be an effective and dedicated member of his community. Elected to the City Council in 2002, Mr. Corchado began his career in the Newark Police Department over 14 years ago, where he served as a detective and sergeant in the Community Affairs Division. A natural leader in the Police Department, he went on to become deputy mayor of Newark before serving on the City Council.

Committed to improving the lives of Newark citizens, Mr. Corchado has been extensively involved with community organizations throughout Newark: he has organized neighborhood clean-up projects, coordinated Block Associations to work with other community groups, and assisted small businesses and churches with smart-growth development. While with the Newark Police, he developed a system now used to track and identify gang activity. He also helped draft legislation to ensure fair participation of local contractors and businesses in Newark.

Councilman Corchado has participated in the Leadership Newark Program and served as a member to the Essex County Commission on Unity.

Today, I ask my colleagues to join me in honoring Hictor Corchado for his dedicated service to his community and for his unwavering commitment to improving the lives of his fellow citizens.

THE ARTISTS' CONTRIBUTION TO AMERICAN HERITAGE ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Maryland, Mr. CARDIN, together with a bipartisan group of our colleagues, in introducing the "Artists' Contribution to American Heritage Act of 2003." The bill would alleviate an unfairness in the tax law as it applies to charitable donations of property by the taxpayer/creator and significantly enhance the ability of museums and public libraries to acquire important original works by artists, writers and composers, and ensure the preservation of these works for future generations. The proposed legislation is the same as we introduced in the 106th and 107th Congresses, except for advancing the effective date by a year.

Since 1969, the law has provided that the creator of the artistic property is only allowed a charitable deduction equal to the cost of materials that went into the property. For example, an established artist who donates a painting to the local museum is allowed a deduction for the cost of the canvas, brushes and paint, etc. used to produce the painting. Of course, these amounts are de minimus. There is no real tax incentive to contribute such works of art for the public to enjoy. In fact, the tax law works in the other direction. It makes more financial sense to the creator to sell his or her work. If a collector or art buff buys a painting that appreciates over time, because the artist becomes well established or was a known and collected artist when the painting was purchased, the collector is allowed a deduction for fair market value when the painting is contributed to the local museum. This is the fairness issue.

Before 1969, the artists/taxpayers received the same treatment—the deduction was based on fair market value. The law was changed, primarily because of the perception that some taxpayers were taking advantage of the law through less than accurate valuations of their charitable gifts. After the law was changed in 1969, gifts of donor generated art work (paintings, manuscripts, compositions, artistic and historically significant correspondence and papers) to qualifying charitable organizations and governmental entities dropped significantly. Creators were more likely to sell their works than to contribute them. The situation has not improved over the years.

There have been significant changes in the valuation process since 1969. All taxpayers making charitable contributions of art work (other than donor generated art work) are required to: (a) provide and/or retain relevant information as to the value of the gift, (b) provide appraisals by qualified appraisers or, in some cases, (c) subject them to review by the IRS's Art Advisory Panel, depending on the dollar amount of the contribution. These changes would apply to creator-donated property under our proposal.

In addition to the valuation safeguards already in the law, our proposal would add additional protections to prevent abuse. These include the following: (a) limiting the value of the deduction to the amount of income the creator received from similar property and/or similar activities, (b) providing that the deduction can only be claimed in the year of contribution, i.e. the carry over rules do not apply, (c) limiting the deduction to property created at least 18 months before the contribution, (d) limiting the deduction to gifts related to the purpose of the institution which receives it, and (e) excluding contributions of property (letters, memos, etc.) created by taxpayers in their role as employees or officers of an organization.

The benefit to the nation when artists are encouraged to contribute their work during their lifetime cannot be overemphasized. It allows the public, historians, scholars and others to learn from the artist his/her aesthetic aims for the work; how it was intended to be displayed, performed or interpreted; and what influences affected the artist.

Our proposal represents an important step in providing some tax incentive, with needed safeguards, for the creators and moves toward putting them on the same footing as collectors who contribute similar property. It could make the difference in a decision by the creator/donor to contribute some of their created work to a museum or public library. That way important works are preserved and we all benefit. We urge our colleagues to join us in cosponsoring this legislation.

INTRODUCTION OF THE MORTGAGE AND RENTAL ASSISTANCE REAUTHORIZATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MALONEY. Mr. Speaker, I rise in support of legislation that I am reintroducing with my colleague, JOSÉ SERRANO of New York. Following the terrorist attack on September 11, 2001, individuals who required temporary housing assistance relied upon the Mortgage and Rental Assistance program (MRA), included in the Stafford Act, for aid. Under the MRA program, which can be used for both natural and non-natural disasters, they may have been eligible for grants to repair homes to a habitable condition, or to obtain mortgage or rental payment assistance to prevent foreclosures or evictions.

The Disaster Mitigation Act of 2000 amended the Stafford Act to end the program in May 2002. Without this program, thousands of people affected by future major disasters, including hurricanes, earthquakes, and terrorist acts, may be unable to obtain any assistance to address their housing needs.

This legislation reauthorizes this program so that it will be available in the future. Although there were clear problems with FEMA's implementation of the MRA program in New York after 9/11, progress has been made to ensure that FEMA assists all the individuals who have experienced these types of housing problems because of the terrorist attack. With the program finally running the way it should, we must take the necessary steps now to guarantee that anyone affected by future disasters will have the aid that they need.

DO-NOT-CALL IMPLEMENTATION ACT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday February 12, 2003

Mr. PAUL. Madam Speaker, as someone who has, my share of insolicited telemarketing calls, I sympahize fully with the concerns of the sponsors of the Do-Not-Call Implementation Act (HR 395). However, I would remind those who support federal intervention to "put a stop" to telemarketing on the basis of its annoyance, that the Constitution prohibits the federal government from interfering in the areas of advertising and communications.

In addition to exceeding Congress' constitutional authority, legislation to regulate telemarketing would allow the government to intrude further into our personal lives. Our country's founders recognized the genius of severely limiting the role of government and reserving to the people extensive liberties, including the freedom to handle problems like this on the local level and through private institutions. The fact that the privately-run Direct Marketing Association is operating its own "do-not-call" list is evidence that consumers need not rely upon the national government to address the problems associated with telemarketers. Furthermore, many state public utility commissions have imposed regulations on telemarketers. Further regulation at the federal level will only result in a greater loss of liberty. Therefore, I urge my colleagues to take the constitutional course and oppose the Do-No-Call Implementation Act.

RECOGNITION OF SUSAN B. ANTHONY'S BIRTHDAY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. EMERSON. Mr. Speaker, when we hear the term "women's rights" we must think of the early suffragette Susan B. Anthony who fought to establish equality for women. But few people equate this woman with the plight of the unborn.

I'd like to take the opportunity, on this 183rd year following her birth, to commemorate the woman who fought to bring equality to women, African Americans, and unborn children.

Long before pro-choice advocates took the term "women's rights" for their own cause, Susan B. Anthony and the early suffragists were advocating "women's rights." Among the women's rights demanded by the suffragists was the right of a mother to give birth to her child. In fact, Anthony has been quoted as stating that abortion destroys a woman's life, wronging her greatly. For Anthony, women's rights and the rights of unborn children are partners in the same cause.

Let us recognize in the voice of Susan B. Anthony the truth that abortion is a great wrong. Mothers who choose to have an abortion both extinguish the light of their unborn child and inflict almost certain emotional damage upon themselves. There is no reason for this needless pain and suffering to go on.

RECOGNIZING THE CENTENNIAL CELEBRATION OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS, NAPA, CALIFORNIA CHAPTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor the Benevolent and Protective Order of the Elks, Napa Chapter, for providing 100 years of outstanding community service throughout the Napa Valley in my home state of California.

Over the past century, every corner of our community has benefited from the contributions made from the distinguished membership of the Napa Elks Lodge #832. From its stage productions that entertained an entire community throughout the early 1900's to the charitable contributions it has provided families needing shelter, food and education, the Napa Elks Lodge has been a cornerstone of our community.

When the youth of our area need help in funding school programs or financial assistance to attend college, the Napa's Elks Lodge is always there with a helping hand. The same holds true for assisting community organizations that help our most vulnerable neighbors. Last year alone, dedicated Elks members raised over $8,000 for the Napa Emergency Women's Services, Children or Parents Emergency Services, Youth Programs and Job Rehabilitation. Every year it awards over $20,000 in college scholarships to graduating high school seniors.

Mr. Speaker, during this past century the Napa Elks Lodge has been more than a tremendous service organization. Its members have provided daily examples of personal and social responsibility as well as advocating the Elks principles of justice, fidelity, charity and the spirit of American patriotism. Kelly Lamm, who will become the next Exalted Ruler, exemplifies the progression of this outstanding organization. A past board member of the local women's bar association and long-time volunteer with the Big Brothers/Big Sisters Program, Ms. Lamm's commitment to service is a model of the true Elks character. She will soon be accepting the reigns from Exalted Leader Bret Meltzer who has provided outstanding leadership in guiding the Lodge to its recent successes.

Mr. Speaker, the Elks represent a dedicated and meaningful fabric of our community. As they are the standard by which other service organizations should compare themselves, it is most appropriate that we honor them on their centennial celebration.

ENVIRONMENTAL HEALTH RESEARCH ACT OF 2003

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of the Environmental Health Research Act of 2003.

Arctic polar bears show high concentrations of certain synthetic compounds in their tissues. Whales in the world's oceans carry PCBs and other contaminants at concentrations that cause developmental defects in humans.

U.S. streams and groundwater show widespread contamination with chemicals, dioxins, and antibiotics. Alligators in Florida's lakes suffer from reproductive problems that appear to be associated with chronic chemical contamination. New studies have made a persuasive case that contaminants were in part or wholly responsible for the loss of the lake trout and herring in the Great Lakes many decades ago.

Rates of infertility, the incidence of testicular cancer in young men, Parkinson's disease, autism, endometriosis, childhood diabetes, and asthma have risen dramatically since 1970.

Is there a connection between all of these events? There is reason to believe there might be, but the truth is we simply don't know enough to conclude one way or the other.

There is mounting evidence from the scientific community that exposure to certain environmental toxins, even at low doses, may cause adverse effects on development, growth, reproduction, metabolism, and other hormone-dependent processes in humans. Research interest is growing dramatically as our fear also grows that the pesticides, medicinal drugs, plant hormones, and industrial compounds that we confront every day may be causing many of our health ailments.

In its Report on Human Exposure to Environmental Chemicals released two weeks ago, the Centers for Disease Control and Prevention (CDC) found disturbing exposure levels in individuals. The report calls for further research into this area to find out whether or not the levels CDC measured in its study lead to health problems.

Today, I am proud to introduce the Environmental Health Research Act. This bill would authorize the National Institute of Environmental Health Sciences to provide grants to either public or non-profit private groups to develop and operate six centers that would conduct research into women's environmental health, and to establish a comprehensive research program on the impact and occurrence of hormone disrupting chemicals as they affect human, ecological, and wildlife health.

This bill is enormously important, and long overdue. To date, federal research on hormone disruption and environmental toxins has been scattershot and underfunded. The research program authorized through this legislation will enable NIEHS to gather solid data about the dangers posed by some chemicals and the mechanisms through which they act. With this information in hand, we can make sensible, informed decisions and policies about our own and our children's health and well-being.

I urge my colleagues to join me in supporting the Hormone Disruption Research Act. We owe it to future generations to pursue this scientific research, which has implications for every one of us.

THE 85TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 85th anniversary of Lithuanian independence and the 13th anniversary of freedom from Soviet occupation. In Southfield, Michigan, the Lithuanian-American Community of Michigan will be gathering on Sunday, February 16, 2003 at Divine Providence Lithuanian Catholic Church to celebrate this historic event.

In February 1918, Lithuania declared its independence from Czarist Russia. During this period, Lithuanians were free to follow their cultural traditions and express their national identity. The Molotov-Ribbentrop pact of 1939 caused Lithuania to spend the next five decades under Soviet domination, forced to deny their heritage, their language and their traditions.

Despite the military might and repressive acts of the Soviets, the Lithuanians never lost touch with their roots and never lost their will. Lithuania's re-established independence in 1990 served as a testament to the courage, endurance and strength of the Lithuanian people. I was fortunate enough to be in Lithuania as its people celebrated the regaining of its independence.

In the 13 short years since the re-establishment of its independence, Lithuania has made extraordinary advances in restoring democracy, ensuring human rights, securing the rule of law, developing a free market economy, and cultivating friendly relations with neighboring countries. Such achievements should be an inspiration to people everywhere.

Mr. Speaker, I unite with Lithuanian-Americans and Lithuanians around the world in celebrating their independence day.

INTRODUCTION OF THE PRIVACY PROTECTION CLARIFICATION ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to join my colleague, Mrs. MALONEY of New York, in introducing The Privacy Protection Clarification Act.

Gramm-Leach-Bliley was landmark legislation that for the first time permitted companies to engage in banking, insurance and securities transactions simultaneously. While considering these new freedoms for entities to operate across business lines, Congress also wanted to ensure that consumer privacy would not be placed at risk.

Title V sought to address this issue by giving regulators latitude to enforce privacy provisions among financial institutions. Unfortunately, in interpreting the language of the law, some confusion has arisen over what, specifically, those "financial institutions" might be.

Well, in seeking to clarify the confusion, the Federal Trade Commission concluded that "financial institutions" include any business that "significantly engages in financial activities." What's the definition of "significantly"? Well, it could be as little as once a year. And what's a financial activity? There are four: debt collecting, financial advisory activities, tax planning preparation and advising, and leasing real or personal property.

Okay, that's fair enough. But in writing its regulations in this way, the Federal Trade Commission appears to have unintentionally swept under its umbrella the one group of professionals that already is governed by the strictest possible confidentiality or privacy regulations.

What group is this? It's attorneys.

Attorneys already are bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy than Gramm-Leach-Bliley. For example, lawyers in my home state, Illinois, are prohibited from releasing confidential information. Our code reads, "except in certain specified circumstances, a lawyer shall not, during or after termination of the professional relationship with the client, use or reveal a confidence or secret of the client known to the lawyer unless the client consents after disclosure."

And Illinois is no exception. All 50 states have equally restrictive language. In all 50 states, lawyers who violate these laws face disbarment and/or other penalties that are much more onerous than those for a violation of Title V under Gramm-Leach-Bliley.

Do attorneys "significantly engage in financial activities" as defined by the FTC? Yes, some attorneys do give tax-planning advice. Others may handle debt collection cases.

Still others may take up cases related to the other two named "financial activities" providing financial advice or leasing real or personal property.

Yet in order to comply with the privacy provisions under Gramm-Leach-Bliley, these attorneys now run the risk of violating the client-confidentiality restrictions placed on their profession.

Why is that? Well, under the FTC interpretation, every attorney who engages in any of the four defined "financial activities" for a non-corporate client must mail to that client a privacy notice—every year, for as long as he or she is in practice. And what does that privacy notice convey? Well, it informs clients that they may direct their attorney not to share their personal information with other entities—the so-called "opt-out" provision of Gramm-Leach-Bliley. Yet the attorney-client confidentiality relationship is, by nature, an, opt-in" protection.

In short, for attorneys, the very act of disclosing a privacy policy can create a confidentiality violation.

This was not the intent of Congress. It was not our intent to regulate attorney-client relations. Our intent was to regulate the growing use and sale of consumers' personal information for marketing, profiling and other commercial purposes by banks, thrifts, securities firms, insurance companies, credit unions, and other bona fide financial institutions.

At the end of the day, our bill will make the intention of the Gramm-Leach-Bliley Act crystal clear. The scope of the law was not intended to include law firms and sole practicing lawyers.

I urge my colleagues to support this legislation.

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PITTS. Madam Speaker, those of us who have served our country in war understand in our hearts what every American understands in his head. We understand what it says—carved in stone—on the Korean War Memorial down at the other end of the National Mall. We understand that FREEDOM IS NOT FREE.

For more than two centuries, Americans have sacrificed in war for their families, for their communities, and for their nation. Many thousands have died. But of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam. For many long years he suffered torture, imprisonment, and solitary confinement. They worked on him relentlessly to break his spirit. But the spirit of SAM JOHNSON could not be broken. He stood up to his captors with dignity and with grace. He refused to betray his country. And he refused to give up on his God.

I believe SAM would tell you, if you asked, that it was the Lord in heaven who saw him through those dark days in the Hanoi Hilton. But his reliance on our Creator does not make him less of a hero or less of a man. It makes him one of the greatest living heroes in the United States of America. And it makes him an example to us all.

The Sam Johnsons of this world are few and far between. But somehow, this country seems to find one when one is needed.

Another hero worthy of being recognized is Captain Edward Davis from the U.S. Navy, retired. Captain Davis, a constituent of mine, also served our country during the Vietnam War and was a Prisoner of War from 1965 to 1972.

Captain Davis served in VA–152. His decorations include three Silver Star medals, the Legion of Merit with Combat Citation, four Bronze Stars with valor device, five Air Medals, two Purple Hearts and three Navy Commendation medals. He retired from the Navy in 1987.

His service to America should be remembered. I am honored to have him reside in my congressional district.

I pray that next time around, whether it's in Iraq or somewhere else, the enemies of freedom will once again find themselves looking in the face of someone like SAM JOHNSON or Ed Davis, someone who is living proof that what this country stands for is right, and just, and good.

IN HONOR OF DANIEL HUMBERTO JARA, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Daniel Humberto Jara, who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

The president and founder of the Statewide Hispanic Chamber of Commerce of New Jersey, Mr. Jara oversees a network of business partnerships that represent over forty thousand businesses throughout New Jersey and Philadelphia. He has attained national acclaim for his leadership and role in the Hispanic business community, and Hispanic Business Magazine listed him as one of the 100 most influential Hispanics in the nation. The Statewide Hispanic Chamber of Commerce of New Jersey was rated first out of the top 50 chambers by Business New Jersey in 1998 and 1999.

In 1992, Mr. Jara was appointed to chair the National Hispanic Legislative Forum and in 1993 he chaired the National Convention of the United States Hispanic Chamber of Commerce. He was elected to serve as vice chairman of the Board of the United States Hispanic Chamber of Commerce.

Prior to founding the Statewide Hispanic Chamber of Commerce of New Jersey, Mr. Jara was president of the Greater Paterson Hispanic Chamber of Commerce for two consecutive terms, served on Governor Whitman's Advisory Council on Minority Business Development, and the Governors Study Commission on Discrimination in State Employment and Contracting.

Mr. Jara has received the Hispanic Achievement Award from Hispanic Magazine and the Lifetime Achievement Award by the New Jersey Policy Research Organization. He has also been an active advocate for the disabled community and has been recognized by the Association of Hispanic Handicapped of New Jersey for his exemplary contributions.

Mr. Jara obtained his bachelor's degree in Economics and master's degree in Finance and Business Administration from Rutgers University, where he was president of the Rutgers Newark Program Board and the head of a number of Hispanic student organizations. He is an honorary member of the Rutgers Leadership Recognition Society.

Today, I ask my colleagues to join me in honoring Daniel Humberto Jara for his leadership in the Hispanic business community and his contributions to the state of New Jersey.

INTRODUCTION OF THE HIGHER EDUCATION ACCREDITING AGENCY RESPONSIBILITY ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PETRI. Mr. Speaker, today, I am introducing legislation, the Higher Education Accrediting Agency Responsibility Act of 2003, that will remove the requirement that institutions of higher education be accredited in order to be eligible for federal funds. The system of accreditation of colleges and universities that has developed in the United States does not serve its avowed purpose of ensuring that institutions of higher education have good academic programs and standards, and it fails to provide hardly any benefit at all to our higher education system. Additionally, more effective and less costly mechanisms are already in place to protect students. For example, no institution can receive federal funds until the Department of Education certifies its financial and administrative capacity, and institutions also must meet various state licensing and oversight requirements related to quality.

Accreditation these days has little to do with academic rigor or educational outcomes; rather, it serves only to show that a school has the right set of inputs, and virtually every college and university in the nation is able to comply with these standards. Because federal law makes eligibility to receive federal student loan funds conditional upon retaining accredited status from an accrediting association recognized by the Department of Education, schools have a rather large incentive to maintain their accreditation status. This places an enormous amount of influence in the hands of the accrediting agencies, which oftentimes force schools to reallocate resources or even adopt policies at odds with a school's individual mission in order to comply with accreditation requirements and recommendations.

As we continue to pursue policies of accountability for our education institutions and strive to do our part in making higher education affordable for more Americans, we must examine ways that the accreditation process can be changed to play a more useful role—one that provides meaningful information about a school to students and parents. I believe the Higher Education Accrediting Agency Responsibility Act of 2003 is the necessary first step to achieve this goal.

A TRIBUTE TO ST. LOUIS CHILDREN'S HOSPITAL

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to St. Louis Children's Hospital. I am extremely honored to commend them for their dedication and commitment to the well-being of precious children in need of medical attention. They were recently ranked 6th in the nation among the top 10 Best Children's Hospitals in America by Child Magazine. The hospital's devotion to ensuring that children are receiving high quality and appropriate medical, nursing and mental health care, earned them the privilege of a five-star customer service award for patient satisfaction. They placed fourth for their excellent neonatology/neonatal intensive care unit (NICU).

St. Louis Children's Hospital is highly devoted to improving the health of children and providing the highest quality care. This hospital has the country's largest full-service pediatric cerebral palsy program and the world's largest pediatric lung transplant program in the world. The doctors at St. Louis Children's Hospital performed 70 pediatric transplants in 2001, more than any other hospital surveyed.

St. Louis Children's Hospital diligently researches to generate scientific information that provides insight to the cause, treatment and prevention of childhood disease. In addition, such studies provide essential knowledge for improving the general health of all children. The hospital has conducted more than 500 peer-reviewed clinical trials, including the largest and longest childhood asthma study.

Mr. Speaker, St. Louis Children's Hospital has provided specialized care for children for over 120 years. Their health care professionals are both skilled and compassionate with all patients and their families. They are well-deserved of our honor and I urge my colleagues to join me in commending them for the commitment and remarkable care they provide to the children of the greater St. Louis region.

DO-NOT-CALL IMPLEMENTATION ACT

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. ESHOO. Madam Speaker, with the consideration of H.R. 395, the Do-Not-Call Implementation Act, we're finally directing our attention to an issue that has affected our constituents for some time . . . telemarketing.

Telemarketing is big business. There are more than 16 billion telemarketing calls made each year which generate nearly $300 billion in sales and employ 6 million people. But consumers have grown weary of interruptions coming from an unwanted sales call at dinnertime, while they're sleeping, or just barely waking up. They've repeatedly asked for a way to avoid these calls.

Twenty-seven states have responded by establishing do-not-call lists and more than 12 million households have already signed up.

At last we have a federal response . . . a national do-not-call list. I commend the Federal Trade Commission for making this useful tool available to the consumers of our nation.

Implementation of the list has an estimated cost of $16 million. This money is well-spent but it's extremely important that the FTC's proposal is implemented in the most efficient manner.

Effective implementation requires harmonization with state laws, as well as a cooperative effort with the Federal Communications Commission which is in the process of reviewing its ten-year-old telemarketing rules.

One area that may need refinement is the FTC's exemption for pre-existing business relationships. The current FTC rules place an 18-month limitation on prior relationships but some industries, such as software and information product manufacturers, may have upgrades that occur outside this time frame.

A longer time frame may be necessary so that the Do-Not-Call list doesn't have an arbitrary impact on consumers and small businesses. Only a consistent framework, not a patchwork of varying rules, will accomplish our goal of increasing consumer confidence and protection.

I'm proud to be a cosponsor of H.R. 395 and look forward to quick enactment of the FTC's Do-Not-Call list. I urge all my colleagues to vote for it to hasten its implementation for the American consumer.

TRIBUTE TO THE AQUINAS HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Aquinas High School Mens Varsity Football Team for winning the Class A New York State Football Championship on December 2, 2002. This has been the second consecutive season that Aquinas has clinched the Class A Title.

Through hard work and dedication the Aquinas team has come together this season and continued their reign at the top of their division. From September to the State Championship, they were ranked number one in their league, ending their season 12–1. The Lil' Irish have set the bar high for both their league and across the state. Aquinas, led by Coach David Neiman, has been established as a unified, passionate, and courageous team. Capturing three State Titles in the last five years, they have stayed focused on their goals, and despite fierce competition, have not let anyone stand in the way of yet another winning season.

On behalf of the people of the 25th District of New York, it is my honor to congratulate the Aquinas High School Football Team and their coaching staff on their Class A State Football Championship. With these remarks, I would like to recognize the following players and staff: John Brennan, Arel Gorgon, Ian Goodbarlet, Ed Baron, Calvin Hall, Jon Houck, Linell Greene, Mark Zeppis, Ryan Brennan, Ryan Rozzi, Chris Kelly, Lou Ricci, Dave D'Aurello, Chris MacDonald, Dan Zegarelli, Jon Sirianni, Nick Rovisa, Josh Kacprzak, Ricky DiFranco, Dom Borrelli, Vaughn Brooks, Mark Smith, Bill Amering, Sal Rosso, Jason O'Mara, Chris Vincelli, Joe Testa, Billy Wagner, Andy Laughlin, Chris Citano, Mike Yankowski, Mark Stolke, Matt Stolte, Mike Guey, Tom Neilson, Dan Poors, Andy Brooks, Matt Querola, Joss Rodriguez, Rick Cheffee, Nate Adams, Chris Rivera, Reed Rothschild, Pat Duffy, Matt Flecher, David Cassell, Dan

Magil, Matt Thompson, John Contestabile, Donny Moss, Andy Welch, Head Coach David Nieman, Athletic Director Dick Carons, President Mike Daisy, Principal Sally Cardill, Athletic Trainer Mike Cararo, and Assistants Derek Annechino, Bob O'Effore, Mark Magllocco, Pete Haugn, John Marola, John Mintel, and Jack Foote.

HONORING CZECH REPUBLIC PRESIDENT VACLAV HAVEL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HASTINGS of Florida. I rise today in strong support of this resolution commending Vaclav Havel. He served as president of Czechoslovakia from 1989 to 1992 and president of the Czech Republic from 1993 to 2003.

Mr. Havel has led an interesting and exemplary life. In 1948 his homeland of Czechoslovakia was taken over by the Communist Party. He served in the Czechoslovakian army from 1957 to 1959 and later achieved great esteem as a playwright during the politically tolerant period between 1962 and 1968. This period was quickly brought to a conclusion by the Soviet invasion of 1968.

The era of Soviet control over the Czechoslovakian people was a very difficult period in Mr. Havel's life. This new government banned his plays and arrested him in 1975, 1977 and 1978 for anti-government activities. In 1979, Mr. Havel was given a choice between exile and imprisonment. He chose imprisonment and was therefore in prison until 1983. He was imprisoned for another nine months in 1989 for leading anti-government demonstrations.

Mr. Havel was one of the many people whose hard work led the Communist Party to fall from power in December of 1989. He was elected interim president of Czechoslovakia on December 29, 1989 and was elected to the presidency on July 5, 1990. His main initiatives and reforms during his time in office included abolishing the death penalty, encouraging political tolerance and establishing a democratic government.

Mr. Havel resigned as president of Czechoslovakia on July 20, 1992 in protest of the dissolution of Czechoslovakia into the Czech Republic and Slovakia. He was subsequently elected president of the Czech Republic on January 26, 1993 and reelected president on January 20, 1998. Under his leadership the Czech Republic joined NATO in 1999 and will become a member of the European Union in 2004.

Vaclav Havel should be commended for many reasons. His devotion to freedom and democracy stands as a model for all nations. He has never stopped working hard for human rights and other causes that he believes in strongly. His leadership has carried both Czechoslovakia and the Czech Republic through tumultuous periods in their histories.

INTRODUCING THE CLEAN-UP METH ACT

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. OSE. Mr. Speaker, today I reintroduce The Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production of Methamphetamines Act—or CLEAN-UP Meth Act.

This bill is a bipartisan, comprehensive effort to help local agencies address the growing threat that meth production and use poses.

I am pleased to be joined in this effort by more than 60 original cosponsors that include all three Co-Chairs of the Speaker's Task Force for a Drug Free America, both the Chairman and Ranking Member of the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, the Chairman of the House Judiciary Subcommittee on Crime, the Chairman of the House Agriculture Committee and the House Majority Whip. The cosponsors include Republicans and Democrats, liberals and conservatives, from Hawaii to North Carolina, and in almost every state in between.

In addition, this bill was supported during the 107th Congress by more than two-dozen national, state and local organizations concerned with the impact of Meth on our society. Among the bills supporters are the National Narcotics Officers Association, the National Sheriffs' Association, the National Association of Chain Drug Stores, the National Association of Convenience Stores, the National Fertilizer Institute, the California Association of Highway Patrolmen, the California Narcotics Officers Association, the California Peace Officers Association, the California Police Chiefs Association and the Peace Officers Research Association of California.

As a Californian, I have a heightened awareness of the danger posed by meth. California is the source of more than 80 percent of the meth made and sold in the U.S.

Between 1995 and 1999, the number of meth labs discovered in California shot from 559 to 2,061—nearly a four-fold increase in just five years. In 2001, 199 of the 273—or 84 percent—of all "super labs" found in the U.S. were in California. The next most common state was home to just 17 "super labs."

My hometown of Sacramento is particularly hit by meth. Many of you may remember when an out of control trucker deliberately drove his big rig into the side of California's state capitol building. The driver was on meth.

The Sacramento Sheriffs department alone spends more than $1.3 million each year fighting meth—roughly 75 percent of their entire anti-narcotics budget. In 2000 the Sacramento Sheriffs dealt with 27 clan labs, in 2001 that was up to 44.

The CLEAN-UP Meth Act addresses three areas where our state and local officials really need help.

First, the Environment.

The CLEAN-UP Meth Act authorizes $30 million for cleanup and remediation of our federal, state and local parks, forests and farmlands. All too often, the environment is the first victim of a meth lab.

It also authorizes $30 million to train law enforcement and other first responders in how to safely enter and clean-up a lab, as well as how to meet the OSHA requirements for working in such a hazardous environment.

Finally, it authorizes $1 million for the EPA to conduct a study of meth waste's impact on the environment.

It is important to address environmental concerns as 4 pounds of waste are created for every 1 pound of meth. In 2001, 12,013 super labs, labs and waste or dump sites required clean-up and remediation.

Second, Health and Education.

H.R. 3782 will provide $20 million to local schools and education groups to provide anti-drug—and especially anti-meth programs.

An additional $10 million is provided to local health care groups for the treatment of both meth abusers, and those abused by meth producers and users. One quarter of that money is specifically set aside for programs helping children found in the toxic environment of meth labs or abused by meth users.

Finally, the bill authorizes $1 million for the Department of Health and Human Services to conduct a study on the impact of not only meth use, but also meth production on community health. We need to help stop the use of this deadly drug that 9.4 million Americans admitted to having used at least once in 1999 and that in 2000, 7.9 percent of high school seniors said they had tried.

Finally, Law Enforcement.

With meth growing so quickly, many local law enforcement agencies, district attorneys and other members of the law enforcement community are not prepared to deal with its spread into their community. It is all well and good to find the offenders, but you need to know how to catch them—and perhaps most importantly—prosecute them to get them out of the system.

This legislation authorizes an additional $20 million under the COPS program for training of state and local prosecutors as well as sheriffs and police officers in the prosecution of meth law violations. And one quarter of these funds are set aside for rural communities that are often hardest hit but lack the resources to attack this emerging threat. One example of this rapid growth: DEA arrests for meth production and distribution between 1993 and 1999 shot up from 1,944 to 8,618—an increase of more than 400 percent.

Speaking of training, the bill provides $10 million to expand the great Clan Lab training program run by the DEA in Quantico, Virginia. They do a great job down there, and we need to support them.

Regarding criminal penalties, the CLEAN-UP Meth Act tightens criminal laws used to prosecute the promoters of "raves," the for-profit parties aimed at young people that are often the places where our children our first exposed to these dangerous drugs—too often with the full knowledge and consent of the promoter.

In conclusion, no matter what you call it—meth, crank, crystal, or whatever—this drug is an emerging threat across the country. And it threatens not just those who use it, not just those who know someone who use it, but all Americans who drink our water, breathe our air, send their kids to school or work our lands. It hits rural and suburban areas, perhaps even harder than it does our cities. You cannot just sit back and say it is someone else's problem. That is why I am grateful that this Administration, so many of my Republican and Democratic colleagues, and members of the law enforcement community is focused on the emerging meth threat. And why I am pleased to have so many of them supporting our efforts to CLEAN-UP Meth as I reintroduce this important legislation today.

INTRODUCING THE TEACHER RECRUITMENT ACT OF 2003—H.R. 5133

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to re-introduce H.R. 5133, the "Teacher Recruitment Act of 2003" to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations.

Rural and small town schools educate a significant number of America's students. Nearly forty percent of America's school-age children attend public schools in rural areas or small towns with populations of less than 25,000. Forty-nine percent of the nation's public schools are located in rural areas and small towns and 41 percent of public school educators teach in rural community schools. Rural school districts are often the largest single employer in their area and rural schools serve as the social, recreational, and cultural foundation of their communities.

Although rural and small schools educate nearly 40 percent of America's students, they receive less than 25 percent of the total federal, state, and local spending on public education. Rural and small schools tend to be located in areas with low property values and few industries, making it more difficult to raise additional revenues. Additionally, because federal grants are awarded based upon student population, rural districts often receive insufficient grant funds to accomplish the stated purpose.

Rural schools face formidable challenges in recruiting and retaining quality teachers. Compared with teachers in central city schools and urban schools, rural teachers tend to be less educated, slightly less experienced, younger, and less likely to belong to a minority group. Chronically low salaries and benefits exacerbate the difficulty in attracting quality teachers to rural and small town schools. For example, in the district that I represent, the U.S. Virgin Islands, teachers have not received a substantial raise in over seven years to offset the rising cost of living. There has been no state subsidized programs towards teacher certification, advance education, or teacher training. Adding to the need to expand the Teacher Loan Forgiveness program is the lack of substantive incentives on the local level to incite teacher recruitment and retention within and outside of the rural communities. Similarly, there are many challenges associated with preparing teachers to work with Native American children and parents, and often teachers have not been properly prepared to address these challenges. Consequently, teachers who are less than qualified are working on American Indian reservations, and the retention of qualified teachers remains a challenge.

If "The Leave No Child Behind Act" is truly meant to reform our nation's education, we need to pass legislation that adequately addresses the deficiencies in our educational system. To effectively implement the provisions of "The Leave No Child Behind Act," we must attract and keep quality teachers. The American Federation, which represents 1.2 million members, has urged the support and passage of amendments to expand eligibility for loan forgiveness to those who are teaching in schools in need of improvement, as defined in "The No Child Left Behind Act." The "Teacher Recruitment Act of 2003" would expand the eligibility of individuals to qualify for loan forgiveness for teachers beyond that available under section 428J of the Higher Education Act by providing additional incentives for such individuals to teach in economically disadvantaged or depressed and underserved rural areas. Under this bill, teachers may qualify for up to 100 percent student loan forgiveness. The "Teacher Recruitment Act of 2003" is a good step toward the continuing challenge of recruiting and retaining teachers in rural areas and I urge its passage.

TRIBUTE TO LOVEEDAH NADLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mrs. Loveedah Nadler, of Lexington, Missouri, has retired from her position as Lafayette County Collector.

Mrs. Nadler, a graduate of Wellington High School, Wellington, MO, joined the County Collector's office on February 2, 1972, working for then-Lafayette County Collector George B. Gordon. However, Mr. Gordon passed away in June, 1974, leaving Mrs. Nadler to train his wife to fill the position until an upcoming election in November of that year. In that election, Warner Bounds was elected to the position and Mrs. Nadler stepped in once again and trained the newly elected official. During Mr. Bounds' third term in 1982, he was struck with health problems leaving, Mrs. Nadler to assume many of the collector's responsibilities.

Mrs. Nadler ran for the office of Lafayette County Collector in 1986 and was elected in November of that year. She ran unopposed for reelection in 1990, 1994, and 1998. In her tenure working in the Office of County Collector, Mrs. Nadler blessed the office with her friendliness, ability, and willingness to work with people. Though her term officially ends on February 28, 2003, her dedication to the Lafayette County Collector's Office will be evident for years to come.

Mr. Speaker, Loveedah Nadler has dedicated 31 years of service to Lafayette County, serving with dedication. As Mrs. Nadler prepares to spend more time with her husband Kenny, her granddaughter, and the rest of her family, I know the Members of the House will join me in wishing her all the best in the days ahead.

ROSES THAT KILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to call my colleagues' attention to an article that appeared in the February 13, 2003 issue of the The New York Times. The article was written by Ginger Thompson and appeared under the headline "Behind Roses' Beauty, Poor and Ill Workers."

This St. Valentine's day, many of the roses Americans will purchase as expressions of love for spouses, parents and others will have been produced in Ecuador. In a 20-year period, Ecuador has become the fourth-largest producer of roses in the world. The Andean Trade Preference Treaty of 1991 provides tariff-free access to American markets.

It, therefore, behooves us, both as Members of Congress and as consumers, to be aware of the conditions under which these roses are produced. As Ms. Thompson's article makes clear, there is reason for serious concern that workers, making as little as $156 a month, are being poisoned as a result of the misuse of pesticides, fungicides, and fumigants. The Ecuadorean rose industry employs 50,000 workers, 70 percent of whom are women.

I commend the following excerpt from the article to the attention of my colleagues and the public and urge you to read the entire article. In our efforts to express affection for a loved-one through the purchase of a flower, I am sure that none of us wants to be a part of the poisoning of another.

[From the New York Times, Feb. 13, 2002]

BEHIND THE BEAUTY, POOR AND ILL WORKERS

(By Ginger Thompson)

Cayambe, Ecuador, February 10—In just five years, Ecuadorean roses, as big and red as the human heart, have become the new status flower in the United States, thanks to the volcanic soil, perfect temperatures and abundant sunlight that help generate $240 million a year and tens of thousands of jobs in this once-impoverished region north of Quito.

This St. Valentine's Day, hundreds of American florists and catalogs are offering the roses of this fertile valley. Calyx & Corolla, for instance, bills it as a place "where Andean mists and equatorial sun conspire to produce roses that quickly burst into extravagant bloom, then hold their glory long after lesser specimens have begun to droop."

But roses come with thorns, too. As Ecuador's colorful blooms radiate romance around the world, large growers here have been accused of misusing a toxic mixture of pesticides, fungicides and fumigants to grow and export unblemished pest-free flowers.

As in other industries like garment production, bananas and diamonds, the poor worry about eating first and labor conditions later. They toil here despite headaches and rashes here for the wealthier of the world, who in turn know little of the conditions in which their desires are met.

Doctors and scientists who have worked here say serious health problems have resulted for many of the industry's 50,000 workers, more than 70 percent of them women. Researchers say their work is hampered by lack of access to flower farms because of reluctant growers. But studies that the International Labor Organization published in 1999 and the Catholic University issued here last year showed that women in the industry had more miscarriages than average and that more than 60 percent of all workers suffered headaches, nausea, blurred vision or fatigue.

"No one can speak with conclusive facts in hand about the impact of this industry on the health of the workers, because we have not been able to do the necessary studies," said Dr. Bolivar Vera, a health specialist at the Health Environment and Development Foundation in Quito. "So the companies have been able to wash their hands of the matter." . . .

Dr. César Paz-y-Miño, a geneticist at the Catholic University, said several pesticides used on a farm that was the setting for his research in the late 1990's were restricted as health hazards in other countries, including the United States, and labeled as highly toxic by the World Health Organization.

Among the most notorious are captan, aldicarb and fenamiphos. Dr. Paz-y-Miño refused to identify the flower farm under an agreement that he said he had with the owners.

He described the conditions as astonishing and recalled workers' fumigating in street clothes without protective equipment, pesticides stored in poorly sealed containers and fumes wafting over the workers' dining halls. When asked what government agencies monitor worker health and safety, Dr. Paz-y-Miño said, "There are no such checks." . . .

Industry representatives denied that there was a health problem or that unacceptable risks were taken.

"The growers we know are very conscious of environmental issues," said Harrison Kennicott, the chief executive of Kennicott Brothers, a wholesaler in Chicago who is a former president of the Society of American Florists, a trade group.

"They go to lengths to get certified environmentally," Mr. Kennicott said. "The growers take care of the people They provide housing and medical care.

"Our job is to satisfy our customers, who are the florists and retailers who deliver flowers to the public. Our interest is having the best quality product at a competitive price."

Yet it is hard to erase images of workers like Soledad, 32, and Petrona, 34, both mothers and both looking jaundiced and bony. In interviews after quitting time, they asked not to be fully identified out of fear that they would lose their $156-a-month jobs cutting flowers in greenhouses. The women said they had elementary school educations but did not need high-level science to tell them why their kidneys throbbed at night and heads throbbed in the day.

"There is no respect for the fumigation rules," said Petrona, who has worked on flower farms for four years. "They spray the chemicals even while we are working."

"My hair has begun to fall out," she added, running a hand from the top of her visibly receding hairline down a single scruffy braid. "I am young, but I feel very old."

Soledad, who has worked on flower farms for 12 years, slowly turned her head from side to side.

"If I move my head any faster, I feel nauseous," she said, and then pulled up her sleeve to show her skeletal limbs. "I have no appetite."

When asked whether the farm where they worked had a doctor on duty, the women rolled their eyes.

"He always tells us there is nothing wrong with us and sends us back to work," Petrona said. "He works for the company. He does not help us." . . .

TRIBUTE TO CHIEF WARRANT OFFICER MARK S. O'STEEN

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to an American hero, Chief Warrant Officer Mark S. O'Steen, of Ozark, Alabama, in my congressional district. An Army Special Forces helicopter pilot, he recently gave his life in service to our nation during Operation Enduring Freedom in Afghanistan.

On January 30, while piloting a training mission flight in an MH–60 Black Hawk helicopter, Mark O'Steen and three of his comrades lost their lives when their aircraft went down east of Bagram Air Force Base. Their sacrifices were not in vain.

Mark O'Steen was and remains an inspiration to all of us, living his life for God and country. Highly motivated and talented, he followed in the footsteps of his late father and older brothers in pursing a military career.

An excellent athlete, linguist, military pilot, husband, father, and son, Mark O'Steen embodied the best of Alabama and our nation. He was proud of his work and did not let the ever-present risk inherent in military service worry him.

I join our Commander-in-Chief in offering the nation's gratitude for Mark's service and sacrifice to protect and preserve our freedoms. I also pass along my heartfelt condolences to Mark's family. This nation will be forever grateful to you.

IN HONOR OF MARIANO VEGA, JR., RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Councilman Mariano Vega, Jr., who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

Mr. Vega's career demonstrates his dedication to social service and his compassion for families, children, and the elderly living throughout our community. Before serving on the City Council, he was director of Hudson County Department of Public Resources, chief of Hudson County Division of Social Services, and director of the Jersey City Division of Welfare.

A dedicated educator, Councilman Vega has worked in many capacities as part of his commitment to improving education. A former teacher and counselor, he also served as assistant director of Admissions at Montclair State College in New Jersey, and as acting director for the Equal Opportunity Office at the University of Medicine and Dentistry of New Jersey.

A graduate of Montclair State College, Mr. Vega also studied at Rutgers University School of Social Work, School of Law, and Graduate School of Education; Cornell University School of Industrial and Labor Relations; and has participated in the Leadership Institute on Workforce Development and the Hispanic Leadership Opportunity Program. Mr. Vega was a National Policy Fellow at the former Department of Health, Education and Welfare, which today is known as the U.S. Department of Health and Human Services.

Councilman Vega has served as president of the Jersey City Board of education and Jersey City Borinquen Lions Club and commissioner of the Jersey City Planning Board. He founded the Liberty Soccer Club and International Recreation and Educational Exchange Program, and was a founding member of the Liberty Academy of Visual Arts and the Hispanic Leadership Association.

Today, I ask my colleagues to join me in honoring Mariano Vega, Jr., for his contributions to the City of Newark and the state of New Jersey, and his continued dedication to public service.

HONORING SUSAN B. ANTHONY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. CUBIN. Mr. Speaker, I rise today to recognize and honor a true pioneer in the fight for women's rights; a woman who 183 years ago this month set out on a life and career that would earn her a place in history—Susan B. Anthony.

She is perhaps best remembered for her struggle to obtain equal rights for all, regardless of age, race, or gender.

To her, life was about the dignity of all people—from the most oppressed of women to the most innocent and defenseless of all, the unborn.

As a pro-life woman, I can very much identify with her deeply held belief in the rights of the unborn. I personally believe that life begins at conception. That means that I want to protect and nurture human life in every stage of development.

Partial birth abortion is not an option. It is a death sentence. It is my hope that this Congress will pass, and the President will sign, a measure outlawing this repulsive procedure.

Susan B. Anthony was truly a compassionate soul and a protector of women and children. I feel it very appropriate to recognize her on this anniversary of her birth.

SUSAN B. ANTHONY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MYRICK. Mr. Speaker, Susan B. Anthony is best remembered as a great women's rights campaigner. On February 15th, her 183rd birthday, we recognize that she was indeed instrumental in helping women achieve the right to vote.

Another piece of her legacy that is often brushed over but equally important is her commitment to the rights of unborn children. Susan B. Anthony believed that all people should be treated equally, and she made no exception for unborn children. She did not see a difference in fighting for women's rights and protecting the right to life for all children.

This is why I am taking this opportunity to honor her birthday today. As we think back on Susan B. Anthony's tireless work to promote the dignity of all life, let us renew our own commitment to fight for equal rights, especially for unborn children who have no voice to fight for themselves.

60TH ANNIVERSARY OF WOMEN IN MARINE CORPS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to take this opportunity to commemorate the contributions of the thousands of women who have served in the United States Marine Corps throughout history. They celebrate their 60th anniversary today, February 13th, when the first group of women went off to Hunter College in 1943 to train as Women reservists to "Free a Man to Fight!" In honor of this anniversary I enter the following proclamation into the official Record of today.

Whereas since its inception in 1943 to "Free a Man to Fight" under the leadership of Col. Ruth Cheney Streeter, thousands of women have served the Corps in every clime and place and have continued to be an essential part of the United States Marine Corps;

Whereas it should be acknowledged the women who serve a grateful nation are committed to preservation of the freedoms of this Nation and serve today at the forefront of our military in almost every specialty and;

Whereas it should be acknowledged that the first group of women who volunteered to serve their Nation led the way and broke the ground for all the women who serve today and are entitled to a special debt of gratitude and thanks;

Therefore, let it be known that the 60th anniversary of the women who have served in the United States Marine Corps marks a milestone that a grateful Nation acknowledges as those women and the women today and those that follow will continue to pursue a course of action that serves to inspire all freedom loving people in the world. Semper Fidelis!

TRIBUTE TO OUR TROOPS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. UPTON. Mr. Speaker, I rise today to recognize the brave men and women of the 415th Civil Affairs Company of the U.S. Army Reserve in Kalamazoo, Michigan. Often overlooked, our Reservists provide an invaluable service to our country and to our Armed Forces. The 415th Civil Affairs Company has been on continuous deployment for the better part of the last decade, separated from families, careers, and livelihoods. Now, these folks are being deployed to Kosovo to help keep the peace in an uncertain world. Freedom isn't free; it comes at a price—and individuals like these are the ones who bear the cost. I wish them a safe return.

INTRODUCTION OF THE "PARTIAL-BIRTH ABORTION BAN ACT OF 2003"

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CHABOT. Mr. Speaker, today, on behalf of a bi-partisan coalition, I have introduced the "Partial-Birth Abortion Ban Act of 2003."

The "Partial-Birth Abortion Ban Act of 2003" would ban the dangerous and gruesome procedure known as a partial-birth abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant. The great majority of these abortions are performed on unborn infants from the 20th to the 26th week of pregnancy and more often than not on the healthy babies of healthy mothers. The "Partial-Birth Abortion Ban of 2003" is similar to the previous bans on partial-birth abortion approved by the House in that an abortionist who violates the ban will be subject to fines or a maximum of two years imprisonment, or both; a civil cause of action is established for damages against an abortionist who violates the ban; and a doctor cannot be prosecuted under the ban if the abortion was necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and should be prohibited. Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. It is also a medical fact that the unborn infants aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure. As a result, at least 27 states banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

Three years ago in Stenberg v. Carhart, however, the United States Supreme Court struck down Nebraska's partial-birth abortion ban as an "undue burden" on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the "health" of the mother. The Stenberg Court based its conclusion "that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure" for pregnant women who wish to undergo an abortion on the trial court's factual findings about the relative health and safety benefits of partial-birth abortions—findings which were highly disputed. Yet, because of the highly deferential clearly erroneous standard of appellate review applied to lower court factual findings, the Stenberg Court was required to accept these trial court findings.

These factual findings are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of the partial-birth abortion procedure—including evidence received during extensive legislative hearings during the 104th, 105th, and 107th Congresses—which indicates that a partial-birth abortion is never medically necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. In fact, a prominent medical association has concluded that partial-birth abortion is "not an accepted medical practice," and that it has "never been subject to even a minimal amount of the normal medical practice development."

Thus, there exists substantial record evidence upon which Congress may conclude that the "Partial-Birth Abortion Ban Act of 2003" should not contain a "health" exception, because to do so would place the health of the very women the exception seeks to serve in jeopardy by allowing a medically unproven and dangerous procedure to go unregulated.

Although the Supreme Court in Stenberg was obligated to accept the district court's findings regarding the relative health and safety benefits of a partial-birth abortion due to the applicable standard of appellate review, Congress possesses an independent constitutional authority upon which it may reach findings of fact that contradict those of the trial court. Under well-settled Supreme Court jurisprudence, these congressional findings will be entitled to great deference by the federal judiciary in ruling on the constitutionality of a partial-birth abortion ban. Thus, the first section of the "Partial-Birth Abortion Ban Act of 2003" contains Congress's factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

The "Partial-Birth Abortion Ban Act of 2003" does not question the Supreme Court's authority to interpret Roe v. Wade and Planned Parenthood v. Casey. Rather, it challenges the factual conclusion that a partial-birth abortion might, in some circumstances, be the safest abortion procedure for some women. The "Partial-Birth Abortion Ban Act of 2003" also responds to the Stenberg Court's second holding, that Nebraska's law placed an undue burden on women seeking abortions because its definition of a "partial-birth abortion" could be construed to ban not only partial-birth abortions (also known as "D & X" abortions), but also the most common second trimester abortion procedure, dilation and evacuation or "D & E." The "Partial-Birth Abortion Ban Act of 2003" includes a new definition of a partial-birth abortion that clearly and precisely confines the prohibited procedure to a D & X abortion.

This bill is not new. This chamber has passed legislation to ban this procedure four times and twice, this chamber voted to override the President's veto of this bill. Now that we have a President who is equally committed to the sanctity of life and who has promised to stand with Congress in its efforts to ban this barbaric and dangerous procedure, it's time for Congress to act to place this bill in front of the President and end this barbaric and dangerous procedure.

INTRODUCTION OF THE ACCIDENTAL SHOOTING PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by 33 of my colleagues in introducing the "Accidental Shooting Prevention Act" to address the large number of firearm injuries and deaths that occur when users mistakenly fire guns they believe are not loaded. This sensible bipartisan legislation would require that all semiautomatic firearms manufactured after January 1, 2006, which have removable magazines, be equipped with plainly visible chamber load indicators and magazine disconnect mechanisms.

As with many other consumer products, firearm design can reduce the risk of injury. But unlike other products, gun design decisions have been largely left to manufacturers. Fortunately, firearms manufacturers have already produced many guns with safety devices, such as chamber load indicators and magazine disconnect mechanisms, which can help reduce the risk of accidental injuries.

A chamber load indicator indicates that the gun's firing chamber is loaded with ammunition, but to be effective, a user must be aware of the indicator. Generally, chamber load indicators display the presence of ammunition via a small protrusion somewhere on the handgun. Unfortunately, most chamber load indicators do not clearly indicate their existence to untrained users or observers. We must ensure these indicators are easily visible to all gun users, and my legislation will do just that.

By comparison, a magazine disconnect mechanism is an interlocking device which prevents a firearm from being fired when its ammunition magazine is removed, even if there is a round in the chamber. Interlocks are found on a wide variety of consumer products to reduce injury risks. For example, most new cars have an interlocking device that prevents the automatic transmission shifter from being moved from the "park" position unless the brake pedal is depressed. It is common sense that a product as dangerous as a gun should contain a similar safety mechanism.

At the age of sixteen, I was left paralyzed when a police officer's gun accidentally discharged and severed my spine. Although the act was unintentional, I am reminded every day of the tragedies that can occur when firearms are mishandled. Unfortunately, I am not alone in my experience. In 1999, the Centers for Disease Control reported that over 820 people were killed in the United States by accidental discharges of firearms, and many more were injured. Clearly, mistakes can happen even when guns are in the hands of highly-trained weapons experts, which is why safety devices are so critical.

I urge my colleagues to join me and the 33 original co-sponsors of this bill in reducing the risk of unintentional shootings. Please cosponsor this responsible measure, and help make firearms and their storage safer while protecting those unfamiliar with the operation of guns.

NORTH TEXAS MOBILITY IMPROVEMENT ACT OF 2003

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BURGESS. Mr. Speaker, I rise today to introduce the North Texas Mobility Improvement Act of 2003.

Transportation, its related infrastructure, and industry are a vital part of Texas' economic development and a significant contributor to quality of life in the 26th congressional district of Texas. My congressional district includes the growing northern suburbs of the Dallas-Fort Worth Metroplex, which provides state and local officials with some of our greatest transportation mobility challenges. The increase in traffic over the past three decades is a result of unprecedented population and employment growth experienced in the North Texas region.

The transportation congestion and mobility challenges of Interstate 35 East could minimize economic opportunity and investment in the North American international trade corridor if our country's leaders do not support the development of an efficient, seamless, intermodal trade and transportation system. With congressional passage of several important trade agreements, the heartland of America enters a new era as a geographic crossroad for international trade.

Interstate 35 extends from Laredo, Texas, the busiest U.S. border crossing into Mexico, to Duluth, Minnesota. One third of the highway is in Texas, including the Dallas-Fort Worth Metroplex. Of $57 billion in U.S. trade into Mexico annually, 78 percent moves through Laredo, and much of that on Interstate 35. The North American Superhighway's Coalition estimates it will take $3.4 billion to upgrade Interstate 35 over the next five years. Texas alone would require about $2.87 billion.

I am actively working with local, state, and federal officials to improve international trade transportation on Interstate 35 by widening current lanes and adding frontage roads without sacrificing Texas' ability to meet its regular mobility needs within the state. The North Texas Mobility Improvement Act of 2003 would authorize $2.5 million to widen from four lanes to six lanes those segments of Interstate 35 East between FM Road 2181 and Lake Lewisville in Denton County. The environmental review for this interstate expansion is currently underway by the Texas Department of Transportation.

With ever-increasing demands on our transportation system for both local mobility and international trade transportation improvements, the North Texas Mobility Improvement Act of 2003 would help the Texas Department of Transportation accelerate the widening of the segments both north and south of the existing 6-lane segment in order to alleviate the overburdensome bottlenecking on this vital segment of Interstate 35 East. Mr. Speaker, I strongly support the widening of this portion of Interstate 35 East. The North Texas Mobility Improvement Act of 2003 would provide for the additional needed funding to complete the project and address the immediate needs of my constituents and other North Texas commuters that Interstate 35 East on a daily basis.

INTRODUCTION OF THE CLEARWATER BASIN PROJECT ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. OTTER. Mr. Speaker, I rise before the House today to introduce the Clearwater Basin Project Act, a bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce national forests in Idaho. I am pleased to be joined by Congressman MIKE SIMPSON, a fellow Idahoan, in introducing this legislation.

The Forest Service has not been able to adequately address insect outbreak, catastrophic fire, and other fish and wildlife habitat and ecosystem health issues on the lands it manages within the basin. That is why I am introducing The Clearwater Basin Project Act to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands. The legislation takes advantage of existing collaboration and stewardship mechanisms to provide a more effective framework for stakeholders to work with the Forest Service to attain some meaningful forest management results on the ground.

In 1996, the state of Idaho established a Federal Land Task Force to design potential pilot projects on federal lands. The task force report identified a broken decision-making process as part of the problem on federal lands. An eight-member working group identified five pilot projects on Idaho's federal lands. The legislation I am introducing today is a product of that process. The Clearwater Basin Project Act implements concepts and addresses needs identified in the Clearwater Basin Collaborative Project that was described in the December 2000 Federal Land Task Force Working Group Report, "Breaking the Gridlock." The aims of the original Clearwater Project and the Act are to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands within the basin.

This legislation provides an up-to-date, reasonable and realistic approach to implementing a pilot project on national forest lands in the Clearwater Basin. The Act facilitates forest management through consensus-building procedures to expedite identification, scheduling and implementation of specific high-priority forest stewardship activities. The legislation provides a working test of innovative collaborative management, fully within the framework of existing environmental laws.

This legislation requires the Secretary of Agriculture to establish the Clearwater Advisory Panel (CAP), a collaborative group comprised of a broad spectrum of stakeholders in Clearwater Basin national forest management. The CAP is to work with the Forest Service, other agencies and the public to consider and recommend specific high-priority forest stewardship activities to implement over a five-year period within the Basin.

This act does not bypass existing environmental legislation. Rather, it requires the Forest Service and other federal agencies to complete National Environmental Policy Act (NEPA) and other consultation and coordination procedures for each proposed schedule of activities, within one year after the Forest Service issues the public scoping notice for the proposed schedule. The appropriate forest supervisor is required to review the five-year schedule of activities for each forest, then issue a decision document within 30 days regarding whether to approve the schedule recommended by the CAP.

The Act also provides additional authority for stewardship and other contracting to prepare and carry out activities recommended and approved for priority implementation. Also authorized is monitoring to measure the success of the project and to assure accountability and determine what funding and other support is needed for the project to succeed.

It is important to note that nothing in this act: (1) transfers ownership or control of any national forest lands from the United States to anyone else; (2) transfers Forest Service national forest decision authority to anyone else; (3) exempts Forest Service decisions or the priority activities from environmental laws, or from administrative appeal and judicial review; or (4) impairs opportunities for participation by any interest group or the general public.

The need for this legislation is greater now then ever. Elk City, a small rural community in my district, is an island in a sea of Forest Service, Bureau of Land Management, and state lands. The town is surrounded by dead and dying timber. However, because of federal regulations there is little or no access to the resource. That is threatening the local mill and placing the city and its residents at risk of catastrophic wildfires. Inaction no longer is an alternative for the Clearwater Basin. We cannot sit idly by and watch the forest burn. We must take action before our precious resource is destroyed and the lives of those dependent upon the resources are changed forever.

EIGHT AMERICAN HEROES FROM THE GREAT STATE OF OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise in honor eight American heroes from the great State of Ohio.

JoAnn Gallitto, Robert S. Kraska, Paul J. Mizerak, Florence I. Ousley, George T. Radigan, Walter L. Ratcliffe, Kathleen C. Sauterer, and Theresa Ann Yakubik are the honorees of the distinguished Franklin A. Polk Public Servants Merit Award presented by the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association as a result of their more than twenty years of faithful service to the bench, bar and public in Cuyahoga County.

JOANN GALLITTO—CLEVELAND HEIGHTS MUNICIPAL COURT

Cleveland Heights Municipal Court Chief Deputy Clerk JoAnn Gallitto is this year's nominee of Judge A. Deane Buchanan. JoAnn has been employed at the Court since 1974, and she has been Chief Deputy Clerk since 1984. Her duties include supervision of the Civil Division of Ohio's largest single judge municipal court, the processing of new cases, judgment execution proceedings, preparation of judgment entries and a myriad of other tasks, including direct contact with the bar and public. A graduate of Shaw High School in East Cleveland, JoAnn is the eldest of 4 children, who credits her upbringing by two hardworking parents in a close, traditional Italian-American family, with instilling in her a level of encouragement and support that has allowed her to succeed personally and professionally. An avid Browns' and Indians' fan, JoAnn looks forward to a Super Bowl trophy in Cleveland sometime soon. While waiting for that event, she enjoys reading and music of the '50's and '60's, particularly that of Dean Martin, whose shows she saw frequently while visiting her favorite vacation destination Las Vegas, the home of two very good friends. JoAnn has a myriad of memories in almost three decades of work. She recalls, from early in her career, the excitement of being a witness at a wedding before her Judge, which was followed about a week later by the happy couple's filing assault charges against each other. She also relates the story of a lawyer who asked for a continuance of a hearing on the day of the hearing as a result of severe bronchitis; she told the lawyer that he would need to file the continuance in writing, only to be amused later that same day to have the not-so-sick lawyer there to file his continuance. JoAnn is proud to note that she is the second generation of her family to be honored with the Public Servants Merit Award, having followed the example of her Uncle, Richard Gallitto, who was honored in 1982.

ROBERT S. KRASKA—CUYAHOGA COUNTY COURT OF COMMON PLEAS

Robert Steven Kraska is the Assistant Chief Court Reporter at the General Division of the Court of Common Pleas and has been a court reporter there since 1975. Administrative and Presiding Judge Richard McMonagle's nominee, Robert is a 1969 graduate of Garfield Heights High School, who worked in the private sector until his graduation from the Academy of Court Reporting and employment with the Court. Robert, the father of a grown son, was on the All Ohio High School Baseball Team his senior year and enjoys attending games at Jacobs Field. He also fishes and travels to Canada and West Virginia to play slot machines. Robert recalls two incidences clearly, from his many years of court reporting, but he discreetly will not identify either Judge involved. In one, he recalls a lawyer arguing that his client was "as sober as a Judge," which, after looking at the Judge, he corrected "as sober as the Pope." Another time, when a Judge seemed to be a little lost in asking some standard questions of a defendant when taking a criminal plea, Robert tried to help by suggesting that the next question should be "Are you under the influence of drugs or alcohol?" to which the Judge replied, "No, I am not."

PAUL J. MIZERAK—CLEVELAND MUNICIPAL COURT

Chief Bailiff Paul Joseph Mizerak is Cleveland Municipal Court Administrative Judge Larry Jones' nominee this year. Paul has worked at the Court since 1976, following employment at U.S. Steel and Yellow Trucking. Paul's duties are many. He oversees department supervisors, ensures enforcement of court orders, manages the day-to-day operations of his department (including scheduling, assignments and discipline) and trains all supervisors in his department. Paul graduated from the Cleveland schools and received bachelor's and master's degrees at Cleveland State University. Paul is a hitter, but in a good way. Hitting is part of his life-long commitment to sports and fitness, which includes playing in two men's baseball leagues and visiting Florida each Fall to play in the Roy Hubbs League. He also has trained in the martial arts. He has been married for 15½ years to Maureen and actively participates in the lives of his 13 nieces and nephews.

FLORENCE I. OUSLEY—CUYAHOGA COUNTY PROBATE COURT

Call Probate Court, and find out that Florence I. Ousley communicates. Florence, Probate Court Administrative Judge John Donnelly's nominee this year, has worked for the court for 27 years, the last decade as Telephone Operator. In addition to direct, initial contact with the public, Florence is also the Court's interpreter for deaf visitors seeking Probate Court's assistance. Beginning her public employment some four decades ago as a summer employee of the County Recorder's office, Florence has worked more than the last quarter century at Probate Court. A graduate of Notre Dame Academy, Florence has been a single mom for 27 years and is proud of her three children, Dionne, Holly and Flournoy, all now adults. She has been active in many political activities, but she also finds time to assist the elderly in nursing homes by providing cosmetology services. She also enjoys reading, cooking, listening to music and line dancing! Florence's commitment to public service can be traced to helping her father, former Councilman and Judge Theodore M. Williams. However, that lifetime of achievement by Florence still leaves her with pride about a recent part of her life, her substantial time with her pride and joy, her grandson, Quinn, who, without apologizing to Muhammad Ali, she says is "The Greatest."

GEORGE T. RADIGAN—UNITED STATES DISTRICT COURT (N.D.O.)

George T. Radigan, Chief United States District Judge Paul Matia's nominee, has been a probation officer for more than two decades. After a few years' service with the Cuyahoga County Court of Common Pleas, George has, since 1974, been involved in both pre- and post-sentencing probation services, including preparation of sentencing recommendations, supervision of pre-release clients and monitoring of offenders after their release from formal custody. A John Carroll University graduate, George is married to Kathleen and is father to two adult sons. To him, his true blessing is his wonderful family. He has actively participated in parents' groups for his sons' high schools and colleges and also his own college alunmi organization. As he nears the end of his career, he reflects that his service has been a major part of his life, and he hopes that he has helped his clients in a positive manner. He does recall, with clarity, two occasions involving his car, which gave some humor to a serious job. The first occurred when he was visiting a client who was a well-known auto thief. He locked his keys in his car and, reluctantly, asked that client to help him. In a matter of seconds, his car was open, and the client inquired, "Was that a test, Mr. Radigan"? Second, he was dealing with a wellknown organized crime figure and George was asserting the criminal had violated his probation and requested that he be returned to prison. At that time, the criminal noted "I think you need a new car." Four years later, when the criminal was released, George still had the same car (which he liked). and the client offered to help George out and buy him a new car.

WALTER L. RATCLIFFE—SHAKER HEIGHTS MUNICIPAL COURT

Walter L. Ratcliffe, Shaker Heights Municipal Court Judge K. J. Montgomery's nominee, has capped over two decades of public service as Chief Bailiff of the Court. There, he supervises all the bailiffs, oversees court security and performs duties assigned by his Judge. Walter, a 40–year resident of Shaker Heights, is in his second period with the Shaker Heights Municipal Court. He started his career as a Cuyahoga County Adult Probation Officer, prior to being a Probation Officer and Deputy Bailiff in Shaker Heights. He then served as a Pretrial Service Officer with the United States District Court, before returning to Shaker Heights in his current position in 1994. He is proud to recall his mother's public service with the Cleveland Board of Education as a nurse and educator and her pioneering efforts to gain employment for African-American nurses. He was also a pioneer, as the first African-American student at Shaker's Moreland Elementary School, and he attended the Shaker schools through high school. Married for two decades to April, and the father of three, Walter is the Youth Director at Good Shepherd Baptist Church and participates in Church and Youth Ministry. Recognizing that court proceedings are serious, he points to some humor, particularly the instance of an obviously delusional criminal defendant, who insisted that the acting judge presiding that day was, in fact, television's George Jefferson, and who demanded an opportunity to see the Judge's wife "Weezy." At the same time, that defendant thought Walter was "Wimpy" from the comic Popeye and was glad to offer to pay Walter Tuesday for a hamburger that day.

KATHLEEN C. SAUTERER—CLEVELAND MUNICIPAL COURT CLERK OF COURTS

As Deputy Director of the Cleveland Municipal Court's Criminal Division, Kathleen C. Sauterer makes sure that her division runs smoothly. She continues to be instrumental in the Court's efforts to bring its new computer system on-line in 2004. As a 30–year employee, since about the time of her graduation from Cleveland's John Marshall High School, Clerk Earle C. Turner's nominee has risen from a part-time position through supervisor of the night shift to her current position. Kathleen has been active at her two daughters' school and prides herself on her almost 24 years of marriage to her husband James, with whom she lives in Olmsted Falls. When not assisting her daughters and husband, Kathleen enjoys gardening.

THERESA ANN YAKUBIK—CUYAHOGA COUNTY CLERK OF COURTS

This year, Connnon Pleas Clerk Gerald E. Fuerst, a long-time supporter of the Public Servants Merit Awards, has nominated Theresa Ann Yakubik. Since about the time she graduated from high school, Theresa has worked at the Common Pleas Court Clerk's Office, starting as a deputy clerk in the Mortgage Department and proceeding through a number of positions to that of Chief Internal Auditor, a title she has proudly held for the past decade. Theresa verifies titling receipts and data for accuracy and insures that millions of dollars, which are deposited flow to the agencies entitled to receive them. Beyond her duties within the Clerk's office, she has been her office's representative on a number of state titling committees, including helping to structure state-wide automated title process systems. In this later work, she was so persistent in "bugging" the programmers constructing the systems to provide accurate design and reports in the systems that her colleagues throughout the State dubbed her "Terri, the Report Queen from Cuyahoga County" and presented her with a crown, scepter and sash. Terri volunteers with the Make-a-Wish Foundation and in her local parish, St. Wendelin's. She also enjoys sewing, baking and making table centerpieces for social and political functions.

REPEAL OF THE SPECIAL OCCUPATIONAL TAXES ON ALCOHOL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I join my good friend and colleague, Representative DAVE CAMP, today in introducing legislation that will repeal the Special Occupational Tax (SOT) on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products but rather operates as a license fee on businesses. Believe it or not, this tax was originally implemented to help finance the Civil War. I began the fight to repeal this unfair tax back in 1992. This is an inequitable tax that has outlived its original purpose and is a clear example of an antiquated approach to federal taxation.

The SOT on alcohol was dramatically increased during a budget process in 1986 and has unfairly burdened business owners across the country. Repealing the SOT would provide immediate and visible relief to thousands of small businesses in every congressional district. According to the ATF, there are 480,427 locations nationwide that pay this tax every year, including 458,603 retailers. These retail establishments account for $114 million out of $126 million in SOT revenues.

In my district, repealing the SOT will save convenience stores approximately $50,750 annually. Repealing the SOT will save California wineries approximately $750,000 annually and California restaurants approximately $20 million annually.

This tax is hardest on small businesses. A one-store operator pays the same SOT as a Wal-Mart Super center. In fact, a chain of four neighborhood food stores pays the same annual tax as the nation's largest single site brewery or distillery—$1,000. This is not what Congress had in mind 150 years ago, and I don't believe it is a situation we want today.

Repeal of the SOT on alcohol is supported by a broad-based group of business organizations and enjoys widespread bipartisan support on Capitol Hill. Senators Max Baucus and Jim Bunning are introducing similar legislation in the Senate today. The Joint Committee on Taxation has examined the efficacy of the SOT several times and found it fundamentally flawed, and has recommended its repeal in its 2001 tax simplification report.

With small businesses being hardest hit by the recent economic troubles, repeal of the SOT will provide much needed assistance to these important employers. It is time for us to move forward and enact legislation to repeal the SOT on alcohol. We urge our colleagues to join us in this endeavor.

TRIBUTE TO ANTHONY PAUL SPITALERI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Anthony Paul Spitaleri who is retiring after a distinguished career in service to the City of Palo Alto and its Fire Department for thirty-five years.

On January 1, 1967, Anthony "Tony" Spitaleri joined the Stanford Fire Department as a Firefighter. The Stanford Fire Department merged with the Palo Alto Fire Department in 1976, and Tony rose through the ranks to become Fire Captain. He has served his coworkers ably as President of the Palo Alto Firefighters Union (Local 1319) for more than a quarter century with professionalism and commitment. He helped recruit and retain a force of highly qualified firefighters and developed safe standards for staffing and equipment. He's been a tireless fundraiser for many community causes, and recently helped raise $800,000 for the families of New York Firefighters following the tragedies of September 11th.

Mr. Speaker, Tony Spitaleri is known throughout our community as an unselfish, enthusiastic, thorough, fair, compassionate, courteous man and he's one of the best barbequers around! I salute him for his extraordinary leadership which has made our community safer and stronger.

Mr. Speaker, I ask my colleagues to join me in honoring Anthony Paul Spitaleri for his outstanding service to our community and wishing him a retirement filled with every blessing.

TRIBUTE TO VIRGINIA "GINNIE" MUIR HIRSCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the life of Virginia "Ginnie" Muir Hirsch. She passed away in the early morning of January 29 in her home in Santa Cruz, California. Her husband, Fred, and their three daughters Liza, Leslie, and Laurie were at her side.

Ginnie was born in Altoona, Pennsylvania on August 4, 1925. She came from a family of strong Democrats. Because of her father's leftist ideals, he had difficulty finding a job in Altoona. Eventually the family was forced to migrate to West Virginia so that Ginnie's father could find work.

Ginnie moved to New York in 1942, where she began working for the American Committee for the Protection of the Foreign Born and for the American Slav Congress. Ginnie worked continuously during the period of anti-leftist hysteria in the nineteen forties, supporting many activists who were being deported for their progressive ideologies. While helping to organize a 1949 concert by Paul Robeson, her 1937 Oldsmobile was pushed over a cliff in what became known as the Peekskill Riot. The next day, in clothes bloodied by cross-burning Klansmen, Virginia testified with Paul Robeson about the attack.

Ginnie was married in 1952. In 1957 she and her husband moved to California with their children. Virginia held down two jobs, campaigned against the "right to work" law, and fought against the deportation and abuse of Mexican immigrants. In San Jose, Ginnie became an active member of the Office of Professional Employees International Union, and for a number of years she worked for the local Retail Clerks Union. She was also a founding member of the Friends of the Student Nonviolent Coordinating Committee, which involved traveling to Mississippi and bringing supplies to SNCC.

Ginnie has been a life-long activist in California labor politics. As a board member for the Central Labor Council, she consistently supported the United Farm Workers as well as a number of East San Jose labor organizations. In 1967 Virginia moved her family to Delano, California to open the first legal office for Cesar Chavez's United Farm Workers. She was also an integral part of the jury investigation team for the 1971 trial of Angela Davis.

Ginnie continued through her years in San Jose, and later in Santa Cruz, providing for her family and working for peace, against racism, and for social and economic justice. She regretted that leukemia made her unable to take part in the January 18 anti-war actions in San Francisco and died less than two weeks later.

Mr. Speaker, Virginia Muir Hirsch will be remembered in the community for her years of service and the invaluable contributions she has made to the progressive cause.

BALANCED BUDGET AMENDMENT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ISTOOK. Mr. Speaker, today we are reintroducing the Balanced Budget Amendment for the U.S. Constitution. Although we recently enjoyed four years of balanced federal budgets, the results of 9–11, the fight against terrorism, and economic challenges have all pushed us back into a sea of red ink.

Although borrowing can be justified to protect America in a time of national emergency, deficits should not be acceptable in normal times. So, unless we first set a goal of balancing the budget again, it will never happen. And recent experience once again proves that we need the discipline that a Balanced Budget Amendment provides.

I'm especially happy for the support of Wisconsin's JAMES SENSENBRENNER, Chairman of the House Judiciary Committee, and also of the Chairman of the Subcommittee on the Constitution, STEVE CHABOT from Ohio. And, of course, the long-time leading Democrat on this issue, Congressman CHARLES STENHOLM of Texas.

I also want to acknowledge the pioneering work done by National Taxpayer's Union, the nation's largest organization representing the interests of taxpayers, and their work with Congressman STENHOLM and Senator LARRY CRAIG who have been working on this issue for the last quarter century.

It's time to set the standard, and show America what our goals are. It doesn't matter which side of the aisle you are on. Some people complain about the deficit, and say that's why they oppose tax relief. Others complain about the deficit and say that's why they oppose spending. But everyone who complains about the deficit should support the goal of balancing the budget again. It's hypocritical to say you oppose the deficit but don't support the balanced budget amendment.

With the expenses of the war on terrorism, we won't balance the budget in the next year or two. And it will take a couple of years for this amendment to be ratified by the states. We have to set our goal NOW to balance the budget again. Unless we commit to it, we'll never get the budget balanced again. First we must set the goal, then we work toward it.

Our children and our grandchildren will pay a heavy price if we do not return to a balanced budget. They not only would face the high taxes of big government, but they would bear the extra expense of paying off the bills that we are running-up today.

This Balanced Budget Amendment is identical to the language passed by a vote of 300–132 in 1995, as part of the original "Contract With America," and then failed by one single vote in the U.S. Senate in 1997. Neither the House nor the Senate have voted on it since then. Obviously, we now have many new faces in Congress; we now have 212 House Members who have never been held accountable, because they have never had to vote on a Balanced Budget Amendment. We believe the time has come for every Member of Congress to address this issue head-on.

The amendment includes an exemption for times when Congress declares a national emergency. But during peacetime, it would require a supermajority of Congress for the federal government to operate at a deficit.

No ordinary law can restrain Congress, because Congress has the power to remove that safeguard whenever it wishes by a simple majority vote. The only real protection against deficit spending is constitutional protection. In light of the current national emergency, we need this amendment more than ever to ensure that deficit spending will end.

INTRODUCTION OF THE BILL "TO PROVIDE FOR AND APPROVE THE SETTLEMENT OF CERTAIN LAND CLAIMS OF THE BAY MILLS INDIAN COMMUNITY"

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MILLER of Michigan. Mr. Speaker, for more than 100 years, the Bay Mills Indian Community has sought justice for the illegal sale of over 110 acres of Chippewa County lands which, prior to the sale, had been homeland to a large group of the Tribe's ancestors. Today I am introducing legislation that finally brings relief to this group of Michigan's Native people.

The legislation I propose today also brings too-long awaited relief to the non-Indian citizens of Michigan who live within the Tribe's Chippewa county claim area. Because the Indian claim has remained unresolved for many years, innocent homeowners have watched their property values plummet to 90 percent below what that property would otherwise be worth on the open market. This legislation accomplishes these ends by ratifying the Land

Settlement Agreement signed by the Bay Mills Indian Community and the State of Michigan on August 23, 2002.

This Land Settlement Agreement is the product of a long and careful negotiation process between the Tribe and the State. It calls for the extinguishment of all of the Tribe's title and right to the Chippewa County disputed lands and in return provides for the Tribe to receive replacement land in Port Huron that will be put into trust (and therefore protected by federal law from illegal sale) by the Secretary of the Interior. Further, the settlement is structured in such a way as to ensure that neither the taxpayers of Michigan nor the taxpayers of the United States will ever be saddled with the cost of paying a monetary damage award, which otherwise could be quite substantial, to the Tribe.

Finally, and of particular importance to my constituents in the 10th District, the settlement agreement will enable the City of Port Huron and the Tribe to engage in desperately needed and mutually beneficial economic development, of a casino. The people of Port Huron approved a June 2001 casino advisory referendum. This legislation is critical in allowing the residents of the Port Huron community to actively participate in its economic recovery through the establishment of a casino approved by the people. The Port Huron community has been brutalized by the loss of thousands of manufacturing jobs, a double-digit unemployment rate that doubles our state and federal average and a Canadian casino located just 500 yards from our border. That casino attracts more than 1 million American visitors per year, which is devastating to our tourism and entertainment business. A casino on the American side of the border would create 3,000 American jobs while providing competition to our Canadian neighbors at the only border crossing with Ontario where we have not responded by having a casino of our own.

Resolution of this land claim is long overdue. In sponsoring this legislation, I am proud to be part of a solution crafted to benefit the Tribe, residents of the claim area, and the taxpayers of Michigan.

I join with the members of the Bay Mills Indian Community, the Charlotte Beach landowners, my constituents in Port Huron, and my distinguished colleague Congressman DON YOUNG in support of this proposed settlement. This legislation provides a fair solution that is long overdue for many Native Americans.

COMMENDING FACULTY AND STAFF OF EDWARD J. BRISCOE AND VAN ZANT-GUINN ELEMENTARY SCHOOLS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FROST. Mr Speaker, I rise today to commend the faculty and staff of Edward J. Briscoe and Van Zant-Guinn Elementary Schools. The principals of these two schools, Dr. Jennifer Brooks and Mrs. Constance Goines, respectively, are to be commended for the work they have done to improve the educational opportunities for young people in their communities. Both schools received the Title I, Part A Distinguished Performance Award. The Title I Award is given to a select number of schools around the country that exhibit outstanding performance in the areas of academic performance and achievement.

At Briscoe Elementary, Dr. Brooks has been honored on numerous occasions for the work she has done to help broaden the horizons for the children that attend her school. Her dedication to improving the basic skills of school age children helped secure a 5-Star Rating from Texas Monthly Magazine—the highest rating the statewide magazine gives to public schools. Most recently Briscoe received a TEA (Texas Education Agency) Exemplary Rating. The school also takes part in the prestigious Bass Performance Hall Program and encourages conversational Spanish with specially designed curriculum.

A few miles away to the north, children, parents, and the faculty of Van Zant-Guinn Elementary were also joyous in hearing the news that they too would be receiving a Title I Award. Their principal for the last nine years, Constance Goines, also deserves praise for the steps she has taken to make her school a success in the field of education. Van Zant-Guinn was also recognized by the TEA in 2002 as Exemplary and was given the agency's "2002 Gold Performance Award" for the progress that students made in Math and Reading. Mrs. Goines and her staff were also instrumental in initiating a program on campus called Homework Helper. Homework Helper provides kids who lack the ideal environment at home a more suitable place after school to do their homework.

Mr. Speaker, it is my hope that the Title I, Part A Distinguished Performance Award will continue to help improve the lives of school children, not only in Fort Worth, but throughout the country. Once again, I congratulate Dr. Jennifer Brooks and Constance Goines for all they do in regards to the schools they represent, our country and their receiving this award.

INTRODUCING MELANIE BLOCKER-STOKES POSTPARTUM DEPRESSION RESEARCH AND CARE ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. RUSH. Mr. Speaker, I rise today to honor the memory of Melanie Blocker-Stokes and all women who have suffered in silence from postpartum depression and psychosis. I am pleased that 47 of my colleagues have joined me in introducing the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

Chicago native, Melanie Blocker-Stokes was a successful pharmaceutical sales manager and loving wife of Dr. Sam Stokes. However, for Melanie, no title was more important than that of mother. Melanie believed motherhood was her life mission and fiercely wanted a daughter of her own. This dream came true on February 23, 2001 with the birth of her daughter, Sommer Skyy. Unfortunately, with the birth of her daughter, Melanie entered into a battle for her life with a devastating mood disorder known as postpartum psychosis. Despite a valiant fight against postpartum psychosis, which included being hospitalized a total of three times, Melanie jumped to her death from a 12-story window ledge on June 11, 2001.

Melanie was not alone in her pain and depression. Each year over 400,000 women suffer from postpartum mood changes. Nearly 80 percent of new mothers experience a common form of depression after delivery, known as "baby blues." The temporary symptoms of "baby blues" include mood swings, feelings of being overwhelmed, tearfulness, and irritability, poor sleep and a sense of vulnerability. However, a more prolonged and pronounced mood disorder known as postpartum depression affects 10 to 20 percent of women during or after giving birth. Even more extreme and rare, postpartum psychosis, whose symptoms include hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression, strikes 1 in 1,000 new mothers.

Postpartum depression and psychosis afflicts new mothers indiscriminately. Many of its victims are unaware of their condition. This phenomena is due to the inability of many women to self-diagnose their condition and society's general lack of knowledge about postpartum depression and psychosis and the stigma surrounding depression and mental illness. Untreated, postpartum depression can lead to self-destructive behavior and even suicide, as was the case with Mrs. Blocker-Stokes. This was also evident in the case of Andrea Yates of Houston, Texas who drowned her five children.

This is why it is important for us to treat this silent disease which can have a dire impact on one's family and society in general. The challenge that we have as a Member of Congress is to bring awareness to all Americans, particularly families who have women who will give birth soon, or have given birth recently. This is a preventable disorder.

In remembrance of Melanie Blocker-Stokes and all the women who have suffered from postpartum depression and psychosis, as well as their families and friends who have stood by their side, I am introducing the Melanie Blocker-Stokes Postpartum Depression Research and Care Act which will:

Expand and intensify research at the National Institutes of Health and National Institute of Mental Health with respect to postpartum depression and psychosis, including increased discovery of treatments, diagnostic tools and educational materials for providers;

Provide grants for the delivery of essential services to individuals with postpartum depression and psychosis and their families, including enhanced outpatient and home-based health care, inpatient care and support services.

It is my hope that through this legislation we can ensure that the birth of a child is a joyous occasion time for the new mother and family, and not a time of mourning over the loss of yet another mother and child.

COMMEMORATING RETIREMENT OF GARY GRZANICH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. EVANS. Mr. Speaker, I would like to take this opportunity to commemorate the retirement of one of Central Illinois' most dedicated public servants. For the past 28 years, my friend Gary Grzanich has served as the Fulton County Regional Superintendent of Schools in Lewistown, Illinois. An innovative administrator, Mr. Grzanich worked tirelessly to ensure his students an exceptional learning environment and unequaled educational opportunities both in school and in extracurricular activities.

A Fulton County native, Mr. Grzanich graduated from Canton High School and received both his Bachelor's Degree and Educational Specialist Degree from Western Illinois University. He later attended Bradley University in Peoria, where he was awarded a Master's Degree. A teacher and coach for 11 years, Mr. Grzanich went on to work for the Illinois State Board of Education before running for Fulton County Regional Superintendent of Schools in 1974. Aided by hand-painted signs, he won the post and held it despite periodic electoral opposition until November 2002.

Gary Grzanich's 28 years of service yielded a vast array of accomplishments benefitting both his students and the wider Illinois educational community. The Chairman of the Mid-Illini Educational Cooperative, he was also a member of the Illinois Association for Supervision and Curriculum Development (IASCD) and the Superintendents' Round Tables at both Bradley University and Western Illinois University. He established a Cooperative Testing Program in Fulton County schools, initiated the GED Testing Program in Fulton County, introduced Madeline Hunter's "Science of Teaching" theories to Fulton County teachers, and launched an Institute Day for his schools' gifted students. Mr. Grzanich worked to promote the fine arts through comprehensive arts grants, brought the substance abuse DARE program to Fulton County students, and initiated a county-wide policy on AIDS. In addition to these achievements, he also held posts in the Regional Superintendents' Association and the Illinois Association of School Administrators, and is a past member of the State Certification Board and the Blue Ribbon Committee for Teacher Preparation and Training.

A lifelong Democrat, Mr. Grzanich is married to Dian and has two children, Susan and Jon. Fittingly, both his daughter and son grew up to become teachers in Central Illinois. He still lives in Canton, and will most likely keep himself busy hunting and fishing during retirement.

On behalf of Fulton County and the rest of the 17th District, I would like to extend my sincerest thanks to Gary Grzanich for his many years of service to the youth of Illinois. His hard work and unfailing leadership will be sorely missed.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"—HOUSE RESOLUTION 51

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. MCCOLLUM. Mr. Speaker, I rise to join my colleagues in support of H. Res. 51, a resolution expressing condolences to the families of the crew of the space shuttle *Columbia*. Together, our nation, the people of Israel and the entire world grieve the loss of these seven heroes and remember their extraordinary lives.

In the days following this terrible tragedy, millions of Americans have struggled to cope with the loss of these astronauts. We have worried about the ramifications of this accident for the future of our space program. But this past Tuesday, I was reminded by the students of the Farnsworth Aerospace Elementary School in Saint Paul, Minnesota that this tragedy can not diminish our hopes or dampen our desire to go after our dreams.

In a touching memorial service, the Farnsworth students recalled the history of the space program and told the stories of the seven astronauts that they regarded as their heroes. Even as they expressed their sadness about the loss of these astronauts, the students shared their undeterred dreams to travel to space some day.

Like the *Columbia* astronauts, the students of Farnsworth Aerospace Elementary School have always understood that travel into space is remarkable, but never routine, ordinary or without risk. While men and women across America mourn this tragic event, we must remember that our nation will overcome this tragedy and once again allow mankind to venture into space.

The students of Farnsworth Aerospace Elementary School serve as an inspiration to us all. As they keep reaching for the stars, I will hold onto hope that some day, they will make it there.

INTRODUCTION OF THE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CRANE. Mr. Speaker, I am pleased to rise today with my friend and colleague, Mr. POMEROY, to reintroduce the Patient Access to Physical Therapists Act. This bill will allow Medicare beneficiaries direct access to qualified physical therapists without a physician referral.

Currently, Medicare beneficiaries must see a physician before being allowed to see a physical therapist. This burdensome requirement in Medicare is a regulation whose time has passed. The referral mandate is unnecessary and limits access to timely and medically necessary physical therapists' services. I believe that providing Medicare beneficiaries with direct access to physical therapists is critical as Congress looks to modernize the Medicare program.

All health care consumers should have the ability to choose the health care services they want when they need it. Allowing Medicare beneficiaries to have direct access to physical therapists will help achieve that goal. Currently, 47 states and the District of Columbia allow direct access to physical therapist evaluation and 35 states, including the state of Illinois allow their citizens to access physical therapists' services without the added cost of a physician referral. The Medicare Patient Access to Physical Therapists Act would allow Medicare beneficiaries in these states to access care that is already available to other residents of the state.

Direct access to physical therapists allows for improved access to quality health care services. A study of BlueCross BlueShield insurance claims in Maryland indicates that when a patient has direct access to physical therapists, services are neither over-utilized nor do they result in higher costs for physical therapy. To the contrary, the study found that the costs incurred for episodes of physical therapy care were 123 percent lower when patients went to a physical therapist directly. State boards that regulate physical therapy confirm that patient safety is not compromised by the elimination of the referral requirement. With this in mind, the policy of improved access to physical therapists is healthy to the Medicare program and its beneficiaries. It is clear that improved access to physical therapists will maintain this critical balance of patient safety, cost to Medicare program, and improved beneficiary service. Medicare beneficiaries should have the same access to physical therapists as the rest of patients in Illinois and 35 other states.

Providing better access to qualified physical therapists will help ensure patients receive quality health care for all Americans. Mr. Speaker, I ask my colleagues for their consideration and support of the Patient Access to Physical Therapists Act.

NEW JERSEY'S 11th DISTRICT—PRIME RECRUITING GROUND FOR ACADEMIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade-in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average proportion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of our area is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of the Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism that handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as is true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and to thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed over 50 applicants. Nominations included 19 to the Naval Academy, 15 to the Military Academy, 2 to the Merchant Marine Academy and 7 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. Congressman FRELINGHUYSEN then forwarded the recommendations to the academies by January 31, where recruiters reviewed files and notified applicants and my office of their final decision on admission.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it be in Afghanistan, the Persian Gulf or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2002 11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Mark C. Domogola, Short Hills, Millburn H.S.; Mark Cavanaugh, Flanders, Mt. Olive H.S.; Michael D. Fitzsimmons, Andover, Lenape Valley H.S., Hannah Minchew, Mountain Lakes, Mountain Lakes H.S.; Andrew J. Moreno, Chester, West Morris Mendham H.S.; Don N. Smith, Sparta, Sparta H.S., Joseph E. Ziega, Sparta, Sparta H.S.

MERCHANT MARINE

Matthew J. Pulitano, Randolph, Morris Catholic H.S. Donald G. Maye, Bridgewater, Bridgewater-Raritan H.S.

MILITARY ACADEMY

Lee W. Barnes, Mendham, Rutgers; Duane W. Clark, Bloomingdale, Butler H.S.; Robert Connelly, Brookside, West Morris Mendham H.S.; Phillip A. Durkin, Sparta, Pope John XXIII H.S.; John R. Fiddes, III, Long Valley, Delbarton Andrew D. Filauro, Denville, Morris Knolls H.S.; Allison T. Gaydosh, Bridgewater, Bridgewater-Raritan H.S.; Edward Gibbons, Chatham, Chatham H.S.; Timothy Kuppler, Basking Ridge, Ridge H.S.; Jason C. McKay, Bridgewater, Bridgewater-Raritan H.S.; Timothy Nagle, Bridgewater, Bridgewater-Raritan H.S.; William C. Nordlund, Mendham, St. Georges School; John R. Rashap, Randolph, Randolph H.S.; Todd R. Stawicki, Bridgewater, Rutgers; Paul R. Wistermayer, Denville, Morristown Beard School.

NAVAL ACADEMY

David S. Bellomo, Whippany, Whippany Park H.S.; Gregory D. Butler, Bloomingdale, Bulter H.S. Joseph L. Caprio, Denville, Morris Knolls H.S.; Shannon E. Clancy, Califon, West Morris Central H.S.; Michael J. Coffey, Succasunna, Roxbury H.S.; Benjamin B. DeWitt, Mendharm, Hill School; Christopher T. Dibble, Somerville, Somerville H.S.; Thomas K. Gallant, West Caldwell, James Caldwell H.S.; Joshua Haba, North Caldwell, West Essex H.S. Bryce C. Holden, Sparta, Sparta H.S.; Richard L. Kilcoyne, III, Essex Fells, West Essex H.S.; Paul S. Kim, Kinnelon, Kinnelon H.S.; Emily A. Laraway, Long Valley, West Morris Central H.S.; Daniel M. Leahey, Morris Plains, Morristown H.S.; Matthew F. Minor, Kinnelon, Kinnelon H.S.; Gregory A. Pappianou, Chester, West Morris Mendham H.S.; Erin C. Reeve, Madison, Madison H.S.; Christopher C. Smith, Succasunna, Roxbury H.S.; Craig G. Wilson, Sparta, Sparta H.S.

TRIBUTE TO THE AUSTRALIAN EXCHANGE WASHINGTON INTERNSHIP PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CLYBURN. Mr. Speaker, it gives me great pleasure to rise today to celebrate a unique international exchange that continues to enrich this institution and The Other Body annually.

Australia is half a world away from this chamber and my constituents in the Sixth Congressional District of South Carolina. Yet Australians and Americans are close international allies and, in many ways, exceptionally close cousins in our democratic institutions, in our multiculturalism, and in the value we place on friendship.

Since 2000, a select handful of Australian university students have made the journey, at great personal expense, from Adelaide in South Australia to spend six-weeks full-time in very welcoming congressional offices. This year was my first such opportunity to host such an entrepreneurial student in Alison Cupper, who is originally from the neighboring Australian state of Victoria.

Alison has been a tireless assistant since the moment she arrived. She is here to study, which she has done daily in her enthusiasm to learn all she can about the American system of government and in how even a brief visitor from overseas can help serve the people of South Carolina.

Alison is by no means alone in this adventure. Whether it has been Grant Harvey-Mutton in the office of Senator CHUCK HAGEL, or Briony Whitehouse in the office of SEN. CHRISTOPHER DODD, or Tamara Gale with our colleague ALCEE HASTINGS, or Joshua Bolton in the office of JERRY NADLER—each of the students has brightened our days with their curiosity, humanity, and the demeanor of the best tradition of polished diplomats.

Both the U.S. and Australian governments have been strong supporters of this exchange, and rightly so. It is an effort I hope continues on a small staple of US-Australian relations.

Late last month, Mr. Speaker, the Roll Call newspaper offered a small portrait of the program and its participants. I offer that text here to you and our colleagues so that we may all celebrate the value of this exchange, which is so delightfully focused on the students, and from which we can reinforce the values we hold dear about ourselves and about the world in which we live. Mr. Speaker, please join me and my colleagues in thanking everyone involved in creating and shepherding this internship program from its initial concept to the thriving institution it has become. They have done this nation and the Australian people numerous proud acts of public service, which I hope will continue for many years to come.

[From Roll Call, Jan. 27, 2003]

FAR FROM HOME; AUSTRALIANS BRAVE SNOW, STRONG DOLLAR FOR INTERNSHIPS

(By Raya D. Widenoja)

Coming to Washington is always an adventure, but just imagine coming from the other side of the world. Five students from Flinders University in Adelaide, Australia, have, braving the elements for a back-stage look at American politics.

"It's just so bloody cold," commented Grant Harvey-Mutton, who recently left high summer in Adelaide to intern in Sen. Chuck Hagel's (R-Neb.) office on the 4-year-old program arranged by former Democratic Hill aide Eric Federing.

Federing, who is now the director of business public policy and government affairs for KPMG, was motivated to start the program after traveling and lecturing in Australia. He runs the program on a pro bono basis with professor Don DeBats of Flinders' American studies department. "The idea is to put good people in good places with good people," Federing says of his organizational philosophy. "[The students] learn stuff by being here that they couldn't possibly know otherwise . . . and some have parlayed this experience into good jobs in the Australian government."

Accompanying Harvey-Mutton are Joshua Balfour of Adelaide in Rep. Jerrold Nadler's (D-N.Y.) office; Alison Cupper of Mildura in Rep. James Clyburn's (D-S.C.) office; Tamera Gale of Yacka in Rep. Alcee Hastings' (D-Fla.) office; and Briony Whitehouse of Adelaide in Sen. Chris Dodd's (D-Conn.) office. Their internships will last until Feb. 14, with a reception in their honor at the Australian Embassy on Feb. 5.

The program is as much about bridging the cultural gap between the United States and Australia as it is about politics, says Federing. Although the countries are very similar in some ways, he says what the Australians call "the tyranny of distance" encourages a mutual ignorance.

The students haven't been here long—arriving on Christmas Day—but they already have interesting tidbits to share about the differences in political culture.

"I was surprised at how polite the Members are to each other [in the chamber]," said Balfour. Members of parliament in Australia are much more "irreverent" when they address one another, Federing explained, and their remarks are generally "less scripted."

Gale said one of the most interesting things she has noticed is the seating arrangement on the House floor. In Australia the two main parties literally "face off" in opposing rows, so it was odd for her to see the Members all facing the Speaker.

Cupper, who studies law as well as international relations, said she was surprised to see how individualism manifests itself in U.S. culture and to observe the comparative weakness of organized labor movements. In Australia, one of the two main parties is called the Labor Party.

The program has garnered high praise from its start. In March 2000, after the first students left, Rep. Loretta Sanchez (D-Calif.) submitted remarks for the Congressional Record praising the program and her intern, Estee Fiebiger, who, among other things, helped Sanchez's office analyze human rights in Vietnam. Back in Australia, Fiebiger was inspired by her experience to start an internship program of her own in the Labor Party.

According to Federing, at least twice as many Congressional offices have expressed interest in hosting the interns than are available. He is considering expanding the program, but despite growing interest among Flinders students—in part because even domestic political internships are uncommon in Australia—few students actually qualify so far.

The students must major either in American studies or political science, but it's the program's cost that really narrows the field. The students' airfare and housing is subsidized, but their out-of-pocket expenses add up to about 8,000 Australian dollars, which translates into $4,500 for the six-week program.

"Interns would be beating down your door," Harvey-Mutton said, "if it weren't for the cost."

IN COMMEMORATION OF THE DAY OF REMEMBRANCE—RE-INTRODUCTION OF THE WARTIME PARITY AND JUSTICE ACT OF 2003

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BECERRA. Mr. Speaker, I rise today on behalf of my constituents to commemorate the Day of Remembrance. As we know, on February 19, 1942, then President Franklin D. Roosevelt signed Executive Order 9066 that led to the internment of 120,000 Americans of Japanese descent. With the stroke of a pen, innocent men, women, and children became prisoners and were branded disloyal to the nation they called home. Lives were disrupted and homes were broken as these Americans were uprooted from their communities and locked behind barbed wire fences.

The force of wartime hysteria darkened the light of justice and reasonable people suddenly embarked on an unreasonable course. Indeed, America was engaged in a monumental struggle as our soldiers engaged the enemy in the European and Pacific Theatre. Here in the United States, many citizens had faces that looked like that of the enemy. Without any evidence, fear was mounting, and the patriotism of these Japanese Americans was questioned. Some worried that they were intent on doing harm against the very flag they saluted. Decades later, history vindicated these loyal Americans as not even a single documented case of sabotage or espionage was committed by an American of Japanese ancestry during that time.

What our nation found through the disinfectant of time, those who endured internment knew all along. Surrounded by armed guards behind a prison fence, mothers thought of their sons who fought for the freedom of the nation that denied them of their own liberty. Indeed today the annuls of military history show that the Japanese American soldiers of the 442nd and combat regiment fought honorably and bravely for ideals they knew our nation had not yet afforded to their own families back home. Still, they were worth fighting for. And this regiment would become the most decorated group of soldiers in American history as they proved their devotion to our nation fighting in both the European and Pacific theatres. It took more than 50 years, but finally in 2000, President Bill Clinton awarded 22 of these heroes with the Medal of Honor.

In 1983, a Presidential Commission concluded that the internment was the result of both racism and wartime hysteria. Five years later, then President Ronald Reagan signed the Civil Liberties Act into law that provided an official apology and redress to most of those confined in U.S. internment camps during World War II. This was the culmination of half a century of struggle to bring justice to those to whom it was denied. I am proud that our nation did the right thing. But fifteen years after the passage of the CLA, we still have unfinished work to be done to rectify and close this regrettable chapter in our nation's history.

Last Congress, I introduced bi-partisan legislation in Congress to finish the remaining work of redress. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Recorded thoroughly in government files, the U.S. government involved itself in the expulsion and internment of an estimated 2,000 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forced into the United States, these civilians were robbed of their freedom as they were kidnapped from nations not even directly involved in World War II. These individuals are still waiting for equitable redress, and justice cries out for them to receive it. That is why today I re-introduced the Wartime Parity and Justice Act of 2003 to finally turn the last page in this chapter of our nation's history.

This bill provides redress to every Japanese Latin American individual forcibly removed and interned in the United States. These people paid a tremendous price during one of our nation's most trying times. Indeed, America accomplished much during that great struggle. As we celebrate our great achievements as a nation let us also recognize our errors and join together as a nation to correct those mistakes. My legislation is the right thing to do to affirm our commitment to democracy and the rule of law.

In addition, the Wartime Parity and Justice Act of 2003 provides relief to Japanese Americans confined in this country but who never received redress under the Civil Liberties Act of 1988 given technicalities in the original law. Our laws must always establish justice. They should never deny it. That is why these provisions ensure that every American who suffered the same injustices will receive the same justice. Finally, my legislation will reauthorize the educational mandate in the 1988 Act which was never fulfilled. This will etch this chapter of our nation's history into our national conscience for generations to come as a reminder never to repeat it again.

Mr. Speaker, let us renew our resolve to build a better future for our community as we dedicate ourselves to remembering how we compromised liberty in the past. Doing so will help us to guard it more closely in the future. As we commemorate the Day of Remembrance, I look forward to working with my colleagues to pass the Wartime Parity and Justice Act of 2003.

WESTERN ENVIRONMENTAL TECHNOLOGY OFFICE

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. REHBERG. Mr. Speaker, I rise to call the attention of Members of the House to critical federal programs conducted at the Western Environmental Technology Office, or WETO, located in Butte, Montana. These programs involving the National Energy Technology Laboratory are funded under Energy and Water Development Appropriations.

First, I want to commend Chairman HOBSON and Ranking Member VISCLOSKY, and the members of the House Appropriations Subcommittee on Energy and Water Development, for their action to restore over $11 million in funds that were eliminated from the FY 2003 budget for the U.S. Department of Energy's Office of Science and Technology, within the Environmental Management program. The Office of Science and Technology has a critical mission in providing cost effective technology to clean up contaminated federal property across the country, and it deserves the strong support of the Congress.

I continue to be very concerned, however, about the likely adverse effects of proposed Office of Science and Technology cutbacks on our nation's ability to perform cost effective and timely remediation of the DOE's contaminated sites around the country.

More specifically, I am concerned about the continuation of the important work of DOE's Western Environmental Technology Office. At the WETO facility, the National Energy Technology Laboratory provides critical support to DOE's Office of Science and Technology. Their activities help facilitate DOE's demonstration, evaluation and implementation of technologies that promise to provide much-needed solutions to the environmental cleanup challenges at various DOE sites.

DOE's Research and Development contract for the Western Environmental Technology Office, originally awarded in FY 1997, has been extended through the end of FY 2004.

That contract extension provided that DOE would fund WETO at the following levels: $6 million in FY 2002, $6 million in FY 2003, and $4 million in FY 2004. However, in FY 2002 WETO received only $5 million, $1 million short of the DOE's contractual obligation.

It is critically important to preserve this commitment to WETO and continue funding on schedule at a rate that will account for last year's shortfall.

I would add that the operations and activities of WETO are very important to the economy in Montana. Many professionals have chosen western Montana as their home while they serve our nation's challenge to clean up contaminated DOE sites.

Mr. Speaker, I would submit to my colleagues that when the Department of Energy makes contracts for multi-year programs in such important areas as WETO, where the Department's Science and Technology Office is developing and implementing technologies to remediate contaminated federal sites, these agreements must be honored.

UPON THE INTRODUCTION OF THE MORRIS K. UDALL ARCTIC WILDERNESS ACT OF 2003

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MARKEY. Mr. Speaker, we are here to introduce legislation that would permanently protect the Coastal Plain of the Arctic Refuge from development. The Morris K. Udall Wilderness Act of 2003 honors an extraordinary environmentalist by protecting, in his name, this extraordinary piece of America's wilderness. And we are proud of the fact that begin this battle in the 108th Congress with more original cosponsors than in any other previous Congress—133 upon introduction—a testament to the growing national demand to keep the developers out of this precious wilderness and to preserve it in its current pristine, roadless condition for future generations of Americans.

We have a bipartisan legacy to protect, and we take it very seriously. It is a legacy of Republican President Eisenhower, who set aside the core of the Refuge in 1960. It is a legacy of Democratic President Carter, who expanded it in 1980. It is the legacy of Republican Senator Bill Roth and Democratic Representative Bruce Vento and especially Morris Udall, who fought so hard to achieve what we propose today, and twice succeeded in shepherding this wilderness proposal through the House. Now is the time to finish the job they began now is the time to say "Yes" to setting aside the Coastal Plain as a fully protected unit of the Wilderness Preservation System.

The coastal plain of the Refuge is the biological heart of the Refuge ecosystem and critical to the survival of caribou, polar bears and over 160 species of birds. When you drill in the heart, every other part of the biological system suffers.

This Valentine's Day, the oil industry is in a state of lobbying frenzy to give Cupid a bad name. It wants to pierce the heart of the Arctic Refuge with oil wells and drill bits, all the while calling this an act of environmental friendliness. The industry loves the Refuge so much that it wants to brand it with scars for a lifetime.

Turning the Coastal Plain of the Arctic Refuge into an industrial footprint would not only be bad environmental policy, it is totally unnecessary. According to EPA scientists, if cars, mini-vans, and SUV's improved their average fuel economy just 3 miles per gallon, we would save more oil within ten years than would ever be produced from the Refuge. Can we do that? We already did it once! In 1987, the fleetwide average fuel economy topped 26 miles per gallon, but in the last 13 years, we have slipped back to 24 mpg on average, a level we first reached in 1981! Simply using existing technology will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry wants to drill out of the Refuge.

Our dependence on foreign oil is real, but we cannot escape it by drilling for oil in the United States. We consume 25 percent of the world's oil but control only 3 percent of the world's reserves. 76 percent of those reserves are in OPEC, so we will continue to look to foreign suppliers as long as we continue to ignore the fuel economy of our cars and as long as we continue to fuel them with gasoline.

The public senses that a drill-in-the-Refuge energy strategy is a loser. Why sacrifice something that can never be re-created this one-of-a-kind wilderness simply to avoid something relatively painless—sensible fuel economy?

Is it any wonder its credibility with the American public has sunk to new lows? According to poll after poll after poll, preserving this public environmental treasure far outweighs the value of developing it. The latest poll, done by Democratic pollster Celinda Lake and Republican pollster Christine Matthews, shows a margin of 62–30 percent opposed to drilling for oil in the refuge. The public is making clear to Congress that other options should be pursued, not just because the Refuge is so special, but because the other options will succeed where continuing to put a polluting fuel in gas-guzzling automobiles is a recipe for failure.

That's the kind of thinking that leads not just to this refuge, but to every other pristine wilderness area, in a desperate search for yet another drop of oil. And it perpetuates a head-in-the-haze attitude towards polluting our atmosphere with greenhouse gases and continuing our reliance on OPEC oil for the foreseeable future.

If we allow drilling in the Arctic Refuge, we will have failed twice—we will remain just as dependent on oil for our energy future, and we will have hastened the demise of an irreplaceable wildlife habitat.

We have many choices to make regarding our energy future, but we have very few choices when it comes to industrial pressures on incomparable natural wonders. Let us be clear with the American people that there are places that are so special for their environmental, wilderness or recreational value that we simply will not drill there as long as alternatives exist. The Arctic Refuge is federal land that was set aside for all the people of the United States. It does not belong to the oil companies, it does not belong to one state. It is a public wilderness treasure, we are the trustees.

We do not dam Yosemite Valley for hydropower.

We do not strip mine Yellowstone for coal.

And we should not drill for oil and gas in the Arctic Refuge.

We should preserve it, instead, as the magnificent wilderness it has always been, and must always be.

HONORING RICHARD COWAN FOR HIS CONTRIBUTIONS TO LEGAL ASSISTANCE FOR SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the accomplishments of Richard Cowan, Executive Director of Legal Assistance for

Seniors (LAS) and its well-known Health Insurance Counseling and Advocacy Program (HICAP). HICAP's health insurance counseling program provides the local assistance seniors need to make sure Medicare works for them.

With a leadership style of humor and compassion, Richard Cowan has steered LAS and HICAP through a major growth in services, outreach, and budget during his nine-year tenure as Executive Director. The agency's size has quadrupled under Cowan's leadership, and the legal staff has increased from six attorneys to thirteen.

Richard Cowan worked to develop Healthy Seniors, a program that unites the work of LAS and HICAP, and he led the Senior Immigrant Legal Services Project. He advocated for the Elder Abuse Prevention and Grandparent/Kin Caregiver programs and strengthened the agency's ties throughout Alameda County's senior, social services, health, and legal networks.

He spearheaded development of several LAS newsletters, and expanded LAS's funding resources to include over 30 major individual donors and firm contributors. Also, Cowan oversaw the hiring of a diverse LAS staff, which has the capability to assist clients in eight languages. He was a founding member of Alameda County Senior Services Coalition and Save Oakland Seniors, two groups dedicated to advocating for increased senior services.

Prior to joining LAS, Richard Cowan was Executive Director of the Conciliation Forums of Oakland, a citywide dispute resolution center, for six years, and interim Executive Director of the Volunteer Centers of Alameda County for one year. He earned his Bachelor of Arts, Master of Arts, and Masters of Public Health degrees from the University of California, Berkeley.

I am honored to join the colleagues of Richard Cowan in commending him for his years of exemplary leadership at Legal Assistance for Seniors. I have great respect for the work of Mr. Cowan and this organization. Under his direction, Legal Assistance for Seniors has become a program that should be modeled nationwide.

SPECIAL ORDER: CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WAXMAN. Mr. Speaker, last Friday, February 7, the General Accounting Office abandoned its efforts to obtain basic records about the operations of the White House task force on energy policy. This action received only limited attention, and few people fully understand its profound consequences.

When we have divided government, the public can expect Congress to conduct needed oversight over the Executive Branch. But today we are living in an era of one-party control. This means the House and the Senate aren't going to conduct meaningful oversight of the Bush Administration.

When there is one-party control of both the White House and Congress, there is only one entity that can hold the Administration accountable . . . and that is the independent General Accounting Office.

But now GAO has been forced to surrender this fundamental independence.

When GAO decided not to appeal the district court decision in Walker v. Cheney, it crossed a divide. In the Comptroller General's words, GAO will now require "an affirmative statement of support from at least one full committee with jurisdiction over any records access matter prior to any future court action by GAO."

Translated, what this means is that GAO will bring future actions to enforce its rights to documents only with the blessing of the majority party in Congress.

This is a fundamental shift in our systems of check and balances. For all practical purposes, the Bush Administration is now immune from effective oversight by any body in Congress.

Some people say GAO should never have brought legal action to obtain information about the energy task force headed by Vice President Cheney. But in reality, GAO had no choice.

The Bush Administration's penchant for secrecy has been demonstrated time and again. The Department of Justice has issued a directive curtailing public access to information under the Freedom of Information Act. The White House has restricted access to presidential records. The Administration has refused to provide information about the identity of over 1,000 individuals detained in the name of homeland security.

The White House deliberately picked this fight with GAO because it wants to run the government in secret.

GAO's efforts to obtain information about the Cheney task force began with a routine request. The task force was formed in January 2001 to make recommendations about the nation's energy future. During the course of the task force's deliberations, the press reported that major campaign contributors had special access to the task force while environmental organizations, consumer groups, and the public were shut out. Rep. DINGELL, the ranking member of the Energy and Commerce Committee, and I felt that Congress and the public had the right to know whether and to what extent the task force's energy recommendations may have been influenced by well-connected outside parties. Accordingly, we asked GAO to obtain some basic information on the energy task force's operations, such as who was present at each meeting of the task force, who were the professional staff, who did the Vice President and task force staff meet with, and what costs were incurred as part of the process. We did not request, and GAO did not seek, information on internal communications.

From the start, the White House assumed a hostile and uncompromising position, arguing that GAO's investigation "would unconstitutionally interfere with the functioning of the Executive Branch." Stand-offs between Congress and the White House are not new, of course. Typically, they are resolved through hard bargaining and compromise. But the White House made clear that it wasn't willing to bargain or to compromise. Even when GAO voluntarily scaled back its request—dropping its request for minutes and notes—the Vice President's office was intransigent.

The White House's contempt for legitimate congressional requests for information was apparent even in the one area in which it conceded GAO's authority. The Vice President acknowledged that GAO was entitled to review the costs associated with the task force. However, the only information he provided to GAO about costs were 77 pages of random documents. Some of the pages consisted of simply numbers or dollar amounts without an explanation of what the money was for; other pages consisted only of a drawing of cellular or desk phones. Without an explanation—which the Administration refused to provide, of course the information was utterly useless.

The statutes governing GAO's authority spell out an elaborate process which the agency must follow before initiating any litigation against the Executive Branch. The statute even gives the White House authority to block litigation by certifying that disclosure "reasonably could be expected to impair substantially the operations of the Government."

In this case, GAO followed the letter and the spirit of that statute, even giving the White House an opportunity to file a certification. But the White House position was that GAO had no right even to ask for documents. Faced with an Administration that had no interest in reaching an accommodation, GAO was left with a stark choice: GAO could drop the matter, effectively conceding the White House's position that it was immune from oversight, or it could invoke its statutory authority to sue the Executive Branch. Reluctantly, on February 22, 2002, GAO filed its first-ever suit against the Executive Branch to obtain access to information.

It's not hard to figure out why the White House was so eager to pick a fight with GAO. After all, GAO provides the muscle for Congress' oversight function. Over the past century, Congress has increasingly turned to GAO to monitor and oversee an Executive Branch that has ballooned in size and strength. Moreover, because it has earned a reputation for fairness and independence, GAO is particularly threatening to an Administration that doesn't want to be challenged on any front.

GAO's effort failed at the trial level. In December, the district court in the case issued a sweeping decision in favor of the Bush Administration, ruling that GAO has no standing to sue the Executive Branch. The judge who wrote the decision was a recent Bush appointee who served as a deputy to Ken Starr during the independent counsel investigation of the Clinton Administration. The judge's reasoning contorted the law, and it ignored both Supreme Court and appellate court precedent recognizing GAO's right to use the courts to enforce its statutory rights to information.

This brings us to last week. Before deciding whether to pursue an appeal, the Comptroller General consulted with congressional leaders. He found no support among Republican leaders for an appeal. And he decided not to appeal.

The judge's ruling raised major institutional issues about Congress' power to investigate the Executive Branch. But Republican leaders put party ahead of the institution and partisanship ahead of principle.

The hypocrisy about this issue on the Republican side is simply breathtaking. During the 1990s, it was Republicans in Congress who embarked on a concerted effort to undermine the authority of the President. Congressional committees spent over $15 million investigating the White House. They demanded—and received—information on the innermost workings of the White House. They subpoenaed top White House officials to testify about the advice they gave the President. They forced the White House to disclose internal White House documents—memos, e-mails, phone records, even lists of guests at White House movie showings. And they launched countless GAO investigations into everything from President Clinton's Health Care Task Force to his working group on China Permanent Normal Trade Relations.

And if the White House resisted, these same leaders insisted that Congress and the public's right to know was paramount. Defending his numerous demands for White House records, for example, Rep. DAN BURTON insisted on the House floor that "public disclosure of the facts is the essence and in large part the purpose of congressional oversight. The American people have a right to know the facts." And other Republican leaders reiterated this message over and over again on countless television talk shows.

But now that President Bush and Vice President CHENEY are in office, suddenly these priorities have changed. Oversight is no longer a priority. In fact, it's something to be avoided at all costs, including sacrificing the independence of GAO. Even when GAO asks for the most basic information—what private interests met with a White House task force—the answer is that GAO is not entitled to ask these questions.

By pressuring GAO to accept a badly flawed court decision, Republican leaders placed expediency over principle. In the short term, they will get what they want—a Bush White House that is accountable to no one. In the long term, however, they have done lasting damage to the balance of powers between Congress and the White House.

Consider this irony: In their eagerness to undermine the Clinton White House, Republicans in Congress tried to tear down the presidency. Now, in their eagerness to protect the Bush White House, they are willing to tear down Congress.

The implications of GAO's decision not to appeal are enormous. Without a realistic threat of legal action, GAO loses most of its leverage. In effect, the agency's ability to conduct effective independent investigations is emasculated. And in the process, core American values of open government and accountable leaders have been sacrificed.

The Comptroller General has stated that his decision not to appeal will have little impact on the day-to-day operations of GAO. There is some truth to this. Much of what GAO does every day are routine audits of government programs that virtually everyone supports. GAO will be able to continue this routine work. And if a Republican-controlled committee ever urges GAO to pursue a controversial investigation of the Bush Administration, GAO may be able to do this. But don't hold your breath.

What has been lost, however, is something very precious: it is GAO's ability to be more than an auditor of government books. To truly serve Congress and the American people, GAO needs the ability to take on important assignments even if they are not supported by the majority party, and it needs the authority to carry them out effectively even if they are controversial. This essential independence is now gone.

For the first time in its history, GAO's shield of nonpartisanship has been pierced. In this new world, partisan considerations matter. Congressional Republicans can dictate GAO action; congressional Democrats can't. That is a sea change in GAO's mission.

In the last eight years, some of our most important congressional powers have been misused for partisan purposes. We've seen the power to subpoena documents or individuals abused and twisted beyond recognition. The power to immunize witnesses was trivialized. The power to hold officials in contempt became a cheap political tool. And the power to impeach a President was reduced to a campaign strategy.

Now the General Accounting Office, with its well-deserved reputation for superb work, becomes the latest casualty of partisanship. We are losing something very special here, and it is slipping away almost without notice.

I ask unanimous consent to insert three short documents into the RECORD. They are an exchange of correspondence with the Comptroller General on this issue and a fact sheet on the Walker v. Cheney case that my staff has prepared.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CONYERS. Mr. Speaker, I voted "present" on the resolution offered by the Gentleman from Virginia (Mr. CANTOR) on the Israel-Palestine controversy. Because of the extensive interest in that resolution, I would like to explain the basis of my vote. For nearly a year, I have worked more intensively on this controversy than on any of the other pressing matters before us, with the exception of the looming disaster in Iraq. My aim has been to convince my colleagues that—despite the understandably intense feelings many have on this matter—it is crucial that we promote and engage in honest dialogue about the terribly difficult questions posed by the Middle East crisis. That delicate dialogue must be marked by as much civility and mutual respect as we can muster, and by a relentless effort to understand viewpoints we may not share.

Finger-pointing, brandishing claims and grievances may seem totally justified and important to express. The intensity of feeling is obvious and understandable. But surely the goal of halting violence and resolving the dispute is paramount. I believe its priority requires that my words and conduct in this body be consistent with advancing this dialogue. At the end of this long national debate, we must somehow achieve a national consensus.

Dr. King once reminded us that countries, like people, which have been the bitterest enemies must someday realize their fate is intertwined.

"We are caught in an inescapable network of mutuality, tied in a single garment of destiny."

Over the course of the last ten months, I have spoken with many colleagues on both sides of the aisle, and on both sides of the Capitol, urging that we create and continue an inclusive forum in which different views about the Mideast could be expressed freely and listened to carefully.

With several other equally concerned colleagues, I convened a series of discussion meetings to which all Members have been invited. House Members of all faiths have attended them. They also have been attended by rabbis, ministers, priests and imams, as well as by senior officials of Arab-American and Jewish-American organizations concerned about the Middle East crisis. Other participants have included Yitzhak Rabin's son; President Carter's NSC officer for the Camp David Agreement between Israel and Egypt; one of President Clinton's negotiators in the 2000 Palestinian-Israeli peace negotiations; the U.S. Conference of Catholic Bishops' representative on institutions in the Holy Land; the Vice-President for International Affairs of the American Jewish Committee, the President of the Arab-American Institute; a Deputy Secretary General of the National Council of Christian Churches, and two representatives—one Israeli and one Palestinian—of an association of bereaved parents of victims of the violence. While we all have been distracted by other pressing national security issues, I plan to resume these panels, as soon as possible.

All the attendees agreed on the importance of maintaining genuine dialogue and of minimizing inflammatory or divisive declarations. I agree, and that conclusion guides my vote on this resolution.

I fully supported the creation of the State of Israel. My continuing support of its security and viability has never wavered. And I agree that one of Israel's lasting strengths has been it's fierce commitment to democracy, implemented once again in the recent elections. At the same time, my dedication to America's pursuing a just, equitable and lasting peace for all people in the region is equally strong.

I am sure that my colleagues fully share these goals, however much we sometimes may differ on the best path to reach them. I believe, nevertheless, that this resolution, though well-intentioned, would be counter-productive to progress towards those goals, especially at this perilous time when competing considerations should be carefully balanced.

This resolution is partially designed to reassure Israel of our friendship. I am convinced, however, that the Israeli Government and the Israeli people know well that the United States' commitment—and the commitment of this entire body—to their safety and survival is steadfast and will remain so.

Judged in the context of all these considerations, this resolution is simply too one-sided to accomplish another of its presumed purposes, namely, advancing peace in the Middle

East. Alternative formulations would be better suited for that objective.

I also do not think the Congress should try to involve itself in the internal politics of an allied nation.

In addition, this president, like his predecessors, should be given the maximum flexibility to maintain the credibility of the United States with all parties; we should strive to preserve his ability to broker a permanent resolution. With equal conviction, I urge the president to use those capabilities to the fullest; to advance a timetable more vigorously, and to propose more detailed possible peace plans.

In conclusion, Mr. Speaker, I appreciate the frustrations and fears that have marked the past three years. And I know that Washington is now preoccupied with Iraq and with the threat of terrorism to our homeland security. But that is all the more reason that we should strive to keep this body poised to play its part in stanching violence in Israel and the West Bank, and in supporting any future peace initiatives. For me, it is difficult to see why, during these perilous times, the legislative body of the sole nation on earth which might bring this crisis to closure would do anything that could compromise that nation's ability to do so.

HONORING THE COURAGE OF THE U.S. MARINES, 5TH DIVISION ON MT. SURIBACHI

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CASE. Mr. Speaker, I rise today to honor the courage of the first United States soldiers to scale the summit of the heavily-defended Mt. Suribachi on Iwo Jima.

Iwo Jima is a small rocky island only two miles wide and four miles long located approximately 650 miles south of Tokyo, Japan. It is a volcanic island, much like the islands in my home state of Hawaii—a place where cool Pacific breezes rush over soft beaches and birds sing songs learned during lonely flights across the wide ocean.

For a brief moment in time, the island of Iwo Jima became a central battleground between the Empire of Japan and the Allied Forces during those terrible and dark days of World War II. The Allied Forces were determined to take the island in preparation for a final attack on Japan, and the Japanese were unbendable in their desire to defend Iwo Jima and to prevent foreigners from moving any closer to the main islands of Japan.

On February 19, 1945, approximately 70,000 American and other Allied Forces and 22,000 Japanese soldiers locked themselves in a horrific battle that would begin the final phase of the War in the Pacific. Entrenched in a series of interlocking caves, blockhouses, and pillboxes, the Japanese fought with determination to defend their island. Debarking off a naval armada of more than 450 ships, the Allies, led by the United States, brought the full weight of their highly trained and battle tested troops to bear with the determined goal of taking the rocky island no matter what the cost. The battle for Iwo Jima would be one of the fiercest conflicts of the Second World War. Almost 7,000 Americans were killed in action. More than 20,000 Americans were wounded. Of the 22,000 Japanese defenders, only 1,083 survived.

On February 23, 1945, the fifth day of the battle, Marines from the 5th Division were ordered to ascend the slopes of Mt. Suribachi, the main peak controlling the island. Four Marine squads worked their way up the mountain and, at 10:30 a.m., 1st Lieutenant Harold Schrier, Platoon Sergeant Ernest Thomas, Sergeant Henry Hansen, Corporal Charles Lindberg, and Private James Michels raised the first American flag on Mt. Suribachi.

Today, when our Nation thinks about the brave soldiers of Iwo Jima, we often visualize the commanding bronze statue resting on the banks of the Potomac River. Most Americans do not realize that this memorial actually depicts the second, much larger flag that was raised over Mt. Suribachi, signaling the courage and determination of the United States to almost every soldier on Iwo Jima and to the naval vessels at sea.

In my home state of Hawaii, the Iwo Jima United States Memorial Association is working to raise the funds necessary to build a memorial to recognize the American soldiers who raised the first American flag on Mt. Suribachi. I applaud their efforts and hope that every citizen across the nation will support those groups dedicated to recognizing the courage of American soldiers.

IN RECOGNITION OF CARL KELLY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. COLLINS. Mr. Speaker, a man from Butts County, Georgia, Carl Kelly of Pepperton Cottonmill Village, has recently been reintroduced to his community and to new generations as a true hero.

Just prior to World War Two, First Sergeant Kelly was a member of the Jackson Rifles of the Jackson National Guard. 1st Sgt. Kelly was sent to Europe with very little training and very little equipment. While he was there he was one of the thousands of Americans who went ashore on Utah Beach during the Normandy Invasion. He was later wounded in St. Lo, France and awarded his first Purple Heart and the first of his three Bronze Stars for gallantry.

Following the war, Kelly remained in the military and was deployed very shortly thereafter to Korea, where he was given a field promotion to 2nd Lieutenant. While in Korea, Lt. Kelly was wounded a second time. Once he returned to action, he repeatedly risked his own life to cover the retreat of a pinned down artillery unit, ultimately receiving a mortal wound.

Lt. Carl Kelly is, from all available records, the most highly decorated veteran of Butts County. While bravely serving his nation he was awarded three Purple Hearts, three Bronze Stars, the Silver Star, and dozens of other honors.

What has brought Lt. Kelly's actions to the attention of the public is a book chronicling the life of an infantryman in World War Two and Korea. In his recently published book, Warrior By Choice in World War Two, By Chance in Korea, author Jack M. Anderson tells Kelly's story in an excerpt describing the first man he ever saw die.

As we prepare to send our young men and women into combat, I think that it is fitting that we remember the sacrifice of men like Carl Kelly, and finally give him the honor that has been so long overdue.

Recently my hometown newspaper, the Jackson Argue-Progress, published an article about Kelly's life of commitment, and I would like that article and these comments to be submitted together for the RECORD. In this way, I wish to honor the memory of a hometown hero, a father, a husband, and an example of valor to all Americans, on behalf of a grateful nation.

[From Jackson Argus-Progress, Jan. 29, 2003]

REMEMBERING BUTTS COUNTY'S LT. KELLY

(By Herman Cawthon)

In the recently published Warrior By Choice in World War II, By Chance Korea, author Jack M. Anderson tells of his 24-plus years of service as a United States Infantryman.

In his book Anderson includes an excerpt of a Butts County warrior, Carl Kelly. Anderson describes Kelley as follows:

"From Butts, Georgia 1st Sgt. Carl Kelly, Hq Co, 1st Bn, 38th Inf was wounded the same time I was. He would return to duty and be killed the day before I was captured. He was the first man I would watch die. We started to move him to the Bn Aid Station, but he said not to, but wanted us to get a hometown friend of his who was the Bn S4 Sergeant.

"Carl told Stewart (I hope that name is right) that things were going slowly dim and he wanted Stewart to be sure to tell his wife and kids that he loved them and would meet them in heaven. He talked for a few minutes more, then just closed his eyes and was dead. I had seen others killed and would see more, but that was the first time I watched a man die."

Anderson and Kelly both had very similar military careers up to the death of Kelly. Both were in the National Guard when World War II started and both were sent into action with little training and even less to work with; not only guns and ammunition, but food and lodging. Kelly went to the European Theater and Anderson to the Pacific. Both were wounded and decorated several times. Anderson details how the US troops improved and how they wound up with so much more than the enemy.

After World War II, both joined the regular Army, so when the Korean Conflict started, they were sent into battle immediately. Again Anderson tells how the U.S. was very short on supplies and had very few men with any training and experience. At the beginning, he describes the hardships experienced by the troops as they fought the larger, better trained enemy troops. Both men were prisoners and escaped. Again, the U.S. wound up with superior troops and equipment.

After reading the book, Cary Kelly, son of Lt. Carl Kelly, wrote the following letter:

"To Whom It May Concern: The following is a brief military history of Lt. Carl Kelly from Jackson, Georgia.

"Carl Kelly began his military career by joining the Jackson National Guard, then called the Jackson Rifles, while still in his teens. When WWII started, the Jackson National Guard was called upon to train for the war in Europe. Carl Kelly was made 1st Sergeant before leaving for Ireland to wait for the invasion of Normandy.

"After landing on Utah Beach the 8th Army division fought their way inland to France. There in St.-LoFrance, then 1st Sergeant Kelly was wounded in action and was awarded his first of two bronze stars for gallantry. He also received his first Purple heart for being wounded in action. As soon as he was able he rejoined his outfit and continued fighting into Germany until the Germans surrendered.

"By this time Sgt. Kelly had made the decision to enlist in the military for a career and was a full time military personnel.

"When the Korean Conflict began Sgt. Kelly was immediately sent to Korea. (How President Harry Truman could call it a conflict when over 50,000 American soldiers were killed is beyond me). It was a terrible war, often fought in hand-to-hand combat in temperatures of 20 degrees below zero, fighting against not only North Koreans but Chinese as well.

"After distinguishing himself on the battlefield as being a leader of men, Sgt. Kelly was awarded a battlefield commission to 2nd Lieutenant. Soon after he was again wounded in action.

"After recuperating from wounds, Lt. Kelly returned to active duty and soon after was involved in a battle involving an artillery unit that had been ambushed and was trying to retreat. According to records, intense enemy fire was preventing the withdrawal of the field artillery battalion.

"Lt. Kelly reconnoitered the enemy positions and organized the artillerymen into fighting groups. With complete disregard for his personal safety, Lt. Kelly repeated aggressive actions, wiping out enemy forces and weapons. Besides instilling confidence in the artillerymen, his conspicuous actions served to center the fire of the enemy on himself. Although enemy fire became more intense and deadly, Lt. Kelly continued to expose himself in leading the assaults. Finally he was struck by enemy fire and fell mortally wounded.

"Before he died he told a friend to tell his wife and children that he loved them very much and would see them in heaven someday. He received the Silver Star Award posthumously.

"Lt. Kelly was in service for eleven years. He received three Purple Heart Medals, three Bronze Star Medals and the Silver Star medal, as well as the many service medals awarded by the United States Army, during the period of time served.

"I feel my father is a forgotten Hero from Butts County. From all the records I can find, he was the most decorated soldier from Butts County. He was also the only military man and officer to serve in both World War II and the Korean Conflict who was killed in action. He received a battlefield commission from 1st Sgt. to 2nd Lieutenant. Our family also received a letter of condolence from General Douglas MacArthur (which we still have).

"To me this is not a bad resume for a young man from Pepperton Cottonmill Village who started out in the Jackson National Guard and died a hero at the ripe old age of 32.

"I believe that every young man and woman form Butts County who gave their life in defense of their country are heroes and should be recognized. In a time when roads, highways and buildings, are named after people at the drop of a hat, none of these young heroes even have a small plaque on a park bench in Butts County. Even on Veterans Day and/or Memorial Day their names are only brought up by family members. I feel that other counties in Georgia are way ahead of Butts County in this matter.

"Very Sincerely, Cary V. Kelly"

Carl Kelly is not the only hero in the family. His wife, Edna is a hero to many of her friends.

At the time Carl was killed she had three young sons, Cary, Tim and Pat. All three served in the military. Tim was killed in a motorcycle accident in California after being discharged and on the way home. Pat was a disabled Vietnam Combat Veteran and was killed a couple of years ago in a truck accident.

A few years after Carl's death, Edna married Ed Daniel, another Veteran and they had two sons, Chip and Joe. Both sons are now veterans, too. Ed passed away a few years ago after an extended illness.

When asked how she had handled so much tragedy and could still have a smile and her special laugh, she pointed upward, and said she had a lot of help from above.

PAYING TRIBUTE TO J. THOMAS GILMORE

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today in order recognize Dr. J. Thomas Gilmore of Alamosa Colorado. Over the last seven years Dr. Gilmore has served as president of Adams State College in Alamosa, during which the college has experienced a period of dramatic growth and development.

Dr. Gilmore, a native of the San Luis Valley, received his bachelor's and master's degrees in 1967 and 1968, from Adams State College. In 1973, Tom became a member of the College's faculty in the School of Business and later earned his Ph.D. from Colorado State University in Economics. Dr. Gilmore served as the School of Business's Dean from 1983 until 1993, during which time, he guided the school to receiving the first of Adam State's four Excellence in Education Awards. In 1993, he was named Vice President for External Affairs, and within that same year he became the Vice President for Administration. No sooner did Tom accept the position of Vice President, that he was named President of the College.

Beginning in 1995, and throughout his entire tenure as President, Dr. Gilmore was preparing Adams State to become an independent institution. Under his direction, the school embarked on an ambitious building program constructing the first new building on its campus in more than 25 years. After having built a new theater and remodeled the School of business, Dr. Gilmore had every student residence hall wired for internet access. Due to his desire to see more students get the best education possible, he enlarged the endowment to almost four times its original size. As Dr. Gilmore retires, it is clear that he has left Adams State College a stronger institution than he found it.

Mr. Speaker, it is with honor that I recognize Dr. J. Thomas Gilmore before this body of Congress and this nation. His strong leadership has improved the quality of secondary as well as post-secondary education in the State of Colorado. Tom has truly been a valuable resource to the students and faculty of Adams State College. I thank him for his continued service to his community and the great State of Colorado.

TRIBUTE TO MATTHEW R. DUKSA, SR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Matthew R. Duksa, Sr. of Newington, Connecticut who died November 28, 2002 at the age of 80. Mr. Duksa was a longtime business owner in the First Congressional District and a valued member of the community.

Matt will long be remembered for his commitment to his business and community. He created the Borawski-Duksa funeral home in New Britain in 1949 and the Newington Memorial Funeral Home in Newington in 1952. He was president of both until his death, and held memberships in the Connecticut and National Funeral Director's Associations.

Throughout his life, Matt was intensely devoted to his family, to Connecticut, and to his country. He was a Newington volunteer firefighter for sixteen years, was director of the Newington volunteer ambulance, a member of Polish Businessmen and Falcons Nest #88, as well as a 3rd and 4th degree member of the Knights of Columbus Council 3884 in Newington.

Those who knew Matt, knew him for his integrity, contagious sense of humor, endless curiosity, love of life, and twinkling blue eyes. He will be remembered as respectful of his staff, putting the needs of others before himself, always doing his best, living life to its fullest, and showing love continuously. Matthew Duska will be greatly missed by his friends, family, and his community and I ask my colleagues to join me in honoring his life.

DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT ACCOMPLISHMENTS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today to honor the accomplishments of the Dakota County Soil and Water Conservation District. I am pleased that the Environmental Protection Agency selected the Dakota County Soil and Water Conservation District as one of their Clean Water Partners for the 21st Century this year. This is a great honor and I am proud to support Dakota County Soil and Water Conservation District's achievements.

The Dakota County Soil and Water Conservation District helps local landowners protect Minnesota's natural resources. Their assistance has been critical in controlling erosion near our lakes and rivers. They have also played a valuable role in helping integrate ecological and environmental considerations into all phases of urban planning, design and construction. Their assistance helps reduce contaminated runoff and introduces the use of wetlands and other natural processes to protect our water resources.

The EPA's Clean Water Partners for the 21st Century program recognizes these extraordinary efforts. This award is presented to local governments that go beyond the requirements of the Clean Water Act. It goes to those willing to mobilize local resources in order to protect and improve the overall health of our watersheds. The Dakota County Soil and Water Conservation District clearly fits this description.

Mr. Speaker, protecting and improving the nation's watersheds is important to me and my district. I share in the excitement of this award and am proud of the Dakota County Soil and Water Conservation District's achievement.

CONFIRMATION OF MIGUEL A. ESTRADA TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BONNER. Mr. Speaker, I rise today in support of the nomination of Miguel A. Estrada of Virginia to the United States Court of Appeals for the District of Columbia Circuit. This nomination has been pending before the Senate since May 9, 2001.

Miguel Estrada has experience, intelligence, character and bipartisan support. Mr. Estrada has argued 15 cases before the United States Supreme Court and has served in the Justice Department under presidents of both political parties as a federal prosecutor and as the Assistant to the Solicitor General. Mr. Estrada was born in Honduras and attended Harvard Law School where he served as Editor of the Harvard Law Review. He maintains the highest rating of "unanimously well qualified" from the American Bar Association. This rating is based on professional as well as personal evaluations of a nominee, and some Democratic leaders have referred to this rating as "the gold standard." As a result of Mr. Estrada's professional and personal accomplishments, he has received broad support among lawyers and judges associated with both political parties.

President Bush has voiced his concern for the current judicial emergency in America with a large number of seats at the appellate and district levels remaining unfilled. President Bush, as the Chief Executive to the Judiciary, has a constitutional right to name a qualified person to the Judiciary. Mr. Estrada's confirmation will not only place a well-qualified and respected lawyer on the United States Court of Civil Appeals, it will uphold one of the finest traditions of our country. Mr. Estrada has endured over a twenty month nomination process without the courtesy of a floor vote. I strongly support Miguel Estrada becoming the first hispanic judge to sit on the United States Court of Appeals for the District of Columbia Circuit.

TRIBUTE TO LOLA SPRADLEY

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I recognize and congratulate Representative Lola Spradley. Rep. Spradley has recently become the first female Speaker of the Colorado House, a truly momentous accomplishment.

Growing up on a wheat ranch on the plains of Colorado, Lola learned to be a ready farm hand and could do everything from drive a tractor to milk a cow. Her experience growing up on a farm has helped Lola to have an excellent understanding of the rural district that she now represents. Now, Lola Spradley is a 56-year-old representative from southern Colorado. She and her husband, Dale, have four children and seven grandchildren. She lives on a 240-acre ranch with her horses and dogs, near Beulah, Colorado.

As a political leader, Rep. Spradley is proud of her beliefs. She stands firmly for the rights of Colorado's citizens on issues that are as diverse as Gun Control and Water Management. She is a strong conservative and a devoted student of government. Running under that banner "Lola Listens," Spradley won a decisive victory in the last election, and a unanimous election to the position of Speaker from the Colorado House Republicans. Colorado is proud to have her as its first female Speaker of the House.

Mr. Speaker, it is with honor that I recognize Rep. Lola Spradley before this body of Congress and this nation. She is a strong woman who cares about her district and her state, and she will continue to be an integral part of Colorado's leadership.

ABSTINENCE

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PITTS. Mr. Speaker, I rise today in strong support of the funding for abstinence-until-marriage education in this bill, and I thank the Chairman for his leadership on this important issue.

Today, the results of a landmark Zogby International survey assessing parental attitudes on sex education have been released to the public. The Zogby poll reveals strong parental approval for character-based, abstinence-until-marriage programs and proves that parents soundly reject the goals and content of so-called "comprehensive" sex education. The results are available online at www.whatparentsthink.com

According to the Zogby poll, 73.5 percent of parents approve or strongly approve of abstinence-centered sex education. 61.1 percent of parents disapprove or strongly disapprove of so-called comprehensive" or "safe sex" education. 75.3 percent of parents disapprove or strongly disapprove of the Centers for Disease Control (CDC) sex education curriculum.

When parents are accurately informed about what "comprehensive" sex education actually entails, which includes distributing condoms in schools, they make it clear that they do not want their children to be inundated with "safesex" propaganda. Instead, parents want their children to be taught self-respect, self-control and abstinence-until-marriage.

This survey marks the first time parents have been polled using the exact language from comprehensive sex education guidelines. The major weaknesses of previous polls are their misleading questions and fuzzy interpretations. In this poll, Zogby used exact definitions and verbatim wording from the comprehensive sex education curricula developed and endorsed by such groups as the Sexuality Information and Education Council of the United States (SIECUS) and Planned Parenthood.

The Zogby organization also found that: All demographic groupings strongly disapprove of comprehensive sex education—especially non-white minorities (Hispanics and Asians). And, 70 percent of parents strongly disapprove of their teens getting contraceptives without their approval.

Mr. Speaker, America's parents have spoken. They want abstinence-until-marriage education. This bill ensures that the values many American parents hold dear:—the values of abstinence and marital faithfulness are not determined by taxpayer-funded "safe-sex" propaganda in schools.

I encourage my colleagues to join America's parents in supporting this bill, and I yield back the balance of my time.

COALITION FOR ADOLESCENT SEXUAL HEALTH—SUMMARY OF KEY FINDINGS

BACKGROUND

Zogby International conducted the survey on behalf of the Coalition for Adolescent Sexual Health, an ad hoc association formed exclusively for the purpose of conducting the poll.

Private foundations that wish to remain anonymous paid for the cost of the survey.

The random sample survey was conducted January 11 to 15. A total of 1,245 adult parents of children ages 5 to 18 were interviewed with an over-sampling of African Americans. The margins of error were: Total MOA = +/−2.8 percent; Whites MOA = +/−3.3 percent; All non-whites MOA = +/−5.5 percent; Blacks MOA = +/− 6.3 percent; Born again Christians = +/−5.6%.

The total sample was approximately evenly split among fathers of children in grades K–6, fathers of children in grades 7–12, mothers of children in grades K–6 and mothers of children in grades 7–12.

NEED FOR ZOGBY SURVEY

Previous surveys by groups such as Alan Guttmacher Institute, Planned Parenthood, Sexuality Information and Education Council of the United States (SIECUS), and Advocates for Youth have had serious flaws: Biased sample selection; Leading questions; Deceptive questions; Biased interpretation of results.

Such surveys have been used to claim that parents support comprehensive sex education (also known as "safer-sex" or "abstinence-first" sex education) and that parents oppose character-based, abstinence-until-marriage sex education.

Such surveys describe comprehensive sex education using innocuous, vague, euphemistic, and almost compassionate wording designed to convince parents that such education is needed for their children's health and well being.

HOW THE QUESTIONS IN THE ZOGBY POLL WERE DEVELOPED

Five types of questions were included in the Zogby survey. All 29 questions in the survey were developed to introduce a minimum level of bias.

Fourteen questions asked parents their level of approval for comprehensive sex education. The questions asked verbatim components of the Guidelines for Comprehensive Sexuality Education. These guidelines, developed in 1990 by the Sexuality Information and Education Council of the United States (in conjunction with the Centers for Disease Control and Prevention [CDC], the National School Boards Association, Planned Parenthood and others) represent the foundation of comprehensive or abstinence-first sex education. In short, these guidelines detail what comprehensive sex education wants children and adolescents to learn. When organizations such as Planned Parenthood, SIECUS, the Alan Guttmacher Institute, and Advocates for Youth lobby Congress, state legislatures and school boards on behalf of comprehensive sex education, it is these guidelines that they have in mind. (See questions 7 through 20.)

Six questions asked parents their level of approval for character-based, abstinence-until-marriage sex education. These questions asked verbatim portions from the National Guidelines for Sexuality and Character Education. These guidelines, developed in 1996 by the Medical Institute for Sexual Health, are considered by many abstinence groups to represent the foundation for abstinence education. (See questions 1 through 6.)

Four questions asked parents their level of approval for comprehensive sex education curricula promoted for years by the Centers for Disease Control and Prevention (CDC). The questions paraphrased teaching material from these curricula. (See questions 25 through 28.)

Four questions reflect different aspects of comprehensive sex education not specifically covered by other questions. (See questions 21, 23, 24 and 29.)

One question asked parents their level of approval for comprehensive sex education using the type of vague, innocuous wording typically used in the past by groups attempting to show parental approval for comprehensive sex education. This question was included for benchmark purposes. (See question 22.)

MAJOR FINDING

Parents overwhelmingly reject comprehensive sex education when they are asked questions that deal specifically with the topics included in comprehensive sex education.

	Percent of parents who approve or strongly approve	Percent of parents who disapprove or strong disapprove
Comprehensive or abstinence-first sex education guidelines	25.0	61.1
Character-based, abstinence-sex education guidelines	73.5	16.3
CDC-promoted comprehensive sex education curricula	13.9	75.3
Misc. aspects of comprehensive sex education	22.4	68.1

By a 4.6 to 1 margin, parents approve or strongly approve of abstinence sex education. By a 2.4 to 1 margin, parents disapprove or strongly disapprove of comprehensive sex education. By a 5.3 to 1 margin, parents disapprove or strongly disapprove of the information contained in comprehensive sex education curricula that have been promoted by the CDC.

All demographic groupings strongly disapprove of comprehensive sex education, although the strongest opposition was found among non-white minority parents (Hispanics and Asians) and among parents who identified themselves as born-again Christians.

All demographic groups disapprove of comprehensive sex education curricula that have been promoted by the CDC.

FINDINGS ON SPECIFIC QUESTIONS

By a 4.4 to 1 margin, parents disapprove or strongly disapprove of teaching young people that homosexual love relationships can be as satisfying as are heterosexual relationships. (See question 14.)

It appears that parents have a more mixed opinion on the matter of having children taught factual or biological information (see questions 13, 18 and 19, for example). However, opposition from parents seems to increase substantially if a connection is perceived between their children and sexual activity.

When it comes to allowing teens to obtain contraception without parental approval, parents much more strongly disapprove when their own children are involved. About 46 percent of parents either strongly disapprove or disapprove of the idea that teens could obtain contraception without the permission of a parent. (See question 27.) However, when this question was personalized, about 70 percent of parents either strongly disapprove or disapprove of their child being able to obtain contraception without their knowledge or approval. (See question 29.)

CONGRATULATING SENATOR MIKE BISHOP

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Michigan State Senator Mike Bishop on earning the 2003 Credit Union National Association's National Desjardins Youth Financial Education Award. His dedication and desire to work for the improvement of our state is a model for all state legislators.

Senator Bishop is a 1989 graduate of the University of Michigan and a 1993 graduate of the Detroit College of Law. He is a practicing attorney for Booth & Patterson, P.C., a licensed real estate broker and president/owner of Freedom Realty, Inc., and Pro Management, Inc.

Senator Bishop served two terms in the Michigan House of Representatives, and now serves as Assistant Majority Leader while representing Michigan's 12th district in the Michigan State Senate.

The National Desjardins Youth Financial Education Award was bestowed upon Senator Bishop for his sponsorship of HB 5327, a bill designed to promote financial education in grades K–12. With hard work and determination, then-Representative Bishop promoted this bill in such a way that it was passed by both the House and the Senate, with only one dissenting vote in the House and none in the Senate. Senator Bishop's legislation, now law, will help ensure that children will be educated in financial responsibility, and as a result will be better prepared for life.

Mr. Speaker, Senator Bishop's record of service and the fruits of his labor speak for themselves. He has served the state of Michigan well, and has done much to provide for its future. This award is a well-deserved token of the respect that is due him for his efforts. Therefore, I ask my colleagues to join with me in thanking him for his commitment to excellence and his desire to benefit others through public service. I would also like to ask my colleagues to join me in wishing him good fortune in his new role as a State Senator.

INTRODUCTION OF FULL FUNDING FOR IDEA NOW ACT OF 2003

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce a bill that will put an end to the embarrassing legacy that the federal government has created for itself in failing to fully fund our children's education and saddling the states with tens of billions in unfunded mandates. I refer of course to the failure of the federal government to provide for mandatory full funding for the special education program—or IDEA.

Currently, the federal government does not meet the financial obligations for special education it committed to in 1975 when the "Education for all Handicapped Children Act" (renamed "Individuals with Disabilities Education Act" in 1990) was first passed by Congress. This shortfall places an onerous financial burden on local communities who must find alternate resources, such as higher property taxes, to fund special education.

The Individuals with Disabilities Education Act (IDEA) is a civil rights statute that provides funding to states and helps states fulfill their constitutional obligation to provide a public education for all children with disabilities. IDEA serves more than six and a half million children today. Underlying IDEA is the basic principle that states and school districts must make available a free and appropriate public education (FAPE) to children with disabilities between the ages of 3 and 21, and must be educated with children who are not disabled "to the maximum extent appropriate."

Since 1975, Congress has authorized a federal commitment to special education funding at a level of 40 percent of the average per pupil expenditure (APPE) on special education services. However, Congress has only appropriated funds to meet between 5 and 16 percent of the APPE, with FY2002 appropriations setting a record at 16.5 percent, or about $7.5 billion. But that is still only little more than a third of the so far embarrassingly unfulfilled, Federal commitment to our children. This has resulted in great burdens being placed on our school districts. For example, in the 2001–02 school year, the last completed school year, the town of Berlin, Connecticut spent $4,721,372 on special education, with all but $361,543 locally funded. This is outrageously short of the oft-stated goal of 40 percent federal financing. One can only begin to imagine the burden IDEA requirements, in the absence of federal funding, impose on our local school districts. We are literally forcing our schools to rob from Peter's education to pay for Paul's when we should fully fund both.

And now with passage of the Omnibus Appropriations Bill for Fiscal Year 2003, funding will go up about $1.4 billion. There will be a lot of congratulatory backslapping because of this great increase. And it truly is a commendable step for Congress, but sadly one which fulfills less than half of the promise. Even with this increase, the federal share rises to only 18.2 percent of the 40 percent. I am sure the people of Berlin will appreciate the few thousand extra dollars they will get as a result of this increase. But the reality is that they need is the hundreds of thousands of extra dollars that is owed to them.

As a former teacher, member of a school board, State Senator, and now Congressman, I have constantly heard a clear message from local educators and administrators that more resources must be committed to provide fair and adequate educational opportunities to children with special needs, and that the federal government must meet its commitment under IDEA. In the past, "fully funding" IDEA has generally been a theme for a handful of others who purport to fully fund IDEA but would take ten long years to do so. My bill recognizes that 25 years is enough to wait and mandates this federal funding now.

Let us be clear, this is a constitutional right. Local school districts do not have the discretion to not fulfill their obligations to children with special needs. Where does the approximately $10 billion in unfulfilled Federal pledges to the States come from? It has to be made up somewhere and will most likely come from other important, but not constitutionally mandated, priorities. This is the real cost of our inaction. It is either a tradeoff in spending or a property tax increase. Ultimately, the Federal Government must choose: either to support it's commitments or stop making them. We cannot afford to continue down this path of broken promises any longer. It does not have to be this way, of course. And I believe our local educational districts, the states and the American people deserve better from us.

THE LIFE INSURANCE TAX SIMPLIFICATION ACT OF 2003

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of our colleagues in introducing our bill, "The Life Insurance Tax Simplification Act of 2003." The bill repeals two sections of the Internal Revenue Code, which no longer serve valid tax policy goals. Except for the effective date, the bill is identical to the one we introduced in the 107th Congress.

Congress has taken a major step forward in rewriting the regulatory structure of the financial services industry in the United States. This realignment is having a positive impact on the way life insurance companies serve their customers, conduct their operations and merge their businesses to achieve greater market efficiencies. Unfortunately, the tax code contains several provisions which no longer represent valid tax policy goals, and, in fact, are carry-overs from the old tax and regulatory regimes that separated the life insurance industry from the rest of the financial world and differentiated between the stock and mutual segments of the life insurance industry. Today, the lines of competition are not between the stock and mutual segments of the life insurance industry. Rather, life insurers must compete in an aggressive, fast moving global financial services marketplace contrary to the premises underlying these old, outmoded tax rules.

The bill would repeal section 809 that imposes a tax on the policyholder dividends of mutual life insurance companies, and section 815 that applies to policyholder surplus accounts of stock-owned life insurance companies. Both of these provisions are vestiges of an outdated tax scheme developed in 1984 when the lines of competitive balance existed between stock and mutual life insurance companies.

Section 809 was added to the Code in 1984, in part, to address a perceived imbalance between the tax treatment of stock and mutual companies. In 1984, there were over 100 mutual life insurers, including many large mutual companies, accounting for about one-half of industry activity. Today, about 40 mutual life companies remain, including only a few large companies, and mutual insurers account for only about 10 to 15 percent of the industry. Stocks as well as mutuals agree that section 809 is not now needed to provide competitive balance.

Both mutual and stock life insurers believe that their policies provide superior value to consumers. Repeal of section 809 would result in more nearly neutral taxation of stock and mutual companies and allow consumers to focus more on nontax considerations in selecting their insurance provider. As a result, repeal of section 809 is one of the few corporate tax relief measures endorsed by the Consumer Federation of America and the National Cooperative Business Association.

Section 815 was added to the Code as part of the 1959 changes to the life insurance companies tax structure. Before 1959, life insurance companies were taxed only on their investment income. Underwriting (premium) income was not taxed, and underwriting expenses were not deductible. The change provided that all life insurance companies paid tax on investment income not set aside for policyholders and on one-half of their underwriting income.

The other half of underwriting income for stock companies was not taxed unless it was distributed to shareholders (so-called "policyholders surplus account or PSA"). The 1959 tax structure sought to tax the proper amount of income of stock and mutual companies alike and the PSA mechanism helped implement that goal.

In 1984, Congress rewrote the rules again. Both stock and mutual companies were subjected to tax on all their investment and underwriting income. In this context, dividend deductions for mutuals were limited under section 809, and the tax exclusion for a portion of stock company's underwriting income was discontinued. Congress made a decision not to tax the amount excluded between 1959 and 1984. Rather the amounts are only taxed if one of the specific events described in the current section 815 occurs (principally dissolution of the company).

The bill would repeal the obsolete section 815 provision. Since 1984, the Federal government has collected relative small amounts of revenue with respect to PSAs as companies avoid the specific events which trigger PSAs taxation. There is not a "fund", "reserve", "provision" or "allocation" on a life insurance company's books to pay PSA taxes because, under generally accepted accounting principles, neither the government nor taxpayers have ever believed the significant amounts of tax would be triggered. Nevertheless, the continued existence of the PSAs does result in a burden on the companies in today's changing financial services world—a burden based on bookkeeping entries made from nineteen to forty-three years ago to comply with Congress' then vision of how segments of the life insurance industry should be taxed.

The repeal of these two provisions, sections 809 and 815, would provide certainty, less complexity, and remove two provisions from the Internal Revenue Code, which no longer serve a valid tax policy goal in the life insurance tax structure of the Code. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO LLOYD CHAVEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MCINNIS. Mr. Speaker, it is with a great sense of pride that I honor Lloyd Chavez. Mr. Chavez's continuous dedication to the automobile industry, as well as his philanthropic endeavors in Denver, Colorado, have made him a valuable asset to the community.

Lloyd was bom in Denver, Colorado, one of five children. He served in the Navy, and soon after, married his high school sweetheart. They had three children. After finishing his degree at the University of Denver, Lloyd began to work as a salesman at Burt Chevrolet in Englewood. Little did he know, fifty-one years later, that he would own the Burt Automotive Network, a successful and influential business in Colorado.

Mr. Chavez is a successful business owner, and has garnered many awards and recognitions for his endeavors in business. In 1993, Lloyd was recognized as the Top Hispanic Businessman in the U.S., and, in 1994, as the National Hispanic Businessman of the Year. Burt Automotive Network has also been recognized as the top Minority-Owned Business in Colorado for the past four years.

In addition to Lloyd's success in the business community, he also is involved in various community groups. He has donated cars to Craig Hospital's occupational department, sponsored children's sports teams, and donated cars to the Littleton Public School's Driver Education Program. Lloyd's life has been marked by significant contributions to his community.

Mr. Speaker, it is with privilege that I recognize Lloyd Chavez before this body of Congress and this nation today. Mr. Chavez's success in the Denver business community, as well as his generous donations to the people, have been immeasurably beneficial in the lives of many.

CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. PAUL. Mr. Speaker, I must reluctantly vote against this measure. We can all agree that Libya is a ridiculous choice to head a human rights commission in any civilized organization. The State Department has long listed Libya on its list of states sponsoring terrorism. Libya has shown over the years that it has no respect whatsoever for human rights, when it comes to its dealings with the rest of the world or even its own citizens. Additionally, this election just underscores what I have been saying for years about the United Nations: it is an organization that undermines American sovereignty and consistently works against U.S. interests.

The problem with this legislation, however, is that it pretends to be something it is not. It pretends to be simply a condemnation of the elevation of Libya to head the UN Commission on Human Rights. Were that the case I would have voted in favor of the measure.

But unfortunately the legislation ventures off course from there. The legislation calls on the president to demand that sanctions against Libya be initiated anew, after they had already been suspended. I do not believe that sanctions have ever hurt a dictator or repressive regime. On the contrary, sanctions against an authoritarian regime only give the leaders a scapegoat for the sufferings of their people—while the leadership itself manages to avoid any hardship. Sanctions do not lead to the defeat of these kinds of regimes, but actually strengthen them.

Cuba is an excellent example: the United States has maintained sanctions against that nation for four decades, but its dictator is stronger than ever. The best way to break the hold of dictatorship on a country is to engage and trade with that country. Trade with a repressive regime brings in goods and ideas that undermine the hold of the ruling elites on power. It breaks the monopolization on economic activity that characterizes a closed society and economic system. It weakens dictatorships and it enriches the population.

Mr. Speaker, I join my fellow members in condemning Libya's election to chair the UN Human Rights Committee. I do not support sanctions, be they against Libya or any other country.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ALLEN. Mr. Speaker, on February 12 and 13, 2003, I was unavoidably absent for seven rollcall votes, due to the death of a family member.

Had I been present I would have voted "yea" on rollcall votes 24 (H.R. 346, American Spirit Fraud Prevention Act), 25 (H. Res. 62, regarding POWs), 26 (H.R. 395, Do-Not-Call Implementation Act).

HONORING THE PUBLIC SERVICE OF MR. ROBERT VILMUR

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, it is my privilege to honor the career of Mr. Robert Vilmur, who retires this week after 38 years of distinguished service to the Los Angeles community.

Mr. Vilmur began his public service career in 1965 with California's first community action agency, the Economic and Youth Opportunities Agency. As part of the agency, he helped administer a variety of poverty reduction programs, including employment training and Head Start.

Additionally, he committed himself and the agency to work toward improving community based organizations in impoverished and underserved areas like East and South Central Los Angeles. Mr. Vilmur later continued helping community based organizations working as staff for the Comprehensive Employment and Training Act Program, where he evaluated employment and training programs to ensure that they served our community's needs.

In the next stage of his career, Mr. Vilmur joined forces with then Mayor Tom Bradley to combat homelessness. As head of Los Angeles' Homeless Steering Committee, he worked in collaboration with the City's growing shelter system to create a network of government and nonprofit organizations dedicated to ending homelessness. He was also instrumental in shaping the committee's direction by developing new operational procedures. During this tenure several of his efforts, including the City's Mobile Ombudsperson program, received national recognition.

In the spring of 1987, Mr. Vilmur became manager of the City's Outdoor Homeless Encampment, and he was later asked to serve as the City's first Homeless Programs Coordinator. As coordinator, he helped increase funding for the Community Service Block Grants and he redirected traffic funds to safety programs. Under his guidance, California's Traffic and Safety Program drastically reduced fatalities, injuries, and economic losses resulting from motor vehicle crashes.

The City of Los Angeles is grateful for Mr. Vilmur's service and dedication to improving our quality of life. On behalf of the City, I thank him for his many years of public service and I wish him well in all his future endeavors.

TRIBUTE TO ROBERT G. TOINTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Robert G. Tointon. Mr. Tointon has spent over 42 years building and strengthening Colorado's engineering, contracting, and manufacturing industries. His undying commitment has made significant contributions to his community of Greeley.

Robert began his commitment to the engineering industry when he graduated from Kansas State University with a Bachelor of Science Degree in Civil Engineering with honors. Soon after, Robert married his wife and had two sons. After working as a field engineer in Wichita, Kansas, he was transferred to Colorado. He was hired by Hensel Phelps Construction Company, and moved to Greeley in 1963. During his first year there, Bob worked as an estimator, project engineer, superintendent, and project manager. He became vice-president of the company in 1974, and soon found himself elected president in 1975.

Under Robert's enthusiastic leadership, the company's combined revenue increased tremendously. In June of 1989, his success led him to split off two of the company's five divisions, and form Phelps-Tointon Incorporated. Robert now serves as the company's president, owning and operating several other Colorado companies, such as Rocky Mountain Prestress, Inc., Southern Steel Co., and Armor Safe Technologies.

In addition to his business success, Robert is a member of the Greeley Rotary and Colorado Forum, and serves on many other community councils. He also has a vested interest in providing leadership training and opportunities for K–12 principals, administrators, and superintendents in the district with the Tointon Institute for Educational Change at the University of Northern Colorado.

Mr. Speaker, it is with privilege that I recognize Robert G. Tointon before this body of Congress and this nation today. His contributions to the engineering industry, as well as those in his leadership capacities, have been immeasurably beneficial in the lives of many.

IN MEMORY OF SAMUEL J. SIMMONS: ADVOCATE, ACTIVIST AND FRIEND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. RANGEL. Mr. Speaker, for the benefit of my colleagues I rise to remember the lifelong contributions that Samuel J. Simmons made to his community, to issues affecting the aging and fair housing, and to this nation. I would like to extend my deepest regrets to his family and loved ones. We all mourn the loss of this great man.

For the past twenty years Samuel J. Simmons has worked tirelessly as president and chief executive of the National Caucus on Black Aged, Inc., which is dedicated to serving the needs of the most vulnerable elderly Americans, and particularly aging African-Americans.

As Assistant Secretary for Equal Opportunity at the Department of Housing and Urban Development (HUD) during the civil rights era, Mr. Simmons made enormous and lasting contributions to the infrastructure of fair employment practices that our nation holds so dear today. In doing so, Mr. Simmons administered fair housing laws, and wrote advertising guidelines to include the fair housing symbol.

Following his tenure at HUD, he worked to formulate training programs for managers of government-assisted housing and certifications for managers of elderly housing programs, as the founding president of National Center for Housing Management, created by presidential executive order. His longtime work, commitment and expertise in the area of equal housing initiatives and home ownership for all Americans, was recognized with his election to the board of directors of Fannie Mae.

Samuel J. Simmons's service to this nation began decades ago, when he worked with the Detroit NAACP and Michigan State labor and employment groups while our nation was beginning to address the injustice and inequality that African-Americans faced in the workplace. When he arrived in Washington, he brought energy and determination to the Post Office Department, where he fought for fair appeals procedures that would adequately address the grievance and advancement issues of minorities. For his hard work and results produced, he received a Meritorious Service Award.

Samuel J. Simmons spent his lifetime selflessly working to improve the access that the most vulnerable Americans have to employment, housing and affordable healthcare, and he will be greatly missed.

TRIBUTE TO MRS. CLEMENTINE WRENN ODOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. TOWNS. Mr. Speaker, I rise today to pay special tribute to Mrs. Clementine Wrenn Odom is often referred to as "The Tax Lady," because in the late 1940's she began to help farmers with their income tax filings and soon found herself in the tax business. For her services, a farmer would often give her ham, bacon, vegetables or other perishable items. She received so much that she purchased a freezer! When asked what she charged, her reply was usually "whatever you can afford to give me" and to this day she has served four generations of families.

She was born February 15, 1916 in Smithfield, Virginia to Fred Douglas and Norma Whitehead Wrenn. Although formal education for African-Americans ended after 6th grade, she attended boarding school in North Carolina and then went on to attend Virginia Union University and graduated from Virginia State College. Her teaching career came to an end when she married Mr. Woodrow Odom, a Hampton Institute graduate who came to Isle of Wight County as an agricultural extension agent. In 1960, Mrs. Odom accompanied her husband to Ghana, West Africa where he was Extension Advisor to the Ministry of Agriculture.

She established the first Head Start Center in Isle of Wight County, Virginia and neighboring counties. She taught in a one-room school for 12 years in Surry County, Virginia until 1937 and never let a child's need go unmet. When the African-American students at the school wanted to form a band, she went to the music director at Virginia State College for guidance and organized the fundraisers and got several of the instruments donated.

Mrs. Odom is an accomplished musician and mastered the piano and pipe organ at an early age. She taught piano lessons in her home and was organist and director of music at St. Mark's Episcopal Church. She is the recipient of numerous awards and commendations, including Woman of the Year (twice) and the "Pinnacle of Success" award; but she still considers her family her greatest achievement.

She has three daughters and a son, ten grandchildren (one deceased) and one great-granddaughter. Her children and eight of the nine grandchildren are college graduates, several with advanced degrees.

Mr. Speaker, I hope that all my colleagues today will join me in paying special tribute to not only an everyday ordinary woman, but also a woman who has done extraordinary things in her time! I yield back the balance of my time.

SMALLPOX VACCINE COMPENSATION AND SAFETY ACT OF 2003

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MARKEY. Mr. Speaker, I am pleased to join with Representative WAXMAN in co-sponsoring the "Smallpox Vaccine Compensation and Safety Act of 2003".

The smallpox vaccine helps the body develop immunity to smallpox. The vaccine is made from a virus called vaccinia which is a "pox"-type virus related to smallpox. The smallpox vaccine contains the "live" vaceinia virus—not dead virus like many other vaccines. For that reason, the vaccination site must be cared for carefully to prevent the virus from spreading. Also, the vaccine can have side effects such as fever and body aches to much more serious and life-threatening side effects. People most likely to have serious side effects are: people who have or had skin conditions (especially eczema or atopic dermatitis) and people with weakened immune systems, such as those who have received a transplant, are HIV positive, are receiving treatment for cancer, or are currently taking medications, such as steroids, that suppress the immune system. In addition, pregnant women should not get the vaccine because of the risk it poses to the fetus. Women who are breastfeeding should not get the vaccine. In the past, between 14 and 52 people out of every 1 million people vaccinated for the first time experienced potentially life-threatening reactions to the vaccine. It is estimated that 1 or 2 people in 1 million who receive the vaccine may die as a result. Careful screening of potential vaccine recipients is essential to ensure that those at increased risk do not receive the vaccine.

The Administration's smallpox vaccination program began on January 24, 2003 with a much lower participation than expected and lower than is needed to adequately protect our nation against a bioterrorist threat. The low participation rate is due to the Bush Administration's failure to create a compensation program for the health care workers who will be injured by the smallpox vaccine. The Institute of Medicine reported that the lack of a compensation program could seriously impact the program's goal of increasing terrorism preparedness in the United States. The Administration has included protection for the vaccine manufactures and hospitals but seems to have forgotten the people who could suffer the most—the volunteers who are performing their patriotic duty by volunteering to participate in the vaccination program.

We need legislation which includes funding to states to provide for education, screening, medical surveillance, and treatment; protection against discrimination in the workplace, and compensation for those harmed by adverse reactions. The "Smallpox Vaccine Compensation and Safety Act of 2003" creates a no-fault compensation program modeled on the existing childhood Vaccine Injury Compensation Program. This program has been extremely beneficial in providing compensation to the families and children who have been injured or suffered by routine vaccination. Smallpox vaccine compensation will cover the people vaccinated or who are injured by coming into contact with someone who has recently been vaccinated for their unreimbursed medical expenses and lost wages.

In addition the "Smallpox Vaccine Compensation and Safety Act of 2003" will establish state grants to help with the costs of a safe vaccination program which includes prescreening, education, follow-up care, and health care for people experiencing side-effects. This legislation would provide medical leave for health care workers and first responders who get sick from the smallpox vaccine and will make it unlawful to discriminate against workers who opt not to participate in the vaccination program.

The "Smallpox Vaccine Compensation and Safety Act of 2003" will help to establish a safer vaccination program and provide a safety-net for the inevitable injuries due to vaccination. Ultimately, this should enhance participation in the Smallpox Vaccination Program and help reach the goal of preparedness against a bioterrorist smallpox threat.

TRIBUTE TO ROGER L. REISHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Roger L. Reisher of Lakewood, Colorado. Mr. Reisher's entrepreneurial endeavors and ambitious goals led him to found FirstBank forty years ago, creating the largest banking organization in Colorado. His ambitions to succeed, and his community involvement, have made Roger a valuable asset to the Lakewood community.

Roger was one of seven children, and became the first person in his family to attend college. He graduated from the University of Colorado with aid from the GI Bill, after serving in the Army. After gaining some experience in banking, Roger moved to Lakewood and eagerly began a new endeavor in 1963 when he opened First Westland National Bank. His business has created positions for 2,000 employees at over 100 offices, making a difference in their lives as well.

In 1988, Roger's colleagues created the FirstBank Scholars program at CU. This program has created an endowment of over $1.6 million that is funded by FirstBank employees along with matching company contributions. These scholarships are made available to those with financial need and leadership capabilities, and are disbursed annually at the University of Colorado and the University of Northern Colorado.

In addition to the FirstBank Scholars program, Roger and his family have created the Family Foundation. The Family Foundation works with the Denver Foundation and has funded scholarships for almost 100 students. Roger's commitment to helping students achieve educational excellence is admirable. He has also served in several leadership positions within the community.

Mr. Speaker, it is with great privilege that I recognize Roger L. Reisher before this body of Congress and this nation today. Mr. Reisher's commitment to the banking industry, as well as his contributions to the educational success of students in Colorado, have been immeasurably beneficial to numerous Coloradoans.

SMALLPOX VACCINE COMPENSATION AND SAFETY ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WAXMAN. Mr. Speaker, today I am introducing legislation to enhance the ability of the United States to respond to a terrorist attack that uses the lethal smallpox virus. This legislation establishes a program to compensate those injured by the smallpox vaccine. It also contains provisions to assist state efforts against smallpox and to protect health care workers and their employers during the vaccination campaign.

I am introducing this bill today to begin a dialogue that I hope will culminate in the quick passage of legislation. This is not a partisan issue. I know that all members of the House and Senate are committed to protecting the American public from potential bioterrorist threats. I look forward to working with members from both the Republican and Democratic parties and with the Administration to develop a bipartisan solution. I hope that my ideas, as outlined in this legislation, can provide a starting place for discussion.

Three weeks ago, President Bush launched a national program to vaccinate millions of healthcare workers against smallpox in order to protect the United States in case of a bioterrorist attack. To date, the number of those vaccinated is far lower than anticipated. According to press accounts, about one thousand health care workers have been vaccinated, despite an initial goal of about 500,000 in the first month.

According to public health officials, one reason for this gap is that health care workers are concerned about the risks of the smallpox vaccine itself. About one out of every million people who receive the vaccine will die, and several others will suffer severe medical complications, including brain damage, blindness, and significant scarring. Serious injury can occur even among people who have never been vaccinated, but who come into close contact with someone who has recently received the vaccine.

The homeland security bill passed last fall limited the liability of hospitals, doctors, and vaccine manufacturers for injuries caused by the smallpox vaccine. However, the legislation did not provide compensation to those who are injured.

I have heard from public health officials and vaccination experts that many health care workers are understandably reluctant to accept a vaccine to protect the public while being forced to face the consequences of an adverse reaction alone. These consequences can include large medical bills, lost income, pain and suffering, and death. There can be no doubt that a compensation program is urgently needed.

Some have suggested that existing workers compensation programs can cover those vaccinated in case of injury. This approach is not adequate. It is clear that some state programs do not cover vaccine injuries at all, others provide insufficient compensation, and not one covers those who fall ill from contact with someone who has received the vaccine.

Health insurance may also fall short. Some insurers have threatened not to cover smallpox vaccine injuries. And some volunteers or contacts who get injured by the vaccine may not have health insurance at all.

Aside from the lack of compensation for vaccine injury, there are other impediments to the smallpox vaccination effort. States are straining under the weight of their usual public health responsibilities and need additional funding. Volunteers who need immediate medical care because of a smallpox vaccine reaction may not be able to afford it, and those volunteers who fall ill for a few days with common local reactions to the vaccine may lose wages while recovering.

The legislation I am introducing today addresses these problems. My goal is the same as the President's: to enhance the ability of the United States to defend against a bioterrorist attack. I believe that changes in the law are urgently needed to achieve this goal.

First, the bill establishes a no-fault compensation program for those injured by the smallpox vaccine modeled on the successful program for children injured by routine immunizations. This system is fair, efficient, and less litigious than the traditional court system. Most importantly, a compensation program will provide real security to health care workers and their families in case of injury and will remove a major impediment to the vaccination effort.

Second, the bill would provide grants to states to pay for their vaccination programs, including education and testing for medical conditions that are risk factors for severe reactions to the smallpox vaccine.

Third, the bill would provide states full funding to pay for the immediate medical care of any health care worker or first responder injured by the vaccine, or anyone injured by coming into contact with someone who has been recently vaccinated. Timely medical attention can help to prevent the most serious complications of adverse reactions from ever developing.

Fourth, the bill would prohibit discrimination against any worker who refuses to be vaccinated.

Fifth, the bill would permit up to four days of paid leave for health care workers who experience transient but significant local reactions. Employers can obtain reimbursement for this expense from the compensation program.

Each of these provisions will support our nation's preparations for a smallpox attack. In the coming days, I look forward to a productive legislative exchange to assure that these issues are quickly addressed.

ENSURE BANK CUSTOMERS ARE INFORMED WHEN THEIR IDENTITY IS STOLEN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation, in conjunction with my colleague Mr. RYAN of Wisconsin, that would require financial institutions to notify customers if their personal information was compromised as a result of employee misconduct or computer hacking. This legislation, the Identity Theft Consumer Notification Act, was also offered in the last Congress.

Identity theft complaints have nearly doubled over the last year, and this is the third straight year this crime has topped the Federal Trade Commission's consumer fraud list. Last fall, the FBI broke up the largest identity theft ring in U.S. history, with more than 30,000 consumers' information having been stolen.

In our home state of Wisconsin, it was revealed last year that a local bank had discovered that hundreds of its customers' information had been stolen in September 2001, yet none of the victims were notified until May of 2002, eight months later. This is completely unacceptable, as any victim of this crime will tell you of the lengthy and expensive process of restoring one's credit history after his or her identity has been hijacked. Unfortunately, there is nothing in existing law that compels banks or other financial institutions to contact their customers if it is discovered that their information was stolen from one of these businesses.

In addition to requiring financial institutions to promptly notify victims if their personal information has been compromised, this legislation would also have banks assist the customer in repairing his or her credit report, and reimburse them for any losses incurred. It would ensure that the annual privacy notices to financial institution customers required by Gramm-Leach-Bliley include the bank's obligation to carry out these duties. Lastly, the bill would specify that the two-year statute of limitations on seeking civil damages begins to toll at the time the crime is discovered by the victim, rather than at the time the crime took place.

It is only common sense that consumers receive timely information from the businesses that they have entrusted their personal data, should they fall victim to identity theft. This bill would give consumers confidence that they will quickly learn if their information has been compromised, and that they will receive the necessary assistance to repair the damage done. I urge my colleagues to cosponsor this measure.

TRIBUTE TO KEMMONS WILSON

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FORD. Mr. Speaker, I rise today to honor Kemmons Wilson, beloved father, friend and businessman, who died February 12 at his home in Memphis, Tennessee at the age of 90. An innovative entrepreneur and benevolent philanthropist, Mr. Wilson is best known as the founder of the Holiday Inns hotel chain.

Kemmons Wilson was born in Osceola, Arkansas, but spent most of his life in Memphis, where he was well respected and well known for his business, community and philanthropic involvement. He traveled the world developing the hotel chain that made him an international business legend. Over the years he visited palaces and dined with royalty, yet he always stayed grounded. Kemmons Wilson kept the "common man" in mind because he always thought of himself as one. Mr. Wilson came from a background where he and his mother struggled greatly after the death of his father, and during the Great Depression they both worked hard just to survive. The desire to never be hungry again drove Kemmons Wilson to achieve.

On one fateful trip from Memphis to Washington, D.C. in the early '50s, Kemmons Wilson, traveling with five children in tow, found it impossible to find nice lodging where they wouldn't be charged extra for children. Frustrated but inspired, Kemmons Wilson founded the first Holiday Inn, vowing to provide average families with comfortable, affordable accommodations. Over the next fifty years, his bold vision, pioneering spirit and hard work made him a business icon, and his brainchild, Holiday Inn, changed the face of the hotel industry forever. Today countless locations and vacations later, the hotel chain Mr. Wilson founded is still helping families create lasting memories together.

Kemmons Wilson's generous, life-long philanthropy testifies to his devotion to family and community. Whether it was to his church where he was a member for 46 years, or to the University of Memphis where he built the only Hospitality and Resort Management school of its kind in the southeast, Kemmons Wilson gave joyfully and abundantly. He remembered how often he had been helped along the way, and he was glad to help others in return.

Mr. Speaker, Kemmons Wilson worked tirelessly to improve the quality of life for families around the world, and he will be remembered not only as a business legend but also as a caring family man and devoted friend who always remembered his roots. I thank the speaker for allowing me to honor him today.

AFFORDABLE COLLEGE EDUCATION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. LOFGREN. Mr. Speaker, in the State of the Union address, President Bush proposed large tax cuts that primarily benefit the top 1 percent of taxpayers. According to the Congressional Budget Office, the President's tax cut and other proposals will constitute a majority of the projected $2.1 trillion dollar debt. I object to this; Democrats object to this. But the President and the Republican Party have ignored these objections.

The President's plan to eliminate the corporate tax on dividends comprises the bulk of his proposed tax cut—$364 of the $674 billion dollar package—nearly 50 percent.

If the President wants us to cut $674 billion dollars in taxes, we should do this right. We should promote a prosperous future for America. We should encourage the intellectual development of our nation's youth. We should focus on families, and students, and make college possible for everyone.

Consider the facts—From 1991 to 2001, college tuition grew faster than inflation and family income. According to the College Board, average tuition and fees grew by 38 percent at public four-year institutions and 37 percent at private four-year institutions. Over the same period, median family income increased by only 8 percent.

In the last year alone, public universities faced the largest single-year increase in 10 years. In my district, San Jose State University fees increased by 10 percent this year and could increase an additional 20 to 25 percent next year due to state budget cuts.

In addition, the burden of student loans continues to increase. Average student loan debt is now close to $17,000, up from $8,000 in just seven years.

We cannot let families and students continue to shoulder the burden of rising costs in higher education. This is why I am introducing the Affordable College Education Act of 2003, ACE.

ACE puts money back in the pockets of middle-class families who need help with college costs. It will allow American taxpayers to fully deduct college expenses, including tuition, fees, books, supplies, transportation, housing and meal plans. This bill will also help Americans saddled with student loan debt by allowing them to deduct all student loan interest.

ACE breaks down financial barriers and ensures what every family wants for their children: the opportunity for higher education. I urge you to support this bill and deal an ACE for American families facing the daunting costs of college.

TRIBUTE TO PAUL McENCROE

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great honor that I recognize Mr. Paul McEncroe of Evergreen, Colorado. At this time, I would like to pay tribute to the life of Mr. McEncroe. Paul will be remembered as a man of great spirit, charm, and friendliness by all of those whom he knew.

Mr. McEncroe was born in 1922 in Chicago. Both Paul and his wife, Donna, attended Northwestern University in Evanston, Illinois. During his early life, Paul worked as an office machine salesman in Chicago, San Diego, and Milwaukee, before he and Donna moved to Colorado. In 1965, they purchased the El Rancho Restaurant near Evergreen, Colorado. Paul was a friendly and likeable owner who greeted patrons at the door of El Rancho with his quick wit and a smile. Paul's wonderful personality helped him to win the 1977 Lakewood Sentinel's Man of the Year award. Paul and his wife continued to run the restaurant for more than twenty years until they retired in 1998.

As an avid bicycling enthusiast, Mr. McEncroe had not only enough energy to run a successful restaurant, but also spent countless hours involved in his community as well. He worked with the Colorado Philharmonic Orchestra Board, and was a member of the Saint Anthony Hospital Flight for Life advisory board. At one point in time, Paul also served on the Jefferson County School Board. Mr. McEncroe gave back to his community in countless ways, and will be remembered fondly for all of his hard work and dedication.

Mr. Speaker, it is with humble respect that I recognize Mr. Paul McEncroe before this body of Congress and this nation. He was an excellent man whose memory will live on in the lives of those he touched, especially his family. It gives me great pride to be able to honor such a man.

RETIREMENT OF COACH WILSON TERRELL, JR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PICKERING. Mr. Speaker, for the past 41 years, Wilson Terrell has coached basketball for the Laurel City School District, influencing the lives of many of the young men within the community of Laurel, Mississippi. While some people remember him as a coach, I remember him as someone who enjoyed mentoring and teaching students as much as he loved the game of basketball.

Since the beginning of his coaching career in 1962, he has been a role model for many young men. He taught them how to respect others, how to take responsibility for their actions, and a discipline of hard work and accountability. He has been a strong asset to the Laurel City School District and the community.

During his time as coach he led the Laurel Tornadoes to several District Championships and to the State playoffs. Coach Terrell loved to win at basketball, but more importantly, he loved to see his students succeed in life. Wilson Terrell is truly a man of incredible character. As a former student in the Laurel public schools, I am honored to join with the entire community, and his former and current students and players, to wish him well in his retirement and to thank him for his invaluable service.

IN RECOGNITION OF THE RETIREMENT OF NANCY LONSDALE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. GREENWOOD. Mr. Speaker, it is essential that those of us who have the high honor and privilege of serving in this body regularly remind ourselves how dependent we are upon our families, our friends, our supporters, our volunteers and most especially upon our dedicated staffs, to carry out the work of the nation that has been entrusted to our care.

It is difficult, at times, for those who do not work in this body to appreciate the incredible demands that are regularly placed upon our intellect, our time, our health and on numerous occasions, our sheer physical endurance, as we labor to conduct the people's business. Yet the opportunities to do good and to seek the answers to the challenges of our times are so great that, however heavy the burden, we heed the call to duty.

None of this work, however, is done by Members of Congress alone. In fact, without the strong, constant, and faithful service that is rendered to us and to our country by our professional staff the work would be impossible to perform. Every day, we rely upon their knowledge, their wisdom and their moral strength of character to carry a hundred different missions . . . from developing legislation to solving constituent problems to offering counsel and advice on the complex issues that come before the Congress.

Like many of my colleagues, we are most often reminded of the invaluable service our staff members render to us and to our nation when one of our team retires or moves on. This is the case with me today.

For ten years, both in Washington and in my District office at Doylestown, Pennsylvania, Ms. Nancy Lonsdale has been a devoted and capable member of my professional staff. And for years before that, she served as a volunteer in a number of my campaigns for state office. During most of that time, she served as my Executive Assistant and Scheduler at home in the district. In that position she was the steward and guardian of life's most precious commodity . . . time. Through all those years she has served as an honest broker, ably accommodating the desire of the thousands of constituents who wished to see me with all the other myriad demands placed on a Member of Congress.

Perhaps what I am most appreciative of is her dedication throughout those years, when my children were so young, to carve out a time for me to perform the most important duty in my life . . . to be a father to my children. And not just a loving and caring father, but even more importantly, one who had the time to be truly involved in the life of my growing family.

But I am in her debt as well for many other services she rendered. Charged with the task of managing my schedule, she yet found time to take on some of the most difficult casework, including the needs of service men and women on active duty and families in crises.

To everything she does and has done, Nancy Lonsdale brings a level of commitment, a sense of purpose, and a degree of compassion unsurpassed by anyone I have ever known.

All of us who have had the honor to work with her these past years are better people because of our association with her. For in addition to her work ethic, she brings a high and uncompromising moral standard matched with an inquiring mind imbued with an abiding sense of the value and the dignity of every human being.

In her last will and testament, the founder of Nancy's alma mater, Sophia Smith, wrote these words about the woman's college she founded, "It is my wish that the institution be so conducted, that during all coming time it shall do the most good to the greatest number. I would have it a perennial blessing to the country and the world. "

I can attest that in the case of Nancy Lonsdale, Smith College alumni that wish has been more than fulfilled. Nancy Lonsdale is a blessing, to her family, to her colleagues, to her country and to the world she labors so tirelessly to improve.

PUTTING THE PEDAL TO THE METAL: ACCELERATING THE ENERGY INDEPENDENCE OF AMERICA ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce H.R. 770, "Putting the Pedal to the Metal: Accelerating the Energy Independence of America" Act, legislation creating a broad tax credit for the production of alternative fuel vehicles.

Transportation accounts for about two-thirds of the oil consumption in the United States, and we are 97 percent dependent on oil for our transportation needs. If our nation is going to have a strategy for energy security, that strategy must begin with transportation fuels. As we all learned during the California energy crisis, any strategy for energy security has to be based in alternative sources of production, to ensure that we have we are never again held captive by one company or industry.

When enacted, this legislation will offer a tax credit for every dollar invested by companies towards the production of alternative fuel vehicles. The credit will allow companies to take a credit equal to the percent of investment in the production of alternative fuel vehicles, so if a company spends 40 percent of their time and expense on producing alternative fuel vehicles, they would receive a 40 percent credit against its tax burden.

Hopefully, this will spur small companies and large companies alike, to move towards the production of alternative fuel vehicles. This landmark legislation will help break the old cycle of automobile manufacturers failing to sufficiently invest in alternative fuel vehicle technology, because it was not profitable enough.

Many companies, large and small, are already in the business of producing alternative fuel vehicles, such as L3 Research, Inc. in San Diego. L3 Research Inc. has a prototype, the L3 "Enigma"—a hybrid-electric sports car. This is the world's first hybrid-electric sports car, faster than a Corvette, and it recharges from a common wall outlet. This is the kind of innovative, next-generation, vehicle production that will benefit from this legislation.

During his State of the Union address, President Bush rolled out an initiative to fund the development of hydrogen fuel cell vehicles. While I support this worthy goal, most experts estimate that fuel cell powered vehicles are a generation away.

Mr. Speaker, we don't need to wait many years to support alternative fuel vehicles—it's time to put the pedal to the metal and accelerate the energy independence of America. Pass H.R. 770.

HONORING MAE EMMA BROOKS OF CENTRE, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to honor Mae Emma Brooks of Centre, Alabama. On February 22, 2003, she will be honored by St. Mary's United Methodist Church, of Centre, Alabama, which has been her church for the past 74 years.

Mrs. Brooks began attending St. Mary's in 1920 at the age of 5 and became a member the church in 1929. In addition to raising 6 children and her membership in the Progressive Women's Guild Order of the Eastern Star, Mrs. Brooks has devoted her entire life to her church. She was the Church Secretary for 42 years, the former President of the Women's Society of Christian Service, a choir member for more than 40 years and head of the Board of the Communion Stewards for more than 50 years.

Because of her devotion to St. Mary's United Methodist Church and its congregation, I salute Mae Emma Brooks and join this fine church in thanking Mrs. Brooks for her generous life of service.

CONGRATULATIONS TO PEDRO CAPO AND THE ENTIRE CAPO FAMILY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to commend Mr. Pedro Capo for becoming the first Hispanic to serve as president of the National Home Furnishings Association. Mr. Capo's journey is inspiring and it speaks volumes of determination, passion, and family values.

Approximately 36 years ago, Pedro Capo's father, Manuel, and two brothers fled communist Cuba in a 24-foot wooden boat motored only by a converted water pump. Their boat was named "El Dorado," the Spanish word for dolphin. This name was to foreshadow the success to come, both in reaching their destination and continuing a successful family tradition. Upon arriving in the United States Mr. Capo's father and three brothers used the experience gleaned in the family's successful furniture shop in Cuba and shortly after they founded El Dorado Furniture.

The Capo family reflects traditional Cuban values, hard-work, self-reliance, self-confidence and determination.

El Dorado Furniture is a success by any standard. From its humble sales of $18,251 its first year, it boasts sales of $125 to $130 million in 2002. Not many businesses can claim at least a 22 percent increase every year. Apart from El Dorado's business success, it has served as a source of family unity. All the family members continue to work in the business, including seven of the 19 grandchildren.

Passion for the furniture business has been in the Capo family's blood and can be traced back to Cuba. Pedro Capo's father describes him as a child "having an active imagination" and as a child who "loved to share his ideas with the whole family". In the last 10 years, Pedro Capo has been sharing his ideas as a member of National Home Furnishings Association, and in his new position as president, he will continue to share his ideas with National Home Furnishings Association members about getting the most out of their retailing businesses.

I urge all our colleagues to join me in paying tribute to the entire Capo family, and especially to Mr. Pedro Capo, a man that embodies the American dream. He serves as a shining example and reminder that anything is possible in the United States and that dreams can and do come true. A man who stands out as a light for all; whether newly arrived immigrant or multi-generational United States citizen.

WILDLIFE GRANTS PROGRAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BASS. Mr. Speaker, today, Congress is failing to protect America's wildlife by shortchanging the State Wildlife Grants program. As many know, I am a strong and consistent supporter of this program, which works to preserve wildlife and save endangered species. Last year, I joined 57 colleagues in recommending $150 million in funding. Regrettably, the Fiscal Year 2003 omnibus legislation dramatically decreasing the spending level supported by the House last July.

Restoration of previous funding levels for the State Wildlife Grants program, translates into greater protection of endangered species. In particular, 78 species in New Hampshire are threatened, endangered or classified as a "species of concern." These include the Karner Blue butterfly, Piping Plover, and Blanding's turtle. Through the State Wildlife Grant program, the New Hampshire Fish and Game Department is able to monitor viability and health. States that monitor wildlife in a comprehensive manner are able to identify and heal declining species that, unchecked, would require "emergency room" care to avoid their extinction. Clearly, preventive measures save the wildlife and also taxpayer dollars eventually required for heroic measures.

In 2000, when 315 of my House colleagues and I passed the Conservation and Reinvestment Act, we did not foresee the dramatic cuts to the State Wildlife Grants program. Today, we can and should commit more resources for national conservation efforts.

TRIBUTE TO RUTH WILLIAMS BUCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Ruth Williams Buce who died on January 20, 2003, after a brief illness at the age of eighty-two.

Ruth Williams Buce was born in Alexander City, Alabama, and was the first woman in her family to earn a college degree. She was a member of the "greatest generation," the generation that secured democracy and built America in the 20th century.

Ruth made friends everywhere she went in her unending pursuit of continuing education and personal growth. She lived a life of volunteerism and gave generously to many causes. She helped her parents prepare food and deliver it to those in need; she rolled bandages in World War II, and worked as a hospital aide. Most recently she volunteered at the Methodist Country House Health Center. Ruth was an avid participant and a leader in the Friends of the Concord Pike Library, the AAUW Landmarks Group and St. Paul's United Methodist Women.

She is survived by her husband of 60 years, William Austin Buce and her children, James A. Buce and his wife Judith, Robert E. Buce and his wife Barbara, and Janet Buce Cook. She also leaves two grandchildren, Julie and Brian Buce.

Mr. Speaker, I ask my colleagues to join me in honoring Ruth Williams Buce for her lifetime of extraordinary service to her community and her country and extending our deepest sympathy to her entire family.

A TRIBUTE TO MISSION SPRINGS WATER DISTRICT FOR 50 YEARS OF SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to offer my congratulations to the board of directors and employees of the Mission Springs Water District for 50 years of high quality service to the residents of Desert Hot Springs, California and the surrounding desert communities.

As you can imagine, Mr. Speaker, water is one of the most important concerns to residents of a desert community. However, many of my colleagues from the watery East may not know that there are millions of gallons of some of the finest water to be found in the underground basins of the deserts of California.

Blessed with one such basin, the early residents of the community (later to become the city) of Desert Hot Springs established, by vote, a water district that was later to become Mission Springs Water District. That original district served one square mile when it was created in February 1953. Today, it covers 135 square miles of a rapidly growing desert area.

Since its inception, the district has committed itself to provide, protect and preserve its high-quality drinking water. The district has gained widespread respect for its water conservation and attention to top quality materials in its distribution system.

Mr. Speaker, I know that it is common for members of Congress to speak proudly of the quality of their local products. But in this case, the product served by Mission Springs Water District has certified by experts as some of the best in the nation. The district has received one gold and two silver medals in the largest international water tasting competition held: the Berkeley Springs, West Virginia, International Water Tasting and Competition.

In 1998, the district sponsored state legislation to ensure protection of its award winning groundwater. The legislation amended Section 13281 of the Porter-Cologne Water Quality Act (the California Water Code), granting special protection to the Mission Creek and Desert Hot Springs Aquifers—the sources of the cities drinking water and world-renowned mineral water. The district has continued to support other legislation that protects water resources throughout California.

The district has also been a good corporate citizen. In 1999, the district created the Mission Springs Foundation, a 501(c)(3) dedicated to educating the community about water and human impact on water quality. It was instrumental in the formation of the Desert Hot Springs Groundwater Guardian Team in 1995. The Groundwater Guardian is committed to working in the community with the mission of "teaching the community to care for and about groundwater." In 2000, under the leadership of district and the Groundwater Guardian Team, the newly constructed Desert Hot Springs High School became the first Groundwater Guardian Campus in the Nation.

In 1995, the district sponsored the First Big Blood Drive on behalf of the Desert Hot Springs Chamber of Commerce and the Coachella Valley Blood Bank. The drive set records for net pints donated in a single day drive in subsequent years.

Mr. Speaker, it is clear that in its 50 years of existence, the Mission Springs Water District has not only provided the highest quality water in the nation to its customers, but has also served as an inspiration source of community pride for those who live in its service boundaries. Please join me in congratulating the board and employees, and wishing them well for the future.

RECOGNIZING VIRGINIA RUE, ASSISTANT SUPERINTENDENT OF THE NAPA VALLEY UNIFIED SCHOOL DISTRICT AT THE TIME OF HER RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Virginia Rue, who is retiring after working for 27 years in the field of education. During the past nine years, Mrs. Rue has served as the Assistant Superintendent of the Napa Valley Unified School District.

Mrs. Rue has been dedicated to education throughout her life. Part of a new generation of women who refused to be denied a university education, she enrolled at Old Dominion University, VA where she earned her Bachelors degree in American History. Even after completing her undergraduate education, Mrs. Rue's educational goals were not fulfilled. She continued studying and eventually earned her Doctoral degree in Educational Administration.

Mr. Speaker, it is most impressive that even with a doctorate in hand, Mrs. Rue felt that her educational goals could not be fulfilled without helping to educate others. As a high school teacher she motivated her History students to get involved in government and to appreciate our Nation's rich heritage. Later, as the Principal of Vintage High School in Napa, CA Mrs. Rue organized a dedicated staff, maintained a fiscally sound budget and spread an overall enthusiasm for education that was, quite simply, contagious.

During her time as Assistant Superintendent, Mrs. Rue has supervised 21 elementary schools, 4 middle schools, 2 comprehensive high schools, a technology school, one adult school and a continuation school. As Assistant Superintendent, she has also expanded services to Limited English Proficient students, incorporated a senior citizen tutoring program, secured substance abuse grants and implemented new reading programs. The improvements Mrs. Rue has made in the Napa Valley Unified School District have been enormous.

Mr. Speaker, Mrs. Rue is a shining example of dedication to education. The knowledge, concepts and programs that her students have benefited from during her tenure are a permanent reminder of how significant her educational contributions have been. For these reasons and countless others, it is most appropriate that we honor Mrs. Virginia Rue's educational career and extend our best wishes to her in her retirement.

HONORING THE LIFE OF DAVID ALAN POWELL

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. LINDA T. SÁNCHEZ of California. On November 30, 2002 David Alan Powell, a true hero and proud father was taken from us in the line-of-duty.

That night, an Artesia residence was fired on by armed gang members. A fleeing suspect forced his way into an occupied home. Deputy David Powell, doing one of the things he loved to do, risked his life to save the life of another. Within a matter of seconds, Deputy David Powell was taken from us. The lives, hopes and dreams of his family were changed forever.

David's heart was filled with love and his whole purpose in life was to make a difference. David entered the sheriffs academy, Class 221, on January 19, 1984. After graduating from the academy he was assigned to custody for three years where he worked both Men's Central Jail and Pitchess Detention Center. In 1987, he was assigned to Firestone Station. In 1988, he transferred to Lakewood Station, and he earned the reputation of being dedicated and hard working. In the communities where David worked, everyone knew him. Children would wave to him and call his name. He loved children and he loved helping people.

In November 2000, David was presented the Valor Award by the City of Lakewood for saving the life of an elderly male who was attempting suicide. In 2002, he was one of several law enforcement officers who tried to save the lives of three individuals that had crashed their car following a pursuit. As a result of the crash, the car erupted into flames and for several long minutes, David fought back flames as he and others tried desperately to remove the critically injured passengers from the car. His heroic efforts resulted in his nomination for another valor award. Unfortunately, he won't be here to receive it.

David was a Christian and attended the Lawndale Christian Church his entire life. His love for his family and faith were evident everywhere. David applied his values to all that he did, and he believed in God's plan for him. David and his wife met at church and married in January 1990. Although Emma had three children from a previous marriage, David loved and cared for them as though he was their father. As their daughter Alicia shared, "He was my Daddy . . . the only dad I knew. He was the happiest man. He always had a smile on his face."

He also was a loyal man who loved his job. Just this past Thanksgiving, David shared with his family that with his seniority, he could easily ask to leave patrol and be assigned to a desk. However, he loved his car, Unit 134T1, so much so, he couldn't bear the thought of transferring inside and leaving the patrol car, and the job that brought him so much fulfillment and satisfaction in helping others.

Shortly after leaving the hospital on the day of her father's death, seven-year-old Brianna Powell wrote a note to her dad: "I love you dad. I know you will always be in my heart. I wish you were still down here with all my family. I will never forget you. I wish you were still alive."

I commend David Powell for his valor and service to his country.

Born: May 27, 1960.

Entered Department: January 18, 1994.

Killed in the Line of Duty: November 30, 2002.

SENATE—*Friday, February 14, 2003*

The Senate met at 10 a.m. and was called to order by the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Providential Lord of History, we prepare for the forthcoming Presidents' weekend by expressing our gratitude for the way You have raised up great Presidents to lead us in each stage of our progress as a Nation. Today we remember the faith in You that produced the greatness of Washington and Lincoln. Reverently, we recall Washington's confession of faith, "Providence has at all times been my only dependence," he said, "for all other sources seem to have failed us." And we call to mind Lincoln's declaration of dependence, "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go." The same affirmation of trust in You has been sounded by dynamic Presidents throughout our Nation's history.

Thank You for Your hand upon President George W. Bush. Bless him as he expresses his trust in You in these strategic days of his Presidency. We praise You for the integrity of authentic faith expressed by the women and men of this Senate. It is with gratitude that we will say "one Nation under God, indivisible." On this day of duct tape, dithers and panic, we turn to You for peace. This is a Nation You have blessed; we will rejoice and be glad to serve in it! Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished acting majority leader, the Senator from Utah, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, this morning the Senate will resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit. Again, if Senators desire an opportunity to speak on the nomination, they are, of course, encouraged to do so. As announced last night by the majority leader, there will be no rollcall votes during today's session.

When the Senate completes its business today, it will stand adjourned for the Presidents Day recess until Monday, February 24. Members should expect the next rollcall vote to occur at 5:30 in the afternoon on Monday, February 24. The majority leader will have more to say regarding the schedule later today prior to today's closing.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. The distinguished acting majority leader.

Mr. BENNETT. Mr. President, like every Senator, I am sure, I have had the experience this last week and a half of listening to the arguments both for and against Miguel Estrada as we have gone through the first filibuster of this particular session. When we come back on February 24, we will undoubtedly be back into the filibuster. At that time, I would expect the focus perhaps to shift from a discussion of Miguel Estrada's shortcomings or qualifications to a discussion of the obstruction of the business of the Senate by members of the minority.

As I have listened to this debate, I have realized something in what I would consider a larger context than the fight over Miguel Estrada. There is something going on about which, as Members of this institution, we need to stop and think. It is something that is quite significant and potentially a major sea change in the way the Senate does its business—and I hope I am not overdramatizing it—perhaps a major sea change in the institution itself. Like most major changes, it has crept up on us. It is not something that anyone sat down, thought through, proposed, and adopted.

Going back in the Senate's history, I will outline what I see happening. I hope I can put it in context. There was a time—and it was not that long ago—when nominees, be they to executive positions or to the bench, were almost automatically approved by the Senate unless, in the course of the confirmation hearings, something truly disabling was discovered.

The President has the right to nominate. The Senate has the right to consent, or advise and consent, in the language of the Constitution. That meant, historically, that the Senate automatically would approve the nominee unless they found something significantly disabling. Along the way—and I cannot put my finger on who started it or when it started or which party was involved—the idea came: Well, maybe there is nothing disqualifying about this nominee, but for one reason or another—usually partisan considerations or ideological ideas—we just do not like him. So let's start to use our power to examine his record in the confirmation process as a means to blacken his record, as a means to denigrate this individual, in the hope that we can change some votes and perhaps deny this President the opportunity to put in place the people he wants.

As one party would do it and then the power in the Senate would shift with the next election, the other party would say: Well, let's do it, too. Let's do what we can to make this individual look far less qualified. Even though we know he is qualified, let's find something we can argue about, let's find something we can quibble over, and maybe in the process, even though it is damaging to him personally, we can succeed in preventing this President from being able to have his nominee confirmed.

It reached such a point in the nomination of Robert Bork to the Supreme Court that a new verb entered the political vocabulary. There are not very many political leaders who have verbs named after them. One of them is Joe McCarthy, and we now have the phrase "McCarthyism." Everybody knows what it means, even if they have never heard of Joe McCarthy.

When I was an intern in the Senate in the early 1950s, I used to follow Senator McCarthy around. That was my assignment, to follow him around. I would take notes and see how he was really performing as opposed to how the press reported his performance.

I attended every session of the Governmental Affairs Committee, then known as the Government Operations Committee, where Senator McCarthy was presiding as chairman and paid attention to his methods as a chairman. I reported back to my Senator that Senator McCarthy is smarter than the press gives him credit for; he is, when he is not on the issue of communism, a competent chairman, and runs his committee in a legitimate kind of a way.

My Senator wanted to get that flavor because he knew McCarthy personally in other ways but he was not a member of the committee and he just wanted some eyes and ears in the committee to see what was going on.

I have that view of Senator McCarthy, but if I use the term "McCarthyism" now, everyone knows what I mean. Senator McCarthy's methods with respect to communism became so extreme that his name entered the world as part of the political lexicon.

Robert Bork, like Senator McCarthy, has been forgotten by anyone who does not have experience with him or with the circumstance, but the word "Bork" has entered the political lexicon as a verb. It comes from those who were opposed to Robert Bork's appointment to the Supreme Court, who then said, after they had savaged his reputation, savaged him and his privacy to the point where we actually have what is known as the Bork law, which makes it illegal to check out one's record at a video store. In other words, it is now against the law because of the Bork law to monitor which videos one might check out at Blockbuster video because it is considered an invasion of your privacy. Prior to the Bork law, those who "Borked" Robert Bork went so far into his life as to determine which videos he checked out and then made those public and said that any man who would watch these particular videos is obviously not qualified to sit on the Supreme Court.

When we had other nominations come up, those who savaged Robert Bork's reputation used his name as a verb and spoke prospectively of these nominees and said "we will Bork him" or "we will Bork her," and everyone knew what they meant. We saw that in the confirmation process of Clarence Thomas.

I suggest to all of my colleagues they read the biography of our colleague from Pennsylvania, Senator SPECTER. He played a pivotal role in both the confirmation fight over Robert Bork and the confirmation fight over Clarence Thomas. He was against Mr. Bork. He was for Justice Thomas. He describes in his book the reasons why. Once you read his book, you find that his reasons for voting against Robert Bork had nothing to do with any videos that Mr. Bork may have checked out, nothing to do with the character assassination campaign that was raised against him, but a genuine concern on the part of Senator SPECTER as to what kind of a Justice Robert Bork would make. When it came to Clarence Thomas, Senator SPECTER applied the same standard and came to the conclusion that Clarence Thomas was qualified to sit on the Supreme Court.

I hope I don't embarrass my colleague from Pennsylvania when I quote one of the lines out of his book, the White House called him and asked him how he felt about Clarence Thomas, and he said: Well, he is no Brandeis, but he will do. And he has subsequently said in his writing—he, Senator SPECTER—that he is satisfied with the job Clarence Thomas is doing on the Supreme Court and feels that Clarence Thomas has grown as a Supreme Court Justice and has a clear understanding of the law and is performing more than adequately in his present assignment.

Clarence Thomas used a phrase that may have been forgotten now but that struck me with great power at the time. He referred to the way he was being treated as a "high-tech lynching." That was very emotional language for many people who come out of the portion of the country where lynchings regrettably used to be a part of the culture. He said this is a high-tech lynching because he was being "Borked" on television, he was being "Borked" on the cable channels, he was being "Borked" on National Public Radio by those journalists who decided because, we do not like his ideology, we will destroy his reputation, besmirch his integrity and turn him into a caricature of the man he really is. An escalation, if you will, once again, of this trend that moved from the old attitude, if he is not incompetent we will automatically vote to confirm him, to the new attitude, if we disagree with him, we will savage him in some way.

After the Clarence Thomas affair, things continued to go forward and escalate. I remember in my campaign when I spoke out against this tendency to savage people. Republicans would come up to me and say we agree with you. You are right. We are going to elect you to the Senate because that is the way you stand on it. And then one Republican said to me, what if Governor Clinton is elected and you are in the Senate and he nominates Mario Cuomo to the Supreme Court, what will you do? This was a question asked of four of us who were running for the Republican nomination. The other three all said: I will fight Mario Cuomo to the last ounce of my strength. I will use every sinew in my body to see that Mario Cuomo does not get on the Court. I said: I am sorry, I just told you that I deplore this process of savaging individuals. Mario Cuomo is not the person I would appoint to the Supreme Court if I were to be President. Mario Cuomo does not represent the judicial philosophy that I think is right for a member of the Supreme Court, but Mario Cuomo is qualified to be a Supreme Court Justice and if Bill Clinton is elected President and he nominates Mario Cuomo, unless something comes out in the hearings that we do not know, I would vote to confirm him.

Many of my conservative friends were horrified I would say that. But I said: Look, we have to do something to get back to the historic pattern of civility and trust and acceptance of difference of opinions and get away from the process of Borking people, be they Republicans or Democrats.

I was very interested to have an individual come up to me and say: I don't agree with you on a whole series of things but I am going to vote for you for one reason only. And I said: Well, that is fine, I am always glad to get your vote; what's the reason? He said: You are consistent. Your answer, with respect to Mario Cuomo, convinced me that even if I don't agree with you, I can depend on you to do what you will say, even if it is not for your political benefit.

Fortunately in my view, President Clinton never nominated Mario Cuomo for the Supreme Court. But if he had, unless something disqualifying had come out in the confirmation process, I would have voted for him.

We were in a very close Senate, 50–50, with the Vice President breaking the tie with what the voters left us with in the last Senate. Now it is 51–48–1, which is what the voters have left us with in this Senate, a barely workable majority.

We were in the last years of President Clinton's Presidency; in the weekly policy luncheons that we Republicans hold during the same time the Democrats are in their weekly policy lunches, members of our conference would stand up and rail at ORRIN HATCH and say you've got to stop this judge or that judge from going forward. We have to make sure this person doesn't go on the bench.

And ORRIN said:

> I can't hold him up any longer. Fairness requires that they get a hearing and that they get a vote.
>
> Well let's filibuster them. If they get on the floor we can prevent them from passing, we can prevent them from getting 60 votes.

To his credit, Senator HATCH said:

> Let's not even think of going there. Let us not escalate this process to the point where 60 votes are routinely required to put anybody on the bench.

Senator LOTT, the majority leader, said exactly the same thing when Bill Clinton was President, and some of those, perhaps a little more passionate in their ideological purity than the rest of us, were demanding a Republican filibuster against some Democratic judges. "No," said Senator HATCH, the chairman of the Judiciary Committee; "no," said Senator LOTT, the majority leader, "we will not get there. We should not escalate this to that point."

Now the decision has been made to escalate it to that point. Miguel Estrada is fully qualified by the standards of everybody who has examined him, from an objective point of view.

We hear that one of his past supervisors has written a letter: I think he was something of an ideologue—no. I made the point before and repeat it here. If that is what he thought, why did he continue to employ him and why did he leave a paper trail of glowing recommendations?

I have been the CEO of a company. I have done annual performance appraisals. I know what you put down on paper, in writing, as to the performance appraisal of that individual is what you have to live with. You better be honest in that appraisal because if you decide to puff that appraisal up and put that in writing just so you don't offend somebody, and then later on you say he is not qualified and you are going to fire him, the lawyer who represents that somebody is going to pull out the file and the record and say:

> If he really wasn't any good, why did you put this down on paper at the time he had his appraisal? You are the one who is not honest, not him, if that is what you have done.

I have that same attitude towards—I believe it is Professor Bender, who now is saying Miguel Estrada is not qualified; that when he had the responsibility, not in a political setting, to lay down Miguel Estrada's qualifications and performance, he in writing said he was absolutely outstanding in every way. So I have little or no sympathy for the current verbal statements of Professor Bender.

I don't know why the Democrats have decided to escalate this historic fight, that has been escalating all these years, to the new level of saying it will now take 60 votes to confirm any judge. They could have picked somebody, I think, a little more sympathetic to their cause as their poster child for this particular decision. But for whatever reason, they have decided they are going to escalate the whole process, set a new standard and a new requirement for the Senate on the issue of Miguel Estrada.

Senators have stood here and held up the copy of the Constitution and told us how much they revere and admire it, and have taken an oath to uphold and defend the Constitution, and they say we are only doing our constitutional duty. The Senate has a constitutional duty which we would abrogate if we do not filibuster this nomination.

There is nothing in the Constitution with respect to a filibuster. The filibuster comes out of the Senate rules, not the Constitution. Furthermore, the Constitution does clearly and specifically assume some circumstances so important that they do, in fact, require a supermajority. The Constitution clearly and specifically says you cannot consent to a treaty without 67 votes. The Constitution clearly and directly says you cannot convict a Federal official, be it the President or a Federal judge who has been impeached by the House, unless you have 67 votes. The Constitution very clearly lays out those areas that are so important that what we refer to as a supermajority is required. Confirming a judge is clearly and specifically not one of those situations. To argue that we have a constitutional duty to change the rules with respect to judges is, in my view, to misunderstand the Constitution. In my view, the Founding Fathers clearly intended the Senate to consent to the President's choices on a majority vote.

I hope over this recess, as we go out and meet our constituents, we discover that they have issues on their mind other than the Senate rules; they are concerned with something different than supermajorities and cloture votes and filibusters. We are going to hear today what the inspectors will say after their latest trip to Iraq. We don't know absolutely what they will say but the preliminary press reports tell us that the inspectors are going to tell us that Iraq remains in material breach of the United Nations resolution and continues to violate all of the instructions the United Nations have given.

Our President has told us on this issue that time is running out. The papers are suggesting that military action in Iraq is not months but perhaps only weeks or maybe even days away. Our constituents are concerned about al-Qaida and the possibility of attacks from the terrorist organization to which the Iraqis have given refuge and significant aid. They are concerned about what will happen to their sons, their daughters, their wives, their nieces and nephews who are in uniform.

When we come back on the 24th of February, I hope we can look at this whole fight over Miguel Estrada in the historical context I have tried to lay down here this morning and say to ourselves it is time to step back a little from what President Clinton called the politics of personal destruction. It is time to step back a little from the escalation that has been going on in both parties for decades over the confirmation fight. It is time, in my view, to accept the historic pattern that somehow got this country through the first 200 years of its existence, that says the Senate does not require a supermajority to confirm a circuit judge and, under those circumstances, be in a more sober and efficient situation that allows us to focus on the concerns on which our constituents and the rest of the world are focused.

I hope after a week of reflection and experience with our constituents, we come to that conclusion and see this nomination brought to a vote, and those who feel he was not responsive in his answers exercise their constitutional duty and vote against him, and those who think that they should, exercise your constitutional duty and vote for him, and the matter should be resolved in the manner that our Founding Fathers intended, which is by a majority vote on the floor of the Senate and not in the manner that has come as a result of the escalating partisanship of the past few decades.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, first, let me say to my colleague from Utah, Senator BENNETT, whom I respect and work with closely on a number of items, I thought he came to the floor of the Senate this week and made a valuable suggestion. He came to the floor of the Senate and said: Let's break this impasse over Mr. Estrada. If he will produce the legal documents, which Miguel Estrada has written as a member of staff of the Department of Justice, if he will produce those and if he will answer the questions, we can finally bring this to a vote.

He challenged me personally on the floor. He said: What will you do if we produce these documents? My response to him was as honest as could be. If he is honest and cooperate in producing the information and answering the questions, he deserves a vote. That is my personal feeling. I don't speak for any other Senator.

Within hours of that exchange on the floor of the Senate, the White House sent a lengthy letter refusing to disclose any of the legal memoranda of Miguel Estrada saying that, frankly, it was privileged information and that Members of the Senate should not read this man's writings about the law. I was sorry to see that happen.

I thought Senator BENNETT was on to something very good that would have broken what appears to be a partisan impasse and finally put the information before the Senate and before the American people so Miguel Estrada would have moved to a vote.

Incidentally, having said on the floor what I thought about it, I went to a number of Democrats and said: Do you feel as I do? If he will disclose his legal memoranda, and if he will answer the questions that might arise from that, and perhaps a few that he avoided in the course of the hearing, would you vote to give him a vote? The answer was affirmative to a person; because, frankly, then we would know for whom we are voting.

But what we are dealing with here is a pattern of concealment by this nominee. He is not the first. In fact, it has become almost a tradition that judicial nominees come before the Senate—and maybe it harkens back to the Senator's earlier reference to Robert Bork. They are afraid if they tell people what they think and who they are they will get into trouble.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. BENNETT. Going back to what happened the other night, as the Senator from Illinois understands, I am not burdened with a legal education. So when I made my suggestion, it was in the spirit of a former CEO trying to resolve a controversy with one of his competitors or suppliers. But I understand, and ask the Senator from Illinois if he could confirm this understanding, I understand that Miguel Estrada is perfectly willing to allow that set of memoranda to which we have referred be made public. But he acted as an attorney advising a client, and it is the client in this case that says for the client's reasons—in this case the Department of Justice—we will not allow the memoranda to come forward.

My question is, Under those circumstances, isn't it appropriate that the attorney is bound not to release the memoranda by himself?

Mr. DURBIN. Let me say, in response to the Senator from Utah, that I don't apologize for not being a lawyer. I am proud to be one. But when the Senator came to the floor with a commonsense solution to this impasse, there is a question about Miguel Estrada and what he believes, who he is, and what his values are, for goodness' sake, let us put that information before the Senate and give the man a vote, which he deserves, that is a commonsense response from everyone—I think lawyer or otherwise. Then the lawyers got involved. And as the Senator mentioned, Miguel Estrada said, I will turn over all of this information, and go ahead, read it; there is nothing I want to hide here. Then the Department of Justice and the White House stepped in and said: No, no, no. We will not release it. This is privileged as attorney-client communication, which is one of the privileges under the law as I recall from law school.

But let me show you this chart.

Mr. BENNETT. If I might pursue just a moment——

Mr. DURBIN. I yield for a question.

Mr. BENNETT. Is it not true that Miguel Estrada is under a professional requirement in those circumstances not to release this information; even though he may want to, his professional ethics prevent him from doing so? And, if I may, the second question is, If that is, indeed, the case, is it fair to attack him for not being responsive when all he is doing is upholding his professional responsibilities?

Mr. DURBIN. In response to the question, let me say that it may be arguable as to whether or not there is an attorney-client privilege which makes this a confidential communication—these legal memoranda that he can't give to the public because his client is not giving approval—that may be the case. But let us argue for a moment that it is the case. Let's say, forget whether or not it is a questionable position. Let's assume it is right; that is, what you say is correct. Under the law, the client can always waive the privilege. If I have hired an attorney to represent me, and that attorney has written legal memoranda inserting a point of law, and then someone asks for that legal memoranda, that client or the attorney says, sorry my client, DURBIN, hasn't given a waiver of this privilege, this is privileged communication between the attorney and client, but I, the attorney, say, will you waive that privilege, will you disclose it, and if I say, yes, I affirmatively waive the privilege, at that point it becomes public.

The obvious question here is, Who was Miguel Estrada's client when these legal memoranda were written? His client was the Department of Justice. His client was the White House. His client was, in fact, the group that has now nominated him to this DC Circuit Court.

And so here you have a curious situation. Miguel Estrada says, I would love to let you see this, but my client won't allow me and won't waive the privilege, and, therefore, I can't.

The client—the White House—is saying, go ahead and approve this man. There is nothing to worry about. But we will not let you see what he has written. He was our attorney. He wrote for us. We will not let you see what he has written.

Would that raise a question in the Senator's mind, in all honesty and good faith? If the Department of Justice won't waive this privilege so we can read these documents, does it raise a question in the Senator's mind as to whether there is something in there that bothers them and worries them?

Mr. BENNETT. If I might respond to my friend from Illinois, it would raise the question that the Senator is concerned about, if indeed the papers were written just for this White House. But the historic fact is that the papers were written for the first Bush administration and for the Clinton administration—specifically for the Solicitors General in those two administrations. The specific Solicitors General who were involved, Democrat as well as Republican, said, don't allow the memoranda to come forward.

So it is not a case of George W. Bush's administration having hired this fellow and gotten information from him and then sent him up here while refusing to allow anything he told them to be made public. It is a different fact situation.

I am persuaded by the fact that every living Solicitor General—Republican or Democrat, old or young, liberal or conservative, everyone who is still breathing—has said, don't allow this information to come forward. Under those circumstances, I find it difficult to hold Estrada to task for his failure to let this come forward when, in fact, the decision has been made and unanimously supported by every living person who has ever sat in the position of his client.

Mr. DURBIN. Let me respond in this way. If the Senator accepts what the Senator has just argued—that every time we elect a new President every lawsuit filed by the U.S. States Government would have to be refiled because there is a new President, there is a new Attorney General, there is a new Solicitor General—that isn't the case. There is a continuity of government. Presidents come and Presidents go. Senators come and Senators go. Attorneys General come and go. But the U.S. Government continues. For Miguel Estrada to argue that because President Bush's father did not waive the privilege then he can't waive the privilege today, I think is just plain wrong. I think the continuity of government argues otherwise.

Let me show you this chart that might be helpful in understanding what is being asked for is not unusual.

Look at this chart. The Bush administration claims that the request for Mr. Estrada's legal writings is unprecedented, it has never happened, it is a matter of privilege. But the Department of Justice has provided memos by attorneys during the following nominations: When William Bradford Reynolds was nominated to be Associate Attorney General, his legal memoranda were produced by the same Department of Justice which now argues they cannot do it. Robert Bork was nominated to be a Supreme Court Justice, and his legal memoranda were produced by the same

Department of Justice which now says we cannot read Miguel Estrada's memoranda.

For Benjamin Civiletti, when he was nominated to be Attorney General, the same ruled applied. The Department of Justice said: Read those so you understand who he is. Now they say: You cannot read what Miguel Estrada wrote when he worked for us. We also have Stephen Trott, for the Court of Appeals for the Ninth Circuit; and Justice William Rehnquist, the Chief Justice of the Supreme Court.

So for the Department of Justice to argue this just is never done, here are five specific examples where the Department of Justice has waived the privilege and produced the writings.

It comes down to the basic point and question before us, What is my responsibility, what is your responsibility, and the responsibility of the Senate when a person seeks a lifetime appointment to the second highest court of the land? Do we have a responsibility to just nod approval, to stamp "approved" on them, and move them through or do we have a responsibility to ask basic questions?

Some of them are obvious: Is this person a person of good character? Does this person have a good legal education? Does this person have a good mind and a good temperament?

I would tell you, in each and every one of those categories, I think the answer is affirmative when it comes to Miguel Estrada. This is an impressive man. What he has done with this life, what he has overcome by way of personal challenge and adversity is really inspiring. I say that having met him and sat down with him and read his story. All those things are true.

But we also have a responsibility to ask: What is in your mind? What are your values? What principles will you bring to this job—not next year but 10 years from now if you are still sitting there as a Federal circuit court judge? How will you be motivated to make a decision?

I am not going to ask any judicial nominee to tell me how they will decide a specific case. That is not fair; that is not right. But to ask a judicial nominee basic questions you would ask of a district court judge in Utah and I would in Illinois, that is not unreasonable because we want to try to create a mental picture of who this person is and what they bring to the job.

Miguel Estrada did so well—straight A's—on all the things I mentioned before: honesty, character, personal background, academic achievement, legal achievement as well. All these things, straight A's.

Then we came to the basic question of: In your mind, who are you? How do you view the law? And that is where he failed. That is why his nomination is stopped on the floor of the Senate.

I asked him a question. It is written down here, and I will not recount it because I have already put it in the RECORD. Think about this question for a minute. I said to him: Can you identify any Federal judge, living or dead, whom you admire, whom you would like to emulate if you were appointed to the Federal judiciary? End of question. Not a trick question, no. He said: I would not want to answer that question. I would not want to name a single Federal judge whom I admire or would emulate from the bench.

That troubles me.

Mr. BENNETT. Mr. President, will the Senator yield for one final comment?

Mr. DURBIN. I am happy to yield.

Mr. BENNETT. I promise I will not interrupt the Senator further.

Mr. DURBIN. No, I am happy to yield.

Mr. BENNETT. But before we get too far away from the items on his chart, I simply want to come back again to the fundamental point I am trying to make.

The Senator from Illinois has, indeed, precedent on his side that there are circumstances where the client is willing to waive the privilege. Just because the client has been willing to waive the privilege in other circumstances does not mean the present client is required to waive the privilege in the present circumstance.

Each one of those circumstances is different. They are tied together by the fact that they are nominations and that the Justice Department is involved, but the fact situation in every one of them would be different from the fact situation here. The fact situation here is that Miguel Estrada worked for the Solicitor General, and every single living Solicitor General has said, regardless of what happened with William Rehnquist or Robert Bork, in this circumstance the memoranda should not be disclosed.

Miguel Estrada has a professional responsibility not to disclose, and he is being attacked for his decision to abide by his professional responsibility. If the White House and the Justice Department should be attacked for their refusal to grant the waiver, go to it, but do not take it out on the lawyer who is standing on the basis of his ethics.

That is the only point I wish to make. I shall not belabor it, and I shall not interrupt the Senator from Illinois further. I thank him for his courtesy.

Mr. DURBIN. No. I am happy to have the statement from the Senator from Utah. I do not consider it an interruption.

Let me say as an aside, I think it is healthy for us to have this kind of dialog on the Senate floor, and I have made it a policy both in the House and in the Senate to always yield for questions. I think if this is truly a deliberative body, then opposing points should be expressed on the floor, and there isn't enough of it, there isn't enough real debate on the floor.

I thank the Senator from Utah for coming here in good faith and stating his position. I may disagree with it, but for the sake of the RECORD and for the sake of public debate, I am glad that he is here. I am glad that he asked the question. And I know he feels as I do, he opens himself to questions when he comes to the floor. And I think that is part of our responsibility.

I have been advised by my staff—I did not realize this—that when White House Counsel Alberto Gonzales replied to our request about the documents related to Miguel Estrada, they did not claim a privilege, which surprises me; I thought that was what they would say, that there was some legal privilege here or some executive privilege. Instead, the White House Counsel's Office insists that we already have enough information about this nominee, that they don't need to provide this.

So we had a nice discussion about privilege and whether or not that applies. It appears the White House has said: We are not going to argue that—because they know they have produced this kind of information in the past.

But let me go on for a moment and try to get to the heart of why this is an important debate. This goes way beyond any particular nominee. As I said earlier, I have no personal animus against this man, Miguel Estrada. I admire him personally. He was an immigrant to the United States. My mother was an immigrant to the United States. I think immigrants bring a great deal to this country. They bring an energy and creativity and a courage that really makes this a great nation.

Miguel Estrada fits that category. He came here as a teenager from Honduras. He learned the English language, went on to be accepted, I believe, at Columbia University, where he distinguished himself as a student. And that is no mean feat for a person who is new to the English language. Then he went on to Harvard Law School, where again he distinguished himself as a law student. So in each and every one of these categories, this is a man whom you would move toward as a good potential nominee for the Federal court.

But despite all of this knowledge and all of this experience, when it came time to ask him who he was, legally what he believed, he just refused to answer. And the question is, at that point, Should the Senate have said: Well, I guess we tried our best; let's put him on the bench for life; let's hope for the best?

We cannot do that. And I will tell you why we cannot do that. Because under the Constitution, which we have sworn to uphold, and which we take very seriously, in article II, section 2, it says:

> The President. . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme

> Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for. . . .

This tells those who are watching that what is at stake here is not just a discretionary decision by the Senate as to whether or not we will investigate a judicial nominee. We have a constitutional obligation. And if we believe in that investigation that a nominee is wanting, might not be a person suited to serve in the Federal judiciary, I think we are duty bound to vote against him.

Let's look at the record with George W. Bush, a Republican President, and the Senate, which for 16 or 17 months was under Democratic control. What happened? Did the Democratic Senate say to the White House: You cannot have Federal judges? We are Democrats. You are a Republican. Stop sending us Republican nominees? No. No. That did not happen.

In the course of that period of time, 100 judges, nominated by President Bush—Republican nominees—were approved by the Democratic Senate Judiciary Committee. I sat on that committee. I voted on virtually every one of those nominees in committee and on the floor. Those nominees were approved, knowing full well that the President had his right as the President to name his judges.

How many were rejected? If 100 nominees of the Bush White House were approved, how many were rejected by the Democrats when they were in charge of the Judiciary Committee? Two. One hundred approved; two disapproved—Judge Pickering of Mississippi and Judge Owens of Texas. Of the 100 that were approved, trust me, overwhelmingly, these were people of a conservative political philosophy, people who reflected the President's political philosophy and probably his legal philosophy. We knew it going in. That is the name of the game. The President has that authority. We asked the basic questions, were satisfied with the answers; the nominee moves forward. Two were rejected.

Now Miguel Estrada comes before us. Last Monday three more of President Bush's nominees were approved unanimously by the Senate, but Miguel Estrada still is on the calendar.

The question that has been raised on the Republican side is, why are you asking these difficult questions of Miguel Estrada? It is interesting to look at statements made by Republican Senators who are now arguing on behalf of Miguel Estrada. The first, of course, comes from Senator ORRIN HATCH, a friend of mine, my colleague in the Senate, chairman of the committee. When he led the fight to oppose a Hispanic nominee, Rosemary Barkett, this is what he said:

> I led the fight to oppose [Judge Rosemary Barkett's] confirmation because . . . [her] judicial records indicated that she would be an activist who would legislate from the bench.

Senator HATCH is entitled to that decision whether she is Hispanic or not. But when we ask similar questions today about Miguel Estrada, we are being called unfair. He could ask questions and have doubts in his mind about whether this judicial nominee by President Clinton would be an activist. We are not allowed to ask the same questions about Miguel Estrada without being accused of being unfair to Hispanics. This is by any measure a double standard.

Let me give you another quote from Senator HATCH, who quoted Alexander Hamilton when he said:

> The Senate's task of advise and consent is to advise and to query—ask questions—on the judiciousness and character of nominees.

It isn't just the character, it is the judiciousness, the judicial judging of nominees. That is a reasonable thing to ask. I could see a person with the most outstanding legal credentials, academic credentials and personal integrity, bring a philosophy to the bench which I think would be damaging to the country and our Constitution. Should I ignore it? I can't. I am dutybound because I have sworn to uphold the Constitution, to put men and women on the bench who will uphold it as well, and make decisions which are consistent with our values. Senators may see those values differently, but at a minimum we should be able to ask the questions of the nominees: What do you believe? What is important to you? When we asked those questions of Miguel Estrada, he evaded them completely.

Senator SCHUMER from the State of New York, on the Judiciary Committee, asked him a question similar to the one I referred to earlier, when Miguel Estrada refused to name one single Federal judge living or dead who he admired or would try to emulate. Senator SCHUMER decided to take a different approach. He asked Miguel Estrada to name a Supreme Court decision with which he disagreed. First he asked within the last 40 years and then he said, just in general, any Supreme Court decision you would disagree with?

Miguel Estrada, having served as a law clerk at the Supreme Court, in the Solicitor General's Office in the Department of Justice, with all of his background, having argued cases 15 times before the Supreme Court, refused to name one case in the history of the Court with which he disagreed.

What springs to mind? You don't need to be a lawyer. The Dred Scott decision, decided by the Court in the 1850s, which institutionalized slavery and led to the Civil War. Was that a wrong decision by the Supreme Court? I don't know of anyone who argues it was not. Miguel Estrada, who wants to go to the second highest court in the land, wouldn't name Dred Scott as a wrong decision.

Let's take another, Plessy v. Ferguson. This was a case which said when it came to race relations in the United States, the standard would be separate but equal, leading to a pattern of segregation in America finally broken by Brown v. the Board of Education in the 1950s and the civil rights laws. I don't know of a single person, other than some of the strangest and most radical, who wouldn't argue that Plessy v. Ferguson was a bad decision by the Supreme Court. Miguel Estrada, despite all of his background, wouldn't name Plessy v. Ferguson as a bad decision.

So to those who say the Democrats are nitpicking, you are really holding this man to an impossible standard, think about that.

I failed to add this. The same question about Supreme Court decisions you disagree with is a common question asked of judicial nominees. In fact, Republican Senator SESSIONS of Alabama asked that exact question of a Hispanic nominee, Richard Paez, nominated by President Clinton. When he asked the question, Democrats didn't stand up and say, that is unfair, that is a foul ball, you can't ask that question. Not at all. Paez answered the question, and for his forthrightness and candor before the Republican-controlled Senate Judiciary Committee, his nomination was held up over 4 years before finally a cloture motion was filed and it was brought to the floor.

For those who are following this, the standard being applied to Miguel Estrada is one that has been time tested on both sides. His response, sadly, does not meet the measure of what we should expect nominees for a lifetime appointment to the Federal bench.

Senator LARRY CRAIG has also commented about this process. He is a conservative Republican. He would be proud of that description. He said:

> Any notion that there is a rebuttable presumption on behalf of a nomination—that the Senate ought to be basically pliant in response to a nomination—is altogether unconstitutional, even anticonstitutional.

These were arguments made by Republican Senators when the nominees came from a Democratic White House. Now with this one nominee being questioned as to whether he is going to answer the basic queries, we are being told we are unfair. Senator CRAIG said to do otherwise is to avoid our constitutional responsibility.

What is this approach we are seeing by judicial nominees where they are unresponsive to questions? It is not new. If you followed the televised hearings involving Clarence Thomas, you can recall when he was asked and replied that he had no opinion on the issue of abortion. Clarence Thomas, no opinion on abortion, this man who had been a Catholic seminarian, who had been a law student when Roe v. Wade was decided, said he had no opinion. He was allowed to get away with that answer. I think we learned a lesson there. We have learned it over and over. If nominees won't be open and honest with us when it comes to their beliefs, it puts us at a disadvantage in terms of trying to understand what they will do on the bench. It was predictable what Clarence Thomas was likely to do on the Supreme Court as a Justice. We have seen that has been borne out in more cases than not. The fact he would say to the Judiciary Committee with a straight face, I have no opinion on the issue of abortion, raises in my mind a question of his candor and a question of the Judiciary Committee's meeting its responsibility.

This is a statement or a quote from the Legal Times newspaper last year. This was Larry Silberman, who is a DC Circuit Court judge. It says:

> President George W. Bush's judicial nominees received some very specific confirmation advice' last week: Keep your mouth shut. Scalia called DC Circuit Judge Silberman at one point, the latter recalled, and told him he was about to be questioned about his views on Marbury v. Madison, the nearly 200-year-old case that established the principle of judicial review. "I told him that as a matter of principle, he shouldn't answer that question either."

When you start law school, if not the first day, the second day, we study Marbury v. Madison because unless you understand Marbury v. Madison, you don't understand why there is a Federal court system and why it has the power to review legislation passed by Congress. It is so basic. It is like saying, read the Constitution before you come to constitutional law class.

Here we have a man aspiring to sit on the Supreme Court who is being instructed, don't say a word about Marbury v. Madison, a 200-year-old court case. So it is a tactical strategy, used by nominees as often as they can get away with it, to say as little as possible.

Let me also go to the question of Hispanic nominees. Here we have a statement made on the floor that Mr. Estrada should be approved because he is of Hispanic origin. I am proud of the fact that, as a Senator from Illinois, I was able to appoint the second Hispanic district court judge in our district's history to the court in Chicago. He is from Puerto Rico. He has done a great job, and I am sure he will continue to. We have a growing Hispanic population in our Nation, and certainly in my home State. They bring great value to our country and to my State. I think it is reasonable—in fact, advisable—for us to bring to the bench men and women of diverse backgrounds so that when defendants and plaintiffs and their lawyers come before that bench, they see represented in the court the diversity of our Nation. I think that is a good thing to do.

When the White House has decided to act affirmatively to bring Hispanics to the Federal bench, I think they are doing the right thing. I applaud that. I think we should bring as much diversity as we can with qualified individuals to the bench. But the arguments being made that because we have questioned Miguel Estrada in whether or not he has been forthright in his answers has something to do with the Democrats' view of Hispanics' contribution to America doesn't hold up.

One of the Republican Senators said in the Dallas Morning News earlier this year:

> If we deny Estrada a position on the DC Circuit, it would be to shut the door on the American dream of Hispanic Americans everywhere.

But the reality is this. Until last week, Mr. Estrada was the only Latino nominated by President Bush to any of the 42 vacancies that have existed on the 13 courts of appeal. In contrast, President Clinton nominated 11 Latinos to our appellate courts. He nominated 21 Latinos to the district courts. Sadly, when the Republicans controlled the Judiciary Committee, and President Clinton was in the White House, they blocked several well-qualified Latinos from getting hearings, including Enrique Moreno, Jorge Rangel, and Christina Arguello.

I recall the Moreno nomination. Enrique Moreno was born in Juarez, Mexico, under the poorest of circumstances. His family emigrated to El Paso, TX, where they worked as blue-collar workers. He grew up under the toughest of circumstances, but he went on to great distinction in law school. And he was sent before the Judiciary Committee and wasn't even given the dignity of a hearing—without being given a hearing and, certainly, no vote. When asked on the floor, Senator HATCH said that is because the two Republican Senators from Texas didn't approve him. Well, that is their right. Under the blue slip process—an arcane, but important process we have followed in the past—they could stop him, and they did.

I don't recall the hue and cry then from any Republican leaders that somehow it was discriminatory against Hispanics that two Anglo Republican Senators from Texas would stop a well-qualified Hispanic nominee. But they did.

The same thing was true for Jorge Rangel, nominated to the circuit court of appeals, who finally, after waiting and not receiving the approval of the two Senators from Texas, said: I give up, I am throwing in the towel. This is all about politics, and no matter what I say or do, they are not going to approve me.

He walked away from that process. That is an unfortunate example of what can happen.

Mr. Estrada was given a hearing and an opportunity to answer questions, and he has been given repeated opportunities to provide legal writings so we can make a decision on him. I stand before the Senate today, as I have in the past, to say if he is open and honest and cooperative with the committee, he deserves a vote. If we receive the legal memoranda and writings and have a chance to ask questions related to those in some areas he has not answered in the past, and he gives open and honest answers, then his nomination should move forward.

I see my friend and colleague from Ohio, Senator DEWINE, in the Chamber. Not 2 or 3 weeks ago, several nominees from his State came before the Senate Judiciary Committee with Senator HATCH as chairman. Two of them were fairly controversial. The hearing, I am sure Senator DEWINE recalls, went on for 12 hours. It was one of the longest I have ever seen. One nominee, Mr. Sutton, was given a lot of questions by a lot of different members and he answered them. Though I didn't agree with his answers, I have to say in all candor that he didn't avoid the questions, as we have seen with Miguel Estrada under the circumstances. So I think that is an important difference to be made.

THE DANGER OF EPHEDRA

Mr. DURBIN. Mr. President, I want to touch on one other issue not related to the Estrada nomination before I yield the floor. It will take me about 15 minutes to complete the presentation I am about to make. Then I will be happy to yield the floor. It relates to a decision that was made this week by a county in New York, Suffolk County. They took a historic step to protect the residents of their county from harm, even the dangerous and deadly harm of dietary supplements. You know about these dietary supplements. You cannot walk into any drugstore or turn on the TV or go to a convenience store or a gas station that you don't see someone trying to sell us a pill to make us thin. These dietary supplements, I guess, help some people to lose weight. Doctors argue back and forth about that.

It turns out that some of these dietary supplements contain a chemical—a naturally occurring chemical—called ephedra, which is dangerous. Suffolk County in Long Island banned the sale of ephedra products because the Suffolk County Department of Health Services determined that "dietary supplements containing ephedra alkaloid are too dangerous to be sold within the county of Suffolk."

Last year, the U.S. Army moved to protect service men and women and the employees who use the base by also banning the sale of ephedra products in commissaries across the United States.

Sadly, it would seem that despite these decisions by local and State governments and by some agencies of the Federal Government, our Federal Government, in general, and particularly our Department of Health and Human Services, has consistently refused to take the necessary action to protect America's families and children from products containing ephedra.

Since last August, I have repeatedly called on Secretary Tommy Thompson, and I renew the call today, to ban ephedra products in the United States. The Secretary has the authority to do so. There is no excuse for the delay. I have asked him to use his authority under DSHEA to declare ephedra an imminent hazard and take it off the market, in the same way as it was done in Suffolk County and other cities and counties, and in certain States it was done in our military posts. The Secretary has refused to respond. His responses have not been helpful.

As chairman of the Government Oversight Committee, last year, I held two hearings on this topic, challenging this administration to act. I am not the only one who has done so. Last year, the Canadian Government banned products containing ephedra. They said you cannot sell them there because they are too dangerous. They kill people.

What kind of products am I talking about? Are these weird, remote things you never run across? No. Metabolife—have you ever heard of it? They do a lot of advertising. Metabolife diet pills—an energy supplement, they call it, to help you lose weight. They do sell a product that contains ephedra. This is what I am talking about. These are the drugs that can be a danger to certain people. There are others. One is called Yellow Jackets. I will get to that in a moment because there is a sad and tragic story about these. It says "built as an extreme energizer."

I recently went to a junior high school in Springfield, IL, and I asked the boys and girls: How many have heard of Yellow Jackets? Half of the kids raised their hands. Do you know why. You don't need a prescription. You can walk into any convenience store or gas station and you can buy them two or three at a time.

Sadly, these pills taken by kids can kill them—kill them. I will tell you of a sad story where it occurred near my home. I have given this information to Secretary Thompson. He has ignored it. Nothing has happened. There are no excuses now for what we presently face. The best he can give us is, he says these products ought to have stronger warning labels.

What would a warning label say if it was honest about the product ephedra? It would have to say if you are going to take Metabolife, for example, which is known as a dietary supplement and classified as a food under our strange Federal laws, if you were going to take this product, here is the warning label you would have to put on it: Taking this food product will increase your risk of heart attack, stroke, seizure, and death.

Can one think of another food product sold in America where we identify on the label that it can be lethal if you take it? In most cases, in most civilized nations, we would not allow a product that could kill you to be sold as a food product in any circumstance.

Some people argue, you can take enough aspirin to kill you. This is all true, but when it comes to this product, they are selling it to children—this Yellow Jacket product and this product, Metabolife—to virtually anybody who can put money on the counter, with no warning as to the potential of harm.

In reality, how can the Secretary rely on warning labels for a product that is found to be so dangerous? Let me make it clear, the only reasonable step to take is to take these products off the market. If this administration, and particularly Secretary Thompson, continues to delay this decision, sadly he will have to answer the question of how he can account for the numerous people who continue to lose their lives because of these dangerous products.

The Secretary has the power under existing law to take these products off the market. He has failed and refused to do so. As the Department delays, terrible things occur.

I told you I would recount an incident involving this particular product, Yellow Jacket. Last September, in Lincoln, IL, a few miles from where I live, a young man 16 years old, a healthy, athletic, high school student named Sean Riggins was getting ready for a football game. He went to a local convenience store and bought Yellow Jackets, an extreme energizer. You will find them for sale. You are going to find them in North Dakota. You are going to find them as well in Rhode Island. You are going to find them in Ohio. They are everywhere.

This boy bought this product, grabbed a Mountain Dew, which contains caffeine, washed it down, and died. He bought them at a convenience store, washed them down, and died. It is incredible to think this could happen, and the autopsy confirmed this was the reason for his death.

When we say to Secretary Thompson, for God's sake, protect the children from this happening again, he waits, he fails to respond. He says he is thinking about it.

On September 6 last year, because of these Yellow Jackets, Sean Riggins, a healthy, athletic high school student had a massive heart attack and died. When you look around the Senate, you will see pages working on the floor in the Senate. It is a time-honored tradition. These are young men and women of high school age. When you look at them, you are looking at a person of the age of Sean Riggins who thought he was doing the right thing to get ready for a football game. Sadly, he was preparing for a funeral—his own.

He was the only child of Deb and Kevin Riggins from Lincoln, IL. His parents, thank God, have decided to go on a crusade to try to protect other kids. They turned their grief to positive action. They set up the Sean Riggins Foundation for Substance-Free Schools. I commend them for their courage. They are going to coaches, teachers, and parents saying: For goodness sake, talk to your kids about this. We know about marijuana; we know about cocaine; we know about heroin; we have to do our part in telling them how dangerous it can be. We know how dangerous tobacco and alcohol are. We are ignoring the obvious. These are for sale everywhere. They are cheap and kids are buying them. Let me be honest with you; some kids buy these pills and drink beer with them and think this is a brand new high and die as a result—Metabolife, Yellow Jackets, and a variety of other names.

The question before us now is, Should we act? And the answer is obviously yes. Mr. President, did you know the NCAA, the National Football League, and the International Olympic Committee have all moved to protect their athletes by banning ephedra? And yet, Secretary Thompson refuses to protect innocent children who buy this product.

The Rigginses are not alone in their grief. The Suffolk County, NY, ban I mentioned was imposed this week was also as a result of a young person's death. In 1996, Peter Schlendorf of Northport, Long Island, 20 years old, died from taking ephedra. His parents have joined the Rigginses in this sad alliance in the memory of their sons to try to warn parents.

The 7-Eleven stores—we see them all around—used to be one of the stores that sold ephedra products. They decided it is not safe. They will not carry ephedra products anymore.

Think about it; all this action is taking place without the Federal Government stepping in to protect us. That is hard to believe.

There are also lawsuits underway. The trial lawyers of America are convenient whipping boys. People blame them for a lot of things—too many frivolous lawsuits, high insurance rates, and the like. The fact is, if the trial lawyers of America were not suing this industry, changes would not take place because this Government is not doing its job. This administration is not doing its job.

If we look at the situation, Metabolife is now peddling a product they say is free of ephedra. They want to make it clear you have a choice. They are trying to figure a way to back off the thousands and thousands of bottles of this product they have already sold.

In October, a Federal jury found Metabolife 356, this dietary supplement, containing ephedra that was "unreasonably dangerous," although you can buy it over the counter without a prescription, and awarded four injured Americans $4.1 million to compensate them for their injuries and the wanton bad behavior of the Metabolife Company. Many other cases have been settled with large awards.

The action is in the courts because there is no action in Washington. Secretary Thompson and the Department of Health and Human Services refuses to respond, refuses to act. People die, and their survivors go to court holding these companies responsible. Why isn't this Government holding these companies responsible? Why aren't we banning the sale of these products now?

The medical evidence is overwhelming. In January of this year, researchers from Yale, the University of Texas at Houston, the University of Michigan, the University of Cincinnati, and Brown University reported in the journal Neurology that those taking one-third of the manufacturer's recommended daily dose of these ephedra products increase their risk of hemorrhagic stroke three times. In February, an article in the Annals of Internal Medicine showed that ephedra use associated with a greatly increased risk for adverse reactions compared with other herbs, and the authors suggested its use should be restricted.

This study found ephedra use resulted in a 720-times increase in adverse reactions compared to ginkgo biloba use and in hundredfold more adverse reactions compared to other herbs that were used which they think are safe. Secretary Thompson knows this. The medical evidence is there.

Metabolife, when they were asked to produce information for Congressman WAXMAN and myself, said in 1999, for example, they did not have any instance of anybody taking their pills and having a bad result. But when Congressman WAXMAN and I, as well as the trial lawyers, put them on the spot and made them produce all the information sent to them, we found 100 people before 1999 with serious adverse reactions, including heart attack and stroke.

These companies selling these products have been irresponsible in the marketing of this product. They sell them to children. They know they cause adverse health consequences, and they continue to do so because this Government will not step in and stop them. The burden is on Secretary Thompson and the Bush administration. Do not look the other way. Do not ignore the deaths that are occurring. Do not ignore the fact that 23 States have now moved to restrict the sale of these products because the Federal Government refuses to accept its responsibility.

It is time for us to act and to act now before there are more innocent victims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Ohio.

TRIBUTE TO JIM MCKEE

Mr. DEWINE. Mr. President, I rise today to pay tribute to a dear and cherished friend, a mentor and a role model, former Yellow Springs, OH, chief of police of 34 years, Jim McKee, who passed away on January 18 of this year at the age of 73.

Raised in Springfield, OH, Jim McKee moved to Yellow Springs when he was 18 years old, fresh out of high school, in search of a job. During his first year in Yellow Springs, Jim held a number of different positions, working in a shoe repair shop and later at Mills Lawn Elementary School.

It was at Mills Lawn Elementary School that I first met my future wife Frances, in first grade, but it was also at Mills Lawn I first met Jim McKee. Jim was the person who kept things going at Mills Lawn. I remember how much respect, love, and admiration the students had for Jim.

I first saw in Jim the ability he had to connect with people. I saw it as a child. I remember he would gather the students together and talk to them about how we needed to keep the place looking good and how important that was. I remember how we looked up to him and how much we respected him.

Eventually, Jim McKee took a job at Wright Patterson Air Force Base near my hometown of Yellow Springs. But by 1957, Jim decided he needed to move on. True to form, Jim saw this change not as a bad thing but really as a new opportunity to do something he had always dreamed of doing, and that was to get involved in law enforcement. This was his chance, his opportunity. Before long, he was realizing that dream. The village of Yellow Springs then hired him as a police officer. He joined a department of two officers and a chief, a small department at the time. Within 2 short years and the recognition of his talent and his hard work, Jim McKee was appointed chief of police.

In this new leadership position, Jim McKee soon found himself dealing with issues he probably did not think he was going to be dealing with, issues of historic importance, because at that time the civil rights movement was beginning to sweep our country. The civil rights movement had reached Yellow Springs, a small community in southwest Ohio, my hometown. It reached Yellow Springs sooner than most other parts of the country.

Jim McKee was one of the few African-American chiefs of police in the State of Ohio. Jim McKee guided my hometown with great skill through a very difficult period of time. As one of the few African-American chiefs of police in the State, really one of the few in the country at the time, Jim McKee faced his own civil rights issues early on in the movement. Everybody in Yellow Springs, a community then and now of great diversity and a community that then and now embodies a person's right to free speech, everybody in Yellow Springs respected and liked Jim McKee. That made all the difference in the world.

Whether Jim realized it or not during this tumultuous era, Jim was in fact playing a part in our American history. Jim McKee kept the peace, maintained order, and all the while respected people's freedom of speech, their right to demonstrate, and their civil rights. He did it in a professional way.

I remember when Dr. Martin Luther King came to Yellow Springs to deliver the commencement address at Antioch College. Chief McKee, of course, provided his security detail. Years later, recalling this experience with Dr. King, Chief McKee had this to say:

> At the time there were rumors they were out to get him. I saw him do his nonviolent teachings. I drove around in the car with him for 2 days. He was a perfect Christian gentleman and I was frightened to death because I was providing his security. We told people he was staying at the Antioch Inn, but in fact he was right across the street from where I live—in the home his wife, Coretta, lived in as a student at Antioch years before. You would think they would have figured it out, with all the police cruisers parked out front. I was never so glad to see a plane take off.

Despite whatever concerns Jim McKee may have had, the chief performed his duties with a great sense of professionalism, with honor and courage. Though he dealt with significant issues on the national stage, Chief McKee dedicated his career to Yellow Springs and to keeping the community he loved so much safe and free from crime.

As Members of the Senate know—or may not know—Yellow Springs is not a large city. It is a village. It is a small village where people know their neighbors and watch out for one another. Even today, I believe there are probably only about eight or so police officers on the force. Chief McKee, as the local police chief, was really an icon in his own community. He was greatly admired and respected as an officer, as a protector, but most of all as a friend.

Though I first met him as an elementary school student, actually in the first grade, I had the opportunity later on to reconnect with him. Our lives came together again when I became assistant county prosecuting attorney and he was by that time the dean of the chiefs of police in Greene County. I knew him then and later when I became the prosecutor of our home county. We worked on a number of cases that arose out of Yellow Springs, several very difficult rape cases. We worked on several of those cases together. During this time, I learned a great deal about how Chief McKee treated people and how he dealt with some of the most tense situations. Perhaps most importantly, though, I saw his great sense of humanity toward both victims and suspects.

Chief Jim McKee taught me there is much more to police work than arrests and convictions. He taught me about the human component in police work. He taught me about people and about compassion.

I remember one instance in particular when I saw and learned about how Jim McKee dealt with a man who had been in an auto accident. This man was involved in a horrible thing, as many accidents are, but he came out of it. He walked out of the accident, but the other person in the other vehicle did not and the other person died. This particular person was actually a suspect, and he could have been charged. The police were looking at and trying to decide whether to charge him. Actually, later on there was a grand jury that was convened. The grand jury had to make a decision whether this person was going to be charged and have to stand trial. Eventually they decided not to charge him, but Jim did not know that at the time. I saw how Jim dealt with this man and showed this man, who was going through great anguish at the time, a man who was really a suspect, and I saw how Jim worked him through this, talked to him and showed great kindness to him. That is how Jim McKee treated everyone, with great kindness and with great compassion, all the time being a professional, all the time doing his job.

It was this compassion that set Jim McKee apart. He cared deeply about people and just knew how to deal with them.

At the end of Chief McKee's distinguished 36-year career in law enforcement, I had the honor of attending his farewell banquet. I was lieutenant governor at the time and was there to pay tribute to the chief on behalf of the entire State of Ohio, and on behalf of Governor, then-Governor George Voinovich. At this reception and this dinner, I was struck by the sheer outpouring of respect and admiration and appreciation for Chief McKee's work and for his selfless contributions to our community. It was clear at this reception how important Chief McKee was to the people, to the village of Yellow Springs, and to the entire law enforcement community across the State of Ohio. I was proud to be part of this memorable event.

Following his retirement from the force in 1993, Chief McKee remained active in the community until the day he died. He was a key member of the Yellow Springs Men's Group, an organization dedicated to studying issues important to the day-to-day lives of Yellow Springs residents. Through this organization, the James A. McKee scholarship fund was established in 2002 as a tribute both to Jim and to his legacy of community involvement.

In the recent days following Jim's death, a number of newspapers ran articles about his life and his legacy. As I read through these tributes, I was especially taken with a statement from my friend, Paul Ford, who had known Chief McKee since 1949. This is what Mr. Ford said:

> We've lost a good citizen, a good friend, and a humanitarian. Once you met Jim, you were a friend.

Indeed, Jim McKee was my friend and someone for whom I had great affection and admiration. This quote really gets to why Chief McKee was so special to the community of Yellow Springs and to all of us who knew him. He dedicated his life to serving the people of Yellow Springs. He worked to keep his community safe and free from crime.

When I think about Jim McKee and his life's work as a police officer, protector of the community, I am reminded of a Bible passage from Matthew: Blessed are the peacemakers for they shall be called the children of God.

Indeed, Chief Jim McKee was a peacemaker and a protector and just a good and decent hard-working man. He was a kind person, a kind human being who always tried to do the right thing for his family, for his community, and for his Nation.

My wife Fran and I extend our heartfelt sympathy and our prayers for the entire McKee family, for his wife of 54 years, Naomi; his four daughters, Bari McKee-Teamor, Karen McKee, Jean McKee, Sandra McKee-Smith; his son, Jimmy, his five grandchildren, and one great grandson. Jim McKee loved his family. He cared deeply for them. I know they, like all of us, will miss him tremendously.

Thank you, Jim, for all you did for Yellow Springs and for our Nation. You will be remembered always in our minds and in our hearts.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

FOREIGN POLICY

Mr. DORGAN. Mr. President, I was reading a piece in a newspaper this morning that misquoted remarks I made on the floor of the Senate recently. The journalist got it plain wrong in this case. He indicated that Senator DORGAN feels that Saddam Hussein is not dangerous.

Of course, I have never said that, would not say that, and whoever listened to my remarks previously either chose to reinterpret them in a way that is not accurate or chose to ignore what I said. Let me describe what I said.

I talked about the dangers presented by North Korea. I talked about the importance of prosecuting the war on terrorism, and protecting this country against terrorist attacks. And I said that while Iraq and Saddam Hussein are a problem, we have to face these other issues as well.

If today trucks are backing up to a plant in North Korea and moving fuel rods that will become processed and become part of a nuclear bombmaking process, and a bomb could be sold by North Korea to other countries, and to terrorists, that is a serious problem. That could come back in a year and a half or 2 years into this country in the form of a nuclear bomb possessed by a terrorist. That is serious business.

We are told that the trucks are moving. We are told that is what is happening in North Korea. And yet there does not seem to be the same kind of attention paid to it as is now paid to the country of Iraq.

We are told there is an orange level of alert in our country today, which suggests once again the threat posed by Osama bin Laden and his fellow terrorist, who have not yet been apprehended.

So we are facing terrorist groups, Osama bin Laden, Korea, Saddam Hussein, and Iraq.

My point is not that Saddam Hussein is not dangerous; he indeed is dangerous. We ought to deal with him. Frankly, the credit of having inspectors in Iraq at this point belongs to the President; otherwise they would not have been able to enter Iraq and begin the inspections. If Saddam Hussein does not disarm, he will be disarmed either by this country or this country and other countries acting in concert. That is just a fact.

My point is that is not the only challenge we face and not necessarily the greatest challenge we face. If trucks are moving spent fuel rods in North Korea today, then we better make a judgment to deal with that.

If we have an orange alert in this country today because terrorist groups have mobilized and intelligence suggests that an orange alert is warranted, then we had better be concerned about that. And we had better prosecute that war against terrorism as aggressively as we pursue Saddam Hussein. That is my point.

Now I have come to the floor today to speak about a related subject, and that is the subject of energy. We import oil in order to run our country's automobile fleets, stationary engines, and so on. We import 20 million barrels a day. Saudi Arabia is our No. 1 importer—Mexico, Canada, Venezuela, Nigeria—Iraq is No. 6 at 289,000 barrels. Our country is very dependent on energy from a Middle East that is rocked by turmoil. If tonight, God forbid, terrorists were able to interrupt the flow of energy, the flow of oil to our country from Saudi Arabia and Iraq, for example, our economy would be in trouble. That is just a plain fact.

Does it make sense for us to continue to be so dependent on oil coming from that part of the world? I don't think so. So what will we do about that? Let me describe a couple of things.

Yesterday my colleagues from South Dakota, Senator DASCHLE and others, Senator JOHNSON, myself, and Senator CONRAD, introduced a piece of legislation dealing with ethanol, renewable fuels. Ethanol is a fuel in which you grow a crop in the field, you harvest it, you take a kernel of corn, you extract from the kernel of corn the drop of alcohol and you have the protein feedstock left. You extend America's energy supply, you still have something for cattle to eat, and you grow it year after year after year and you are not dependent on Saudi Arabia or Iraq. It is a renewable fuel that you produce year after year. Here is the way you produce ethanol. You grow a crop such as corn, finely grind it, separate it into component sugars, distill the sugars to make ethanol, and you put it in a vehicle. It is very simple. You are growing crops to produce America's energy. That is what ethanol is about. You can do it with barley. You can do it with sugar beets, start with sugar beets. You can do it with potatoes. You grow your energy.

We import 55 percent of the oil we consume in this country. That is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline. They are the main reasons our country imports so much oil.

I think this chart shows what is happening with respect to energy in our country. We have a demand line that is going up. You will see that the reason for that, by and large, is transportation. Mostly that is vehicles—cars, trucks, other vehicles. This is where the demand is, transportation.

Domestic production of oil, as you can see, is fairly flat. If we were to go up to ANWR in Alaska, as some would like us to do—I don't happen to support it—you would see what would happen as a result of ANWR—almost nothing. Or if we go on into the Gulf of Mexico, which I do support—that will not solve all of our energy needs. We are just not going to solve our problems with those approaches. We have to produce more, and we will produce more—produce more coal, produce more oil, and natural gas. We will do it in ways that protect our environment as much as possible. But that is not enough. We need to do much more than that.

One of the answers, in my judgment, is to have much greater production of ethanol. And so we are introducing legislation, as my colleague from South Dakota, Senator DASCHLE, said yesterday, with a renewable fuels provision. It has been carefully negotiated over many months. Twenty groups—National Corn Growers, the Renewable Fuels Association, the American Farm Bureau, National Farmers Union—have all sent letters supporting this legislation that we have introduced.

We now produce 1.8 billion gallons of pure ethanol. This provision will add 3.2 billion new gallons. So by 2012, we will be producing 5 billion gallons of ethanol.

I think with this provision, the ethanol industry will continue to grow. That translates to a new market, for example, for corn as the feedstock for an ethanol plant—1.2 billion bushels. That is new opportunities to farmers to invest in value-added agriculture, new opportunities to extend America's energy supply, new opportunities to make our country less dependent on Saudi Arabian oil, on oil from Iraq. All of that makes good sense. There are substantial economic benefits available with respect to this, and substantial security benefits for our country that will accrue from our passing this legislation.

So I rise today to say the introduction yesterday by myself, by Senator DASCHLE, and many others with respect to this major piece of legislation dealing with ethanol is a significant step forward. My hope is, on a bipartisan basis, we will be able to move this legislation in this Congress, recognizing that having less dependence on oil from the most troubled region in the world is advisable for this country.

How do you do that? By extending America's energy supply through the production of ethanol, the production of something that is renewable, year after year after year. It is not something that is depleting, it is renewable. That is why this legislation makes such good sense.

There is something else we can and should do. I am going to introduce legislation the day we get back from next week's break. I intended to introduce it yesterday, but for a couple of reasons I have held it, and will continue to refine it just a bit.

I will propose a project that deals with the hydrogen economy and fuel cells. The President mentioned this in his State of the Union Address to the Congress. I commend the President for it. It is exactly the right idea. I have been working on this for some long while.

In fact, the bill that passed the Senate last year, the energy bill, contained a provision I added that said by the year 2020 America should aspire to have 2.5 million fuel cell cars that are using hydrogen—2.5 million fuel cell cars on the road.

Give or take, there are 700 million vehicles in the world. Give or take, there are about 70 million vehicles produced each and every year. Almost all of them are vehicles with carburetors through which you put gasoline and you create power for the engine and you drive off in the automobile. Nothing has changed in a century—nothing at all.

My first car was an antique 1924 Model T Ford. I restored it, then sold it. I put gasoline in that little old antique Model T Ford the same way you put gasoline in a 2003 Ford: You pull up to a pump, put the hose in the tank, and start pumping gas. Nothing has changed in 100 years—nothing.

The question is, are we going to pole-vault over all these discussions and move to a new day and a new technology? Sure, we are going to discuss ANWR and CAFE standards and all the other issues that dominated debate last year. But if that is all we discuss, then every 25 years we will come back and discuss the same thing, and our policies will be known as "yesterday forever."

Why don't we begin discussing new technology and a new day, a new type of energy for this country's future, a hydrogen future with fuel cells for vehicles?

I mentioned our energy security is threatened. We import 55 percent of the oil. That is going to go to 68 percent by 2025. Most of our cars and trucks run on gasoline. That is why we import so much oil. Two-thirds of the 20 million barrels of oil we use each day is used for transportation.

Now let me describe a car that uses fuel cells. This chart shows a vehicle, a Ford Focus. It is a fuel cell vehicle, production-ready prototype, unveiled in autumn 2002. I drove one a couple days ago, drove one last summer. In fact, we have had fuel cell vehicles that drove all the way from Los Angeles to New York.

This is a picture of a hydrogen fueling station at Powertech Labs. Fueling infrastructure is critically important to make hydrogen fuel cars a reality.

Hydrogen cars do not have to be compact. This is a picture of a fuel cell vehicle, a Nissan Xterra, fueled by compressed hydrogen, tested on public roads in California in the year 2001.

Finally, a picture of a more futuristic looking vehicle, the General Motors Hy-Wire Fuel Cell Concept Car, unveiled in August of 2002.

Let me describe what Europe is doing in fuel cells. The European Commission has invested significantly in fuel cell cars, and industry is commending them for it. Herbert Kohler, director of Environmental Affairs at DaimlerChrysler, said political support was vital for the car industry to move to fuel cells. They can do a lot for themselves, but at a certain point they need fuel, and that means involving others.

It means the development of a supply of hydrogen, which is ubiquitous, by the way. Through electrolysis, you can separate the hydrogen and oxygen in water, develop the hydrogen supply, and put water vapor out the tailpipe of the car. You have the tailpipe of a vehicle that emits water vapor. What a great thing for the environment!

The European Commission, the executive body of the Europe Union, has earmarked more than 2.1 billion Euros, $2 billion, for research over 5 years. A central focus will be hydrogen fuel cells.

Let me tell you what Japan is doing. Japanese carmakers are flooring it on fuel cells. Tokyo's fuel cell initiative has all the hallmarks of a far-sighted strategy, Business Week says, and calls to mind Tokyo's blossoming success in hybrids. Americans are snapping up these fuel-efficient, environmentally friendly cars, and fuel cells could turn out to be a bigger, more important chapter in exactly the same book.

I don't think we ought to stand around here and continue to debate small issues so that every 25 years we can have a repeat of the same debate. I think we ought to debate big issues. I think we ought to have a world view change here, with respect to how we want to power our vehicle fleet. I think we want to convert to hydrogen fuel.

That ought not scare those who produce oil, natural gas, and use coal. In fact, those same companies are some of the companies in the lead, in the forefront of moving to a hydrogen economy.

You can produce hydrogen from fossil fuels. We are always going to need and use fossil fuels. But wouldn't it be great to power our vehicle fleet with hydrogen and fuel cells so that we don't need Middle East oil?

Wouldn't that be a wonderful future for this country and at the same time improve our environment, because we are going to use hydrogen and fuel cells and put only water vapor out of the back of the car through the tailpipe?

That is exactly what we ought to do. How you do you get that done? I have met with representatives of the hydrogen and fuel cell industries. They are anxious. They are engaged in substantial research. But the fact is they cannot do this alone.

The conversion of the vehicle fleet in our country to the big idea of the hydrogen economy and fuel cells will not and cannot happen without the support of the Government. I propose an Apollo-like program. When I say Apollo program; I am talking about the program by which John F. Kennedy said, "We are going to go to the Moon by the end of the decade." I think our country should decide to move to the hydrogen economy and fuel cell vehicles with a big idea and in a big way to help make it happen as public policy. The Europeans and the Japanese are moving in that direction, and we should, too.

As I indicated, last year I put a piece in the energy bill that says we aspire to have a goal of 2.5 million vehicles on the road in 2020 in this country using fuel cells.

Now, the President proposed a $1.2 billion hydrogen fuel cell program. Only half of that is new money. That is not a big idea. It is the right idea. But it is not big and bold.

I propose a $6.5 billion 10-year program that is really going to move this country to say we want to enact change. We want to move to a hydrogen economy and develop fuel cell vehicles to help create the infrastructure for the production of hydrogen and the storage and transportation of hydrogen. We want to provide incentives for people to buy the fuel cell vehicle.

This will be one of the best things this country has done. It will be one of the big ideas of the century. That is why I think it is so important.

We talk about this with the backdrop of a troubled world—substantial problems in the Middle East, Central and Southern Asia, terrorism, North Korea, and Iraq. When you think of the difficulties that exist and the small thread our economy hangs on, making sure that tonight, tomorrow, the next day, and every day of the week and every month we get enough oil into this country from places like Iraq, like Venezuela, like Saudi Arabia, and Algeria in order to power our vehicle fleet, then we ought to understand this economy is held hostage by forces we don't control.

It is dangerous for this economy to be dependent on things we cannot and will not be able to control in the long term. But we can—as we have in many other areas—create incentives and new technology and new opportunities to solve old problems.

That is exactly what I propose with this initiative. I intend to introduce this the day we get back. I expect and hope it will be bipartisan. I have been talking to some Democrats and some Republicans.

The President has said this is a good idea. Good for him. I commend him for it. I think he proposed a step in the right direction. And, frankly, having the Bush administration be supportive of this kind of technology change is excellent. It is good for this country. But the administration's approach is more timid and less bold than it should be.

I am going to propose an Apollo-type program that says let us really move and get this accomplished. I hope to have substantial bipartisan support as we begin to write an energy bill this year in the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRYING TIME FOR OUR NATION

Mr. FRIST. Mr. President, in a few minutes I will be closing the Senate for our recess break, but I wanted to take this opportunity to speak a few moments on an issue that is on my mind and on the mind of my wife and family, and it is on the minds of most every American today in what I would consider very trying times, from an intellectual standpoint, from an emotional standpoint, a spiritual standpoint. And indeed, this week has been a very trying week for the Nation.

There is much alarm about the increased threat of terrorism. We know we are at a time that is closely approaching the possible use of force to ensure that Saddam Hussein is disarmed of weapons of mass destruction, such as chemical agents and biological agents; and we all feel the stress all across America—not just in this body in Washington, DC, and in New York, where the stress level is high because of the symbolic value of being a potential site for attack. We are concerned for families, we are concerned for friends, we are concerned for neighbors all over America, and we are concerned for the service men and women overseas.

As elected officials in this body, we have taken the opportunity over the last 3 or 4 days, coinciding with the increased alert, to talk about the nature of our duties and responsibilities both to our constituents, as well as to our families as we serve in this body. We, in the Senate, have a great honor to serve in this beautiful Chamber, in this beautiful Capitol Building, and it is indeed the symbol of our Nation's strength and our Nation's purpose. Throughout this week, while fully aware that our enemies, as I speak now and as so many have debated so many issues over the course of the week, are plotting their evil designs. We know that. Yet we continue to carry out our duties as Senators and as citizens. It is truly remarkable.

I could not be prouder of the many fine women and men who make up this institution. Yes, I have mentioned the Senators, but I also include the thousands of individuals who come to this building and surrounding buildings on Capitol Hill to support the activities of what goes on in this body and in this room as we debate and amend and pass legislation. Through very difficult, long, and hard hours so many have demonstrated to this fine city and to the Nation that life must go on in times of threat and increased alert.

Terrorists will have won when they can so intimidate us that we stop performing our most basic duties and responsibilities. Clearly, they have not, nor will they.

Last week Secretary Tom Ridge of the Department of Homeland Security announced the President had determined that the Nation should be moved to that next higher level of alert, a heightened threat level. Attorney General John Ashcroft explained this was done in response to recent reporting that indicates an increased likelihood that al-Qaida may attempt to attack Americans in the United States and/or abroad around the end of the Haj, the Muslim religious period ending mid-February, 2003.

What does this mean? It is confusing to the American people. It is confusing based on what one reads and sees on television. People see the imagery. It looks like a thermometer going to that orange level; with that orange beginning to pulse. It is confusing to people as to what it means: What does it mean to my spouse and to my children? What does it mean when I drive to work and drive home? What does it mean to my constituents back in Tennessee or the Presiding Officer's constituents in Utah? What does it mean? What should our response be?

As was explained to us, I think very well, from a Government standpoint, an increased threat level captures a response where all Federal agencies focus and work together to reduce the vulnerabilities and increase security, and this, in itself, serves as a deterrent to the terrorist whose goal is to personally terrorize and strike fear. The terrorist wants to kill, but the terrorist really wants to strike fear, to paralyze, and to bring pain and paralysis to America. We see a reduction in vulnerabilities and increased security in this deterrence.

Also, as was explained well, this heightened alert—that is, Federal agencies working together, but at the same time literally tens of thousands of intelligence agencies, public health agencies, hospitals, law enforcement at the State level, at the county level, at the city level, at the community level and, indeed, at the neighborhood level are all activated and begin communicating and coordinating—acts as a deterrent to that would-be terrorist who all of a sudden says: My action—whatever it is—has less chance of being successful.

I wish to also mention the responsibility we have as citizens. I just spoke about government. That is law enforcement and public health. But we also, as individuals, have responsibilities. That is what I think has become confusing to American parents and families. What do we do? How do we respond? What should our efforts be?

Indeed, Secretary Ridge, at the same time we have this activation from above coming down, integrated I think very well today—and that is why I am comfortable with where we are today. We can always do better, we can always be better prepared, but I am very comfortable with where we are today.

Secretary Ridge asked that individual Americans remain alert. We use the words "remain vigilant." All of a sudden, instead of having government working, we have 250 million people out there being the eyes and ears of law enforcement, and that is where the real power is in terms of stopping a potential act of terrorism.

The recommendations that have come out over the last week were picked up and put on television such that, at the end of the week, we were just saying: Duct tape on doors and plastic sheets. All of what I just said, in terms of this huge coordination and communication network of deterrence above and the power of 250 million people being vigilant and picking up on anybody whose behavior might be a little bit different in one's neighborhood, all of a sudden gets symbolized by a piece of duct tape. That is where it gets confusing and vague. The reason I have come to the floor is to try to put that in some perspective.

From the information standpoint, we in Congress are aware of that confusion and that confusing message. People want to go out and say the messenger is not doing a good job. We are all in this together. It is important for us in Congress to make sure we have the very best intelligence coming in to make sure when we go to a threat level, it is made on the best information, and that is the precision of information. But we also have an obligation to help not just to educate but to share the information we have with what individuals can do and families can do, make it understandable and not as confusing or vague as it was after anthrax hit, as it was after September 11, and even over the course of this week: What do we do as individuals?

It is important at this time of heightened awareness and vigilance that we also maintain the right perspective. As I have talked to people throughout Tennessee and family members who are not here in Washington, they have watched on television gas masks being put on, duct tape being put up; they see artillery with the Capitol in the background. I am speaking mainly to families at this standpoint. We have to be very careful because with 24-hour news cycles 7 days a week, every 30 minutes the news cycle being repeated, with the potential use of germs, microbes, bacteria, chemical agents, all of which are new in this arsenal of terrorism—new in terms of the weapons of mass destruction we traditionally think about being nuclear 50, 40 years ago, now we are thinking about little viruses and bacteria—it is easy to overstate, and all of a sudden the pain and paralysis you begin to feel inside, if you are mesmerized by that television set, seeing these images come again and again, we have to be careful. We all know these visual images are put on television to capture your attention. We know this captures our emotion and attention because we have that inner fear that we do not want that little virus to hit us.

Again, we have to be careful as we look at television, as we look at media today, not to let it feed our paralysis and fear. I am a parent. I have two high school boys; they are still children. I do not want them sitting there every day watching what is, yes, real, but in terms of perception, if you just watch television, you say: This risk is huge; that virus or bacteria is going to hit tomorrow; and there is nothing I can do about it. I am helpless, and things are out of control, and I don't know what is going to happen to my parents or kids.

I do think the vigilance is important as we go forth because, as I said just a few minutes ago, there are no better eyes than those of 250 million people who, in driving to work every day, notice something just not quite right, or in your everyday surroundings, there might be somebody just hanging around for the last 3 or 4 days who did not used to be hanging around. That is the sort of vigilance and alertness that becomes a deterrent and also, of course, important information if there is potential terrorist activity.

My perspective for a lot of this has been as a surgeon and a doctor—I have been very involved in viruses, chemical agents, and microbes—and as a Senator because of my participation in a lot of hearings on bioterrorism, the risk of bioterrorism, but also my experience as a husband and a parent who sees the impact this can, indeed, have on families in a very direct way.

Past generations have been affected in many ways, as well, by the threat of nuclear war. When I was very young and the generation before me lived with this accommodation of the image of a nuclear explosion and immediately in schools having exercises of hiding under a desk or seeking cover under a desk, of bomb shelters being built in communities, the same discussion going on in terms of having a supply of water and food for 3 days or 5 days, people converting their basements to bomb shelters—in the same way that situation took a lot of accommodation, learning, and new ways of thinking, indeed, we are having to do that today, 40 years later. We are doing it with the viruses and bacteria and chemical agents. The same way we got through without a major catastrophe in the last 50 years, we need to get through this with an understanding and an increased knowledge that we need to share about chemical agents and microbes. It is a new vocabulary. There is a lot to learn, and that can be overwhelming.

If one is watching this on TV, they know there is a real risk—a tiny risk but a risk—that there is a body of information that we need to get accustomed to understanding, just as we did with nuclear weapons 40 and 50 years ago. The reason I encourage people, no matter who they are, to learn a little bit about the microbes and chemical agents and what one would do if something happened in their neighborhood, is because it is real. The terrorist activity we are talking about is weapons of mass destruction.

We know people such as Saddam Hussein have those weapons of mass destruction, these viruses and bacteria. When we see these linkages to al-Qaida and to terrorist activity, it is incumbent upon us, as Americans, to learn more about these biological agents.

The good news is the Government has responded aggressively in a lot of ways in terms of funding, in terms of organization, in terms of coordination. My message is that families need to respond, too, not with pain and paralysis and increased stress but by taking the opportunity to learn, to share information, to talk about it over the dinner table and to ask questions.

If someone asks a question of somebody and they do not know, ask it of somebody else. That sharing of information brings down the stress, brings down the potential for pain and paralysis. With that, we will get through this. We will get through it in a comfortable way and everything will be OK.

Our officials at all levels of Government are taking the appropriate steps. I say that as a Government official. I think it is important for Americans to recognize that this body, the House, and the President of the United States has responded to make sure in terms of prevention, in terms of protection, and in terms of response that we have acted and will continue to act.

I will run through several questions that I get all the time. How big is the risk? The risk of biological weapons or chemical weapons, although I think it is higher than nuclear weapons being used in our homeland, is still small. It is tiny. It is real. It is bigger than it was 2 years ago. It is bigger than it was 5 years ago. It is bigger than 10 years ago, but the overall risk of biological and chemical agents being used successfully as agents of mass destruction in this country is small. The threat is real and our response needs to be proportionate to that overall small risk.

There are things that families need to know and be prepared to do. A couple of questions that I get are: What does high alert mean? The alerts, as I said, are the way that the Federal Government responds to increased threats. Typically, these threats are nonspecific. They do not say an attack is going to happen in this city or in this location at a certain time. The intelligence is gathered through a myriad of sources from all over the world, and when they reach a certain threshold where it is clear there is something potentially going on the threat level is raised. Government responds and we, as individuals, need to respond.

I do not think everybody needs a disaster supply kit. It may be that if one lives near a highly visible potential target that they would be more likely to develop that disaster supply kit, and I leave that to individuals to discuss with their family.

What should our response be? Communities need to respond by increasing their vigilance because that increase in vigilance does empower us as part of this war that I would say is an extension of what may well go on in Iraq—it is part of our patriotic responsibilities of being a citizen in America to discuss and learn something about what the biological agents might be, and to remain vigilant.

People ask me all the time while I am in the public, what should I look for? We do not know where terrorists are.

Terrorists are everywhere. The anthrax letters a year ago were first in Florida, not in Washington, DC. It was in New Jersey and, yes, New York and Washington, DC. True, terrorism can be anywhere, although terrorist activity traditionally goes to highly symbolic areas and sites.

It was 10 years ago, by the way, that we had the first big terrorist activity in the United States. We know what happened during that second attack on the World Trade Center. We have seen biological weapons used for the first time in Washington, DC, and in Florida in October, just a month after September 11.

The question of what do I do if I find myself in the middle of an attack, it depends on whether one is inside or outside, and that is the sort of information that can be exchanged with local law enforcement, and public health and emergency responders. If people will go to the Web sites of the Department of Homeland Security, they can see what those responses would be.

I think it is important, as a family, that people talk about communication, what happens if something occurs right now, what telephone number do the children have. I would say to have a number both in State, in the neighborhood, an extra number to call inside, but also out of State. A decision needs to be made where to go. I encourage people, if there were a biological attack or some sort of chemical attack, to have everybody in their family know where would you go.

Let me comment on one last thing and then I will close. This is a time of stress. In talking to my colleagues and their families, I sense that when we go to this high alert—and as a physician I know this—there is a sense of stress that may or may not be talked about or noticed. I have to put my physician hat on for one second, because it can be reflected both physically and emotionally. I think it is important at least to be aware of it.

People do not sleep as well. Some people eat more; some people eat less. Some people develop tummy aches or belly aches. Some people develop back pain. That is sort of the physical and emotional manifestations: irritability, detachment, periods of depression, feeling blue, being on edge, waking up in the middle of the night.

That is normal. The body is remarkable. We are truly remarkable. The fact that we have this response, it is physiologic but it has an emotional component; it has a mental component and a physical component. The important issue is how one deals with it. When we go to these elevated stress levels or heightened threat levels, which correlate with stress levels, it is important to realize that everybody feels it to a certain extent. It is not just you. You are not alone.

There are a lot of things you can do. First and foremost, communicate. Talk to other people. Talk about it over the dinner table. Share. You have to be careful a little bit because if you are anxious and you feel the stress and you want to talk to your children, you might wait and talk an hour later when you have settled down a little bit. The big thing is to talk. Listen, talk, share your concerns.

Two, keep the faith. Some people rely more on drawing strength from traditions, from their synagogue, or their mosque, or their church.

Third, embrace daily routines. Do not stop doing the things that you do every day. Go ahead and continue to do them. In fact, focus on doing them better than you did in the past because you want to feel as if you have more control over your life. If you work hard to do something well, like bake a cake, make sure it is a good cake. Take pride in that cake because it gives you sense of control.

As I mentioned earlier, take a news break. Do not get mesmerized by the television or the newspapers or as you are flipping through the newspaper do not stop on that one article that will scare you to death in terms of what a smallpox virus will do to you. It is real, so you have to be careful, but once you know it you do not need to read it every day as you go through the paper. You do not need to watch the 24-hour news channels where you see those same images of gas masks and what the agents can do to people.

The fifth is, join a group. Participate with others. Do not lock yourself down and worry about this. Some people play cards or play bridge. Take part in something that is larger than yourself. With most people it probably begins with family, doing family activities.

Again, as a doctor—and then I will take my doctor hat off—exercise regularly, eat well, and get a good night's rest. That is enough of the physician end of things. It is a time of heightened anxiety, increased stress and if we do not address each of these head on it does result in pain and paralysis.

We are about to begin a recess that will take us to our home and to our families. I encourage all of our colleagues to engage in a quiet resolve that they have shown on the floor of the Senate in completing the Nation's business.

It has been a hugely successful first 45 days as we look at what has been accomplished in terms of nominations, unemployment insurance, addressing the 11 appropriations left over from the last Congress. It is pivotal. Now we can move on to the agenda which is very exciting for me as we look at jobs, and we look at the economy, and we look at growth and the feeling, the security in our everyday lives, and the health care issues, and the education issues as we go forward.

When we go back home to our constituents, we will be held to a high standard. They want to make absolutely sure and we need to make it very clear to them that we are totally committed to defending them internationally, globally, and here in our homeland. Really, in each of those categories, defending them in this war against terrorism. We have done it today. We have huge challenges over the coming weeks to continue to do so.

Under President Bush's leadership, we have done a tremendous amount in making America safer from our enemies. We have reorganized Government and created a new Cabinet-level agency that consolidates, coordinates, and maximizes communication in our antiterror efforts. We passed the landmark bipartisan legislation in June 2002 to provide additional funding for our local law enforcement authorities to protect the Nation from public health threats, such as bioterrorism. We included $3.5 billion in the bill we passed—18 hours ago—that will go directly to the first responders. In the event something were to happen, those first responders become the most important people. That is who you will call. They are the people who provide treatment.

The Department of Health and Human Services 2 years ago did not have smallpox vaccine. Right now, because of the hard work and the dedication and leadership of President Bush, we know the Department of Health and Human Services has obtained and procured enough smallpox vaccine for every man, every woman, and every child in the United States.

That is but a part of what Government has done, and will continue to do, as we go forward. But we must also commit to defending ourselves from the terrorists' most dangerous weapon of all, the guts of what my remarks have been, and that is fear. It was one of our greatest Presidents ever, President Franklin Roosevelt, who in an earlier and darker moment in our history, calmed the Nation with the gentle remainder that we have nothing to fear but fear itself. In these days of stress and distress we must never forget the great words of those who have preceded us, and the test that they, over many generations, endured.

At such a moment, I often turn to a favorite piece of Scripture or a passage from an inspirational work. As we in the Congress recess to our homes and families for the coming week, let me offer a closing thought, a passage from Thomas Paine's classic treatise "The Crisis."

> Lay your shoulders to the wheel, better have too much force than too little when so great an object is at stake. Let it be told to the future world that in the depth of winter when nothing but hope and virtue could survive, that the city and the country, alarmed at one common danger, came forth to meet and repulse it.

COMMEMORATING THE 100TH BIRTHDAY OF THE DEPARTMENT OF COMMERCE

Mr. STEVENS. Mr. President, on February 14, 1903, President Theodore Roosevelt signed the bill that established the Department of Commerce. In doing so he authorized the creation of what had been, to date, one of the largest and most complicated departments in the Federal Government. The original Department of Commerce was responsible for an overwhelming set of tasks, including the administration of the census, and the development of foreign and domestic commerce.

Over the past decade the Commerce Department's role has evolved, but it has always kept the vitality of American industry as its core value. My State has a lot at stake in the daily operations of this department; among its original duties was the supervision of the Alaskan fur-seal harvest and our State's salmon fisheries.

When the House debated the Commerce Department's founding in 1903, Congressman Robert Mann of Indiana noted that the Department was possibly the best hope we had of saving the Alaska salmon fisheries from extinction. Alaska assumed control of its salmon fisheries after Statehood, but the Commerce Department is still involved with our fisheries. One hundred years later the people of Alaska work closely with the North Pacific Fishery Management Council and the National Marine Fisheries Service to manage the most productive groundfish fisheries in the world in the Bering Sea and the Gulf of Alaska.

The past century has confirmed what the groups and individuals who originally lobbied for the Department of Commerce knew 100 years ago; ours is a distinctly commercial and industrial nation. The ingenuity of our workers, the dedication of our citizens and the perseverance demonstrated by our entrepreneurs are what make our Nation's economy unique and enduring. However, ingenuity, dedication and perseverance remain untapped resources without leadership and guidance to help them fulfill their potential. For 100 years the Department of Commerce has provided that leadership.

In 1981, Secretary of Commerce Malcolm Baldrige wrote that the Commerce Department's mission was to "serve the nation, its business community, and its individual citizens." That mission lives today in the daily work of the Department and in the leadership of Secretary Don Evans. I have served with seventeen Secretaries of Commerce since I first came to the Senate, and consider many from both parties, including Malcolm Baldrige, Bill Daley, Norm Mineta, and of course Don Evans, to be my good friends.

Today, on behalf of all Alaskans, I congratulate the Department on a century of great achievement.

FISCAL YEAR 2003 OMNIBUS APPROPRIATIONS

Mr. BIDEN. Mr. President, my decision to vote for the omnibus spending bill late last night was a difficult one. It is the largest single spending bill ever passed by Congress. It represents work that should have been completed last fall, and crams into one bill what should have been 11 separate bills, each with its own separate debate and deliberation. This is no way to legislate, and the final product reflects that unfortunate process.

I was gratified that many important obligations received funding, but unfortunately many others did not. At the same time, this massive document contains far too many provisions that were never exposed to the daylight of publicity and debate. My vote in favor of this bill was a very close call.

First, the good news. Unlike an earlier version that I could not support, this bill restored funds for Byrne grants that local law enforcement agencies need in these dangerous times. In addition, I was able to add language that permits local police to use COPS money for the many hours of overtime involved as they meet the demands of homeland defense. Law enforcement projects in my State of Delaware, from State to county to local agencies, will receive $3.5 million in funds from that COPS program.

But the bad news is that $3 billion for first responders was cut out of this legislation. Those are funds to support firefighters and police and local emergency response centers. Another $170 million was cut from the Transportation Security Administration, despite the obvious need for additional protection for our Nation's air, highway, and rail systems. Funds for port security and border security were also cut. The debate over these programs will continue soon, as we begin budget debates for the coming year and a security supplemental spending bill, and I will continue the fight to provide the citizens of this country all of the protection they need.

And we must expose those last-minute, back-room deals that litter the thousands of pages of this legislation. Some are clear wastes of taxpayer money in these critical times. Others weaken important environmental protections, and have no place in these spending bills.

On balance, I concluded that this legislation which allows the Federal Government to continue its important functions narrowly deserves my support. But there is much here that needs to be fixed, so the debate that should have occurred on this huge, complicated bill will continue.

BLACK HISTORY MONTH

Mr. SMITH. Mr. President, I rise today to speak about the significance of Black History Month. This week, I would like to discuss briefly an issue of great importance in African American history, and one that remains of vital importance still today—the problem of hate in our society and hate crimes.

As most of my colleagues know, Senator KENNEDY and I have introduced hate crimes legislation during the past two Congresses. I think it is important for my colleagues to know just some of the background behind hate crimes law, and have a full understanding of why expanding current hate crimes law is important today.

We can find instances of hate crime throughout our Nation's history, but they drew increased national attention during the last century. Widespread lynchings in the South, the murders of Emmet Till in 1955, Medgar Evers in 1963, church bombings, and attacks on black protesters all contributed to fear in black communities around the country, and horror among Americans who understood those crimes to be nothing short of domestic acts of terrorism.

Early hate crimes laws stem from such events—laws developed from efforts to prevent Ku Klux Klan violence against Black Americans during the Reconstruction era and then, at the Federal level, in the 60s, during the Civil Rights era. What we have today is a patchwork of state and local laws that have arisen over the years in response to bias crimes, and federal hate crimes law has not kept pace. Because federal law was initially designed to protect only certain special activities, we now have a situation in which the Federal Government's involvement is virtually limited to hate crimes committed in voting booths and national parks. The law is inadequate, and many Americans understand that.

Just a few days ago, I made a statement on the floor of the Senate regarding a hate crime committed against Chad Debnam and others in Northeast Portland, in my home State of Oregon. On January 19, 2003, four young men went on a shooting spree through Northeast Portland because, according to police, they thought the neighborhood was predominantly African American. Shots were fired into cars and homes in that neighborhood, not 50 years ago, but just last month. But, unfortunately, just like 50 years ago, the Federal Government could not help investigate that crime, even if local law enforcement officials asked for it. We saw a similar problem when James Byrd was dragged behind a pick-up truck in Texas just a few years ago.

Each day we are in session I come to the Senate floor to detail a hate crime that occurred somewhere in the country within the past few years. Local law enforcement officers would not have been able to seek Federal help in nearly all of those cases. Crimes against African Americans, Hispanic Americans, Muslim Americans, gay Americans, and others still occur with disturbing frequency today, but our Federal hate crimes law is stuck in the last century. The hate crimes legislation proposed by Senator KENNEDY and myself would finally make it much easier for the Federal Government to respond to hate crimes.

During Black History Month, I think it is important for us to remember that while we have made tremendous progress in many areas of civil rights law, we have a great deal more work to do. There is no more important civil right than the right to be free from violence, and we should remember the importance of expanded hate crimes law as we continue to celebrate Black History Month.

RECENT RULING OF THE BELGIAN SUPREME COURT

Mr. KYL. Mr. President, I was extremely disappointed to learn of yesterday's ruling by the Supreme Court of Belgium that Prime Minister Sharon of Israel could be tried in the Belgian courts for alleged war crimes once he leaves government service. The ruling also immediately makes retired IDF General Yaron and other eligible to be brought to trial at the convenience of the Belgian lower court.

This action appears to supercede the authority of other national court systems, the International Court of Justice in The Hague, as well as the International Criminal Court which, for better or worse, was established last year with authority to try war crimes. The ruling sets an unwelcome precedent: empowering non-Belgian nationals to bring claims against other non-Belgian nationals in a Belgian court for alleged crimes having no connection to Belgium. The Belgian Supreme Court has now ruled that its lower courts have the right to sit in judgment of people who come from another nation and have allegedly committed a crime in a foreign land against another set of people from yet another foreign land. This is bad law and bad policy.

With this ruling, Belgium has set itself and its legal system above all other nations. Belgium's status should be no different from that of any other sovereign state, entitling it to enact laws and judge its own citizens or anyone who commits crimes against them. But the Belgian legislature and its court has raised its country's justice system above those of every other nation, and is trying to impose its rule on the citizens of countries with no connection to Belgium. Even the Belgian prosecution noted its opposition to pursuing the complainants' petition.

I hope that the Secretaries of State and Defense take note of this action by one of our NATO allies, especially as we prepare to potentially send our young men and women into battle in a land far away. There is no reason why they too, and their commanders, could not be similarly charged and prosecuted. What the Belgian court did was wrong. Our government should call upon them to consult with our Ambassadors to Belgium and NATO and express to the Belgian government an appropriate level of concern.

THE CORPORATE PATRIOT ENFORCEMENT ACT OF 2003

Mr. LEVIN. Mr. President, I have joined with Senators REID, DURBIN, and KENNEDY in introducing the Corporate Patriot Enforcement Act of 2003.

Over the past several years we have been hearing more and more about U.S. corporations using offshore tax havens to avoid paying their fair share of U.S. taxes. One of the most egregious abuses is when a U.S. corporation reincorporates on paper in a tax haven and establishes a headquarters there when, in reality, its primary offices and production or service facilities remain right here in the United States. By opening shell headquarters in a tax haven like Bermuda, companies that got their start in this country, do most of their work here, and benefit from U.S. roads, banks, patents, computers, law enforcement, fair trade laws, its educated workforce, and much more, avoid contributing their fair share to pay for those benefits. Instead, these companies force the rest of America's taxpayers to shoulder the tax burden they have shed.

This corporate conduct mistreats the average American. It undercuts the

U.S. corporations that do pay their taxes. It is unfair, it is founded on a deception, and it is time for Congress to put an end to it. It is time for Congress to say to these companies, if you want benefits, you need to stop avoiding your fiscal responsibility with the sham of appearing to move.

The list of companies that have undertaken the tax haven headquarters pretense now called "corporate inversions" is growing. The list currently includes such U.S. born companies as Fruit of the Loom, Ingersoll-Rand, and Tyco, although Tyco shareholders are trying to shame that company's management into giving up its Bermuda shenanigans.

It is likely that this list of corporate inversions will continue to grow unless Congress acts to close the tax loopholes that currently permit U.S. companies to benefit from their gamesmanship and avoid federal taxes at the expense of average taxpayers and good corporate citizens. That is why we are introducing the Corporate Patriot Enforcement Act of 2003, the same bill Representative NEAL introduced in the House last Congress which garnered over 150 co-sponsors.

This bill would deny tax benefits to U.S. companies that invert by continuing to treat them as U.S. companies for tax purposes. This bill would not only level the playing field between these companies and their U.S. competitors, it would also save other U.S. taxpayers from having to pick up an estimated $4 billion in tax revenues over the next 10 years.

U.S. corporations that reincorporate in tax havens typically reduce their U.S. tax liability in at least two ways. First, by setting up headquarters in a tax haven, the company can eliminate its liability for U.S. taxes on passive and other forms of income earned in foreign jurisdictions. For instance, the company no longer would have to pay U.S. tax on the interest, dividends and royalty payments received by its foreign affiliates which would otherwise have been taxed under Subpart F of the U.S. tax code. By creating a new, so-called "parent" company in a tax haven jurisdiction, the company's obligations under Subpart F disappear, and the passive and other forms of income that would otherwise be treated as Subpart F income subject to U.S. taxation is no longer taxed by the United States. Second, companies that pretend to move their headquarters to a tax haven typically also use tax strategies to shelter income actually earned in the United States. By deflecting this income to the shell parent located in a low or no tax jurisdiction, these companies avoid paying U.S. taxes on income earned right here in the U.S.

Unlike other corporate inversion proposals under consideration, our bill would deny all corporate inverters both of these sought-after U.S. tax benefits in their entirety. Corporate inverters would be treated as U.S. companies for U.S. tax purposes, thereby denying them all of the tax benefits sought by their inversion transactions. This approach hopefully will put an end to companies pretending to move to Bermuda or any other tax haven in order to duck corporate taxes at the expense of honest taxpayers left holding the bag.

Under this bill, a company would be deemed to be inverted, and therefore be treated as a U.S. company, if: 80 percent of the shareholders in the previous U.S. company are shareholders of the new company; and the new company acquires substantially all of the property of the old company; or between 50 and 80 percent of the shareholders in the previous U.S. company are shareholders of the new company; the new company acquires substantially all of the property of the old company; the new company conducts no substantial business activity in the new jurisdiction; and the stock is principally traded in the U.S. These rules would apply to inversions that occurred after September 11, 2001.

Rather than let companies that inverted previously enjoy future tax benefits they do not deserve, the amendment would give companies that inverted prior to September 11, 2001 an opportunity to incorporate back in the United States. If a company failed to do so, the U.S. would begin treating it as an inverted company beginning in 2004 and deny it the future tax breaks sought from its inversion.

We should not let companies off the hook that try to avoid paying U.S. taxes by setting up a computer in a tax haven jurisdiction. Now is the time to close this corporate expatriation loophole. I hope my colleagues will join with us in enacting this legislation into law this year.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE UNIVERSITY OF PORTLAND

• Mr. SMITH. Mr. President, today I pay tribute to a special group of young women, their coaches, and their fans, who show us the value of persistence, determination, and personal sacrifice. In December, the University of Portland women's soccer team gave the Pilots their first ever NCAA championship by beating the defending national champions, Santa Clara University, in double overtime. At 20–4–1, the Pilots were the lowest seed in the Women's College Cup championship series, and their win makes them the lowest seeded team ever to win the national championship.

It has been a long and bittersweet road to victory for the team and the University. The Pilots made it to the semi-finals six times in the last 8 years, coming close to a championship in 1995 only to lose in the finals to Notre Dame in triple overtime. Although never winning a collegiate championship, a number of University of Portland players went on to represent the United States in Olympic Competition, including Tiffeny Milbrett and Shannon MacMillan, who played on the U.S. Olympic gold medal-winning team.

The Pilots' superior accomplishment this year marks the culmination of years of hard work put forth by the women who came before them, and the young women from this year's national champion Pilots, who are the cream of the crop of American youth, will serve as role models for the women who will follow them. It takes more than athletic prowess to succeed at this level. Winning a national championship takes intelligence, teamwork, dedication, and the willingness to rise above adversity and try just a little harder. The Pilots are an inspiration to us all, and they show today's youth how hard work and determination can lead to great successes.

Clive Charles, the Pilots' head coach since 1989, also personifies the finest qualities demonstrated by his team, and it is for good reason that his team dedicated their championship to him. Coach Charles has battled prostate cancer for 2 years, and although his cancer is treatable, it is not curable. He continued weekly chemotherapy treatments throughout the season, and, despite challenges, led his team to the pinnacle of their sport. His next goal along with the returning players is to bring home another cup next year.

NCAA Division 1 head coaches selected Coach Charles as National Coach of the Year, making him the first Western Collegiate Conference coach to earn that title. Sophomore striker Christine Sinclair was named National Player of the Year, becoming the first sophomore ever to be recognized with that honor. But it was all the players and their coaches, working as a team, who brought this honor back to Portland.

I join the University of Portland and its alumni, the city of Portland, and state of Oregon in thanking these young women and their coaches for giving us all something to cheer about. I am pleased that they will be meeting with President Bush at the White House on February 24, and I am very proud to be able to honor the University of Portland women's soccer team today.•

HONORING LINCOLN'S FIREFIGHTERS

• Mr. NELSON of Nebraska. Mr. President, today at the White House six brave Nebraska firefighters will be honored by the Vice President of the

United States for their stirring acts of bravery and heroism during a dangerous and daring rescue in Nebraska.

All Nebraskans are tremendously proud of these men. They showed uncommon bravery when they selflessly risked their lives in service of others and today's honor is but a small payment toward all they have given for their communities.

The Vice President will present Deputy Chief Ron Kennett, Captain Rick Klein, and Firefighters Bob Borer, Jeremy Hosek, Guy Jones, and Mike Wright of the Lincoln Fire Department with Public Safety Officer Medal of Valor awards. The award recognizes the firefighters' role in recovering an accident victim from a television tower in Bassett, NE, on April 22, 2002

During that rescue a man was trapped on a 1,500-foot tall Nebraska Educational Telecommunications, NET, tower. The man, Timothy Culpepper of Meridian, MS, was part of a crew installing a new cable and transmission line on the tower about 15 miles south of Bassett. It is believed Culpepper was killed instantly when a steel cable snapped. His body was about 1,180 feet above ground.

After an air rescue was determined to be impossible due to winds, tower wires and lack of expertise, Lincoln Fire and Rescue was called in. The six-person crew was flown to Bassett in a Nebraska State Patrol aircraft, usually used by the Governor's Office. Deputy Chief Kennett and Captain Klein directed the recovery operation from the ground. The six firefighters climbed for an hour and a half to reach the accident victim. They lowered Mr. Culpepper's body 300 feet at a time, with the descent taking more than 3 hours.

Men and women like these firefighters are our first line of defense whenever tragedy strikes. They are truly an inspiration to us all. I join with my fellow Nebraskans and this entire nation in thanking them for their courage and for making my home State proud.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3. A bill to prohibit the procedures commonly known as partial-birth abortion.

S. 13. A bill to provide financial security to family farm and business owners while ending the unfair practice of taxing someone at death.

S. 414. A bill provide an economic stimulus package, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 14, 2003, she had presented to the President of the United States the following enrolled bill:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself, Mr. Fitzgerald, Mr. Campbell, Mr. DeWine, Mr. Frist, Mr. Brownback, Mr. Ensign, Mr. Inhofe, Mr. Kyl, Mr. Lugar, Mr. Allard, Mr. McCain, Mr. Roberts, Mr. Shelby, Mr. Warner, Mr. McConnell, Mr. Hatch, Mr. Voinovich, Mr. Hagel, Mr. Bunning, Mr. Domenici, Mr. Smith, Mr. Graham of South Carolina, Mr. Enzi, Mr. Lott, Mrs. Dole, Mr. Allen, Mr. Cornyn, Mr. Nickles, Mr. Grassley, Mr. Talent, Mr. Bond, Mr. Thomas, Mr. Craig, Mr. Chambliss, Mr. Sessions, Mr. Gregg, Mr. Bennett, and Mr. Coleman):

S. 3. A bill to prohibit the procedure commonly known as partial-birth abortion; read the first time.

By Mr. GREGG (for himself, Mr. Frist, Mr. McConnell, Mr. Santorum, Mr. Alexander, Mr. Ensign, and Mr. Graham of South Carolina):

S. 4. A bill to improve access to a quality education for all students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TALENT (for himself, Mr. Chambliss, Mr. Cornyn, Mr. Enzi, Mr. Graham of South Carolina, Mr. Sessions, Mr. Shelby, Mr. Inhofe, and Mr. Sununu):

S. 5. A bill to care for people in need by inspiring personal responsibility through work, family, and community; to the Committee on Finance.

By Mr. KYL:

S. 13. A bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death; read the first time.

By Mr. DASCHLE:

S. 414. A bill to provide an economic stimulus package, and for other purposes; read the first time.

By Ms. SNOWE (for herself, Mrs. Murray, Ms. Landrieu, and Mr. Harkin):

S. 415. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mrs. Lincoln, Mrs. Murray, Ms. Landrieu, Mr. Harkin, Mr. Bingaman, Ms. Cantwell, and Mr. Corzine):

S. 416. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Harkin, Mrs. Murray, and Ms. Landrieu):

S. 417. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mrs. Murray, Ms. Landrieu, Mr. Bingaman, and Mr. Corzine):

S. 418. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mrs. Murray, Ms. Landrieu, Mr. Harkin, and Ms. Cantwell):

S. 419. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk of osteoporosis; to the Committee on Finance.

By Mrs. DOLE:

S. 420. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Ms. CANTWELL (for herself, Mr. Smith, Mrs. Murray, and Mrs. Feinstein):

S. 421. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 422. A bill to amend the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. Feingold):

S. 423. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. Inouye, Mr. Campbell, and Mr. Daschle):

S. 424. A bill to establish, reauthorize, and improve energy programs relating to Indian tribes; to the Committee on Indian Affairs.

By Mr. DASCHLE:

S. 425. A bill to revise the boundary of the Wind Cage National Park in the State of South Dakota; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 426. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DODD):

S. Res. 60. A resolution authorizing expenditures by the Committee on Rules and Administration; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 56

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself, Mr. FITZGERALD, Mr. CAMPBELL, Mr. DEWINE, Mr. FRIST, Mr. BROWNBACK, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. ALLARD, Mr. MCCAIN, Mr. ROBERTS, Mr. SHELBY, Mr. WARNER, Mr. MCCONNELL, Mr. HATCH, Mr. VOINOVICH, Mr. HAGEL, Mr. BUNNING, Mr. DOMENICI, Mr. SMITH, Mr. GRAHAM of South Carolina, Mr. ENZI, MR. LOTT. Mrs. DOLE, Mr. ALLEN, Mr. CORNYN, Mr. NICKLES, Mr. GRASSLEY, Mr. TALENT, Mr. BOND, Mr. THOMAS, Mr. CRAIG, Mr. CHAMBLISS, Mr. SESSIONS, Mr. GREGG, Mr. BENNETT, and Mr. COLEMAN):

S. 3. A bill to prohibit the procedure commonly known as partial-birth abortion; read the first time.

Mr. SANTORUM. Mr. President, I rise today to introduce the Partial Birth Abortion Ban Act of 2003. I am joined in introducing this bill by 38 of my colleagues, over a third of the Senate. This bill is written to prohibit one particularly gruesome, inhumane, and medically unaccepted late term abortion method, except when the procedure is necessary to save the life of the mother. Partial birth abortion is a procedure that is performed over a 3-day period in the second or third trimester of pregnancy. In this particular abortion technique, the physician delivers all but the head of a living baby through the birth canal, stab the baby in the base of the skull with curved scissors, and the uses a suction catheter to remove the child's brain. This procedure kills the baby. After collapsing the skull, the doctor completes the procedure. According to Ron Fitzsimmons of the National Coalition of Abortion Providers, this procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along in the vast majority of cases.

The American public finds this procedure repugnant. A recent CNN/USA Today/Gallup poll indicated that 70 percent of Americans favored laws making it illegal to perform partial birth abortions, except when necessary to save the life of the mother. This procedure is also unrecognized by the mainstream medical community as a valid abortion procedure. The American Medical Association has said this procedure is "not good medicine," is "ethically wrong," and "not an accepted 'medical practice'."

As far back as the 104th Congress, the Senate and the House of Representatives both acted to ban this procedure. Unfortunately, President Clinton vetoed that bill. The House voted to override that veto, but the Senate fell short. Likewise, during the 105th Congress, the House and Senate acted to pass a bill banning this procedure. Again, President Clinton vetoed that bill banning an abortion procedure that occurs as the child is inches from being completely outside the mother. The House subsequently overrode his veto. The Senate failed to override by just three votes. In the 106th Congress as well, the Senate and the House both acted to overwhelmingly pass legislation banning this procedure.

A little over two years ago, the U.S. Supreme Court, in its Stenberg versus Carhart decision, struck down a similar, but not identical, law in the state of Nebraska that banned partial birth abortions. The Stenberg majority opinion voiced concern that the description of the abortion procedure as described in the Nebraska law was vague and might apply to other types of late-term abortions. A second concern was that the law did not provide an exception for those instances when the banned procedure was judged necessary to preserve the health of the mother.

Last year, during the 107th Congress, Representative STEVE CHABOT of Ohio introduced a bill responding to those concerns. This bill passed the House of Representatives by a vote of 274–151. Unfortunately, the Senate was kept from considering this bill.

Today, I introduced a similar bill banning the horrific procedure of partial birth abortion, except when necessary to save the life of a mother. To respond to the Supreme Court's concerns in Stenberg, this bill provides a very precise definition of the partial birth abortion procedure to make it very clear what procedure is meant.

Second, the Court based its decision in Stenberg on the federal district court's factual findings regarding the safety of the partial birth abortion procedure. These findings were highly disputed and inconsistent with the overwhelming weight of authority on the issue—including evidence presented at the Stenberg trial, other trials challenging partial birth abortion bans, and at the extensive Congressional hearings that have been held over the years. Despite the lack of evidence supporting the district court's findings, the Supreme Court was required to accept them because of the "clearly erroneous" standard that is applied to lower court factual findings. However, under well-settled Supreme Court jurisprudence, the Congress is not required to accept these "factual findings," but is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and may enact legislation based on these findings. The bill I introduce today includes a series of findings from congressional hearings held over the years and from expert testimony that demonstrates that a partial birth abortion is never necessary to preserve the health of the mother, poses significant health risks to the woman, and is outside the standard of medical care.

Over the years, during the consideration of this ban, proponents of partial birth abortion have supported their arguments for this procedure with myth and misinformation. When the time comes for the full Senate to consider this bill, I look forward to again countering those untruths with the truth, and I ask my colleagues to vote to ban partial birth abortion.

It is long past time for the U.S. Senate to again pass a bill banning partial birth abortion. I am pleased that the Senate leadership has seen this as a legislative priority for the 108th Congress. The House and Senate have overwhelming supported such a ban time and time again. President Bush has asked us to send him a bill to end the practice of partial birth abortion. The American people clearly believe this is a procedure that should be prohibited. I appreciate the support of so many of my colleagues who have joined me in introducing this bill. And I am hopeful—very hopeful—that the 108th Congress will not end before this bill becomes law, before children in the very process of being born are protected by the laws of this great nation of ours.

By Mr. DASCHLE:

S.414. A bill to provide an economic stimulus package, and for other purposes; read the first time.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Recovery Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—BROAD-BASED TAX CUT

Sec. 101. Broad-based tax cut.

TITLE II—BUSINESS TAX CUT

Sec. 201. Increased bonus depreciation.
Sec. 202. Modifications to expensing under section 179.
Sec. 203. Credit for employee health insurance expenses.
Sec. 204. Broadband Internet access tax credit.

TITLE III—STATE FISCAL RELIEF

Sec. 301. General revenue sharing with States and their local governments.
Sec. 302. Homeland security.
Sec. 303. Funding for education.
Sec. 304. Temporary State FMAP relief.
Sec. 305. Funding for transportation infrastructure.

TITLE IV—UNEMPLOYMENT ASSISTANCE

Subtitle A—Additional Weeks of Temporary Extended Unemployment Compensation

Sec. 401. Entitlement to additional weeks of temporary extended unemployment compensation.

Subtitle B—Temporary Enhanced Regular Unemployment Compensation

Sec. 411. Federal-State agreements.
Sec. 412. Payments to States having agreements under this title.
Sec. 413. Financing provisions.
Sec. 414. Definitions.
Sec. 415. Applicability.
Sec. 416. Coordination with the Temporary Extended Unemployment Compensation Act of 2002.

TITLE V—LONG-TERM FISCAL DISCIPLINE

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 501. Clarification of economic substance doctrine.
Sec. 502. Penalty for failing to disclose reportable transaction.
Sec. 503. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 504. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 505. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 506. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 507. Disclosure of reportable transactions.
Sec. 508. Modifications to penalty for failure to register tax shelters.
Sec. 509. Modification of penalty for failure to maintain lists of investors.
Sec. 510. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 511. Understatement of taxpayer's liability by income tax return preparer.
Sec. 512. Penalty on failure to report interests in foreign financial accounts.
Sec. 513. Frivolous tax submissions.
Sec. 514. Regulation of individuals practicing before the Department of Treasury.
Sec. 515. Penalty on promoters of tax shelters.
Sec. 516. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 517. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
Sec. 518. Authorization of appropriations for tax law enforcement.

Subtitle B—Other Provisions

Sec. 521. Affirmation of consolidated return regulation authority.
Sec. 522. Signing of corporate tax returns by chief executive officer.
Sec. 523. Disclosure of tax shelters to corporate audit committee.

Subtitle C—Budget Points of Order

Sec. 531. Extension of pay-as-you-go enforcement in the Senate.

TITLE I—BROAD-BASED TAX CUT

SEC. 101. BROAD-BASED TAX CUT.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to each eligible taxpayer an amount equal to 10 percent of the eligible portion of the taxpayer's adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for a taxable year beginning in 2002.

(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term "eligible taxpayer" means any individual other than—

(1) any estate or trust,

(2) any nonresident alien, or

(3) any individual with respect to whom a deduction under section 151 of such Code is allowable to another taxpayer for a taxable year beginning in 2003.

(c) ELIGIBLE PORTION.—For purposes of this section—

(1) IN GENERAL.—With respect to each eligible taxpayer, the eligible portion shall be equal to the sum of—

(A) $3,000 ($6,000 in the case of a taxpayer filing a joint return under section 6013 of such Code), plus

(B) $3,000 for each qualifying child of the taxpayer, not to exceed $6,000.

(2) QUALIFYING CHILD.—The term "qualifying child" has the meaning given such term by section 24(c) of such Code.

(d) REMITTANCE OF PAYMENT.—The Secretary of the Treasury shall remit the payment described in subsection (a) to the taxpayer as soon as practicable after the date of the enactment of this section.

TITLE II—BUSINESS TAX CUT

SEC. 201. INCREASED BONUS DEPRECIATION.

(a) IN GENERAL.—Subsection (k) of section 168 (relating to accelerated cost recovery system) is amended—

(1) by adding at the end of paragraph (1) the following new flush sentence:

"In the case of any qualified property acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2002, subparagraph (A) shall be applied by substituting '50 percent' for '30 percent'.",

(2) by striking "September 11, 2004" each place it appears and inserting "January 1, 2004",

(3) by striking "SEPTEMBER 11, 2004" and inserting "JANUARY 1, 2004", and

(4) by striking "PRE-SEPTEMBER 11, 2004" and inserting "PRE-JANUARY 1, 2004".

(b) CONFORMING AMENDMENTS.—

(1) The heading for clause (i) of section 1400L(b)(2)(C) of the Internal Revenue Code of 1986 is amended by striking "30 PERCENT ADDITIONAL" and inserting "ADDITIONAL".

(2) Section 1400L(b)(2)(D) of such Code is amended by inserting "(as in effect on the day after the date of the enactment of this section)" after "section 168(k)(2)(D)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property acquired after December 31, 2002.

SEC. 202. MODIFICATIONS TO EXPENSING UNDER SECTION 179.

(a) INCREASE OF AMOUNT WHICH MAY BE EXPENSED.—

(1) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($75,000 in the case of any taxable year beginning in 2003)."

(2) INCREASE IN PHASEOUT THRESHOLD.—Paragraph (2) of section 179(b) is amended by striking "$200,000" and inserting "$200,000 ($325,000 in the case of any taxable year beginning in 2003)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2002.

SEC. 203. CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45G. EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified small employer, the employee health insurance expenses credit determined under this section is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is equal to—

"(1) 50 percent in the case of an employer with less than 26 qualified employees,

"(2) 40 percent in the case of an employer with more than 25 but less than 36 qualified employees, and

"(3) 30 percent in the case of an employer with more than 35 but less than 51 qualified employees.

"(c) PER EMPLOYEE DOLLAR LIMITATION.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed the maximum employer contribution for self-only coverage or family coverage (as applicable) determined under section 8906(a) of title 5, United States Code, for the calendar year in which such taxable year begins.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—

"(A) IN GENERAL.—The term 'qualified small employer' means any small employer which provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4)) to all qualified employees of the employer.

"(B) SMALL EMPLOYER.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'small employer' means, with respect to any calendar year, any employer if such employer employed an average of not less than 2 and not more than 50 qualified employees on business days during either of the 2 preceding calendar years. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the 1st preceding calendar year, the determination under clause (i) shall be based on the average number of qualified employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

"(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an employee of an employer who, with respect to any period, is not provided health insurance coverage under—

"(A) a health plan of the employee's spouse,

"(B) title XVIII, XIX, or XXI of the Social Security Act,

"(C) chapter 17 of title 38, United States Code,

"(D) chapter 55 of title 10, United States Code,

"(E) chapter 89 of title 5, United States Code, or

"(F) any other provision of law.

"(4) EMPLOYEE—The term 'employee'—

"(A) means any individual, with respect to any calendar year, who is reasonably expected to receive at least $5,000 of compensation from the employer during such year,

"(B) does not include an employee within the meaning of section 401(c)(1), and

"(C) includes a leased employee within the meaning of section 414(n).

"(5) COMPENSATION.—The term 'compensation' means amounts described in section 6051(a)(3).

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified employee health insurance expenses taken into account under subsection (a).

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following:

"(16) the employee health insurance expenses credit determined under section 45G.".

(c) CREDIT ALLOWED AGAINST MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR EMPLOYEE HEALTH INSURANCE CREDIT.—

"(A) IN GENERAL.—In the case of the employee health insurance credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) the amounts in subparagraphs (A) and (B) thereof shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the employee health insurance credit).

"(B) EMPLOYEE HEALTH INSURANCE CREDIT.—For purposes of this subsection, the term 'employee health insurance credit' means the credit allowable under subsection (a) by reason of section 45G(a).".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking "(other" and all that follows through "credit)" and inserting "(other than the empowerment zone employment credit or the employee health insurance credit)".

(d) NO CARRYBACKS.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the employee health insurance expenses credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45G. Employee health insurance expenses.".

(f) EMPLOYER OUTREACH.—The Internal Revenue Service shall, in conjunction with the Small Business Administration, develop materials and implement an educational program to ensure that business personnel are aware of—

(1) the eligibility criteria for the tax credit provided under section 45G of the Internal Revenue Code of 1986 (as added by this section),

(2) the methods to be used in calculating such credit,

(3) the documentation needed in order to claim such credit, and

(4) any available health plan purchasing alliances established under title II,

so that the maximum number of eligible businesses may claim the tax credit.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 204. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. BROADBAND INTERNET ACCESS CREDIT.

"(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

"(1) the current generation broadband credit, plus

"(2) the next generation broadband credit.

"(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

"(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

"(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

"(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

"(A) current generation broadband services are provided through such equipment to qualified subscribers, or

"(B) next generation broadband services are provided through such equipment to qualified subscribers.

"(2) LIMITATION.—

"(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

"(i) the original use of which commences with the taxpayer, and "(ii) which is placed in service,

after December 31, 2002.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

"(i) is originally placed in service after December 31, 2002, by a person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(d) SPECIAL ALLOCATION RULES.—

"(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

"(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

"(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

"(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

"(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

"(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

"(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

"(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

"(A) a cable operator,

"(B) a commercial mobile service carrier,

"(C) an open video system operator,

"(D) a satellite carrier,

"(E) a telecommunications carrier, or

"(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

"(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

"(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

"(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

"(D) such services have been purchased by one or more such subscribers, and

"(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

"(13) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

"(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(14) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred after December 31, 2002, and before January 1, 2004.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

"(A) with respect to the provision of current generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber.

"(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(17) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

"(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

"(A) an empowerment zone or enterprise community designated under section 1391,

"(B) the District of Columbia Enterprise Zone established under section 1400,

"(C) a renewal community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.".

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the broadband Internet access credit."

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

"Sec. 48A. Broadband internet access credit.".

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17) and (24) of section 48A(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48A—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) PENALTIES FOR SUBMISSION OF FALSE INFORMATION.—The Secretary of the Treasury shall designate appropriate penalties for knowingly submitting false information on the form described in subparagraph (A)(i).

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

TITLE III—STATE FISCAL RELIEF

SEC. 301. GENERAL REVENUE SHARING WITH STATES AND THEIR LOCAL GOVERNMENTS.

(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated to carry out this section $15,000,000,000 for fiscal year 2003.

(b) ALLOTMENTS.—From the amount appropriated under subsection (a) for fiscal year 2003, the Secretary of the Treasury shall, as soon as practicable after the date of the enactment of this Act, allot to each of the States as follows, except that no State shall receive less than ½ of 1 percent of such amount:

(1) STATE LEVEL.—$12,000,000,000 shall be allotted among such States on the basis of the relative population of each such State, as determined by the Secretary on the basis of the most recent satisfactory data.

(2) LOCAL GOVERNMENT LEVEL.—$3,000,000,000 shall be allotted among such States as determined under paragraph (1) for distribution to the various units of general local government within such States on the basis of the relative population of each such unit within each such State, as determined by the Secretary on the basis of the most recent satisfactory data.

(c) DEFINITIONS.—For purposes of this section—

(1) STATE.—The term "State" means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term "unit of general local government" means—

(i) a county, parish, township, city, or political subdivision of a county, parish, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

(ii) the District of Columbia, the Commonwealth of Puerto Rico, and the recognized governing body of an Indian tribe or Alaskan native village that carries out substantial governmental duties and powers.

(B) Treatment of subsumed areas.—For purposes of determining a unit of general local government under this section, the rules under section 6720(c) of title 31, United States Code, shall apply.

SEC. 302. HOMELAND SECURITY.

(a) Short Title; Purpose.—

(1) Short title.—This section may be cited as the "First Responders Partnership Grant Act of 2003".

(2) Purpose.—The purpose of this section is to support first responders to protect homeland security and prevent and respond to acts of terrorism.

(b) Definitions.—In this section:

(1) Indian tribe.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Law enforcement officer.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, public or private college or university, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(3) Public safety officer.—The term "public safety officer" means any person serving a public or private agency with or without compensation as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew.

(4) State.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) Unit of local government.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(c) First Responders Partnership Grant Program for Public Safety Officers.—

(1) In general.—The Secretary of Homeland Security (referred to in this section as the "Secretary") is authorized to make grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(2) Use of funds.—Grants awarded under this subsection shall be—

(A) distributed directly to the State, unit of local government, or Indian tribe; and

(B) used to fund personnel expenses, equipment, training, and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(3) Allocation and distribution of funds.—

(A) Set-aside for Indian tribes.—

(i) In general.—The Secretary shall reserve 1 percent of the amount appropriated for grants pursuant to this Act to be used for grants to Indian tribes.

(ii) Selection of Indian tribes.—

(I) In general.—The Secretary shall award grants under this subparagraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria.

(II) Rulemaking.—The criteria under subclause (I) shall be contained in a regulation promulgated by the Attorney General after notice and public comment.

(B) Set-aside for rural States.—

(i) In general.—The Secretary shall reserve 5 percent of the amount appropriated for grants pursuant to this Act to be used for grants to rural States.

(ii) Selection of rural States.—The Secretary shall award grants under this subparagraph to rural States (as defined in section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))).

(C) Minimum amount.—The Secretary shall allocate, from the total amount appropriated for grants to States under this subsection—

(i) not less than 0.75 percent for each State; and

(ii) not less than 0.25 percent for American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands, respectively.

(D) Allocation to metropolitan cities and urban counties.—

(i) Allocation percentage.—The balance of the total amount appropriated for grants to States under this subsection after allocations have been made to Indian tribes, rural States, and the minimum amount to each State pursuant to subparagraphs (A) through (C), shall be allocated by the Secretary to metropolitan cities and urban counties.

(E) Computation of amount allocated to metropolitan cities.—

(i) Computation ratios.—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(I) the population of the metropolitan city divided by the population of all metropolitan cities;

(II) the potential chemical security risk of the metropolitan city divided by the potential chemical security risk of all metropolitan cities;

(III) the proximity of the metropolitan city to the nearest operating nuclear power plant compared to the proximity of all metropolitan cities to the nearest operating nuclear power plant to each such city;

(IV) the proximity of the metropolitan cities to the nearest United States land or water port compared with the proximity of all metropolitan cities to the nearest United States land or water port to each such city;

(V) the proximity of the metropolitan city to the nearest international border compared with the proximity of all metropolitan cities to the nearest international border to each such city; and

(VI) the proximity of the metropolitan city to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") compared with the proximity of all metropolitan cities to the nearest DMAT to each such city.

(ii) Clarification of computation ratios.—

(I) Relative weight of factor.—In determining the average of the ratios under clause (i)—

(aa) the ratio involving population shall constitute 50 percent of the formula in calculating the allocation; and

(bb) the remaining factors shall be equally weighted.

(II) Potential chemical security risk.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under clause (i)(II) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(III) Proximity as it pertains to nuclear security.—If a metropolitan city is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under clause (i)(III) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(IV) Proximity as it pertains to port security.—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under clause (i)(IV) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

(V) Proximity to international border.—If a metropolitan city is located within 50 miles of an international border, the ratio under clause (i)(V) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of an international border.

(VI) Proximity to disaster medical assistance team.—If a metropolitan city is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under clause (i)(VI) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a DMAT.

(F) Computation of amount allocated to urban counties.—

(i) Computation ratios.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(I) the population of the urban county divided by the population of all urban counties;

(II) the potential chemical security risk of the urban county divided by the potential chemical security risk of all urban counties;

(III) the proximity of the urban county to the nearest operating nuclear power plant compared to the proximity of all urban counties to the nearest operating nuclear power plant to each such city;

(IV) the proximity of the urban counties to the nearest United States land or water port compared with the proximity of all urban counties to the nearest United States land or water port to each such city;

(V) the proximity of the urban county to the nearest international border compared with the proximity of all urban counties to the nearest international border to each such city; and

(VI) the proximity of the urban county to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") compared with the proximity of all urban counties to the nearest DMAT to each such city.

(ii) Clarification of computation ratios.—

(I) Relative weight of factor.—In determining the average of the ratios under clause (i)—

(aa) the ratio involving population shall constitute 50 percent of the formula in calculating the allocation; and

(bb) the remaining factors shall be equally weighted.

(II) POTENTIAL CHEMICAL SECURITY RISK.—If an urban county is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under clause (i)(II) shall be 1 divided by the total number of urban counties that are within such a zone.

(III) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If an urban county is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under clause (i)(III) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(IV) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If an urban county is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under clause (i)(IV) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port.

(V) PROXIMITY TO INTERNATIONAL BORDER.—If an urban county is located within 50 miles of an international border, the ratio under clause (i)(V) shall be 1 divided by the total number of urban counties that are located within 50 miles of an international border.

(VI) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAM.—If an urban county is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under clause (i)(VI) shall be 1 divided by the total number of urban counties that are located within 50 miles of a DMAT.

(G) EXCLUSIONS.—

(i) IN GENERAL.—In computing amounts or exclusions under subparagraph (F) with respect to any urban county, units of general local government located in the county shall be excluded if the populations of such units are not counted to determine the eligibility of the urban county to receive a grant under this subsection.

(ii) INDEPENDENT CITIES.—

(I) IN GENERAL.—In computing amounts under clause (i), there shall be included any independent city (as defined by the Bureau of the Census) which—

(aa) is not part of any county;

(bb) is not eligible for a grant;

(cc) is contiguous to the urban county;

(dd) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(ee) is not included as a part of any other unit of general local government for purposes of this subsection.

(II) LIMITATION.—Any independent city that is included in the computation under this clause (i) shall not be eligible to receive assistance under this subsection for the fiscal year for which such computation is used to allocate such assistance.

(H) INCLUSION.—

(i) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts or exclusions under subparagraph (F) with respect to any urban county, all of the area of any unit of local government shall be included, which is part of, but is not located entirely within the boundaries of, such urban county if—

(I) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this paragraph; and

(II) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this paragraph.

(ii) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this subsection by an urban county described under clause (i) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(I) POPULATION.—

(i) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government if such consolidation had not occurred.

(ii) LIMITATION.—Clause (i) shall apply only to a consolidation that—

(I) included all metropolitan cities that received grants under this subsection for the fiscal year preceding such consolidation and that were located within the urban county;

(II) included the entire urban county that received a grant under this subsection for the fiscal year preceding such consolidation; and

(III) took place on or after January 1, 2003

(iii) GROWTH RATE.—The population growth rate of all metropolitan cities defined in this subsection shall be based on the population of—

(I) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(II) cities that were metropolitan cities before their incorporation into consolidated governments.

(4) MAXIMUM AMOUNT PER GRANTEE.—

(A) IN GENERAL.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated for grants under this section.

(B) AGGREGATE AMOUNT PER STATE.—A State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated for grants under this section.

(5) MATCHING FUNDS.—

(A) IN GENERAL.—The portion of the costs of a program provided by a grant under paragraph (1) may not exceed 90 percent.

(B) WAIVER.—If the Secretary determines that a grantee is experiencing fiscal hardship, the Secretary may waive, in whole or in part, the matching requirement under subparagraph (A).

(C) EXCEPTION.—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement under subparagraph (A).

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Secretary of the Bureau of Justice Assistance in such form and containing such information as the Secretary may reasonably require.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

(e) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated and are appropriated $5,000,000,000 for fiscal year 2003 to carry out this section.

SEC. 303. FUNDING FOR EDUCATION.

(a) BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out part A of title I of the Elementary and Secondary Education Act of 1965, $4,250,000,000. The Secretary of Education shall reserve 1 percent of such amount for the Secretary of the Interior for programs under part B of title I of such Act in schools operated or funded by the Bureau of Indian Affairs.

(b) HIGH QUALITY TEACHERS AND PRINCIPALS.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out part A of title II (other than subpart 5) of the Elementary and Secondary Education Act of 1965, $550,000,000. The Secretary of Education shall reserve 1 percent of such amount for the Secretary of the Interior for programs under such part A in schools operated or funded by the Bureau of Indian Affairs.

(c) LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out title III (other than subpart 4 of part B) of the Elementary and Secondary Education Act of 1965, $410,000,000. The Secretary of Education shall reserve 1 percent of such amount for payment of entities under section 3112(a) of such Act.

(d) 21ST CENTURY COMMUNITY LEARNING CENTERS.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965, $500,000,000.The Secretary of Education shall reserve 1 percent of such amount for payments to the Bureau of Indian Affairs to enable the Bureau to carry out the purposes of such part B.

(e) Rural Education Initiative.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out part B of title VI of the Elementary and Secondary Education Act of 1965, $131,000,000.

(f) Student Financial Assistance.—

(1) In general.—In addition to amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $200,000,000.

(2) Maximum pell grant.—The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,100.

SEC. 304. TEMPORARY STATE FMAP RELIEF.

(a) Permitting Maintenance of Fiscal Year 2002 FMAP for Last 3 Calendar Quarters of Fiscal Year 2003.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2003, before the application of this section.

(b) Permitting Maintenance of Fiscal Year 2003 FMAP for First Calendar Quarter of Fiscal Year 2004.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this subsection for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for the first calendar quarter of fiscal year 2004, before the application of this section.

(c) General 3.76 Percentage Points Increase for Last 3 Calendar Quarters of Fiscal Year 2003 and First Calendar Quarter of Fiscal Year 2004.—Notwithstanding any other provision of law, but subject to subsections (e) and (f), for each State for the second, third, and fourth calendar quarters of fiscal year 2003 and the first calendar quarter of fiscal year 2004, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 3.76 percentage points.

(d) Increase in Cap on Medicaid Payments To Territories.—Notwithstanding any other provision of law, but subject to subsection (f), with respect to the second, third, and fourth calendar quarters of fiscal year 2003 and the first calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 7.52 percent of such amounts.

(e) Scope of Application.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(3) the percentage described in the third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) (relating to amounts expended as medical assistance for services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act)).

(f) State Eligibility.—

(1) In general.—Subject to paragraph (2), a State is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on July 1, 2003.

(2) State reinstatement of eligibility permitted.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) in the first calendar quarter (and any subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on July 1, 2003.

(3) Rule of construction.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(g) Definitions.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) State.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) Repeal.—Effective as of January 1, 2004, this section is repealed.

SEC. 305. FUNDING FOR TRANSPORTATION INFRASTRUCTURE.

(a) Highway Programs.—

(1) Appropriations.—Subject to subsection (d), in addition to amounts appropriated under the Department of Transportation and Related Agencies Appropriations Act, 2003, there are appropriated to the Secretary of Transportation, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003—

(A) $2,480,000,000—

(i) to be apportioned among the States in accordance with the formula specified in section 104(b)(3) of title 23, United States Code; and

(ii) to be used for projects eligible under section 133 of that title, without regard to section 133(d) of that title;

(B) $80,000,000, to be used by the Secretary in the same manner as funds are used under section 118(c) of that title, except that section 118(c)(2)(A) of that title shall not apply to funds appropriated under this subparagraph;

(C) $80,000,000, to be used by the Secretary in the same manner as funds are used under section 144(g)(2) of that title;

(D) $80,000,000, to be used by the Secretary in the same manner as funds are used under subsections (a) through (c) and (e) of section 202 of that title;

(E) $80,000,000, to be used by the Secretary in the same manner as funds are used under section 202(d) of that title; and

(F) $80,000,000, to be used by the Secretary in the same manner as funds are used under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 161).

(2) Redistribution of unused obligation authority.—Funds made available under paragraph (1)(A) that are not obligated within 180 days after the date of enactment of this Act shall be redistributed in the manner described in section 1102(d) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 117).

(b) Transit Program.—

(1) Appropriations.—Subject to subsection (d)(1), in addition to amounts appropriated under the Department of Transportation and Related Agencies Appropriations Act, 2003, there are appropriated to the Secretary of Transportation, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, $720,000,000—

(A) to be distributed between and used for projects eligible under sections 5307 and 5311 of title 49, United States Code, in the same ratio as funds were distributed under section 5338 of that title for fiscal years 1998 through 2003; and

(B) to be apportioned among the States in accordance with the formulas specified in sections 5307 and 5311 of title 49, United States Code.

(2) Redistribution of unused obligation authority.—Funds made available under paragraph (1) that are not obligated within 180 days after the date of enactment of this Act shall be redistributed among the States giving priority to those States having large unobligated balances of funds apportioned under sections 5307 and 5311 of title 49, United States Code.

(c) Airport Programs.—Subject to subsection (d), in addition to any amounts appropriated for fiscal year 2003, there is appropriated $400,000,000 out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, to the Secretary of Transportation as discretionary funds to be used by the Secretary for grants to make safety and security improvements at airports in the same manner as funds are used under subtitle VII of title 49, United States Code, except that none of the funds may be used to expedite a letter of intent in effect on the date of enactment of this Act.

(d) General Provisions.—Notwithstanding any other provision of law—

(1) the Federal share of the cost of a project carried out with funds made available under this section shall be 100 percent; and

(2) funds made available under subparagraphs (B) through (F) of subsection (a)(1) and under subsection (c) shall be—

(A) obligated not later than 180 days after the date of enactment of this Act; and

(B) expended as expeditiously as practicable.

TITLE IV—UNEMPLOYMENT ASSISTANCE

Subtitle A—Additional Weeks of Temporary Extended Unemployment Compensation

SEC. 401. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) ENTITLEMENT TO ADDITIONAL WEEKS.—

(1) IN GENERAL.—Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended—

(A) in subparagraph (A), by striking "50 percent" and inserting "100 percent"; and

(B) in subparagraph (B), by striking "13 times" and inserting "26 times".

(2) REPEAL OF RESTRICTION ON AUGMENTATION DURING TRANSITIONAL PERIOD.—Section 208(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1 (117 Stat. 3), is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)"; and

(ii) by inserting before the period at the end the following: ", including such compensation by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) EXTENSION OF TRANSITION LIMITATION.—Section 208(b)(2) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1 (117 Stat. 3) and as redesignated by paragraph (2), is amended by striking "August 30, 2003" and inserting "December 31, 2003".

(4) CONFORMING AMENDMENT FOR AUGMENTED BENEFITS.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by striking "the amount originally established in such account (as determined under subsection (b)(1))" and inserting "7 times the individual's average weekly benefit amount for the benefit year".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendments made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as "TEUC amounts").

(3) APPLICATION TO EXHAUSTEES AND CURRENT BENEFICIARIES.—

(A) EXHAUSTEES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before such date,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(B) CURRENT BENEFICIARIES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) as to whom the condition described in subparagraph (A)(ii) does not apply,

such individual shall be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by subsection (a)) with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(4) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR INDIVIDUALS FOR WHOM SUCH A DETERMINATION WAS MADE PRIOR TO THE DATE OF ENACTMENT.—Any determination of whether the individual's State is in an extended benefit period under section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) made prior to the date of enactment of this Act shall be disregarded and the determination under such section shall be made as follows:

(A) INDIVIDUALS WHO EXHAUSTED 13 TEUC AND 13 TEUX–X WEEKS PRIOR TO THE DATE OF ENACTMENT.—In the case of an individual who, prior to the date of enactment of this Act, received 26 times the individual's average weekly benefit amount through an account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) (by reason of augmentation under subsection (c) of such section), the determination shall be made as of the date of enactment of this Act.

(B) ALL OTHER INDIVIDUALS.—In the case of an individual who is not described in subparagraph (A), the determination shall be made at the time that the individual's account established under such section 203, as amended by subsection (a), is exhausted.

Subtitle B—Temporary Enhanced Regular Unemployment Compensation

SEC. 411. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (3), any agreement under subsection (a) shall provide that the State agency of the State, in addition to any amounts of regular compensation to which an individual may be entitled under the State law, shall make payments of temporary enhanced regular unemployment compensation to an individual in an amount and to the extent that the individual would be entitled to regular compensation if the State law were applied with the modifications described in paragraph (2).

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) In the case of an individual who is not eligible for regular compensation under the State law because of the use of a definition of base period that does not count wages earned in the most recently completed calendar quarter, then eligibility for compensation shall be determined by applying a base period ending at the close of the most recently completed calendar quarter.

(B) In the case of an individual who is not eligible for regular compensation under the State law because such individual does not meet requirements relating to availability for work, active search for work, or refusal to accept work, because such individual is seeking, or is available for, less than full-time work, then compensation shall not be denied by such State to an otherwise eligible individual who seeks less than full-time work or fails to accept full-time work.

(3) REDUCTION OF AMOUNTS OF REGULAR COMPENSATION AVAILABLE FOR INDIVIDUALS WHO SOUGHT PART-TIME WORK OR FAILED TO ACCEPT FULL-TIME WORK.—Any agreement under subsection (a) shall provide that the State agency of the State shall reduce the amount of regular compensation available to an individual who has received temporary enhanced regular unemployment compensation as a result of the application of the modification described in paragraph (2)(B) by the amount of such temporary enhanced regular unemployment compensation.

(c) COORDINATION RULE.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 412. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to—

(1) 100 percent of any temporary enhanced regular unemployment compensation; and

(2) 100 percent of any regular compensation which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in subparagraphs (A) and (B) of section 411(b)(2), but only to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 411(b)(1), have been reimbursable under paragraph (1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 413. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this title.

(b) Certification.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums which are payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account (as so established), or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, to the account of such State in the Unemployment Trust Fund (as so established).

(c) Assistance to States.—There are appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) $500,000,000 to reimburse States for the costs of the administration of agreements under this title (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this title. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act (42 U.S.C. 502(a)) and certified by the Secretary to the Secretary of the Treasury.

(d) Appropriations for Certain Payments.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 414. DEFINITIONS.

For purposes of this title, the terms "compensation", "base period", "regular compensation", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

SEC. 415. APPLICABILITY.

(a) In General.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before July 1, 2004.

(b) Phase-Out of TERUC.—

(1) In general.—Subject to paragraph (2), in the case of an individual who has established eligibility for temporary enhanced regular unemployment compensation, but who has not exhausted all rights to such compensation, as of the last day of the week ending before July 1, 2004, such compensation shall continue to be payable to such individual for any week beginning after such date for which the individual meets the eligibility requirements of this title.

(2) Limitation.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 31, 2004.

SEC. 416. COORDINATION WITH THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) In General.—The Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended—

(1) in section 202(b)(1), by inserting ", and who have exhausted all rights to temporary enhanced regular unemployment compensation" before the semicolon at the end;

(2) in section 202(b)(2), by inserting ", temporary enhanced regular unemployment compensation," after "regular compensation";

(3) in section 202(c), by inserting "(or, as the case may be, such individual's rights to temporary enhanced regular unemployment compensation)" after "State law" in the matter preceding paragraph (1);

(4) in section 202(c)(1), by inserting "and no payments of temporary enhanced regular unemployment compensation can be made" after "under such law";

(5) in section 202(d)(1), by inserting "or the amount of any temporary enhanced regular unemployment compensation (including dependents' allowances) payable to such individual for such a week," after "total unemployment";

(6) in section 202(d)(2)(A), by inserting ", or, as the case may be, to temporary enhanced regular unemployment compensation," after "State law";

(7) in section 203(b)(1)(A), by inserting "plus the amount of any temporary enhanced regular unemployment compensation payable to such individual for such week," after "under such law"; and

(8) in section 203(b)(2), by inserting "or the amount of any temporary enhanced regular unemployment compensation payable to such individual for such week," after "total unemployment".

(b) Amount of TEUC Offset by Amount of TERUC.—Section 203(b)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting a comma; and

(2) by adding at the end the following:

"minus the number of weeks in which the individual was entitled to temporary enhanced regular unemployment compensation as a result of the application of the modification described in section 411(b)(2)(A) of the Economic Recovery Act of 2003 (relating to the alternative base period) multiplied by the individual's average weekly benefit amount for the benefit year.".

(c) Temporary Enhanced Regular Unemployment Compensation Defined.—Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"SEC. 207. DEFINITIONS.

"In this title:

"(1) General definitions.—The terms 'compensation', 'regular compensation', 'extended compensation', 'additional compensation', 'benefit year', 'base period', 'State', 'State agency', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(2) Temporary enhanced regular unemployment compensation.—The term 'temporary enhanced regular unemployment compensation' means temporary enhanced regular unemployment benefits payable under title IV of the Economic Recovery Act of 2003.".

TITLE V—LONG-TERM FISCAL DISCIPLINE

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 501. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Clarification of Economic Substance Doctrine; Etc.—

"(1) General rules.—

"(A) In general.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

"(B) Definition of economic substance.—For purposes of subparagraph (A)—

"(i) In general.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

"(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) Special rules for transactions with tax-indifferent parties.—

"(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) Artificial income shifting and basis adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Economic substance doctrine.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 15, 2004.

SEC. 502. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be \$50,000.

"(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be \$100,000.

"(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

"(A) IN GENERAL.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of \$10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) HIGH NET WORTH INDIVIDUAL.—The term 'high net worth individual' means, with respect to a transaction, a natural person whose net worth exceeds \$2,000,000 immediately before the transaction.

"(c) DEFINITIONS.—For purposes of this section—

"(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) AUTHORITY TO RESCIND PENALTY.—

"(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 503. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to compromise of penalty.—

"(A) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e)."

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B."

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe."

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions."

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 504. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A applies.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(m)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable To Compromise of Penalty.—

"(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) Cross References.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)."

(b) Clerical Amendment.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc."

(c) Effective Date.—The amendments made by this section shall apply to transactions entered into after February 15, 2004.

SEC. 505. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) Substantial Understatement of Corporations.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) Special rule for corporations.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000."

(b) Reduction for Understatement of Taxpayer Due to Position of Taxpayer or Disclosed Item.—

(1) In general.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) Conforming amendment.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) Secretarial list.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 506. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) In General.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) Section Not To Apply to Communications Regarding Tax Shelters.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C))."

(b) Effective Date.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 507. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) In General.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) In General.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) Definitions.—For purposes of this section—

"(1) Material advisor.—

"(A) In general.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such advice or assistance.

"(B) Threshold amount.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) Reportable transaction.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) Regulations.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) Conforming Amendments.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions."

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) In General.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction."

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees."

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions."

(c) Effective Date.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 508. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) In General.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) Listed transactions.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Rescission Authority.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

"(d) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c). Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 509. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause."

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 510. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708."

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

> "Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions."

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 511. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 512. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exception.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 513. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law."

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A)."

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 514. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) Censure; Imposition of Penalty.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure."

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, Etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion."

SEC. 515. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 516. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) In General.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

"(C) Listed transactions.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011."

(b) Effective Date.—The amendment made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 517. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) In General.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Interest on Unpaid Taxes Attributable To Nondisclosed Reportable Transactions and Noneconomic Substance Transactions.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c))."

(b) Effective Date.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS FOR TAX LAW ENFORCEMENT.

There is authorized to be appropriated $300,000,000 for each fiscal year beginning after September 30, 2002, for the purpose of carrying out tax law enforcement to combat tax avoidance transactions and other tax shelters, including the use of offshore financial accounts to conceal taxable income.

Subtitle B—Other Provisions

SEC. 521. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) In General.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns."

(b) Result Not Overturned.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) Effective Date.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 522. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) In General.—Section 6062 (relating to signing of corporation returns) is amended by striking the first sentence and inserting the following new sentence: "The return of a corporation with respect to income shall be signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary may designate if the corporation does not have a chief executive officer). The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851).".

(b) Effective Date.—The amendment made by this section shall apply to returns filed after the date of the enactment of this Act.

SEC. 523. DISCLOSURE OF TAX SHELTERS TO CORPORATE AUDIT COMMITTEE.

(a) In General.—Subchapter B of chapter 61 (relating to information and returns) is amended by inserting after section 6111 the following new section:

"SEC. 6111A. DISCLOSURE OF REPORTABLE TRANSACTIONS TO CORPORATE AUDIT COMMITTEE.

"If a corporation is required under section 6011 to include on any return or statement any information with respect to a reportable transaction (as defined in section 6707A(c)), the chief executive officer of such corporation (or other such officer of the corporation as the Secretary may designate if the corporation does not have a chief executive officer) shall disclose such information in a statement to the audit committee of the board of directors of such corporation or any similar committee or entity performing auditing functions on behalf of such corporation.".

(b) Penalty for Failure to Disclose.—Section 6707A(a) (relating to penalty for failure to include reportable transaction information with return or statement) is amended by inserting ", or fails to file a statement required under section 6111A," before "shall pay".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 61 is amended by inserting after the item relating to section 6111 the following new item:

"Sec. 6111A. Disclosure of reportable transactions to corporate audit committee."

(d) Effective Date.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

Subtitle C—Budget Points of Order

SEC. 531. EXTENSION OF PAY-AS-YOU-GO ENFORCEMENT IN THE SENATE.

Section 2 of Senate Resolution 304 (107th Congress) is amended—

(1) in subsection (a)(1), by striking "April 15, 2003" and inserting "the end of the 108th Congress"; and

(2) in subsection (b)(1)(B), by striking "April 15, 2003" and inserting "at the end of the 108th Congress".

By Mrs. DOLE:

S. 420. A bill to provide for the acknowledgment of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

Mrs. DOLE. Mr. President, I ask unanimous consent that the text of the attached legislation "Lumbee Acknowledgment Act of 2003," be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lumbee Acknowledgment Act of 2003".

SEC. 2. LUMBEE ACKNOWLEDGMENT.

The Act of June 7, 1956 (70 Stat. 254, chapter 375), is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Lumbee Acknowledgment Act'.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) many Indians living in Robeson County, North Carolina, and adjoining counties in the State are descendants of a once large and prosperous tribe that occupied the land along the Lumbee River at the time when the earliest European settlements were established in the area;

"(2) when the members of that tribe first made contact with the settlers, the members were a well-established and distinctive people living in European-style houses, tilling the soil, owning slaves and livestock, and practicing many of the arts and crafts of European civilization;

"(3) tribal legend, a distinctive appearance and manner of speech, and the frequent recurrence among tribal members of family names (such as Bullard, Chavis, Drinkwater, Locklear, Lowery, Oxendine, and Sampson) that were found on the roster of the earliest English settlements, provide evidence that the Indians now living in the area may trace their ancestry back to both—

"(A) European settlers; and

"(B) certain coastal tribes of Indians in the State, principally the Cheraw Tribe;

"(4) the Lumbee Tribe has remained a distinct Indian community since European settlers first made contact with the community;

"(5) the members of the Tribe—

"(A) are naturally and understandably proud of their heritage; and

"(B) seek to establish their social status and preserve their ancestry;

"(6) the State has acknowledged the Lumbee Indians as an Indian tribe since 1885;

"(7) in 1956, Congress acknowledged the Lumbee Indians as an Indian tribe but withheld from the Tribe the benefits, privileges, and immunities to which the Tribe and members of the Tribe would have been entitled by virtue of status as an acknowledged Indian tribe; and

"(8)(A) the Tribe is entitled to full Federal acknowledgment; and

"(B) the programs, services, and benefits that accompany that status should be extended to the Tribe and members of the Tribe.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) Acknowledgment.—The term 'acknowledgment' means acknowledgment by the United States that—

"(A) an Indian group is an Indian tribe; and

"(B) the members of the Indian group are eligible for the programs, services, and benefits (including privileges and immunities) provided by the United States to members of Indian tribes because of the status of those members as Indians.

"(2) Indian.—The term 'Indian' means a member of an Indian tribe or Indian group.

"(3) Indian group.—The term 'Indian group' means any Indian band, pueblo, village, or community that is not acknowledged.

"(4) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(6) Service population.—The term 'service population' means the population of the Tribe eligible to receive the programs, services, and benefits described in section 5(a), as determined by the Secretary under section 5(c).

"(7) State.—The term 'State' means the State of North Carolina.

"(8) Tribal roll.—The term 'tribal roll' means a list of individuals who have been determined by the Tribe to meet the membership requirements of the Tribe established in the constitution of the Tribe adopted November 11, 2000.

"(9) Tribe.—The term 'Tribe' means the Lumbee Tribe of North Carolina, located in Robeson County, North Carolina, and adjoining counties in the State.

"SEC. 4. ACKNOWLEDGMENT OF LUMBEE TRIBE.

"(a) Acknowledgment.—

"(1) In general.—The Tribe is acknowledged.

"(2) Applicable law.—All laws (including regulations) of the United States of general applicability to Indians and Indian tribes shall apply to the Tribe and members of the Tribe.

"(b) Petition.—Any Indian group located in Robeson County, North Carolina (or any adjoining county), the members of which are not members of the Tribe as determined by the Secretary under section 5(c), may submit to the Secretary a petition in accordance with part 83 of title 25, Code of Federal Regulations (or a successor regulation), for acknowledgement.

"SEC. 5. SERVICES.

"(a) In General.—Beginning on the date of enactment of this section, the Tribe and members of the Tribe are eligible for all programs, services, and benefits (including privileges and immunities) provided by the Federal Government to Indian tribes and members of Indian tribes.

"(b) Reservation.—

"(1) Programs, services, and benefits.—For the purpose of providing any program, service, or benefit described in subsection (a) to the Tribe or a member of the Tribe, the Tribe, and any member of the Tribe residing in the county of Robeson, Cumberland, Hoke, or Scotland in the State, shall be considered to be residing on or near an Indian reservation.

"(2) Federal law.—Beginning on the date of enactment of this section, Robeson County, North Carolina, shall be considered to be the reservation of the Tribe for the purpose of any Federal law applicable to the Tribe.

"(3) No effect on fee ownership.—Nothing in this subsection affects the ownership status of any fee land within the State, or the status of any right or easement in the State, in existence as of the date of enactment of this section.

‘‘(c) Determination of Service Population.—

‘‘(1) In general.—Not later than 1 year after the date of enactment of this section, the Secretary shall—

‘‘(A) using the tribal roll in existence as of the date of enactment of this section, verify the population of the Tribe; and

‘‘(B) determine the population of the Tribe eligible to receive the programs, services, and benefits described in subsection (a).

‘‘(2) Verification.—The Secretary shall base a verification under paragraph (1)(A) only on a confirmation of compliance of members of the Tribe with membership criteria established in the constitution of the Tribe adopted November 11, 2000.

‘‘(d) Needs of Tribe.—

‘‘(1) In general.—On determination of the service population, the Secretary and the Secretary of Health and Human Services shall develop, in consultation with the Tribe—

‘‘(A) a determination of the needs of the Tribe; and

‘‘(B) a recommended budget required to serve the Tribe.

‘‘(2) Submission of budget request.—For each fiscal year after determination of the service population, the Secretary or the Secretary of Health and Human Services, as appropriate, shall submit to the President a recommended budget for programs, services, and benefits provided by the United States to members of the Tribe because of the status of those members as Indians (including funding recommendations for the Tribe that are based on the determination and budget described in paragraph (1)) for inclusion in the annual budget submitted by the President to Congress in accordance with section 1108 of title 31, United States Code.

‘‘SEC. 6. JURISDICTION.

‘‘(a) In General.—Except as provided in subsection (b), the State shall exercise jurisdiction over all criminal offenses that are committed on, and all civil actions that arise on, land located in the State that is owned by, or held in trust by the United States for the benefit of, the Tribe or any member of the Tribe.

‘‘(b) Transfer of Jurisdiction.—

‘‘(1) In general.—After consultation with the Attorney General, the Secretary may accept, on behalf of the United States, any transfer by the State to the United States of all or any portion of the jurisdiction of the State described in subsection (a).

‘‘(2) Agreement.—A transfer of jurisdiction under paragraph (1)—

‘‘(A) shall be subject to an agreement entered into by the Tribe and the State relating to the transfer; and

‘‘(B) shall not take effect until at least 2 years after the date on which the agreement is entered into.

‘‘(c) No Effect on Indian Child Welfare Act Agreements.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

‘‘SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

‘‘There are authorized to be appropriated such sums as are necessary to carry out this Act.’’.

By Ms. CANTWELL (for herself, Mr. Smith, Mrs. Murray, and Mrs. Feinstein):

S. 421. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce—along with my colleagues Senators Smith, Murray and Feinstein—the Renewable Energy Production Incentive, REPI, Reform Act.

This bill reauthorizes the REPI program, which was created as part of the 1992 National Energy Policy Act to foster greater renewable energy production and level the playing field for public power utilities, which do not qualify for renewable energy tax credits. The REPI program provides direct payments to publicly- and cooperatively-owned utilities at a rate of 1.5 cents/kWh, indexed for inflation, for electricity generated from wind, solar, certain geothermal and biomass sources.

As some of my colleagues may recall, the Senator from Oregon and I introduced a very similar bill last session, which was subsequently included in the energy bill that passed the Senate last spring. While conferees were ultimately unable to reach agreement on the broader energy bill, reauthorizing the REPI program must remain a priority as we again contemplate energy legislation during the 108th Congress.

Since this program's creation, REPI has become an important incentive for locally-owned, not-for-profit utilities to become involved in the effort to diversify our Nation's generation sources to include clean, sustainable sources of power. Since 1995, more than 36 projects in 17 States have received more than $21 million in REPI incentives and produced more than 3,000 megawatt-hours of electricity per year.

In my home State of Washington, where 55 percent of the overall energy load is served by public power, the REPI program had already helped support wood-waste and landfill gas projects, and promises to help locally-owned utilities tap into our tremendous wind resources. Already, the hills south of Kennewick, WA are home to the Nine Canyon Wind project—a 48-megawatt wind farm consisting of 37 turbines—producing enough energy to serve 12,000 households. This bill will provide continued support for these innovative projects.

The Renewable Energy Production Incentive Reform Act that my colleagues and I have introduced today will do three simple things. It will: reauthorize the program for another 10 years; direct the Department of Energy, which runs the program, to allocate funds on a more equitable basis in years in which the demand for REPI dollars far outpaces available appropriations; and clarifies that landfill gas projects and tribal governments are eligible to receive REPI funding.

One of the key challenges in developing a 21st century energy policy for this Nation is putting in place the proper incentives to add new and sustainable sources of power to the grid. My colleagues and I from the Northwest have learned this lesson well over the past few years, during which prolonged droughts have stretched to the limit the hydroelectric system that has—since the 1930s—formed the basis for our region's economic growth. The new clean energy projects the REPI program supports help relieve some of the stress on our hydro system and position my state and region for the next cycle of innovation in energy technology.

I look forward to working with my cosponsors during this session to ensure this small but important program is reauthorized—whether as stand-alone legislation or part of a broader energy bill. I believe we as a Nation now stand on the cusp of a revolution in clean energy technology. The Renewable Energy Production Incentive program is key in helping public power systems participate, as we work to put in place an energy policy that will meet the needs of our 21st Century economy.

By Mr. BREAUX:

S. 422. A bill to amend the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Finance.

Mr. BREAUX. Mr. President, I would like to clarify a provision of the omnibus appropriations bill that was included as a result of legislation I have been working on since the last Congress. In the transportation section of the omnibus, language was included to help provide for tighter restrictions on the waiver process currently in place at the Transportation Security Administration. Specifically, with this language I was seeking to make sure that venues, events and stadiums across the country are safe for the thousands in attendance. However, there are certain airships which are particularly well suited to assist law enforcement in providing sustained airborne surveillance over and around stadium or other events. It was my intention when crafting this language that blimps operating in this capacity should not be prevented from applying for a waiver from TSA. In fact, under the legislation, the Secretary may grant a waiver for blimps which are being operated for event safety or security, including those which are capable of providing immediate on-call airborne security camera surveillance services at the stadium or event. It was never my intention to prevent this type of security enhancement from being utilized because these types of airships can and do provide significant security protections for large venue events. I am in possession of a letter from the city of Anaheim which states that these air operations ‘‘were a major component of the security plan’’ as they hosted the 2002 World Series. I ask unanimous consent that this be printed in the Record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANAHEIM POLICE DEPARTMENT,
Anaheim, CA, November 19, 2002.

JAMES HILTON,
Director of Operations, The Lightship Group, Orlando, FL.

DEAR MR. HILTON: As you know, the City of Anaheim hosted the 2002 Major League Baseball World Series and the Anaheim Police Department was charged with providing security during the games.

Air operations were a major component of the security plan. Carl Harbuck, Chief Pilot for the Saturn airship, facilitated a joint aerial plan with our helicopter pilots. Carl arranged for one of our pilots to fly in your airship during each of the four games played in Anaheim. Having one Anaheim officer in your airship, along with the officers in our helicopter, proved to be an effective combination. The Anahiem officer in the airship was able to make observations and convey them to our helicopter crewmembers and officers on the ground in a timely, effective manner. Each of our pilots assigned to your crew during the games had the highest praise for the members of your airship operations team. The members were very professional and informative on how they conduct operations. As you know, having insight in another work mission facilitates a smooth and safe environment for all participants.

Please convey my sincere appreciation to Carl and Pilot Jeff Capek, as well as all your team members, for their hospitality. Let me extend an invitation to your pilots to observe our air operations. They are welcome any time.

Sincerely,

ROGER A. BAKER,
Chief of Police.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 423. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Wisconsin, Senator FEINGOLD, in introducing legislation to prohibit health insurers from denying benefits to plan participants if they are injured while engaging in legal recreational activities like skiing or horseback riding.

Among the many rules that were issued at the end of the Clinton Administration was one that was intended to ensure non-discrimination in health coverage in the group market. This rule was issued jointly on January 8, 2001, by the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration—now the Centers for Medicare and Medicaid Services—in accordance with the Health Insurance Portability and Accountability Act, HIPAA, of 1996.

While I was pleased that the rule prohibits health plans and issuers from denying coverage to individuals who engage in certain types of recreational activities, such as skiing, horseback riding, snowmobiling or motorcycling, I am extremely concerned that it would allow insurers to deny health benefits for an otherwise covered injury that results from participation in these activities.

The rule states that: "While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury." A plan could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries, a broken arm for instance, would have been covered under the plan if the individual had tripped and fallen.

Because of this loophole, an individual who was injured while skiing or running could be denied health care coverage, while someone who is injured while drinking and driving a car would be protected.

This clearly is contrary to Congressional intent. One of the purposes of HIPAA was to prohibit plans and issuers from establishing eligibility rules for health coverage based on certain health-related factors, including evidence of insurability. To underscore that point, the conference report language stated that "the inclusion of evidence of insurability in the definition of health status is intended to ensure, among other things, that individuals are not excluded from health care coverage due to their participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing and other similar activities." The conference report also states that "this provision is meant to prohibit insurers or employers from excluding employees in a group from coverage or charging them higher premiums based on their health status and other related factors that could lead to higher health costs."

Millions of Americans participate in these legal and common recreational activities which, if practiced with appropriate precautions, do not significantly increase the likelihood of serious injury. Moreover, in enacting HIPAA, Congress simply did not intend that people would be allowed to purchase health insurance only to find out, after the fact, that they have no coverage for an injury resulting from a common recreational activity. If this rule is allowed to stand, millions of Americans will be forced to forgo recreational activities that they currently enjoy lest they have an accident and find out that they are not covered for needed care resulting from that accident.

The legislation that we are introducing today will clarify that individuals participating in activities routinely enjoyed by millions of Americans cannot be denied access to health care coverage or health benefits as a result of their activities, and I urge all of our colleagues to join us as cosponsors.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation to promote health care parity for individuals participating in legal transportation and recreational activities. This legislation addresses concerns that I have been hearing from a wide range of Wisconsinites about a loophole caused by the Department of Health and Human Services' ruling that makes it possible for health care coverage to be denied to those who are injured while participating in these kinds of legal activities.

In January of 2001, the Health Care Finance administration released regulations governing the Health Care Insurance Accountability Act of 1996, also known as HIPAA. As part of this act, Congress intended to ban health insurance discrimination against those participating in legal transportation or recreational activities. Ironically, it appears that the rules written in response to this legislation may have had precisely the opposite effect.

These new regulations at first state that an employer cannot refuse health care coverage to an employee on the basis of participation in recreational activities. But they then go on to say that health care benefits can be denied for injuries sustained in connection with those recreational activities.

Not only does this ruling make little sense, it flies in the face of what Congress intended. In a colloquy between Senators Moseley-Braun and Kassebaum, Senator Mosely-Braun stated, "As I understand it, this formulation is intended to ensure that, among other things, participants and beneficiaries are not excluded from health care coverage because they participate in activities such as motorcycling, skiing, horseback riding, snowmobiling, or other similar activities."

And Senator Kassebaum simply said "The Senator from Illinois is correct."

But the bureaucrats turned around and permitted the denial of benefits for any injury sustained while participating in these legal activities. This ruling makes no sense. Because of this loophole, someone who participates in motorcycling, snowmobiling, running or walking could be denied health care coverage, while someone who is injured while drinking and driving a car would be protected.

Congress voted 98–0 in favor of the HIPAA legislation that included this language. We must close the loophole that the interpretation of this provision has created.

From riding Harley Davidson motorcycles to the visiting the Snowmobile Hall of Fame in St. Germain, these activities are part of Wisconsin's heritage and economy. It makes no sense that they would be singled out for this unfair treatment.

Millions of Americans rely on motorcycles for their transportation to work. Individuals should not singled out just because they choose a different mode of transportation to go to work.

I urge my colleagues to cosponsor this legislation and provide health care parity for individuals participating in legal transportation and recreational activities.

By Mr. BINGAMAN (for himself, Mr. Inouye, Mr. Campbell, and Mr. Daschle):

S. 424. A bill to establish, reauthorize, and improve energy programs relating to Indian tribes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, today I am introducing a bipartisan bill to address the energy needs of Native Americans in this country. In doing so, I hope to build upon the widespread support for these provisions that was evident during the energy bill debate in the 107th Congress. That support continues as I am pleased to note that Senators Inouye, Campbell, and Daschle are original cosponsors of this measure. I'd like to specifically recognize the work of Senator Inouye and his staff in putting together this bill. I appreciate their significant contribution to its content.

Energy matters concerning Native Americans raise two different issues that warrant attention. First, tribal lands contain significant and diverse energy resources and therefore have a role to play in the area of national energy policy. Second, there continues to be a lack of basic energy infrastructure on a number of reservations.

With respect to the first issue, a significant share of domestic energy resources are located on Indian lands. Over the last 20 years, Indian lands have contributed approximately 11 percent of the Nation's onshore oil and natural gas production, and 11 percent of its coal production. This level of contribution could increase in the future given available supplies of fossil energy resources and the potential development of significant renewable energy resources. The Bureau of Indian Affairs estimates that there are almost 90 reservations with energy resource potential, including oil and gas, coal and coal bed methane, wind, and geothermal resources. Developing these resources, particularly those such as wind power that have the capability to enable tribes to generate electricity on-reservation, requires dealing with current obstacles such as limited transmission capacity.

As for on-reservation energy needs, there is much to be done. A recent Department of Energy report estimated that 14.2 percent of all Native American homes on reservations have no access to electricity compared to just 1.4 percent of all U.S. households. The situation is especially acute on the Navajo Reservation where approximately 37 percent of Navajo homes do not have electricity. Moreover, the average Indian household spends 4 percent of its income on electricity, twice that of the average for all U.S. households. The high cost of energy is particularly harmful to reservation communities, where unemployment averages 43 percent. Another 33 percent who live in and around those communities earn wages below the poverty level. Given these statistics, it is clear that Indian tribes with substantial energy resources and high unemployment rates have a critical interest in enhancing their participation in the development of energy resources as well as providing electrical services to their reservation communities.

The bill being introduced today is a comprehensive approach to the energy issues facing Native Americans. I believe it will assist tribes to develop and utilize available energy supplies, thereby improving on-reservation quality of life while also assisting tribes as they continue to move towards economic self-sufficiency. I look forward to working with my colleagues on this bill and am hopeful that this important legislation can be enacted this year.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Tribal Energy Self-Sufficiency Act".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—INDIAN ENERGY

Sec. 101. Comprehensive Indian energy program.
Sec. 102. Office of Indian Energy Policy and Programs.
Sec. 103. Siting of energy facilities on tribal land.
Sec. 104. Indian mineral development review.
Sec. 105. Renewable energy study.
Sec. 106. Federal power marketing administrations.
Sec. 107. Feasibility study for combined wind and hydropower demonstration project.
Sec. 108. Transmission line demonstration project.

TITLE II—RENEWABLE ENERGY AND RURAL CONSTRUCTION GRANTS

Sec. 201. Renewable energy production incentive.

TITLE III—ENERGY EFFICIENCY AND ASSISTANCE TO LOW-INCOME CONSUMERS

Sec. 301. Low-income community energy efficiency pilot program.
Sec. 302. Rural and remote community electrification grants.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—INDIAN ENERGY

SEC. 101. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding after section 2606 the following:

"SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

"(a) Definitions.—In this section:

"(1) Director.—The term 'Director' means the Director of the Office of Indian Energy Policy and Programs of the Department of Energy.

"(2) Indian land.—The term 'Indian land' means—

"(A) any land within the limits of an Indian reservation, pueblo, or rancheria;

"(B) any land not within the limits of an Indian reservation, pueblo, or rancheria, title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe;

"(ii) by an Indian tribe subject to restriction by the United States against alienation; or

"(iii) by a dependent Indian community; and

"(C) land conveyed to an Alaska Native corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(b) Indian Energy Education Planning and Management Assistance.—

"(1) In general.—The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

"(2) Grants.—In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe for use in carrying out—

"(A) renewable energy, nonrenewable energy, energy efficiency, and energy conservation programs;

"(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

"(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

"(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

"(3) Formula.—

"(A) In general.—The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

"(B) Considerations.—In developing a formula under subparagraph (A), the Director may take into account—

"(i) the number of acres of Indian land owned by an Indian tribe;

"(ii) the number of households on the Indian land of an Indian tribe;

"(iii) the number of households on the Indian land of an Indian tribe that have no electric service or are underserved; and

"(iv) financial or other assets available to the Indian tribe from any source.

"(4) Priority.—In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

"(5) Regulations.—The Secretary may promulgate such regulations as the Secretary determines are necessary to carry out this subsection.

"(6) Authorization of appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2003 through 2010.

"(c) Loan Guarantee Program.—

"(1) Authority.—Subject to paragraph (3), the Secretary may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for—

"(A) energy development (including the planning, development, construction, and maintenance of electrical generation plants); and

"(B) for transmission and delivery mechanisms for electricity produced on Indian land.

"(2) Lenders.—A loan guaranteed under this subsection shall be made by—

"(A) a financial institution subject to examination by the Secretary; or

"(B) an Indian tribe, from funds of the Indian tribe.

"(3) Limitation on amount.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

"(4) Regulations.—The Secretary may promulgate such regulations as the Secretary determines are necessary to carry out this subsection.

"(5) Funding.—

"(A) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(B) Availability.—Funds made available under subparagraph (A) shall remain available until expended.

"(d) Indian Energy Preference.—

"(1) In general.—A Federal agency or department may give, in the purchase of electricity, oil, gas, coal, or any other energy product or byproduct, preference in the purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization the majority of the interest in which is owned and controlled by an Indian tribe.

"(2) Price of products.—In carrying out this subsection, a Federal agency or department shall—

"(A) pay not more than the prevailing market price for an energy product or byproduct; and

"(B) shall obtain not less than existing market terms and conditions.".

SEC. 102. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

(a) In General.—Title II of the Department of Energy Organization Act (7 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 217. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

"(a) Establishment.—

"(1) In general.—There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the 'Office').

"(2) Director.—The Office shall be headed by a Director, who shall be—

"(A) appointed by the Secretary; and

"(B) compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) Duties of Director.—The Director shall—

"(1) in accordance with Federal policies for the promotion of tribal sovereignty and self-determination, provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(A) promote tribal energy efficiency and use;

"(B) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure relating to natural resource development and electrification;

"(C) lower or stabilize energy costs; and

"(D) electrify tribal land and the homes of tribal members; and

"(2) carry out the duties assigned to the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).".

(b) Conforming Amendments.—

(1) Authorization of appropriations.—Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended by striking subsection (c) and inserting the following:

"(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2003 through 2010.".

(2) Table of contents.—The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "Sec."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.
"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.
"Sec. 215. Office of Counterintelligence.
"Sec. 216. Office of Intelligence.
"Sec. 217. Office of Indian Energy Policy and Programs.".

(3) Executive schedule.—Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 103. SITING OF ENERGY FACILITIES ON TRIBAL LAND.

(a) Definitions.—In this section:

(1) Indian tribe.—

(A) In general.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(B) Exclusions.—The term "Indian tribe" does not include any Regional Corporation or Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(2) Interested party.—The term "interested party" means a State or other person the interests of which could be adversely affected by a decision of an Indian tribe to grant a lease or right-of-way in accordance with to this section.

(3) Petition.—The term "petition" means a written request submitted to the Secretary for the review of an action (including inaction) of an Indian tribe that is claimed to be in violation of tribal regulations approved under subsection (f).

(4) Reservation.—The term "reservation" means—

(A) with respect to a reservation in a State other than the State of Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination; and

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe; and

(ii) within the boundaries of the last reservation of the Indian tribe that was established by treaty, executive order, or secretarial order.

(5) Secretary.—The term 'Secretary' means the Secretary of the Interior.

(6) Tribal land.—The term 'tribal land' means any—

(A) tribal trust land; or

(B) other land owned by an Indian tribe that is located within the reservation of the Indian tribe.

(b) Leases Involving Electric Generation, Transmission, Distribution, or Processing Facilities.—

(1) In general.—An Indian tribe may grant a lease of tribal land for—

(A) an electric generation, transmission, or distribution facility; or

(B) a facility to refine or otherwise process renewable or nonrenewable energy resources developed on tribal land.

(2) Approval not required.—A lease described in paragraph (1) shall not require the approval of the Secretary if—

(A) the lease is executed under tribal regulations approved by the Secretary under this subsection; and

(B) the term of the lease does not exceed 30 years.

(c) Rights-of-Way for Electric Generation, Transmission, Distribution, or Processing Facilities.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without separate approval by the Secretary if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary;

(2) the term of the right-of-way does not exceed 30 years; and

(3) the pipeline or electric transmission or distribution line serves—

(A) an electric generation, transmission or distribution facility located on tribal land; or

(B) a facility located on tribal land that refines or otherwise processes renewable or nonrenewable energy resources developed on tribal land.

(d) Validity of Leases and Rights-of-Way.—No lease or right-of-way granted under this section shall be valid unless authorized in compliance with applicable tribal regulations approved under subsection (f).

(e) Renewals.—Leases or rights-of-way entered into under this section may be renewed at the discretion of the Indian tribe making the grant of the lease or right-of-way in accordance with this section.

(f) Tribal Regulation Requirements.—

(1) In general.—The Secretary shall approve or disapprove tribal regulations required under this subsection.

(2) Conditions for approval.—The Secretary shall approve tribal regulations described in paragraph (1) if the Secretary determines that the regulations—

(A) are comprehensive in nature;

(B) include provisions that address—

(i) securing necessary information from the lessee or right-of-way applicant;

(ii) the term of any conveyance;

(iii) amendments and renewals;

(iv) consideration for a lease or right-of-way;

(v) technical or other relevant requirements;

(vi) requirements for environmental review as described in paragraph (3);

(vii) requirements for complying with all applicable environmental laws;

(viii) the identification of final approval authority; and

(ix) the provision of public notification of final approvals; and

(C) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with a lease or right-of-way proposed to be granted.

(3) ENVIRONMENTAL REVIEW PROCESS.—An Indian tribe shall establish an environmental review process that includes—

(A) an identification and evaluation of all significant environmental impacts of the proposed action as compared to a no action alternative;

(B) identification of proposed mitigation;

(C) a process for ensuring that the public is informed of and has an opportunity to comment on the proposed action prior to tribal approval of the lease or right-of-way; and

(D) sufficient administrative support and technical capability to carry out the environmental review process.

(4) PERIOD FOR APPROVAL OR DISAPPROVAL.—

(A) IN GENERAL.—Not later than 270 days after the date of submission by an Indian tribe to the Secretary of tribal regulations under this subsection, the Secretary—

(i) may provide notice and an opportunity for public comment on the regulations; and

(ii) shall approve or disapprove the regulations.

(B) FORM OF DISAPPROVAL.—Any disapproval by the Secretary of tribal regulations described in subparagraph (A) shall be accompanied by—

(i) written documentation that describes the basis for the disapproval; and

(ii) a description of changes or other actions required to address concerns of the Secretary.

(C) EXTENSION.—The Secretary may extend the deadline specified in subparagraph (A) for an Indian tribe after consultation with the Indian tribe.

(5) DUTIES OF INDIAN TRIBE.—If an Indian tribe executes a lease or right-of-way in accordance with tribal regulations required under this subsection, the Indian tribe shall provide to the Secretary—

(A) a copy of the lease or right-of-way document (including all amendments and renewals to the lease or document); and

(B) in the case of tribal regulations or a lease or right-of-way that permits payment to be made directly to the Indian tribe, documentation of the payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

(6) NO LIABILITY FOR LOSSES.—The United States shall not be liable for any loss sustained by any party (including any Indian tribe or member of an Indian tribe) to a lease executed in accordance with tribal regulations under this subsection.

(7) VIOLATIONS.—

(A) PETITIONS.—

(i) IN GENERAL.—An interested party may, after exhaustion of tribal remedies, submit to the Secretary, in a timely manner, a petition for the review of compliance of an Indian tribe with any tribal regulations approved under this subsection.

(ii) DEADLINE FOR CONDUCT OF REVIEW.—The Secretary shall conduct any such review under clause (i) as the Secretary determines to be necessary not later than 90 days after the date of receipt of a petition described in clause (i).

(B) DETERMINATION OF VIOLATION.—If, on completion of a review of tribal regulations under subparagraph (A), the Secretary determines that the regulations were violated, the Secretary may take such action as the Secretary determines to be necessary to remedy the violation, including—

(i) rescinding or holding any applicable lease or right-of-way in abeyance until the violation is cured; and

(ii)(I) rescinding the approval of the tribal regulations; and

(II) reassuming responsibility for approval of leases or rights-of-way associated with the facilities covered by those leases or rights-of-way.

(C) ACTIONS OF SECRETARY.—If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

(i) make a written determination with respect to the regulations that have been violated;

(ii) provide to the applicable Indian tribe a written notice of the violation and a copy of the written determination described in clause (i); and

(iii) prior to the exercise of any remedy or the rescission of the approval of the regulations involved and reassumption of responsibility for approval of any lease or right-of-way, provide for the Indian tribe a hearing and a reasonable opportunity to cure the alleged violation.

(D) APPEAL.—An Indian tribe that is determined by the Secretary under this paragraph to have violated tribal regulations under this subsection shall retain all rights to appeal as provided by regulations promulgated by the Secretary.

(g) AGREEMENTS.—

(1) IN GENERAL.—An agreement between an Indian tribe and a business entity that is directly associated with the development of an electric generation, transmission, or distribution facility, or a facility to refine or otherwise process renewable or nonrenewable energy resources developed on tribal land, shall not require the separate approval of the Secretary in accordance with section 2103 of the Revised Statutes (25 U.S.C. 81) if the activity that is the subject of the agreement has been the subject of an environmental review process under subsection (f)(3).

(2) NO LIABILITY FOR LOSS.—The United States shall not be liable for any loss sustained by any party (including any Indian tribe or member of an Indian tribe) associated with an agreement entered into under this subsection.

(h) NO EFFECT ON OTHER LAW.—Nothing in this section modifies or otherwise affects the applicability of any provision of—

(1) the Act of May 11, 1938 (commonly known as the "Indian Mineral Leasing Act of 1938") (25 U.S.C. 396a et seq.);

(2) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

(3) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

(4) any environmental law of the United States.

SEC. 104. INDIAN MINERAL DEVELOPMENT REVIEW.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a review of the activities that, as of the date of enactment of this Act, have been carried out by governments of Indian tribes under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the review;

(2) recommendations to ensure that Indian tribes have the opportunity to develop nonrenewable energy resources; and

(3) an analysis of the barriers to the development of energy resources on Indian land, including Federal policies and regulations and recommendations regarding the removal of those barriers.

(c) CONSULTATION.—In developing the report and recommendations under this section, the Secretary of the Interior shall consult with Indian tribes on a government-to-government basis.

SEC. 105. RENEWABLE ENERGY STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate and the Committee on Energy and Commerce and the Committee on Resources of the House of Representatives a report that—

(1) describes energy consumption and renewable energy development potential on Indian land;

(2) identifies barriers to the development of renewable energy by Indian tribes, including Federal policies and regulations; and

(3) makes recommendations regarding the removal of those barriers.

(b) CONSULTATION.—In developing the report and recommendations under this section, the Secretary shall consult with Indian tribes on a government-to-government basis.

SEC. 106. FEDERAL POWER MARKETING ADMINISTRATIONS.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) (as amended by section 101) is amended by adding at the end the following:

"SEC. 2608. FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means—

"(A) the Administrator of the Bonneville Power Administration; and

"(B) the Administrator of the Western Area Power Administration.

"(2) POWER MARKETING ADMINISTRATION.—The term 'power marketing administration' means—

"(A) the Bonneville Power Administration;

"(B) the Western Area Power Administration; and

"(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

"(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

"(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section—

“(1) each Administrator shall consider the unique relationship that exists between the Federal Government and Indian tribes;

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to firm Indian-owned renewable energy projects for delivery of loads located on Indian land; and

“(3) the Administrator of the Western Area Power Administration may purchase renewable or nonrenewable power from Indian tribes to meet the firming requirements of the Western Area Power Administration.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

“(1) IN GENERAL.—An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) COSTS.—The costs of technical assistance provided under paragraph (1) shall be funded—

“(A) by the Administrator using nonreimbursable funds appropriated for that purpose; or

“(B) by the applicable Indian tribes.

“(3) PRIORITY FOR ASSISTANCE FOR TRANSMISSION STUDIES.—In providing discretionary assistance to Indian tribes under paragraph (1), each Administrator shall give priority in funding to Indian tribes that have limited financial capability to acquire that assistance.

“(e) POWER ALLOCATION STUDY.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate and the Committee on Energy and Commerce and the Committee on Resources of the House of Representatives a report that—

“(A) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(B) identifies—

“(i) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

“(ii) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(iii) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities—

“(I) to remove those barriers; and

“(II) improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

“(2) CONSULTATION.—In developing the report under paragraph (1), each power marketing administration shall consult with Indian tribes on a government-to-government basis.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $750,000 for each of fiscal years 2003 through 2013.”.

SEC. 107. FEASIBILITY STUDY FOR COMBINED WIND AND HYDROPOWER DEMONSTRATION PROJECT.

(a) STUDY.—The Secretary, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(b) SCOPE OF STUDY.—The study shall—

(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

(4) include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration;

(5) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(6) include an independent tribal engineer as a study team member.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

(1) an analysis of the potential energy cost savings to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

(4) an identification of—

(A) the economic and environmental benefits to be realized through such a Federal-tribal partnership; and

(B) the manner in which such a partnership could contribute to the energy security of the United States.

(d) CONSULTATION.—In developing the report and recommendations under this section, the Secretary and the Secretary of the Army shall consult with applicable Indian tribes on a government-to-government basis.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000, to remain available until expended.

(2) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Western Area Power Administration in carrying out this section shall be nonreimbursable.

SEC. 108. TRANSMISSION LINE DEMONSTRATION PROJECT.

The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance under the demonstration program authorized by section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

TITLE II—RENEWABLE ENERGY AND RURAL CONSTRUCTION GRANTS

SEC. 201. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended in the third and fourth sentences by striking “payment and which satisfies” and all that follows through “Secretary shall establish.” and inserting the following: “payment. The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.”.

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking “a State or any political” and all that follows through “nonprofit electrical cooperative” and inserting the following: “a nonprofit electrical cooperative, a public utility, a State, territory, or possession of the United States, the District of Columbia (or a political subdivision of a State, territory, or possession or the District of Columbia), or an Indian tribal government (or subdivision of an Indian tribal government),”; and

(2) by inserting “landfill gas, incremental hydropower, ocean” after “wind, biomass,”.

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking “during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section” and inserting “before October 1, 2013”.

(d) PAYMENT PERIOD.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended in the second sentence by inserting “or in which the Secretary determines that all necessary Federal and State authorizations have been obtained to begin construction of the facility” after “eligible for such payments”.

(e) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended in the first sentence by inserting “landfill gas, incremental hydropower, ocean” after “wind, biomass,”.

(f) TERMINATION OF AUTHORITY.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking “the expiration of” and all that follows through “of this section” and inserting “September 30, 2023”.

(g) INCREMENTAL HYDROPOWER; AUTHORIZATION OF APPROPRIATIONS.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended by striking subsection (g) and inserting the following:

“(g) INCREMENTAL HYDROPOWER.—

“(1) DEFINITION OF INCREMENTAL HYDROPOWER.—In this subsection, the term ‘incremental hydropower’ means additional generating capacity achieved from increased efficiency or an addition of new capacity at a hydroelectric facility in existence on the date of enactment of this paragraph.

“(2) PROGRAMS.—Subject to subsection (h)(2), if an incremental hydropower program meets the requirements of this section, as determined by the Secretary, the incremental hydropower program shall be eligible to receive incentive payments under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2003 through 2023.

"(2) LIMITATION ON FUNDS USED FOR INCREMENTAL HYDROPOWER PROGRAMS.—Not more than 30 percent of the amounts made available under paragraph (1) shall be used to carry out programs described in subsection (g)(2).

"(3) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.".

TITLE III—ENERGY EFFICIENCY AND ASSISTANCE TO LOW-INCOME CONSUMERS

SEC. 301. LOW-INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—

(1) IN GENERAL.—In this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) INCLUSIONS.—In this section, the term "Indian tribe" includes an Alaskan Native village, Regional Corporation, and Village Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) GRANTS TO LOCAL GOVERNMENT, NONPROFIT, AND TRIBAL ENTITIES.—The Secretary may provide grants to units of local government, private, nonprofit community development organizations, and tribal economic development entities for use in—

(1) improving energy efficiency;

(2) identifying and developing alternative renewable and distributed energy supplies; and

(3) increasing energy conservation in low-income rural and urban communities.

(c) COMPETITIVE GRANTS.—In addition to grants described in subsection (b), the Secretary may provide grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low-income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2003 through 2005.

SEC. 302. RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding at the end the following:

"(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(i) a unit of local government of a State or Territory;

"(ii) an Indian tribe; and

"(iii) a tribal college or university.

"(B) INDIAN TRIBE.—

"(i) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(ii) INCLUSIONS.—The term "Indian tribe" includes a Alaskan Native village, Regional Corporation, and Village Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

"(C) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3))).

"(2) GRANTS.—The Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide to an eligible entity 1 or more grants for the purpose of—

"(A) increasing energy efficiency;

"(B) siting or upgrading transmission and distribution lines; or

"(C) providing or modernizing electric facilities.

"(3) GRANT CRITERIA.—The Secretary shall provide grants under this subsection based on a determination of the most effective and cost-efficient use of the funds to achieve the purposes of this subsection.

"(4) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to renewable energy facilities.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of the 7 fiscal years following the fiscal year in which this subsection is enacted.".

Mr. INOUYE. Mr. President, I am pleased to join the distinguished former Chairman of the Committee on Energy and Natural Resources as an original co-sponsor of the Tribal Energy Self-Sufficiency Act.

This measure reflects the work of the House and Senate conferees on the comprehensive energy legislation in the last session of the Congress—the tribal provisions of the bill were approved by the conferees and it is those provisions which comprise the measure we introduce today.

We believe that the enactment of this measure will afford tribal governments the necessary authorizations and resources that they need to develop energy resources on their lands and thereby make a significant contribution to the Nation's energy needs.

We encourage our colleagues to support this measure as they did in the last session of the Congress.

By Mr. DASCHLE:

S. 425. A bill to revise the boundary of the Wind Cage National Park in the State of South Dakota; to the Committee on Energy and Natural Resources.

Mr. DASCHLE. Mr. President, today I am introducing the Wind Cave National Park Boundary Revision Act of 2003. The Senate unanimously approved this legislation late last fall, but it was not considered by the House of Representatives before Congress adjourned for the year. I hope that my colleagues will again support this effort and that we can see this bill signed into law.

Wind Cave National Park, located in southwestern South Dakota, is one of the Park System's precious natural treasures and one of the Nation's first national parks. The cave itself, after which the park is named, is one of the world's oldest, longest and most complex cave systems, with more than 103 miles of mapped tunnels. The cave is well known for its exceptional display of boxwork, a rare, honeycomb-shaped formation that protrudes from the cave's ceilings and walls. While the cave is the focal point of the park, the land above the cave is equally impressive, with 28,000 acres of rolling meadows, majestic forests, creeks, and streams. As one of the few remaining mixed-grass prairie ecostytems in the country, the park is home to abundant wildlife, such as bison, deer, elk and birds, and is a National Game Preserve.

The Wind Cave National Park Boundary Revision Act will help expand the park by approximately 20 percent in the southern "keyhole" region. This land is currently owned by a ranching family that wants to see it protected from development and preserved for future generations. The land is a natural extension of the park, and boasts the mixed-grass prairie and ponderosa pine forests found in the rest of the park, including a dramatic river canyon. The addition of this land will enhance recreation for hikers who come for the solitude of the park's back country. It will also protect archaeological sites, such as a buffalo jump, over which early native Americans once drove the bison they hunted, and improve fire management.

This plan to expand the park has strong, but not universal, support in the surrounding community. The community's views were expressed during a recent 60-day public comment period on the proposal. Most South Dakotans recognize the value in expanding the park, not only to encourage additional tourism in the Black Hills, but to permanently protect these extraordinary lands for future generations of Americans to enjoy. Understandably, however, some are legitimately concerned about the potential loss of hunting opportunities and local tax revenue.

Governor Janklow has expressed his conditional support for the park expansion, stating that there must be no reduction in the amount of lands with public access that can currently be hunted, that there must be no loss of tax revenue to the county from the expansion, and that chronic wasting disease issue must be dealt with effectively. These are reasonable conditions that should be met as this process moves forward.

The legislation I am introducing today protects hunting opportunities for sportsmen by excluding 880 acres of School and Public Lands property from the expansion. In addition, Wind Cave National Park and the Trust for Public Lands are working with interested parties to find a way to offset the loss of local county tax revenues. Finally, I understand that the South Dakota Game, Fish, and Parks Department has reached an agreement with Wind Cave officials to expand research into chronic wasting disease, which will benefit wildlife populations nationwide. I am satisfied that the legitimate concerns about the potential expansion have been effectively addressed and today am moving forward to begin the legislative phase of this process.

In conclusion, Wind Cave National Park has been a valued American treasure for nearly 100 years. We have an opportunity with this legislation to expand the park and enhance its value to the public so that visitors will enjoy it even more during the next 100 years. It is my hope that my colleagues will again support this expansion of the park and pass this legislation in the near future.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wind Cave National Park Boundary Revision Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) PARK.—The term "Park" means the Wind Cave National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of South Dakota.

SEC. 3. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 3(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

SEC. 5. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

By Mr. DASCHLE:

S. 426. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the Stat of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DASCHLE. Mr. President, today I am introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003. This proposal is the culmination of more than 4 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

The bill I'm introducing today is the result of consultations with the Energy and Natural Resources Committee when it considered the bill last July. The committee incorporated changes to the legislation that will ensure a smooth transition of land from federal to private ownership, increase county tax revenues, as well as provide the tools and future funding necessary to help the state of South Dakota improve wildlife habitat and public hunting opportunities. The Senate unanimously approved this legislation late last fall, but it was not considered by the House of Representatives before Congress adjourned for the year. I hope that my colleagues will once again support this effort, and that we can see this bill signed into law.

To more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90-453 authorized construction and operation of the initial stage of this unit. The purposes of the Oahe Unit, as authorized, were to provide for the immigration of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project. The principal features of the initial stage of the project included the Oahe pumping plant, located near Oahe Dam, to pump water from the Oahe Reservoir; a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and, the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east Pierre, SD.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal Government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres usually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of Presidents Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the fiscal year 1978 appropriations. Thus, all major construction contract activities ceased, and land acquisition was halted.

The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave those persons who willingly had sold their lands to the project, and their descendants, the right to lease those lands and use them as they had in the past until they were needed by the Federal Government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preferential lease basis for those original landowners or their descendants, and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 4,304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized under the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Sharpe Reservoir, cause the loss of approximately 221,000 acres of fertile, wooded bottomland that constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species now listed as threatened or endangered. Meriwether Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, "Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom."

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105–277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal Government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, as well as representatives of sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow former Blunt Reservoir and Pierre Canal landowners to repurchase their former lands, on which they currently hold preferential leases, from the Bureau of Reclamation, BOR. The bill also will transfer non-preferentially-leased lands and unleased lands to the South Dakota Department of Game, Fish, and Parks, GFP, as part of its broader plan to restore wildlife habitat that was lost due to the construction of the Missouri River dams. Under the provisions agreed to by the Senate Energy and Natural Resources Committee last summer, the South Dakota Commission of School and Public Lands would be responsible for working out the terms for selling the preferentially-leased lands to the former landowners.

The bill will not only rightfully return property to South Dakotans, but also ensure the viability of the local land and tax bases. The legislation authorizes the creation of a trust fund that would be used to create a trust fund to pay the local taxes on those lands transferred to State. The trust fund would be through future appropriations by Congress.

The State of South Dakota, the Federal Government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota's wildlife resources.

Again, I am hopeful the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 60—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and, Oct. 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate; (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,288,413, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $2,269,014, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff or such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $967,696, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganizations Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, February 14, 2003 at 9:30 a.m., for a hearing entitled "Consolidating Intelligence Analysis: A Review of the President's Proposal to Create a Terrorist Threat Integration Center."

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader or the assistant majority leader be authorized to sign duly enrolled bills or Joint Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 3

Mr. FRIST. I understand S. 3, introduced earlier today by Senator SANTORUM, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion.

Mr. FRIST. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 13

Mr. FRIST. I understand that S. 13, introduced earlier today by Senator KYL, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 13) to provide financial security to family farm and small-business owners by ending the unfair practice of taxing someone at death.

Mr. FRIST. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 414

Mr. FRIST. Mr. President, I understand S. 414, introduced earlier today by Senator DASCHLE, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 414) to provide an economic stimulus package, and for other purposes.

Mr. FRIST. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, FEBRUARY 24, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, February 24. I further ask unanimous consent that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and as previously ordered, Senator CHAMBLISS be recognized to deliver President Washington's Farewell address.

I further ask unanimous consent that upon the conclusion of the reading of the Farewell Address, the Senate return to executive session and resume consideration of the nomination of Miguel Estrada to be a Circuit Judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of Senators, when the Senate reconvenes, Senator CHAMBLISS will lead us in the time-honored tradition of reading President Washington's Farewell Address. Following the reading, the Senate will return to the consideration of the nomination of Miguel Estrada.

Once again, I encourage Members to come to the floor on that day, to make their statements regarding this nominee. Today is the seventh day we have considered the nomination. I remain optimistic, however, that upon our return my colleagues on the other side of the aisle will allow us to lock in a time certain for a vote on the confirmation of this important nomination.

We have a number of important issues that will need to be addressed during the first session of this Congress. Therefore, I hope we can get past this delay and let the Senate work its will on this nomination.

Under a previous order, at 3:30 p.m. the Senate will proceed to the consideration of S. 151, the PROTECT Act. There will be 2 hours of debate on the bill prior to a vote on passage. Therefore, Members should expect the next rollcall vote to occur on Monday, February 24, at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 24, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 4.

There being no objection, the Senate, at 12:58 p.m., adjourned until Monday, February 24, 2003, at noon.

NOMINATIONS

Executive nominations received by the Senate February 14, 2003:

DEPARTMENT OF STATE

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

THE JUDICIARY

LAWRENCE B. HAGEL, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE RONALD M. HOLDAWAY, RETIRED.

DEPARTMENT OF TRANSPORTATION

ELLEN G. ENGLEMAN, OF INDIANA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD

FOR A TERM OF TWO YEARS, VICE MARION BLAKEY, RESIGNED.

ELLEN G. ENGLEMAN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2007, VICE JOHN ARTHUR HAMMERSCHMIDT, TERM EXPIRED.

DEPARTMENT OF HOMELAND SECURITY

CHARLES E. MCQUEARY, OF NORTH CAROLINA, TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

SENATE—*Monday, February 24, 2003*

The Senate met at 12 noon and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

On this day when George Washington's Farewell Address is read, it is appropriate that our prayer today be his "Prayer for the United States of America," exactly as it is preserved in the chapel at Valley Forge.

Let us pray:

"Almighty God; We make our earnest prayer that Thou wilt keep the United States in Thy Holy protection; that Thou wilt incline the hearts of the Citizens to cultivate a spirit of subordination and obedience to Government, and entertain a brotherly affection and love for one another and for their fellow Citizens of the United States at large.

"And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that Charity, humility, and pacific temper of mind which were the Characteristics of the Divine Author of our blessed Religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.

"Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 24, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ALLEN thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

DR. AND MRS. OGILVIE

Mr. REID. Mr. President, prior to the distinguished Senator from Georgia beginning the reading of the statement, Dr. Ogilvie is not in the Chamber often. He is in the process of moving to California. We have had a number of guest Chaplains in the last several weeks, and while he is here, I wanted to say from a personal perspective how much I enjoyed meeting him and getting to know him. I think the time I got to know him the best was the first time I saw him perform at a funeral. That was in Georgia for Paul Coverdell. He did such an outstanding job. He made everyone there feel Senator Coverdell's life was so meaningful.

I have also worked with him on a number of matters dealing with Senate personnel. He has always been open and easy to contact. The people with whom he counsels have been better for having had Dr. Ogilvie work with them. The Senate will miss him. I wish him well, and especially for the recovery of his wife. I certainly hope that works out well.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator from Nevada for his expressing the views of all Senators and their families.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Georgia, Mr. CHAMBLISS, is recognized to read George Washington's Farewell Address.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I am honored today to read George Washington's Farewell Address before the Senate. The tradition of reading this historical document was begun in 1893 and has continued each year with the exception of 1895. I am humbled to sign my name to the list of Senators who have been privileged to read the Farewell Address in observance of Washington's birthday, especially those from my home State of Georgia, Senators Augustus Bacon and Walter F. George.

George Washington, the first President of the United States, was a legend in his own right by 1796, the year that the address was published. Americans knew Washington as the "Father of our Country." He was chosen to serve two Presidential terms, and could easily have served a third term with tremendous support from his fellow countrymen.

Washington was a man of high moral character and integrity. He was a farmer, a military general, and a strong political leader whose leadership helped shape the foundation of our Government by balancing a strong central authority with the union of States that held our fledgling Nation together. Washington's leadership earned him the well-deserved title, "Father of our Country." After the President's death, Congressman Henry Lee, speaking on behalf of the House of Representatives, described him as "the first in war, the first in peace, and first in the hearts of his countrymen."

Washington's Farewell Address was printed in newspapers across the Nation to convey his decision of voluntary retirement. George Washington's retirement after serving two terms may not sound odd to us in this day and time, but we must remember that before Washington the only known entity to rule this country was the English monarchy. With Washington's voluntary retirement, a precedent was set regarding the Office of the President. A statement was made about this announcement, which was although the person who serves in the Office of the President may be disposable, the Office of the President will always be indispensable. This precedent was the fundamental difference between the European monarchy and the Office of the President of the United States of America.

Over time many historians have interpreted different meanings from the address. Washington's Farewell Address was a communication to his fellow countrymen, I believe, to advise the country on how to sustain national unity and purpose with or without him as President. This fundamental advice has stood the test of time, and will do so, I am sure, for many generations to come. Interestingly, many of the maxims set forth in the address are still applicable today.

Mr. CHAMBLISS, at the rostrum, read the Farewell Address, as follows:

The Farewell Address of President George Washington, September 19, 1796:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

The PRESIDING OFFICER. The Chair wishes to thank the Senator from Georgia for his outstanding elocution in delivering George Washington's Farewell Address. It was an outstanding presentation.

Mr. CHAMBLISS. I thank the Presiding Officer.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER (Mr. CHAMBLISS). Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, as I listened to the distinguished Senator from Georgia recite the Farewell Address of George Washington dating back to 1796, I could not help but think how the Founding Fathers must regard the debate on the confirmation of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit that we have been having for 3 weeks. I rise this afternoon, at the beginning of that third week of Senate debate, with grave concerns about the judicial confirmation process and about how that process is being applied in this particular case.

I am saddened to say I believe the process has degenerated into one where double standards are being applied, and games of payback that are really beneath the dignity of this institution. I have actually heard with my own ears, as the junior Senator from New York has said, that Democrat obstructionism in this instance is justified by the manner in which confirmation proceedings have occurred in the past, using a phrase like "what is good for the goose is good for the gander."

That kind of language, that kind of attitude, that kind of conduct in this Chamber is deeply disconcerting to me, and I suspect to all the American people. As I have had the opportunity to say previously, many of us, myself included, were not in the Senate when these perceived slights took place in the past, but I believe what we need is a fresh start with regard to judicial nominations and the judicial confirmation process, one where Presidential nominees can be given a timely hearing and then voted up or down without unnecessary delay and gamesmanship. Only then can we discharge our responsibility and get on with the business the American people have sent us to do, putting the public interests and not special interests first.

In this instance, I am not just concerned about the unfair delays—in fact, Mr. Estrada was nominated by the President on May 9, 2001—I am also concerned about unfair standards, double standards. Those who oppose Mr. Estrada's confirmation will apparently stop at nothing to obstruct it. It must be a terrible dilemma indeed for those who oppose this nomination because for them to win, the American dream must lose.

Of course, the time to vote has come and gone. Yet we have only delay and obstruction. It does not affect only this one nomination. On every day the Senate has been in session since February 5, Members of this body have extensively and exhaustively debated this nomination. Precious Senate time, energy, and attention that could have been devoted to getting the Nation's business done has simply been delayed: Things such as getting the economy moving again, strengthening our national security, protecting our homeland, modernizing and strengthening Medicare.

This time has been squandered by endlessly debating an obviously and extremely qualified nominee. So many other challenges needing this body's attention have been hijacked by this delay and by those who will not even allow a vote on Mr. Estrada's nomination, a truly selfish and unprecedented act.

The debates on this issue have run into the late hours of the day and even into the wee hours of the night. It is time, indeed it is long past time, to bring this debate to a close.

We have returned after the President's Day recess, and I hope others will join with me as I join President Bush in calling for a vote on Mr. Estrada's nomination today.

Unfortunately, the Democratic leadership strategy is clear: Delay the nomination indefinitely in the belief that Mr. Estrada's countless supporters across this Nation and across the political spectrum will eventually grow tired and give up hope. These same leaders seek to defeat Mr. Estrada, even though he commands the support of a bipartisan majority of the Senate, and they want to deny the President his plan to place Mr. Estrada, a role model for countless immigrants and an inspiration to all Americans, on to one of the most prestigious Federal courts in all the land.

It is worth recounting who is Miguel Estrada. He is an individual of extraordinarily high academic achievement, having graduated magna cum laude from both Columbia and Harvard Law School, and having been an editor on the Harvard Law Review. He is an individual who has already served the public with great distinction, as a law clerk to one of President Jimmy Carter's most respected appointees on the Federal courts of appeals, as a law clerk to U.S. Supreme Court Justice Anthony Kennedy, as an Assistant U.S. Attorney, and as an Assistant to the Solicitor General during the first Bush and Clinton administrations. This is an individual who has argued 15 appeals to the U.S. Supreme Court, the legal equivalent of the Super Bowl, reserved for only the Nation's very top lawyers.

This is an individual who has been endorsed by numerous top Clinton administration lawyers and officials, including Vice President Gore's former chief of staff and a former chief counsel to the Senate Judiciary Committee, Ron Klain, the Clinton Justice Department Solicitor General, Seth Waxman, and several other high-ranking Clinton administration officials. This is an individual who has been supported by numerous Hispanic organizations, including the League of United Latin American Citizens, the National Hispanic Bar Association, the U.S. Hispanic Chamber of Commerce, and the Latino Coalition, to name but a few.

Miguel Estrada is an individual who was not born in this country but who came here at age 17 from his native Honduras barely speaking English. This is an individual described by the oldest and largest Hispanic organization in the United States as "truly one of the rising stars in the Hispanic community and a role model for our youth." This is an individual who has been rated unanimously well qualified by the American Bar Association, which some of my Democratic colleagues have referred to as the "gold standard" in judicial confirmation proceedings. And yes, this is an individual who embodies the realization of the American dream for immigrants throughout our land. It is no wonder that today, the beginning of the third week of debate on this exceptional individual's nomination to the Federal bench, that a bipartisan majority of the Senate stand ready to confirm him right now without any further debate or discussion.

We need to do what the American people have sent us here to do. We need to vote. The Democratic leadership has tried to convince Members of this body to vote against confirmation. But because those leaders have failed to make the case for voting this nominee down, they are now left with one alternative, and that is obstructing any vote on this nominee.

There is simply no reasonable case for refusing confirmation of this individual to the U.S. Court of Appeals for the D.C. Circuit. Yet it seems that the Democratic leadership is obsessed with obstruction. Before the November election in 2002, they obstructed President Bush's proposal to create a Department of Homeland Security to better ensure the protection of the United States and the American people in the event of further terrorist attacks. They have obstructed President Bush's proposal to stimulate the economy by making the 2001 tax cuts permanent, leaving the economy flat and too many Americans out of work. They also failed to pass a budget for the Federal Government last year.

Because of their obstruction, much of our time since January 7, 2003, when this Congress convened, has simply been devoted to cleaning up the mess left by the failure to get the job done last year under their leadership. And today they are obstructing a vote on President Bush's appointment of one of the most talented lawyers in our Nation to the Federal bench.

The Democratic leadership seems particularly obsessed and preoccupied with obstructing Mr. Estrada's confirmation. I have wondered why that is. As I have already explained, he is an exceptionally qualified attorney and has an inspiring personal story. The Democratic leadership does not rebut any of that record, and they cannot point to any evidence that Mr. Estrada will not be a fair and just member of the Federal bench who will interpret the law as written, without injecting his personal agenda or political views. Nor can they rebut his stellar record of government service as a law clerk on the U.S. Supreme Court and as a career Justice Department attorney, working under Democrats and Republicans alike. Nor can they rebut the fact that the American Bar Association has unanimously given him the highest possible rating of well qualified.

So you might ask, why are they picking on Mr. Estrada? When I was back home in Texas last week during the Presidents Day recess, I read an editorial from the Dallas Morning News that perhaps gives us some clue as to why the Democratic leadership is so obsessed with obstructing Mr. Estrada's confirmation. They said: "There is a time for talking and a time for voting. The time has passed for the U.S. Senate to talk about Mr. Estrada's nomination. It is time to vote. . . . But . . . Democrats don't relish giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods during his reelection campaign next year."

I could not put it any better myself. The Democratic leadership wants to deny President Bush the opportunity to make history by placing an American success story, an exceptionally talented attorney, and the pride of the Hispanic community on one of the most prestigious courts in this country. Why? I am sorry to say, the answer is for petty partisan purposes. The Democratic leadership is frantic to stop Mr. Estrada, even though a bipartisan majority of the Senate stands ready to confirm him.

But how do you do that? How do you convince a majority of Senators to vote against such an exceptional individual? When you have such an obviously qualified person in Mr. Estrada, there is only one thing that the Democratic leadership can do to stop him. There is only one tool of obstruction left and that is to change the rule and to create an unfair double standard.

Mr. President, the only tool of obstruction left for those who oppose this nominee is simply to change the rules. The American people will not stand for such unfair and childish behavior in the Senate.

Faced with a nomination of the President's exceptional nominee, the Democratic leadership has no real evidence, no real facts, no real justification with which to oppose Mr. Estrada. As the Austin American Statesman has editorialized: "If Democrats have something substantive to block Miguel Estrada's confirmation to the U.S. Court of Appeals for the District of Columbia, it's past time they share it."

I would refer Members to an excellent letter of February 12, 2003, signed by White House Counsel Alberto Gonzales, which responds to Senator DASCHLE's and Senator LEAHY's renewed request for confidential Department of Justice memos written while Mr. Estrada worked in the Office of Solicitor General, including for 4 years during the Clinton administration.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 12, 2003.

DEAR SENATOR DASCHLE AND SENATOR LEAHY: On behalf of President Bush, I write in response to your letter to the President dated February 11, 2003. In the letter, you renew your previous request for confidential Department of Justice memoranda in which Mr. Estrada provided appeal, certiorari, and amicus recommendations while he was a career attorney in the Office of Solicitor General for four years in the Clinton Administration and one year in the George H.W.

Bush Administration. You also request that Mr. Estrada answer certain questions beyond the extensive questions that he already answered appropriately and forthrightly during his Committee hearing and in follow-up written responses.

We respect the Senate's constitutional role in the confirmation process, and we agree that the Senate must make an informed judgment consistent with its traditional role and practices. However, your requests have no persuasive support in the history and precedent of judicial appointments. Indeed, the relevant history and precedent convincingly demonstrate that a new and shifting standard is being applied to Miguel Estrada.

First, as the Department of Justice explained in its letters of June 5, 2002, October 8, 2002, and January 23, 2003, all living former Solicitors General (four Democrats and three Republicans) have strongly opposed your request for Solicitor General memoranda and stated that it would sacrifice and compromise the ability of the Justice Department to effectively represent the United States in court. Even more telling, we are informed that the Senate has not requested memos such as these for any of the 67 appeals court nominees since 1977 who had previously worked in the Justice Department (including the seven nominees who had previously worked in the Solicitor General's office). The few isolated examples you have cited—in which targeted requests for particular documents about specific issues were accommodated for nominees to positions other than the U.S. Courts of Appeals—similarly do not support your request here.

Second, as explained more fully below with respect to your request that Mr. Estrada answer additional questions, the only specific question identified in your letter refers to this judicial role models. You claim that Mr. Estrada refused to answer a question on this topic. In fact, in his written responses to Senator DURBIN's question on this precise subject that Mr. Estrada submitted three months ago, he cited Justice Anthony Kennedy, Justice Lewis Powell, and Judge Amalya Kearse as judges he admires (he clerked for Justice Kennedy and Judge Kearse), and he further pointed out, of course, that he would seek to resolve cases as he analyzed them "without any preconception about how some other judge might approach the question." Your letter to the President ignores Mr. Estrada's answer to this question. In any event, beyond this one query, your letter does not pose any additional questions to him. Additionally, neither of you has posed any written questions to Mr. Estrada in the more than three months since his allday Committee hearing. Since the hearing, Mr. Estrada also has met (and continues to meet) with numerous Democrat Senators interested in learning more about his record. Finally, as I will explain below, Mr. Estrada forthrightly answered numerous questions about his judicial approach and views in a manner that matches or greatly exceeds answers demanded of previous appeals court nominees.

With respect, it appears that a double standard is being applied to Miguel Estrada. This is highly unfair and inappropriate, particularly for this well-qualified and well-respected nominee.

I will turn now in more detail to the various issues raised by your letter. I will address them at some length given the importance of this issue and the nature of your requests.

L. Miguel Estrada's Qualifications and Bipartisan Support

Miguel Estrada is an extraordinary qualified judicial nominee. The American Bar Association, which Senators LEAHY and SCHUMER have referred to as the "gold standard," unanimously rated Estrada "well qualified" for the D.C. Circuit, the ABA's highest possible rating. The ABA rating was entirely appropriate in light of Mr. Estrada's superb record as Assistant to the Solicitor General in the Clinton and George H.W. Bush Administrations, as a federal prosecutor in New York, as a law clerk to Justice Kennedy, and in performing significant pro bono work.

Some who are misinformed have seized on Mr. Estrada's lack of prior judicial experience, but five of the eight judges currently serving on the D.C. Circuit had not prior judicial experience, including two appointees of President Clinton and one appointee of President Carter. Miguel Estrada has tried numerous cases before federal juries, argued many cases in the federal appeals courts, and argued 15 cases before the Supreme Court of the United States. That is a record that few judicial nominees can match. And few lawyers, whatever there ideology or philosophy, have volunteered to represent a death row inmate pro bono before the Supreme Court as did Miguel Estrada.

Mr. Estrada's excellent legal qualifications are all the more extraordinary given his personal history. Simply put, Miguel Estrada is an American success story. He came to this country at age 17 from Honduras speaking little English. Through hard work and dedicated service to the United States, Miguel Estrada has risen to the very pinnacle of the legal profession. If confirmed, he would be the first Hispanic judge to sit on the U.S. Court of Appeals for the D.C. Circuit. Given his record, his background, and his integrity, it is no surprise that Miguel Estrada is strongly supported by the vast majority of national Hispanic organizations. The League of United Latin American Citizens (LULAC), for example, wrote to Senator LEAHY to urge Mr. Estrada's confirmation and explain that he "is truly one of the rising stars in the Hispanic community and a role model for our youth." A group of 19 Hispanic organizations, including LULAC and the Hispanic National Bar Association, recently wrote to the Senate urging "on behalf of an overwhelming majority of Hispanics in this country" that "both parties in the U.S. Senate . . . put partisan politics aside so that Hispanics are no longer denied representation in one of the most prestigious courts in the land."

The current effort to filibuster Mr. Estrada's nomination is particularly unjustified given that those who have worked with Miguel—including prominent Democratic lawyers whom you know well—strongly support his confirmation. For example, Ron Klain, who served as a high-ranking adviser to former Vice President Gore and former Chief Counsel to the Senate Judiciary Committee, wrote: "Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. . . . [T]he challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need."

President Clinton's Solicitor General, Seth Waxman, wrote: "During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. . . . In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected any consideration other than the long-term interests of the United States. I have great respect both for Mr. Estrada's intellect and for his integrity."

A bipartisan group of 14 former colleagues in the Office of the Solicitor General at the U.S. Department of Justice wrote: "We hold varying ideological views and affirmations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints." One former colleague, Richard Seamon, wrote that he is a pro-choice, lifelong Democrat with self-described "liberal views on most issues" who said he would "consider it a disgrace" if Mr. Estrada is not confirmed.

Similarly, Leonard Joy, head of the Federal Defense Division of the Legal Aid Society of New York, wrote that "Miguel would make an excellent Circuit Court Judge. He is a fine a lawyer as I have met and, on top of all his intellectual abilities and judgment he would bring to bear, he would bring a desirable diversity to the Court. I heartily recommend him."

Beyond the extensive personal testimony from those who worked side-by-side with him for many years, the performance reviews of Miguel for the years that he worked in the Office of Solicitor General gave him the highest rating of "outstanding" in every possible category. The reviews stated that Miguel:

> "states the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and consicieness."
>
> "[i]s extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating position to others."
>
> "[a]ll dealings, oral and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner."
>
> "[a]ll briefs, motions and memoranda reviewed consistently reflect no policies at variance with Department or Governmental policies, or fails to discuss and analyze relevant authorities."
>
> "[i]s constantly sought for advice and counsel. Inspires co-workers by example."

In the two years that Miguel Estrada and Paul Bender worked together, Mr. Bender signed those reviews. These employment reviews thus call into serious question some press reports containing a negative comment from Mr. Bender about Mr. Estrada's temperament (which is the only negative comment made by anyone who actually knows Mr. Estrada). Just as important, President Clinton's Solicitor General Seth Waxman expressly refuted Mr. Bender's statement.

In sum, based on his experience, his intellect, his integrity, and his bipartisan support, Miguel Estrada should be confirmed promptly.

II. The Senate's Role

President Bush nominated Miguel Estrada nearly two years ago on May 9, 2001. As explained above, he is well-qualified and well-respected. By any traditional measure that the Senate has used to evaluate appeals courts nominees, Miguel Estrada should have been confirmed long ago. Your letter and public statements indicate, however, that you are applying both a new standard and new tactics to this particular nominee.

As to the standard, the Senate has a very important role in the process, but the Senate's traditional approach to appeals court nominees, and the approach envisioned by the Constitution's Farmers, is far different from the standard that you now seek to apply. Senator BIDEN stated the traditional approach in 1997: "any person who is nominated for the district or circuit court who, in fact, any Senator believes will be a person of their word and follow stare decisis, it does not matter to me what their ideology is, as long as they are in a position where they are in the general mainstream of American political life, and they have not committed crimes of moral turpitude, and have not, in fact, acted in a way that would shed a negative light on the court." Congressional Record, March 19, 1997. Alexander Hamilton explained that the purpose of Senate confirmation is to prevent appointment of "unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." Federalist No. 76. It was anticipated that the Senate's approval would not often be refused unless there were "special and strong reasons for the refusal." No. 76.

As to tactics, you have indicated that some Senate Democrats intend to filibuster to prevent a vote on this nominee. As you know, there has never been a successful filibuster of a court of appeal nominee. Only a few years ago, Senator Leahy and other Democrat Senators expressly agreed with then-Governor Bush that every judicial nominee was entitled to an up-or-down floor vote within a reasonable time. On October 3, 2000, for example, Senator LEAHY STATED:

"Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmation are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no—not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

Senator Daschle similarly stated on October 5, 1999, that "[t]he Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down. An up or down vote, that is all we seek for Berzon and Paez. And after years of waiting, they deserve at least that much."

In his East Room speech of October 30, 2002, President Bush reiterated that every judicial nominee deserves a timely up-or-down vote in the Senate, no matter who is President or which party controls the Senate. Contrary to President Bush's attempts at permanent reform to bring order to the process, your current effort to employ a filibuster and block an up-or-down vote on the Estrada nomination may significantly exacerbate the cycle of bitterness and recrimination that President Bush has sought to resolve on a bipartisan basis. We fear that the damage caused by a filibuster could take many years to undo. To continue on this path would also be, in Senator Leahy's words, "a terrible disservice" to Mr. Estrada. We urge you to reconsider this extraordinary action, to end the filibuster of Mr. Estrada's nomination, and to allow the full Senate to vote up or down.

III. REQUEST FOR CONFIDENTIAL SOLICITOR GENERAL MEMOS

You have suggested that Mr. Estrada's background, experience, and support are insufficient to assess his suitability for the D.C. Circuit. You have renewed your request for Solicitor General memos authored by Mr. Estrada. But every living former Solicitor General signed a joint letter to the Senate opposing your request. The letter was signed by Democrats Archibald Cox, Walter Dellinger, Drew Days, and Seth Waxman. They stated: "Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself. . . . Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process."

It bears mention that the interest asserted here is that of the United States, not the personal interest of Mr. Estrada. Indeed, Mr. Estrada himself testified that "I have not opposed the release of those records. . . . I am exceptionally proud of every piece of legal work that I have done in my life. If it were up to me as a private citizen, I would be more than proud to have you look at everything that I have done for the government or for a private client."

The history of Senate confirmations of nominees who had previously worked in the Department of Justice makes clear that an unfair double standard is being applied to Miguel Estrada's nomination. Since the beginning of the Carter Administration in 1977, the Senate has approved 67 United States Court of Appeals nominees who previously had worked in the Department of Justice. Of those 67 nominees, 38 had no prior judicial experience, like Miguel Estrada. The Department of Justice's review of those nomination records disclosed that in none of those cases did the Department of Justice produce internal deliberative materials created by of the Department. In fact, the Department's review disclosed that the Senate did not even request such materials for a single one of these 67 nominees.

Of this group of 67 nominees, seven were nominees who had worked as a Deputy Solicitor General or Assistant to the Solicitor General. These seven nominees, nominated by Presidents of each party and confirmed by Senates controlled by each party, included Samuel Alito, Danny Boggs, William Bryson, Frank Easterbrook, Daniel Friedman, Richard Posner, and Raymond Randolph.

The five isolated historical examples you have cited do not support your current request. In each of those five cases, the Committee made a targeted request for specific information primarily related to allegations of misconduct or malfeasance identified by the Committee. Even in those isolated cases, the vast majority of deliberative memoranda written by those nominees were neither requested nor produced. With respect to Judge Bork's nomination, for example, the Committee received access to certain particular memoranda (many related to Judge Bork's involvement in Watergate-related issues). The vast majority of memoranda authored by Judge Bork were never received. With respect to Judge Trott, the Committee requested documents unrelated to Judge Trott's service to the Department. So, too, in the three other examples you cite, the Committee requested specific documents primarily related to allegations have been made in the case of Mr. Estrada.

In sum, the examples you have cited only highlight the lack of precedent for the current request. As the Justice Department has explained to you previously, the existence of a few isolated examples where the Executive Branch on occasion accommodated a Committee's targeted requests for very specific information primarily related to allegations of misconduct does not in any way alter the fundamental and long-standing principle that memos from the Office of Solicitor General—and deliberative Department of Justice memoranda more broadly—must remain protected in the confirmation context so as to maintain the integrity of the Executive Branch's decisionmaking process. That is a fundamental principle that has been followed irrespective of the party that controls the White House and the Senate.

Your continued requests for these memoranda have provoked a foreseeable and inevitable conflict that, in turn, has been cited as a basis for obstructing a vote on Mr. Estrada's nomination. Respectfully, the conflict is unnecessary because your desire to assess the nominee can be readily accommodated in many ways other than intruding into the severely damaging the deliberative process of the Office of Solicitor General. For example, you can review Mr. Estrada's written briefs and oral arguments both as an attorney for the United States and in private practice. As you know, those documents are publicly available and easily accessible, that said, we would be pleased to facilitate your access to them. (Mr. Estrada's hearing transcript suggests that no Democrat Member of the Committee had read Mr. Estrada's many dozens of Solicitor General merits briefs, certiorari petitions, and opposition briefs or the transcripts of his 14 oral arguments when he represented the United States.) You also may consider the opinions of others who served in the Office at the same time (discussed above) and examine the nominee's written performance reviews (also discussed above). There is more than ample information for you to assess Mr. Estrada's qualifications and suitability for the D.C. Circuit based on the traditional standards the Senate has employed.

It also is important to recognize that political appointees of President Clinton have read virtually all of the memoranda in question—namely, the Democrat Solicitors General Drew Days, Walter Dellinger, and Seth Waxman. None of those three highly respected Democrat lawyers has expressed any concern whatever about Mr. Estrada's nomination. Indeed, Mr. Waxman wrote a letter of strong support, and Mr. Days made public statements in support of Mr. Estrada.

In sum, the historical record and past precedent convincingly demonstrate that this request creates and applies an unfair double standard to Miguel Estrada.

IV. REQUEST THAT MIGUEL ESTRADA ANSWER ADDITIONAL QUESTIONS

Your letter also suggests that Miguel Estrada should answer certain questions that he allegedly did not answer in his hearing. To begin with, we do not know what your specific questions are. In addition, this request frankly comes as a surprise given that (i) Senator Schumer chaired the hearing on Mr. Estrada, (ii) the hearing lasted an entire day, (iii) Senators at the all-day hearing asked numerous far-reaching questions that Mr. Estrada answered forthrightly and appropriately, and (iv) only two of the 10 Democrat Senators then on the Committee even submitted any follow-up written questions, and they submitted only a few questions (in marked contrast to other nominees who received voluminous follow-up questions).

It also bears mention that Mr. Estrada has personally met with a large number of Democrat Senators, including Senators Landrieu, Lincoln, Bill Nelson, Ben Nelson, Leahy, Feinstein, Kohl, and Breaux; is scheduled to meet with Senator Carper, and would be pleased to meet with additional Senators.

The only specific question your letter identifies refers to Mr. Estrada's judicial role models, and you claim that he refused to answer a question on this topic. In fact, in Mr. Estrada's written responses to Senator Durbin's questions on this precise subject, Mr. Estrada cited Justice Anthony Kennedy, Justice Lewis Powell, and Judge Amalya Kearse as judges he admires, and he further pointed out, of course, that we would seek to resolve cases as he analyzed them "without any preconception about law some other judge might approach the question."

In our judgment, moreover, Mr. Estrada answered the Committee's questions in a manner that was both entirely appropriate and entirely consistent with the approach that judicial nominees of President of both parties have taken for many years. Your suggestions to the contrary do not square with the hearing record or traditional practice.

A. JUDICIAL ETHICS AND TRADITIONAL PRACTICE

In assessing your request that Miguel Estrada did not answer appropriate questions, we begin with rules of judicial ethics that govern prospective nominees. Canon 5A(3)(d) provides that prospective judges' "shall not . . . make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court" (emphasis added). Justice Thurgood Marshall made the point well in 1967 when asked about the Fifth Amendment: "I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am confirmed and sit on the Court, when a Fifth Amendment case comes up, I will have to disqualify myself." Lloyd Cutler, who served as Counsel to President Carter and President Clinton, has stated that "candidates should decline to reply when efforts are made to find out how they would decide a particular case."

In 1968, in the context of the Justice Abe Fortas' nomination to be Chief Justice, the Senate Judiciary Committee similarly stated: "Although recognizing the constitutional dilemma which appears to exist when the Senate is asked to advise and consent on a judicial nominee without examining him on legal questions, the Committee is of the view that Justice Fortas wisely and correctly declined to answer questions in this area. To require a Justice to state his views on legal questions or to discuss his past decisions before the Committee would threaten the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of Government as required by the Constitution." S. Exec. Rep. No. 8, 90th Cong. 2d Sess. 5 (1968).

Even in the context of a Supreme Court confirmation hearing, Senator Kennedy defended Sandra Day O'Connor's refusal to discuss her views on abortion: "It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential justice must pass the litmus test of any single-issue interest group." Nomination of Sandra O'Connor: Hearings Before the Senate Comm. on the Judiciary on the Nomination of Judge Sandra Day O'Connor of Arizona to Serve as an Associate Justice of the Supreme Court of the United States, 97th Cong. 6 (1981) (statement of Sen. Kennedy).

Justice Ruth Bader Ginsburg likewise declined to answer certain questions: "Because I am and hope to continue to be a judge, it would be wrong for me to say or to preview in this legislative chamber who I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously." Similarly, Justice John Paul Stevens stated in his hearing: "I really don't think I should discuss this subject generally, Senator. I don't mean to be unresponsive but in all candor I must say that there have been many times in my experience in the last five years where I found that my first reaction to a problem was not the same as the reaction I had when I had the responsibility of decisions and I think that if I were to make comments that were not carefully though through they might be given significance that they really did not merit."

Justice Ginsburg described the traditional practice in a case decided last year: "In the context of the federal system, how a prospective nominee for the bench would resolve particular contentious issues would certainly be 'in interest' to the President and the Senate . . . But in accord with a longstanding norm, every Member of this Court declined to furnish such information to the Senate, and presumably to the President as well." Republican Party of Minnesota v. White, 122 S. Ct. 2528, 2552 n. 1 (2002) (Ginsburg, J., dissenting) (emphasis added). Justice Ginsburg added that this adherence to this "longstanding norm" was "crucial to the health of the Federal Judiciary." Id. In his majority opinion, Justice Scalia did not take issue with that description and added: "Nor do we assert that candidates for judicial office should be compelled to announce their views on disputed legal issues." Id. at 2539 n.11 (emphasis in original).

In some recent hearings, including Mr. Estrada's, Senator Schumer has asked that nominees identify particular Supreme Court cases of the last few decades with which they disagree. But the problems with such a question and answer were well stated by Justice Stephen Breyer. As Justice Breyer put it, "Until [an issue] comes up, I don't really think it through with the depth that it would require. . . . So often, when you decide a matter for real, in a court or elsewhere, it turns out to be very different after you've become informed and think it through for real than what you would have said at a cocktail party answering a question." 34 U.C. Davis L. Rev. 425, 462.

Senator Schumer also has asked nominees how they would have ruled in particular Supreme Court cases. Again, a double standard is being applied. The nominees of President Clinton did not answer such questions. For example, Richard Tallman, a nominee with no prior judicial service who would now serves on the Ninth Circuit, not only would not answer how he would have ruled as a judge in Roe v. Wade—but even how he would have ruled in Plessy v. Ferguson, the infamous case that upheld the discredited and shameful "separate but equal" doctrine. So, too, in the hearing on President Clinton's nomination of Judges Barry and Fisher, Senator Smith asked whether the nominees would have voted for a constitutional right to abortion before Roe v. Wade. Chairman Hatch interrupted Senator Smith to say "that is not a fair question to these two nominees because regardless of what happened pre-1973, they have to abide by what has happened post-1973 and the current precedents that the Supreme Court has."

B. ANSWERS BY MIGUEL ESTRADA

Miguel Estrada answered the Committee's question forthrightly and appropriately. Indeed, Miguel Estrada was more expansive than many judicial nominees traditionally have been in Senate hearings, and he was asked a far broader range of questions than many previous appeals court nominees were asked. We will catalogue here a select sample of his answers.

Unenumerated rights, privacy, and abortion

When asked by Senator Edwards about the Constitution's protection for rights not enumerated in the Constitution, Mr. Estrada replied: "I recognize that the Supreme Court has said [on] numerous occasions in the area of privacy and elsewhere that there are unenumerated rights in the Constitution, and I have no view of any sort, whether legal or personal, that would hinder me from applying those rulings by the court. But I think the court has been quite clear that there are a number of unenumerated rights in the Constitution. In the main, the court has recognized them as being inherent in the right of substantive due process and the liberty clause of the Fourteenth Amendment."

When asked by Senator Feinstein whether the Constitution encompasses a right to privacy and abortion, Mr. Estrada responded, "The Supreme Court has so held, and I have no view of any nature whatsoever, whether it be legal, philosophical, moral, or any other type of view that would keep me from applying that case law faithfully." When asked whether Roe v. Wade was "settled law," Mr. Estrada replied, "I believe so."

General approach to judging

When asked by Senator Edwards about judicial review, Mr. Estrada explained: "Courts take the laws that have been passed by you and give you the benefit of understanding that you take the same oath that they do to uphold the Constitution, and therefore they take the laws with the presumption that they are constitutional. It is the affirmative burden of the plaintiff to show that you have gone beyond your oath. If they come into court, then it is appropriate for courts to undertake to listen to the legal arguments—why it is that the legislature went beyond [its] role as a legislat[ure] and invaded the Constitution."

Mr. Estrada stated to Senator Edwards that there are 200 years of Supreme Court precedent and than it is not the case that "the appropriate conduct for courts is to be guided solely by the bare text of the Constitution because that is not the legal system that we have."

When asked by Senator Edwards whether he was a strict constructionist, Mr. Estrada replied that he was "a fair constructionist"—meaning that "I don't think that it should be the goal of courts to be strict or lax. The goal of courts is to get it right. . . . It is not necessarily the case in my mind that, for example, all parts of the Constitution are suitable for the same type of interpretative analysis. . . . [T]he Constitution says, for example, that you must be 35 years old to be our chief executive. . . . There are areas of the Constitution that are more open-ended. And you adverted to one, like the substantive component of the due process clauses, where there are other methods of interpretation that are not quite so obvious that the court has brought to bear to try to bring forth what the appropriate answer should be."

When Senator Kohl asked him about environmental statutes, for example, Mr. Estrada explained that those statutes come to court "with a strong presumption of constitutionality."

In response to Senator Leahy, Mr. Estrada described the most important attributes of a judge: "The most important quality for a judge, in my view Senator Leahy, is to have an appropriate process for decisionmaking. That entails having an open mind. It entails listening to the parties, reading their briefs, going back beyond those briefs and doing all of the legwork needed to ascertain who is right in his or her claims as to what the law says and what the facts [are]. In a court of appeals court, where judges sit in panels of three, it is important to engage in deliberation and give ear to the view of colleagues who may have come to different conclusions. And in sum, to be committed to judging as a process that is intended to give us the right answer, not to a result. And I can give you my level best solemn assurance that I firmly think I do have those qualities or else I would not have accepted the nomination."

In response to Senator Durbin, Miguel Estrada stated that "the Constitution, like other legal texts, should be construed reasonably and fairly, to give effect to all that its text contains."

Mr. Estrada indicated to Senator Durbin that he admired the judges for whom he clerked, Justice Kennedy and Judge Kearse, as well as Justice Lewis Powell.

Mr. Estrada stated to Senator Durbin that "I can absolutely assure the Committee that I will follow binding Supreme Court precedent until and unless such precedent has been displaced by subsequent decisions of the Supreme Court itself."

In response to Senator Grassley, Mr. Estrada stated: "When facing a problem for which there is not a decisive precedent from a higher court, my cardinal rule would be to seize aid from anyplace where I could get it. Depending on the nature of the problem, that would include related case law in other areas that higher courts had dealt with that had some insights to teach with respect to the problem at hand. It could include the history of the enactment, including in the case of a statute legislative history. It could include the custom and practice under any predecessor statute or document. It could include the views of academics to the extent that they purport to analyze what the law is instead of—instead of prescribing what it should be. And in sum, as Chief Justice Marshall once said, to attempt not to overlook anything from which aid might be derived."

In response to Senator Sessions, Mr. Estrada stated: "I am very firmly of the view that although we all have views on a number of subjects from A to Z, the first duty of a judge is to self-consciously put that aside and look at each case by starting withholding judgment with an open mind and listen to the parties. So I think that the job of a judge is to put all of that aside, and to the best of his human capacity to give a judgment based solely on the arguments and the law."

In response to Senator Sessions, Mr. Estrada stated that "I will follow binding case law in every case. . . . I may have a personal, moral, philosophical view on the subject matter. But I undertake to you that I would put all that aside and decide cases in accordance with binding case law and even in accordance with the case law that is not binding but seems constructive on the area, without any influence whatsoever from any personal view I may have about the subject matter."

Miranda/Stare decisis

Mr. Estrada stated that United States v. Dickerson—a case raising the question whether Miranda should be overruled—reflected a "reasonable application of the doctrine of stare decisis. In my view, it is rarely appropriate for the Supreme court to overturn one of its own precedents."

Affirmative action

With respect to affirmative action, Mr. Estrada responded to Senator Kennedy that "any policy views I might have as a private citizen on the subject of affirmative action would not enter into how I would approach any case that comes before me as a judge. Under controlling Supreme Court authority, particularly Adarand Constructors, Inc. v. Pena, 515 U.S. 200 (1995), if a government program creates a racial classification, it will be subject to strict scrutiny. Whether the program survives that sort of scrutiny will often involve a highly contextual and fact-specific inquiry into the nature of the justifications asserted by the government and the fit between those justifications and the classification at issue. Adarand and similar cases provide the framework that I would be required to apply, and would apply, in considering these issues as a judge."

Asked by Senator Leahy about the strict scrutiny test, Mr. Estrada replied, "the Supreme Court in the Adarand case stated, as a general rule, that the consideration of race is subject to strict scrutiny. That means that though it may be used in some cases, it has to be justified by a compelling state interest. And with respect to the particular context, there must be a fairly fact-bound individual assessment of the fit between the interest that is being asserted and the category being used. That is just another way of saying that it is a very fact-intensive analysis in the context of a specific program and in the context of the justifications that are being offered in support of the program."

Congressional authority

With respect to the outer limits of Congress' power to confer authority on other governmental bodies, Miguel responded to Senator Kennedy that the Supreme Court has said that "particular factual context is significant in analyzing the appropriateness of a particular delegation. . . . Of course, the fact that the Supreme Court only rarely has struck down statutes on this ground suggests that the Court has been quite deferential to congressional judgments about the types of delegations that reasonably might be needed to carry on the business of government."

When Senator Kohl asked Mr. Estrada about the 1995 Lopez case concerning the scope of Congress' power to regulate, Mr. Estrada pointed out that he had argued in a companion case "for a very expansive view of the power to Congress to pass statutes under the Commerce Clause and have them be upheld by the court. . . . Lopez has given us guidance on when it is appropriate for the court to exercise the commerce power. It is binding law and I would follow it."

Ethnicity

With respect to the fact that the President had noted Miguel's ethnicity, Miguel responded to Senator Kennedy: "The President is the leader of a large and diverse country, and it is accordingly appropriate for him, in exercising his constitutional nomination and appointment powers, to select qualified individuals who reflect the breadth and diversity of our Nation."

With respect to the Democrat Congressional Hispanic Caucus's criticism of him, Miguel responded to Senator Kennedy that "I strongly disagree, however, with the Congressional Hispanic Caucus' view that I lack an understanding of the role and importance of courts in protecting the legal rights of minorities, of the values and mores of Latino culture, or the significance of role models for minority communities."

Racial discrimination

With respect to race discrimination, Mr. Estrada stated in response to Senator Kennedy: "I take a backseat to no one in my abhorrence of race discrimination in law enforcement or anything else."

Senator Feingold asked Mr. Estrada whether he believed that racial profiling and racially motivated law enforcement misconduct are problems in this country today. Mr. Estrada replied, "I am—I will once again emphasize I'm unalterably opposed to any sort of race discrimination in law enforcement, Senator, whether it's called racial profiling or anything else. . . . I know full well that we have real problems with discrimination in our day and age."

Senator Leahy asked Mr. Estrada about whether statistical evidence of discriminatory impact is relevant in establishing discrimination. Mr. Estrada replied: "I am not a specialist in this area of the law, Senator Leahy, but I am aware that there is a line of cases, beginning with the Supreme Court's decision in Griggs, that suggests that in appropriate cases that [such evidence] may be appropriate. . . . I do understand that there is a major area of law that deals with how you prove and try disparate-impact cases."

Congressional authority to regulate firearms

Senator Feinstein asked whether Congress may legislate in the area of dangerous firearms, and Mr. Estrada responded that the Supreme Court had ruled that "if the government were to prove that the firearm had at any time in its lifetime been in interstate commerce even if that had nothing to do with the crime at issue, that that would be an adequate basis for the exercise of Congress' power."

Right to counsel

Senator Edwards asked about Gideon v. Wainwright, the Supreme Court case guaranteeing the right to counsel for poor defendants who could not afford counsel. Although Senator Edwards appeared to question the reasoning in that landmark case, Mr. Estrada responded that "I frankly have always taken it as a given that that's—the ruling in the case."

C. ANSWERS BY PRESIDENT CLINTON'S NOMINEES

Your criticism of Miguel Estrada's testimony creates a double standard. You did not require nominees of President Clinton to answer questions of this sort (keeping in mind that you have not identified what your additional questions to Mr. Estrada are). President Clinton's appeals court nominees routinely testified without discussing their views of specific issues or cases. A few select examples, including of several nominees who had no prior judicial experience, illustrate the point. (Please note that these are isolated examples; there are many more we can provide if necessary).

Merrick Garland (no prior judicial experience). In the nomination of Merrick Garland to the D.C. Circuit, Senator Specter asked him: "Do you favor, as a personal matter, capital punishment?" Judge Farland replied only that he would follow Supreme Court precedent: "This is really a matter of settled law now. The Court has held that capital punishment is constitutional and lower courts are to follow that rule." Senator Specter also asked him about is views of the independent counsel statute's constitutionality, and Judge Garland responded: "Well, that, too, the Supreme Court in Morrison v. Olson upheld as constitutional, and, of course, I would follow that ruling." Judge Garland did not provide his personal view of either subject.

Judith Rogers. In the hearing on Judge Judith Rogers' nomination to the D.C. Circuit, Judge Rogers was asked by Senator Cohen about the debate over an evolving Constitution. Judge Rogers responded: "My obligation as an appellate judge is to apply precedent. Some of the debates which I have heard and to which I think you may be alluding are interesting, but as an appellate judge, my obligation is to apply precedent. And so the interpretations of the Constitution by the U.S. Supreme Court would be binding on me." She then was asked how she would rule in the absence of precedent and responded: "When I was taking my mater's in judicial process at the University of Virginia Law School, one of the points emphasized was the growth of our common law system based on the English common law judge system. And my opinions, I think if you look at them, reflect that where I am presented with a question of first impression, that I look to the language of whatever provision we are addressing, that I look to whatever debates are available, that I look to the interpretations by other Federal courts, that I look to the interpretations of other State courts, and it may be necessary, as well, to look at the interpretations suggested by commentators. And within that framework, which I consider to be a discipline, that I would reach a view in a case of first impression." Finally, Judge Rogers was asked her view of the three-strikes law and stated: "As an appellate judge, my obligation is to enforce the laws that Congress passes or, where I am now, that the District of Columbia Council passes." Judge Rogers did not provide her personal view of these subjects.

Marsha Berzon (no prior judicial experience). Senator Smith asked her views on Roe v. Wade and whether "an unborn child is a human being." Judge Berzon stated: "[M]y role as a judge is not to further anything that I personally believe or don't believe, and I think that is the strength of our system and the strength of our appellate system. The Supreme Court has been quite definitive quite recently about the applicable standard, and I absolutely pledge to you that I will follow that standard as it exists now, and if it is changed, I will follow that standard. And my personal views in this area, as in any other, will have absolutely no effect." When Senator Smith probed about their personal views on abortion and Roe v. Wade, Chairman Hatch interrupted: "I don't know how they can say much more than that at this point in this meeting."

Richard Tallman (no prior judicial experience). In response to written questions, Judge Tallman explained that "[j]udicial nominees are limited by judicial ethical considerations from answering any question in a manner that would call for an 'advisory opinion' as the courts have defined it or that in effect ask a nominee to suggest how he or she would rule on an issue that could foreseeably require his or her attention in a future case or controversy after confirmation." He was asked how he would have ruled in Plessy v. Ferguson. He stated: "It is entirely conjectural as to what I would have done without having the opportunity to thoroughly review the record presented on appeal, the briefs and arguments of counsel, and supporting legal authorities that were applicable at that time." He gave the same response when asked how he would have ruled on Roe v. Wade. When asked his personal view on abortion, he wrote: "I hold no personal views that would prevent me from doing my judicial duty to follow the precedent set down by the Supreme Court." He gave the same answer about the death penalty.

Kim Wardlaw. In the hearing on Judge Kim Wardlaw's nomination to the Ninth Circuit, Judge Wardlaw was asked about the constitutionality of affirmative action. She stated (in an answer similar to Miguel Estrada's answer to the same question): "The Supreme Court has held that racial classifications are unconstitutional unless they are narrowly tailored to meet a compelling governmental interest."

Maryanne Trump Barry. In the hearing on Judge Maryanne Trump Barry's nomination to the Third Circuit, Senator Smith asked for her personal opinion on whether "an unborn child at any stage of the pregnancy is a human being." Judge Barry responded: "Casey is the law that I would look at. If I had a personal opinion—and I am not suggesting that I do—it is irrelevant because I must look to the law which binds me."

Raymond Fisher. In the hearing on Judge Raymond Fisher's nomination to the Ninth Circuit, Senator Sessions asked Judge Fisher's own personal views on whether the death penalty was constitutional. Judge Fisher responded that "My view, Senator, is that, as you indicated, the Supreme Court has ruled that the death penalty is constitutional. As a lower appellate court judge, that is the law that I am governed by. I don't want in my judicial career, should I be fortunate enough to have one, to inject my personal opinions into whether or not I follow the law. I believe that the precedent of the Supreme Court is binding and that is what my function is."

V. CONCLUSION

Miguel Estrada is a well-qualified and well-respected judicial nominee who has very strong bipartisan support. Based on our reading of history, we believe that you have ample information about this nominee and have had more than enough time to consider questions about his qualifications and suitability. We urge you to stop the unfair treatment, and the filibuster, allow an up-or-down vote, and vote to confirm Mr. Estrada.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. CORNYN. The first instance of a double standard being applied to Mr. Estrada by those who oppose an up-or-down vote is that, as opponents charge, Mr. Estrada cannot serve on the D.C. Circuit Court because he has no judicial experience. Yet the fact is that a majority of the judges who currently serve on that court had no prior judicial experience. That's right, they never served as a judge before the Senate voted to confirm them to serve in that important position.

Let's take one case as an example. Judge Merrick Garland was nominated by President Clinton and confirmed by a Republican-controlled Senate. Like Mr. Estrada, Judge Garland graduated from Harvard Law School magna cum laude, clerked for a prominent judge on the Second Circuit, and then later clerked for a Supreme Court Justice. Both Mr. Estrada and Mr. Garland served as assistant U.S. attorneys. Both worked at the Department of Justice in Washington, D.C. Both practiced law in the private sector. Both enjoyed bipartisan support, and neither had prior judicial experience. It took the Senate just a few months to confirm Judge Garland.

Meanwhile, Mr. Estrada has waited 21 months, and still the Democratic leadership will not allow a vote on his confirmation.

But why stop there? If prior judicial experience were really so important to serving on a Federal court of appeals, why did the Senate vote to confirm Thurgood Marshall to the Second Circuit? Why did the Senate vote to confirm Stephen Breyer to the First Circuit? Why did the Senate vote to confirm Ruth Bader Ginsburg to the DC Circuit? And why did the Senate confirm John Paul Stevens to the Seventh Circuit? Indeed, why did the Senate confirm Anthony Kennedy to the Ninth Circuit? None of these individuals, all of whom have subsequently served on the U.S. Supreme Court, had any prior judicial service before they were nominated to the circuit courts and confirmed.

Moreover, since the beginning of the Carter administration in 1977, the Senate has approved 38 nominees to the Federal courts of appeals who have previously worked at the Justice Department but never held judicial office, exactly like Miguel Estrada.

There is also a double standard being applied when opponents to calling an up-or-down vote, advocates and proponents of this obstructionism, claim that Mr. Estrada cannot be confirmed until the Justice Department hands over all confidential documents he wrote as an Assistant to the Solicitor General.

This request would be too laughable if it was not so transparent and so cynical. First, Mr. Estrada does not even have control of these memos, and he has said he does not object if the Justice Department decides to release them. Second, Senator DASCHLE and Senator LEAHY know, were Mr. Estrada to somehow provide it, that it would violate ethical rules which benefit the American people and the entire U.S. Government, including Congress, whose acts the Department of Justice is charged with defending and enforcing in court.

Of course, this fishing expedition is unprecedented evidence, again, of a double standard being applied to Mr. Estrada. Since the beginning of the Carter administration in 1977, the Senate has confirmed 67 nominees to the Federal courts of appeals who have previously worked for the Justice Department, including seven who worked as

Deputy Solicitors General, or Assistants to the Solicitor General. Yet in none of these cases was the nominee required to produce such materials protected by the attorney-client privilege. In fact, the Justice Department has determined that the Senate did not even request such materials for a single one of those 67 nominees.

Again, Mr. Estrada served in the Solicitor General's Office during the entire first term of the Clinton Administration, from 1993 to 1997. That means the Solicitors General for whom he worked during that time were all Democratic political appointees of President Clinton. None of these Solicitors General, I believe it is significant, have raised any objection to Mr. Estrada. Moreover, all former Solicitors General, all former living Solicitors General, both Democratic and Republican, for ethical reasons, oppose the request for these documents made by Senator DASCHLE and Senator LEAHY.

There is a third double standard being applied to Miguel Estrada by the Democratic leadership, those who would obstruct an up-or-down vote on this highly qualified nominee. They claim he has inappropriately refused to answer specific questions indicating how he would rule on specific legal questions that might come before him as a judge. Mr. President, Miguel Estrada is not running for election. He seeks to be a judge. It would be both wrong and unfair for him to prejudge those issues, issues that might well come before him as a judge. Indeed, this principle has been recognized by Supreme Court Justices Stevens, Souter, Breyer, and Ginsburg, who recently explained:

> [H]ow a prospective nominee for the bench would resolve particular contentious issues would certainly be "of interest" to the President and the Senate in the exercise of their respective nomination and confirmation powers. . . . But in accord with a long-standing norm, every Member of [the Supreme] Court declined to furnish such information to the Senate. . . . [T]he line each of us drew in response to preconfirmation questioning . . . is crucial to the health of the Federal Judiciary.

I will not belabor the point here, but the letter written by White House Counsel Alberto Gonzales documents numerous Clinton judicial Federal nominees who answered just as Mr. Estrada did, just as these U.S. Supreme Court Justices did, to similar questions posed by the Senate Judiciary Committee. Yet all of these nominees were confirmed.

It becomes abundantly clear on examination that the Democratic leadership, so bent on obstruction of any up-or-down vote on Mr. Estrada's confirmation, is not really interested in the answers to these questions as they claim. Consider this: After a whole day of hearings, the Senate Judiciary Committee released Mr. Estrada. They didn't ask him to come back and answer more questions. They released him. While it is common practice for members to submit follow-up questions to the nominee, only 2 of the 10 Democratic Senators on the committee bothered to ask only a few followup questions, in stark contrast to other nominees who have received voluminous written questions.

So I say there is really no objection that Mr. Estrada has failed to comply with the Senate's traditional standards for confirming nominees by refusing to answer specific questions. Yet this is just another example of the Democratic leadership's double standard that seeks to stop Miguel Estrada.

Finally, Democrat leaders are seeking to impose a double standard by insisting that 60 Senators must vote to close debate before a vote can be had on Mr. Estrada's confirmation.

This is not legislation. This is a confirmation. The Constitution does not say 60 Senators must approve a judicial nomination. The Constitution does not say two-thirds of Senators must give advice and consent to a judicial nomination, as it does specifically say with regard to treaties. It just says the Senate shall give its advice and consent, which means a simple majority vote—not two-thirds of the Senate, but 51 votes. The fact is that 51 Senators—indeed, 54, as I count them, a bipartisan majority of this Senate—stand ready to confirm Mr. Estrada to the U.S. Court of Appeals for the District of Columbia Circuit if they would just be allowed to vote.

According to the Congressional Research Service, no judicial nominee to the circuit court of appeals has ever been denied confirmation by filibuster—not once in the entire history of the Senate. Yet the Democratic leadership has seen fit to change the rules again—another double standard—as their only hope for stopping a bipartisan majority of the Senate from confirming the superbly qualified Miguel Estrada.

But one of the most remarkable things I have seen in the last 3 weeks as I have observed this debate was an argument that was featured on the final day of Senate debate before the President's Day recess. On Friday, February 14, the senior Senator from Illinois argued in effect that the Constitution forbids confirming Mr. Estrada because the Senate has not sufficiently investigated him.

I quote from my colleague's speech on the Senate floor:

> [U]nder the Constitution, which we have sworn to uphold, and which we take very seriously, in article II, section 2, it says:
>
> The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for. . . .
>
> This tells those who are watching that what is at stake here is not just a discretionary decision by the Senate as to whether or not we will investigate a judicial nominee. We have a constitutional obligation. And if we believe in that investigation that a nominee is wanting, might not be a person suited to serve in the Federal judiciary, I think we are duty bound to vote against him.

I am dumbfounded by this constitutional argument, particularly coming from a member of the Senate Judiciary Committee. Of course, we would welcome that vote he speaks of, even if some, based upon an erroneous constitutional standard, would choose to vote no on this nominee.

But for the life of me, I cannot understand why the Senator can make such an argument based on any review of the Constitution or the history of judicial confirmations. The only thing I can think of is that my colleagues on the other side of the aisle—some of them anyway, because, as I said, there is a bipartisan majority of the Senate that stands ready to confirm Mr. Estrada today—but at least the Democratic leadership has simply decided to do whatever it takes and to make any argument, no matter how implausible, however devoid of any basis in law or in fact, to maintain this unprecedented filibuster against an exceptionally qualified nominee.

The filibuster effort appears to have become so desperate, in fact, that they might even argue that the Constitution requires a filibuster. I know, however, that the Senator from Illinois takes the Constitution very seriously, as all of us do. And so I hope I can just take a few moments to discuss what the Constitution contemplates in this regard and convince my colleague to reconsider his argument.

My distinguished colleague, the senior Senator from Illinois, argues that for the Senate to confirm Mr. Estrada now would violate the Constitution because the Senate has failed to conduct an adequate investigation. I would be the first to say the Senate's advice and consent function is indeed an important function, particularly when you are dealing with lifetime-tenured judicial appointees. Each of us indeed has undertaken an oath to "support and defend the Constitution of the United States."

That Constitution includes a firm commitment to the doctrine of separated powers. Under the Constitution, the Congress legislates, the President executes the laws, and it is the courts that interpret the laws—not make laws.

It bears repeating. Judges interpret laws. They aren't legislators wearing black robes—at least they are not supposed to be. The only body of our Government that legislates is the Congress. The Constitution, of course, demands that judges respect this fundamental distinction—one that, in the debates on this nominee, some seem to have been glossed over. I recall even one argument by the senior Senator from Vermont to the effect that Mr. Estrada ought to have to basically run on a platform, as he would when he runs for election to the U.S. Senate from Vermont, making no distinction between the fact that a Senator is a representative, and a judge is a representative of no one other than the law.

I believe in the last 3 weeks that our solemn duty to advise and consent and investigate this particular nominee has been more than complied with. Certainly in the last 2 years every Senator in this body has had more than an adequate opportunity to investigate and study Mr. Estrada's qualifications. I can't imagine any judicial nominee who has been more vigorously investigated than Mr. Estrada. So we are hardly talking about the Senate being railroaded into confirming an individual without time to think, without time to reflect, without time to investigate, and after a full and thorough debate.

Mr. Estrada has been very clear about his judicial philosophy. He has said that nothing in his personal views would prevent him from following the law. That is very important in a judge. We want to make sure that the only judges we confirm are those who will follow the law as written by the legislature and is handed down in precedents by the U.S. Supreme Court.

The Senate has undertaken a substantial investigation into Mr. Estrada already, and in so doing has developed a record that amply supports Mr. Estrada's sworn testimony about how he would conduct himself as a judge.

That record includes strongly supported statements from numerous witnesses across the political spectrum, including prominent Clinton Administration lawyers. I go back to Ron Klain, whom I mentioned earlier was Vice President Gore's Chief of Staff and a former Democratic chief counsel to the Senate Judiciary Committee. He has known Mr. Estrada since their days together at Harvard, and has concluded that Mr. Estrada would "faithfully follow the law."

President Clinton's Solicitor General, Seth Waxman, flatly rejected any notion that "the recommendations Mr. Estrada made or the analyses that he prepared were colored in any way by his personal views." A bipartisan group of 14 of Mr. Estrada's former colleagues in the Office of Solicitor General have written:

> We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.

I could go on and on.

The FBI has investigated Mr. Estrada and given him a clean bill of health. The American Bar Association has investigated him and given him a unanimous well-qualified rating—the highest that the American Bar Association has to offer.

The Senate has more than discharged its responsibility, with respect to Mr. Estrada, to confirm as judges only those individuals who respect the law and who respect the distinction between judging and legislating, those who will not politicize our courts, and those who will put aside personal views and enforce laws as written by Congress and by our Founders.

I submit that our colleagues who oppose this vote on this highly qualified nominee have again changed the rules and imposed a double standard by contending that, not withstanding this ample record and vigorous investigation, the Senate must still go further and must inquire evermore deeply into Mr. Estrada's personal views. When confirmed, Mr. Estrada will behave as a judge and not as a legislator. The Senate needs nothing further in order to confirm him to the Federal bench other than to simply vote.

The Constitution requires a majority of the Senate for an individual to be confirmed to judicial office. Although this is an important function, it is also the lowest threshold level of Congressional participation contemplated anywhere in the Constitution. By contrast, to enact legislation requires a majority of both Houses of Congress, not just the Senate. To authorize the President to ratify a treaty requires a two-thirds vote of this body. To impeach and convict a Federal official requires the approval of both Houses of Congress, including two-thirds of the Senate. Amending the Constitution and overriding a Presidential veto requires two-thirds of both Houses of Congress. In other words, the Constitution makes it easier for the Senate to confirm judicial nominees than it does to enact legislation, consent to treaties, punish an official during an impeachment effort, or to amend the Constitution.

Professor Michael Gerhardt, a constitutional scholar and author of a scholarly volume called "The Federal Appointments Process," has reviewed all of these constitutional provisions and compared them to the Senate's advice and consent function with respect to nominees and concluded that "[t]he Constitution . . . establishes a presumption of confirmation"—a presumption of confirmation—"that works to the advantage of the President and his nominees." In fact, I think Mr. Gerhardt is on to something.

Here again, this is not just about Miguel Estrada. The Democratic leadership seeks to defeat a constitutional presumption of confirmation in the judicial confirmation process. They are still fighting the last election by and through the person of Miguel Estrada. Although the country has embraced this President and his great leadership, the Democratic leadership is still fighting against it, seeking to defeat President Bush wherever and whenever they can.

The constitutional structure demonstrates that the Senate's role is satisfied when the record makes clear that whatever a nominee's personal views, that they will play no role in how the nominee will judge specific cases and controversies. After all, to do otherwise would mean that it would take practically all of the Senate's time to confirm Presidential nominees, leaving no room for legislation, treaties, and other matters to which the Constitution gives even more responsibility to Congress than in the confirmation process.

The Constitution nowhere requires a majority of the Senate to undertake a full-blown trial of a judicial nominee. Yet that seems to be what the Democratic leadership is asking for. Quite to the contrary, the Framers of the Constitution well understood that the Senate's role in the process is really quite limited—something it does us well to reflect on, with the confirmation process today so skewed and so poisoned, and so toxic, toxic not only to the nominees but also to this body.

As Alexander Hamilton explained in the Federalist Papers, the Constitution gives the Senate a confirmation role to ensure that the President has not injected cronyism into his appointment process. Alexander Hamilton does not say that the Senate is supposed to second-guess the President's judgment or to conduct a deep and searching inquiry into the legal views of the nominee—the sorts of things that are being asked for here. Instead, Alexander Hamilton writes, in Federalist No. 76:

> To what purpose then require the cooperation of the Senate? . . . It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

Indeed, far from indicating that substantial hearings and investigation would be required, Hamilton noted that the Senate's confirmation role would be, "in general, a silent operation."

Hamilton's understanding of the confirmation process—that it would largely be what he called "a silent operation"—is reflected in the text of the Constitution. By contrast, the impeachment provisions of the Constitution require the Senate to undertake an actual trial before an official can be punished, including removal from office.

So it is clear that the text, the structure, the original understanding, and, indeed, the tradition of confirmation proceedings handed down these last 200 years all refute the theory of Senate advice and consent suggested by those who would obstruct this vote, including the views expressed by the senior

Senator from Illinois and those who would espouse a new standard, one made of whole cloth, again changing the rules and applying a double standard to Miguel Estrada.

Once the Senate has determined that an otherwise qualified judicial nominee respects the law and understands that judges interpret the law and do not make the law, that nominee may be confirmed to the Federal bench. It is absurd to think that the Constitution would require anything else.

Moreover—and this is significant, to show how far afield we have come from the confirmation process as practiced by the Founding Fathers and those in the last 200 years—for much of our Nation's history, the Senate did not even conduct confirmation hearings, not even for nominees to the U.S. Supreme Court. Instead, the Senate either deferred to the President's determination that the nominee would abide by constitutionally required distinctions between judging and law making, or would reject nominees without resort to intrusive hearings.

Indeed, the Senate Committee on the Judiciary did not even exist during the first half century of this country's existence—nearly 30 years after the ratification of the Constitution. It did not even exist until 1816. And even when such hearings were later held in our Nation's history, by custom, the nominee would not even appear.

The first extensive hearings on a Supreme Court nominee were not held until the nomination of Louis Brandeis in 1916. Yet despite those hearings, Mr. Brandeis never even appeared in person before the Senate or a committee.

On September 5, 1922, the day after Justice John Hessin Clarke resigned, President Harding nominated George Sutherland to the Supreme Court, and the Senate confirmed him that very day. It was not until Harlan Fiske Stone, in 1925, that the first nominee for the U.S. Supreme Court would actually appear in person before the Judiciary Committee, and even that was a novel episode, after which nominees would revert back to the tradition of not appearing personally before the Judiciary Committee. That tradition continued for over a decade, until Felix Frankfurter testified before the Senate Judiciary Committee in 1939. Even then, Justice Frankfurter read a prepared statement in which he said he would not express his personal views on controversial issues before the court, the same answer that Mr. Estrada has given in response to the questions asked him during these proceedings.

As late as 1949, Sherman Minton refused to appear before the Senate Judiciary Committee and was still confirmed. And it was not until 1955, when John Marshall Harlan started the modern tradition of judicial nominees appearing and testifying before the Senate. And even then, confirmation hearings have typically been brief, even in cases of Supreme Court nominations. Justice Byron White's confirmation, for example, in 1962, lasted less than 2 hours.

Can it really be the position of the senior Senator from Illinois or our colleagues across the aisle who are blocking a vote on this nomination that the countless Federal judges and Supreme Court Justices who were confirmed following a less extensive investigation than that already inflicted on Mr. Estrada all served pursuant to illegal confirmations? Did so many of our predecessors in the Senate violate the constitutional oath they took on each and every one of those occasions? Of course not.

The nomination of Miguel Estrada is the unfortunate culmination of a destructive judicial confirmation process that must stop. It must stop for the health and the proper functioning of this institution. It must stop so that the confidence of the public in the job we are here performing on their behalf can continue. This destructive judicial confirmation process must stop, so that Presidents, now and in the future, will be able to nominate candidates for judicial office, who otherwise might not be willing to subject themselves to this unreasonable process that has been so much in evidence during the course of Miguel Estrada's confirmation.

The obstruction must stop. The double standard for Miguel Estrada must stop. This filibuster especially must stop.

Across the country, the American people are insisting that the Senate take a vote on this exceptional and inspiring candidate for the Federal bench. Newspapers across my State of Texas—the Dallas Morning News, the El Paso Times, the Austin American-Statesman, the Fort Worth Star-Telegram—are all urging that the Democratic leadership permit a vote on this nominee.

I say let's stop the games. Let's stop the double standard. Let's vote. Of course, every Senator is entitled to vote according to the dictates of their conscience, but let's vote.

There is no basis for the current unprecedented attempt to deny a bipartisan majority of the Senate from the opportunity to even vote up or down on this nominee. That has never before happened in the history of the United States.

It should not start today. It should certainly not start against a nominee of such exceptional talent. In the words of the Washington Post: "Just vote."

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that following my statement, the Senator from California be recognized to speak on a subject not related to this nomination and following that Senator GRASSLEY be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, and I probably will not, I understand the Senator from California wishes to speak on a topic other than the nomination of Miguel Estrada. If I am correct, I am wondering why, if there is no further debate on the nomination, we cannot proceed to a vote. With that said, I withdraw my reservation.

We do have speakers for this afternoon on the nomination. I would hope that we can remain on the nomination. I believe Senator GRASSLEY will be here about 2 o'clock.

Mr. REID. Mr. President, is there objection or is there not objection?

Mr. CORNYN. I ask unanimous consent that Senator GRASSLEY be recognized following Senator FEINSTEIN's remarks.

The PRESIDING OFFICER. Does the Senator object or not object?

Mr. CORNYN. With that, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, that was part of the unanimous consent request, that Senator GRASSLEY be recognized.

I have been involved in many debates in the Senate. I have been involved in the debate since the beginning on the Estrada nomination. Senator HATCH and I have been here until 1 o'clock in the morning. Never have I heard the name calling and the statements such as "heard people talking about payback." If there are statements that strong, they should be inserted in the RECORD.

In addition, in my many years in the Senate, I have not heard statements such as "desperate," "laughable," "cynical," and then part of it I was not able to hear because the Presiding Officer was talking to me, but I hope the debate on this matter will remain senatorial and not go to name calling. We have a right to speak about this nomination for as long as we want until the majority or someone files a motion to invoke cloture. That is the way to stop debate.

There has been a lot of talk about not allowing a vote. We are not stopping a vote. The only situation is, the Senate rules are such that if you want to have a vote and you want to stop the debate, you invoke cloture. It takes 16 or 17 Senators to file a cloture motion. That is how it works.

We need to understand that there are certain issues that are important. I recognize there is a lot more to do in this country. We have a lot to do. I believe that what is happening here is an effort to cover for the fact that there is nothing being done by the majority. They could pull off this anytime they wanted. If they have other things to do, let the majority move to something else or invoke cloture to stop the debate from going forward.

There have been statements made that this has never happened before. Of course, you shouldn't talk to the Abe Fortas family. The fact is, if you read a history book, that is how that was stopped, his nomination to be Chief Justice of the Supreme Court.

In the years I have served in the Senate, there have not been, as Senator HATCH said, real filibusters, but sometimes those nonreal filibusters have stopped nominations from going forward. It is a fact. Mr. President, the ABA gold standard—let's talk about that a little bit. My friend from Texas talks about this ABA stamp of approval being so important. As the Presiding Officer knows, and I am sure most every Senator knows, the majority, when they were in the majority before we took over, wanted to do away with the ABA. We thought it was a good thing that it continue. I still feel that way, in spite of the lack of credibility of this nomination.

The reason I say that is the person who moved forward on this nomination for the ABA—I am sure he asked for it and he got it—was a man by the name of Fred Fielding. Mr. Fielding, of course, likes Estrada. That is very clear.

Mr. Fielding, who evaluated Mr. Estrada's record and qualifications, is a partner at Wiley, Rein & Fielding. While serving on the ABA committee to evaluate judicial nominees, Mr. Fielding continued to be actively involved in partisan activities, such as working with counsel for the Republican National Committee. He served on the Bush-Cheney transition team. Of course, then he wrote a report recommending Miguel Estrada to the DC Circuit Court.

If those partisan activities were not enough, take this and see if it has any bearing on whether this was an impartial evaluation. While still serving on the ABA committee responsible for peer review ratings, Fielding cofounded the Committee for Justice with Bush confidant and former Bush White House counsel C. Boydon Gray. They formed this committee to help the White House with public relations and in its effort to pack the court and run ads against Democrats who dare vote against their judicial nominees.

In addition to forming this group, he served as deputy counsel to President Nixon. He served on the Reagan-Bush campaign team, the Lawyers for Reagan advisory group. With the Reagan-Bush transition team, he was conflict-of-interest counsel—which is really interesting to me—in that process. He served in the Office of Counsel to the President. He worked as deputy counsel to President Reagan. He served on the Bush-Quayle campaign. He was Republican National Committee legal advisor, campaign counsel to Senator Quayle, and he served as deputy director to the Bush-Quayle campaign in 1992 as a senior legal advisor. He served then as legal advisor to the Dole-Kemp campaign.

Virtually all of Mr. Fielding's substantial Federal election contributions are for Republican candidates or the Republican National Committee. The Bush White House could not have handpicked someone with better partisan credentials than Mr. Fielding to evaluate its DC Circuit Court nominees—and especially Mr. Estrada. Which lawyers, Republican or Democrat, would be courageous enough to be candid with any concerns that may have been existing about Mr. Estrada's qualifications, temperament, or rating, with an insider like Fielding writing the evaluation and recommending the ratings?

It is noteworthy that when Fielding testified before the Judiciary Committee last September, he was asked about the Senate's consideration of ideology of judicial nominees, as well as the White House's. When asked whether the Republican Presidents he served ever appointed a liberal, he said he hoped not.

Obviously, the White House took ideology into account in choosing Estrada. How fortunate it was for the White House that the loyalist, Mr. Fielding, was there to recommend such a high rating for Estrada, despite his youth, lack of experience, and the types of cases he handled in the DC Circuit, and temperament and fairness issues that have been raised by many others.

We do appreciate the ABA's continued efforts, but if there were ever a review and revamping that needs to take place, take a look at Fielding and Estrada. It is simply unethical for this to take place. If there were ever a conflict of interest, this is it.

Now, there were continued statements by the distinguished junior Senator from Texas, who has served in the Senate now going on 2 months, about the need for a vote. I agree. As I said earlier, if the majority wants a vote, it is up to them. They can have one in 2 days. File a cloture motion and it ripens in 2 days. The vote is up to them.

There are also statements made that the Democratic leaders have failed to make a case. If the case is so bad, let them file a cloture motion. My friend from Texas said the Democratic leaders—I assume I am one of those—are obsessed with obstruction. If that is the case and we are name-calling here, it appears with what has happened to the economy, the Republican majority must be obsessed with deficits. The President takes office and there is a $7 trillion surplus. Now, in this year alone, we will have the largest single deficit in the history of the world. You see it printed in the paper, that it is $350 billion. That is without the disguise that takes place because of the Social Security surpluses. It is closer to $500 billion. The surplus of $7 trillion is history—gone, every penny of it. It is not because of the war; it is because of economic policies of this administration and the tax cuts.

Now, it is very difficult for me to do, but I listened, and my friend from Texas says what they are doing is cleaning up the mess from the last Congress. As I recall, the Senate passed all 13 appropriations bills out of committee. But we could not get the House to move on them. Why? Because they refused to take votes prior to the November elections because they knew the American people would not stand for the draconian cuts they had in their bills. So nothing was done. We went on a continuing resolution. If there was a mess created last Congress, it wasn't by the Senate. We reported out of committee, chaired by Senator BYRD, with ranking member Senator STEVENS, every one of the appropriations bills. We did that. The House refused to take hard votes.

Mr. President, the speaker before me also indicated the fact that Mr. Estrada has no judicial experience should not matter, should not be determinative. I agree. There are great judges who had no judicial experience. We are not making that an issue.

LULAC. As most everyone knows, the vast majority of Hispanic groups in the country, 85 to 90 percent of them, support the position we are taking, which is that Miguel Estrada should not be a member of the DC Circuit Court until he answers questions and has his memos from when he worked at the Solicitor General's Office made public. We believe that to be the case. That is why the Hispanic groups support our position.

LULAC, which is a fine organization, wrote a letter last week. It was written to Senators HATCH and DASCHLE. Among other things, it said:

> We do not subscribe to this view at all and we do not wish to be associated with such accusations.

What are those? The accusations that the Senate Democrats and Congressional Hispanic Caucus are opposing the nomination because of his ethnicity.

What does LULAC say?

> We do not subscribe to this view at all and we do not wish to be associated with such accusations.

They should just back away from that. The letter says:

> LULAC has had a long and productive working relationship with Senate Democrats and all the members of the Congressional Hispanic Caucus, and our experience is they would never oppose any nominee because of his or her race or ethnicity.
>
> On the contrary, it is most often the Democratic Members of the Senate who support LULAC'S priority issues and score highest on the national Hispanic leadership agenda congressional scorecard which LULAC

> helps to compile. It is the Congressional Hispanic Caucus that is the champion of our legislative priority as outlined in the enclosed LULAC legislative platform.

Mr. President, when talking about LULAC being the determinative factor, I think people should read the letter they sent to us.

I repeat, if the majority wants a vote on Miguel Estrada, the only vote they are going to get is whether to invoke cloture. They made a decision, obviously, not to go forward on cloture. I suggest we have a lot of business to do, and that is what we should be doing.

I repeat what I said earlier this afternoon that this matter is not moving forward because there is no agenda, no plan, no program by the majority. This is filling up time so they cannot be criticized for doing nothing. If we were not doing this Estrada nomination, we would be doing nothing.

I returned from Nevada a few days ago. People in Nevada are concerned about the war. They are concerned about economic problems. They are concerned about health care. There are a lot of issues, not the least of which is homeland security. I have no concern with the Secretary of Homeland Security suggesting that people learn about duct tape and plastic wrap, but certainly there is more to homeland security.

If the majority does not have a program, we do. We have a Democratic stimulus package that we think would be most helpful to the American people. It would be immediate tax relief, it would go to the middle class, and it would not have any impact on the long-term deficit. Let's move to that this afternoon. Let's move to it tomorrow. We can have a long, full debate on that stimulus package. The longer we wait for a stimulus package, the worse it is going to be for our country. But the majority does not want to do that because they know the tax plan submitted to us by the Bush administration is not going anywhere. The Speaker said it was not. My friend, who was on the floor just a minute ago, Senator GRASSLEY, initially said he had problems with it. The chairman of the Ways and Means Committee in the House and scores of Nobel Prize winners in economics have said the plan is no good. That is why they are unwilling to move on cloture and want to stay on this nomination.

People wonder why we are on this nomination. My friend, the junior Senator from Texas, said: On treaties, we need a two-thirds vote; on impeachment, we need a supermajority; and on filibusters, we need 60 votes. For legislative measures, we need a simple majority. That is right. But this is something the Senate has been dealing with, and that is a filibuster. That is what is going on here. It is part of the Senate tradition.

Talk about tradition, this is it, and there is a way to get rid of it. One way is to invoke cloture, the other way is to get off the legislation, and another way would be to do what we have asked be done: Let Miguel Estrada come back and answer questions and submit—with which he said he has no problem—the memoranda from the Solicitor General's Office. He said he does not care. It is being held back by, I assume, the administration.

There are those who ask why we have some questions about Miguel Estrada. Let me show my colleagues why we have some concerns.

Miguel Estrada's answers to the Judiciary Committee's questions, summarized on this chart, amount to nothing. The answers he has given us do not answer anything. There were a lot of words but no answers.

We have also asked about these legal memoranda. Why are people trying to keep these memoranda from us? Is there a reason? We want to look at those memoranda. Those are the only legal records we have where we can find out what his legal philosophy might be.

Some have said he has argued some cases before the Supreme Court, and he has handled other cases. From all the cases I handled, one could not determine what my political philosophy was. Legal philosophy maybe; maybe not because I represented people who had causes they brought to me and they paid me and I did the best I could to represent them in their causes. We need those legal memoranda to find out about Miguel Estrada's philosophy.

The same applies to his legal philosophy. We do not know what it is. We do know there has been a lot of talk about some of the people he went to law school with thinking he is a great guy. I have no doubt he is a very nice man. I am sure he is a fine man. He appears to have been a good law student, but the fact is that some people do not think it would be good for him to serve on the court.

The person who was his supervisor, a man by the name of Paul Bender, who was in the Solicitor General's Office, has qualifications that match that of Miguel Estrada. He received an LLD magna cum laude from Harvard Law School. He wrote as an editor for the Harvard Law Review. After graduation, he clerked for a U.S. Supreme Court Justice. He worked as a law clerk to Judge Learned Hand, one of the most distinguished judges in the history of this country. As I indicated, Paul Bender worked as a law clerk for Justice Felix Frankfurt. He was a law professor at the University of Pennsylvania, an Ivy League school, for 24 years. He was dean of the Arizona State University College of Law. He was principal Deputy Solicitor General of the United States from 1993 to 1996, and that is where Miguel Estrada worked for him.

He has since been working at Arizona State University as a law professor. He has argued more cases before the Supreme Court than Miguel Estrada.

The point I am trying to make is this guy is not some kind of slouch. He said it would not be in the best interest of our country if this man set on the court. He was too much of an ideologue. Those were his words.

In more detail, there was some question that Paul Bender really meant what he said in his letter to Senator HATCH, dated February 10. He makes a number of important points, including the point that some Republicans are misrepresenting his position and suggesting that Professor Bender has changed his opinion about the nomination, and he said that is wrong. Professor Bender, who was Miguel Estrada's direct supervisor at the Solicitor General's Office, notes:

> I have not changed my opinion of the nomination, nor have I ever said to anyone I changed my opinion. Someone must have inadvertently given you incorrect information about this letter to Senator Hatch.

Mr. President, Professor Bender is a person who worked directly with Miguel Estrada.

Then, of course, they bring in all the evaluations showing he did a good job. Professor Bender also answered that point. He said every person who worked there received the same evaluation. That is what he was supposed to do.

There has been another point raised recently that it is inappropriate to answer questions about judicial philosophy; it would be inappropriate and would violate the ABA ethics code. In fact, the Republican National Committee, through the National Republican Lawyers Association, sent out a press release. The ABA said it is the wrong thing to do.

The fact is that judicial candidates should not make pledges how they will vote or make statements that appear to commit them on controversies or issues likely to come before the court. But they are using this to defend the new threshold that people have tried to set for Estrada by having him refuse to answer even the most basic questions about judicial philosophy or his view of legal decisions prior to entrusting him to a lifetime seat on the second highest court in the country.

This is hypocritical, given the fact the Republican Party sued the State of Minnesota to ensure that their candidates for judicial office could give their views on legal issues without violating judicial ethics. Republicans took the case to the U.S. Supreme Court, and they won. In an opinion by Justice Scalia, one of Bush's model jurists, the Supreme Court ruled that the ethics code did not prevent candidates for judicial office from expressing their views on cases or legal issues.

In its recent letter to Senators DASCHLE and LEAHY, the White House, contrary to citing Scalia, cites the dissent by Ginsburg in that case. They refuse to mention the word "Scalia."

Some people may disagree with the judicial philosophy of Antonin Scalia but no one can dispute his brilliance. He is a man who I am sure is an advocate on that court. When they go behind those curtains, I am sure they have a handful to try to handle his logic because he is really good. He is a smart man. So we have to accept something that he would say, and Scalia has said that anyone coming to a judgeship is bound to have opinions about legal issues and the law and there is nothing improper about expressing them, so long as a candidate does not pledge to always rule a certain way. Specifically, in Republican Party of Minnesota v. White, the U.S. Supreme Court overruled ABA model restrictions against candidates for elected judicial office from indicating their views on legal issues while campaigning or seeking judicial office. In his opinion, Justice Scalia wrote that making statements of honestly held views would not make a candidate unfit.

In that majority opinion, Justice Scalia explained that even if it were possible to select judges who do not have preconceived views on legal issues, it would hardly be desirable to do so. Proof that a justice's mind at the time he joined a court was a blank slate in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias. And since avoiding judicial preconceptions on legal issues is neither possible nor desirable, pretending otherwise by attempting to preserve the appearance of that type of impartiality can hardly be a compelling state of interest, either. That is Scalia. Was that a brilliant statement? One may not agree with it but don't they understand what he is saying? Of course, they do.

Accordingly, prior to last summer, some judicial candidates may have thought that they could not share their views on legal issues, although some tried to answer questions as best they could. Some candidates tried to view the ABA modeling rules expansively to try to avoid sharing their views.

Professor McConnell, who was confirmed last year, answered all the questions. It is clear that the ethical rules do not prevent a candidate from sharing his or her views, a result sought by Republicans eager to use these views to try to win the election of Republican judges to short-term positions. They went to the Supreme Court to prove this. Of course, a judicial candidate cannot be compelled to share his views but he refuses to do so at his own peril. That is what we are talking about.

Scalia said that even if it were possible to select judges who do not have preconceived views on legal issues, it would hardly be desirable to do so. Proof that a justice's mind at the time he joined the court was complete—and he uses a Latin word. I did not take much Latin, but it is tabula rasa, which means a blank slate—in the areas of constitutional adjudication would be evidence of lack of qualification, not lack of bias.

Scalia was quoting from Justice Rehnquist's 1971 opinion in Laird v. Tatum in which he refused to recuse himself on a case involving an issue on which he had previously expressed a view.

So expressing a view on a legal issue or case does not violate legal ethics and would also be unlikely to require recusal.

I do not serve on the Judiciary Committee but I have talked to a number of my colleagues, and a man by the name of McConnell came before the committee and all of the red flags came up on this side of the aisle: He is too conservative; Senator HATCH has handpicked him. All of these kinds of things came up.

He appeared before the Judiciary Committee, and even though some may have disagreed, I am told, with some of the things he said, they thought he answered every question, and he is now a member of a circuit court of appeals. He did not hide his views. He answered the questions. So people knew what he was talking about.

We do not know anything about Estrada, other than he is smart. That is not enough to get you to be a circuit court judge.

Saying, as Mr. Estrada has, that you cannot give your view of any Supreme Court case without reading the briefs, listening to oral argument, conferring with colleagues and doing your own independent legal research is just a fancy way of saying I am not going to tell you guys anything. It also defies the experiences of law students, lawyers, and citizens. It is especially evasive when a nominee has a reputation for being outspoken, passionate, and an aggressive debater on legal issues and decisions from a strong ideological perspective so much that he is a front-runner in right-wing circles for the Supreme Court, and the notion that he could be counted on to rule their way, even more so than the counsel to the President, Mr. Gonzales.

Yesterday I saw a prominent faculty member from a law school in this metropolitan area. I am not going to give his name. It may embarrass him in some way, and I did not get permission to quote him publicly, but he is a very conservative law professor, I can guarantee that. He came up to me and he said, you would make a mistake going with Estrada. Now, this is from a conservative, prominent, constitutional scholar.

So we are entitled to know his views. He should answer the questions.

There has been a lot quoted from editorials from this paper and that, most of them from Texas, which certainly my friend who just spoke is from Texas and that would be the place he should go to look for his editorials, but there was a syndicated column written by a man named E.J. Dionne, Jr., on last Friday. I am going to quote some things from his article, although not everything. It is entitled "They Started It."

> So why are Senate Democrats filibustering President Bush's nomination of Miguel Estrada to one of the nation's most important courts?. . .
>
> To say the guy is no slouch is an understatement. But the fight over Estrada's nomination to the U.S. Court of Appeals for the District of Columbia Circuit is not simply about him. It is about a concerted effort to pack our courts with representatives of a single point of view. If Democrats just rolled over on Bush's judicial nominations, they would be guilty of oppositional malpractice.
>
> To understand this battle, you could go back to Richard Nixon's campaign against liberal judges. But let's just look at what happened to Bill Clinton's effort to get two highly qualified nominees onto the D.C. Circuit.

The DC Circuit is the circuit that Estrada wants to go to.

> Elena Kagan, who served in the Clinton White House, graduated at the top of her class at Estrada's law school and now teaches there, saw her nomination languish in the Republican Senate for 18 months. Allen Snyder clerked for that well-known left-winger, U.S. Chief Justice William Rehnquist, and was also at the top at Harvard Law School. His nomination languished for 15 months.
>
> If Republicans believe in voting for quality—their argument for Estrada—why didn't they confirm Kagan and Snyder? The answer is obvious: We have before us, sadly, a fierce political struggle for control of the courts.
>
> It's not good enough to say that the way out of this politicized process is for Democrats to ignore the past and cave in to the Republicans. To do that would be to reward a determined conservative effort to control the courts for a generation. Stage One involved obstructing Clinton's nominees. Stage Two involves using any means necessary—including outrageous charges of ethnic bias—to ram conservative choices through.

I read from the LULAC statement that that simply is invalid.

> The stakes go beyond any single nominee. Do we want courts entirely dominated by one side, or do we want a fair and balanced judiciary?
>
> Consider these statistics, gathered by the Democratic staff of the Senate Judiciary Committee. There are 13 circuits: 11 regional plus the D.C. Circuit and the federal court that handles specialized cases. If all of Clinton's nominees had been approved, the circuits would have been evenly balanced in partisan terms by the time he left office. Six would have had majorities appointed by Democratic presidents, six by Republicans, and one would have been evenly split.
>
> But if Bush succeeds in filling every open seat, some of them vacant because Clinton nominees were blocked, 11 of the 13 circuits will have Republican-appointed majorities. In eight of the 13, Republican nominees would have majorities of 2 to 1 or more. Is that a formula for careful, balanced decision-making?
>
> To push attention away from this fundamental question, Republicans who say they don't want a politicized nominating process—and who regularly accuse Democrats of

> "playing the race card"—are doing all they can to turn the Estrada fight into an ethnic imbroglio.
>
> "If we deny Mr. Estrada the position on the D.C. Circuit, it would be to shut the door on the American dream of Hispanic Americans everywhere," Sen. Chuck Grassley (R-Iowa) said in January. Last year, Republican Sen. Trent Lott of Mississippi said of the Democrats: "They don't want Miguel Estrada because he's Hispanic."
>
> Never mind that eight of the 10 Hispanic appellate judges were appointed by Clinton. And never mind that Republicans had no problem blocking such Hispanic Clinton nominees as Enrique Moreno, Jorge Rangel and Christine Arguello.

Mr. President, the congressional Hispanic Caucus, which wants as many Hispanics involved in Government and the judiciary as is possible, opposes this man. We believe the debate today is where it was a week ago, 2 weeks ago, that there are ways we can move this nomination. Give us the information, answer questions, give us the memo, pull the nomination, or invoke cloture. That is about all there is.

I hope the majority leader will make a decision of what he is going to do and we can move, I hope tomorrow, to our proposal to give a stimulus package to the country—that certainly would be appropriate—or move to something the majority wants to do.

I repeat for the third time, one reason we are so tied up is the majority has nothing to do. They do not know what they want to move to next. I certainly hope we do not spend more time on this nomination.

The Presiding Officer is going to get the Golden Gavel Award probably within the next few months and is spending so much time here presiding. For those listening, Golden Gavel, as I understood, is someone who presides for 100 hours, and they get a plaque. It is hard to preside 100 hours during the year. I hope the Presiding Officer does that. It is a great way to learn about what goes on in the Senate. I can remember doing that myself.

The Presiding Officer has heard me say this on other occasions: We have more we can do. There are other things we should do. We approved 100 judges during the time we were under control. The only three judges who have come before the floor this year we approved unanimously. We can continue this debate for a week, 2 weeks, 3 weeks, whatever it takes. We can spend time here at night. That is no punishment. The majority is the one that has to have Presiding Officers. If you want to punish yourselves, that is fine, go ahead and do that. We will have someone here making sure everything is done properly.

Everything has been said about Miguel Estrada. I could take a test on Miguel Estrada's life and I would get an A+. I would either do multiple choice, true and false, or an essay question. I can do just fine on Miguel Estrada. I know everything there is to know about Miguel Estrada. But everything we have to know today about Miguel Estrada from our perspective is not much. I can tell you he was 17 when he came here, he was a fine student at Harvard. Everyone seems to like him. He seems like a nice guy. I met him. I saw him on television when he was questioned by the Judiciary Committee. He obviously is very bright. He is very opinionated. But we do not know all those opinions. We only get that from people he has talked with.

Everything has been said. We are getting to the point where almost everyone has said it. But we can repeat it. Who knows, maybe the majority will decide, with the help of Mr. Gonzales, the counsel of the President, that we can get the information we want. Senators DASCHLE and LEAHY wrote a letter and asked for the memos and that he appear again. We got a 15-page letter in response. Obviously this is not a matter where everyone can compromise. That is too bad.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have spoken twice about Miguel Estrada and have made my views rather well known. However, in response to the distinguished Senator from Texas, who is a relative newcomer on the Senate Judiciary Committee, I want to just quickly point out what I found in my 10 years of service on that committee.

From the 104th to the 106th Congress, when Republicans controlled the Senate, 53 Clinton judges were refused even a hearing in committee; six had a hearing but no vote; 11 came out of committee, but no floor vote.

What is my point in this? My point is there is more than one way of filibustering a judge. Right now, there is a filibuster going on over a nominee to the D.C. Circuit. However, that filibuster can occur in a couple of ways. One, someone can object to unanimous consent to come to a vote. A cloture vote can happen. If there are 60 votes there, it ends the filibuster.

But another kind of filibuster is a filibuster in committee when an individual is nominated and they wait year after year, some for an appellate court as long as 4 years, and never have a hearing. Some of President Clinton's nominees withdrew rather than continue this painful process.

The fact of the matter is every Presidential nominee who comes over to the Judiciary Committee for review, for a hearing, and for a vote, does not receive that review, that hearing, and that vote. That is just a fact. So you could say 70 Clinton judicial nominees were essentially filibustered by a Republican-controlled Judiciary Committee—53 never had a hearing, six had their hearing, but were never brought to a committee vote, and 11 were actually reported out of committee, but never had a vote in the Senate.

I do not think what is happening with respect to Mr. Estrada is anything that is very unusual. There are good reasons for it. There is probably no circuit more sensitive than the DC Circuit. The Presiding Officer, who is a very bright individual, understands this. We all understand the circuit is evenly split. We all understand that President Clinton proposed nominees, two of whom never got a vote, for that particular circuit. Therefore, whoever is appointed to this circuit has a special predominance in our thinking. We would like to know what that individual believes. We would like to know their jurisprudence. We would like to be able to know their temperament. Mr. Estrada, to a great extent, through his own volition, has prevented that from happening.

ENERGY

I come to the floor today in another capacity, and that is as a member of the Energy and Natural Resources Committee. I quickly bring to the Senate recent disclosures about how a number of energy firms have engaged in deceptive trading practices to drive up prices for consumers in the western energy market. I believe strongly this recent evidence requires the Federal Energy Regulatory Commission to take additional strong and aggressive steps to keep energy markets from continually being abused. I will update the Senate on these revelations that have been uncovered in the past year.

Earlier this month, Jeffrey Richter, the former head of Enron's Short-Term California energy trading desk, pled guilty to conspiracy to commit fraud as part of Enron's well known schemes to manipulate western energy markets. Richter's plea follows that of head Enron trader Tim Belden in the fall of 2002. Belden admitted that he schemed to defraud California during the Western energy crisis and also plead guilty to conspiracy to commit wire fraud.

The Enron plea came on the heels of FERC's release of transcripts from Reliant Energy that reveal how their traders intentionally withheld power from the California market in an attempt to increase prices. This is one of the most egregious examples of fraud and manipulation that affected the western energy market in 2000 and 2001 and it is clear and convincing evidence of coordinate schemes to defraud consumers.

Let me read just one part of the transcript to demonstrate the greed behind the market abuse by Reliant and its traders.

On June 20, 2000 two Reliant employees had the following conversation that reveals the company withheld power from the California market to drive prices up. Let me read to you this phone call transcript.

> Reliant Operations Manager 1: "I don't necessarily foresee those units being run the remainder of this week. In fact you will

> probably see, in fact I know, tomorrow we have all the units at Coolwater off."
>
> Reliant Plant Operator 2: "Really?"
>
> Reliant Operations Manager 1: "Potentially. Even number four. More due to some market manipulation attempts on our part. And so, on number four it probably wouldn't last long. It would probably be back on the next day, if not the day after that. Trying to uh . . ."
>
> Reliant Plant Operator 2: "Trying to shorten supply, uh? That way the price on demand goes up."
>
> Reliant Operations Manager 1: "Well, we'll see."
>
> Reliant Plant Operator 2: "I can understand. That's cool."
>
> Reliant Operations Manager 1: "We've got some term positions that, you know, that would benefit."

Six months after this incident, as the Senate Energy Committee was attempting to get to the bottom of why energy prices were soaring in the west, the President and CEO of Reliant testified before Congress that the State of California "has focused on an inaccurate perception of market manipulation."

Reliant's President and CEO went on to say:

> We are proud of our contributions to keep generation running to try to meet the demand for power in California. Reliant Energy's plant and technical staffs have worked hard to maximize the performance of our generation.

These transcripts prove otherwise and reveal the truth about market manipulation in the energy sector.

If you think that is a lot of money, remember that the cost of energy for California went from $8 billion 1 year to $28 billion the next year. So the fraud and the manipulation was huge during that period of time.

Despite this clear and convincing evidence of fraud, on January 31 of this year, the Federal Energy Regulatory Commission chose to give Reliant a slap on the wrist for this behavior. The company paid only $13.8 million to sweep this criminal behavior under the rug and settle with FERC.

Let me turn to some other recent examples that demonstrate how other energy companies manipulated the western energy market as Reliant did. On December 11 FERC finally released audio tapes that show how traders at Williams conspired with AES Energy plant operators to keep power offline and drive prices up.

The tapes depict how on April 27, 2000, Williams outage coordinator Rhonda Morgan encouraged an AES operator at the company's Alamitos plant to extend a plant outage because the California grid operator was paying "a premium" for power at the time. The Williams employee stated:

> That's one reason it wouldn't hurt Williams' feelings if the outage ran long.

Later that day, Eric Pendergraft, a high-ranking AES employee called to confirm with Ms. Morgan that Williams wanted the plant to stay offline by saying:

> You guys were saying that it might not be such a bad thing if it took us a little while longer to do our work? I don't want to do something underhanded, Ms. Morgan responded, but if there is work you can continue to do . . ."

At this point Mr. Pendergraft interrupted to cut off their suspicious conversation, saying:

> I understand. You don't have to talk anymore.

Clearly, this is evidence of a calculated intent to withhold power to raise prices. I find it unconscionable.

Let's turn to some other examples.

On January 27, 2003, Michelle Marie Valencia, a 32-year-old former senior energy trader for Dynegy was arrested on charges that she reported fictitious natural gas transactions to an industry publication.

On December 5, 2002, Todd Geiger, a former vice president on the Canadian natural gas trading desk for El Paso Merchant Energy, was charged with wire fraud and filing a false report after allegedly telling a trade publication about the prices for 48 natural gas trades that he never made in an effort to boost prices and company profit.

These indictments are just the latest examples of how energy firms reported inaccurate prices to trade publications to drive energy prices higher.

Industry publications claimed they could not be fooled by false prices because deviant prices are rejected, but this claim was predicated on the fact that everyone was reporting honestly—which we now know they weren't doing.

CMS Energy, Williams, American Electric Power Company, and Dynegy have each acknowledged that its employees gave inaccurate price data to industry participants. On December 19 Dynegy agreed to pay a $5 million fine for its actions.

In September an Administrative Law Judge at FERC issued a landmark ruling concluding that El Paso Corporation withheld natural gas from California and recommended penalty proceedings against the company. Since the El Paso Pipeline carries most of the natural gas to Southern California, this ruling has tremendous implications. The FERC Commissioners are expected to take up this case for a final judgment soon.

This is one of the things I tried to see the President about, but he wouldn't see me, because it became very clear during this period of time that natural gas going into San Juan, NM, was trading at about $5 to $6 a decatherm, whereas natural gas going just a short distance away into southern California was trading at $60 a decatherm, and natural gas forms the basis for the price of electricity. I had hoped if I could give this information to the President of the United States at that time that he might look into it and we might have prevented some of what happened in the western energy markets. Unfortunately—and I wrote four letters—he refused to see me on this subject.

This past summer, California State Senate investigators uncovered how Perot Systems—a company which set up the computer system for California's electricity market—provided its energy clients with a detailed blueprint of how to exploit holes in the state's bidding system to drive prices up.

These have been the latest revelations in a series of energy disclosure bombshells that began on Monday, May 6, when the Federal Energy Regulatory Commission posted a series of documents on their website that revealed Enron manipulated the western energy market by engaging in a number of suspect trading strategies.

These memos revealed for the first time how Enron used schemes called "Death Star," "Get Shorty," "Fat Boy," and "Ricochet" to fleece families and businesses in the West.

By using Death Star, for example, Enron would "get paid for moving energy to relieve congestion without actually moving energy or relieving any congestion." That is according to their own internal memo.

Just on its face, that is fraud. We are going to move energy without moving energy—fraud.

In another strategy detailed in these memos, Enron would "create the appearance of congestion through the deliberate overstatement of loads" to drive prices up.

Create "the appearance of congestion through the deliberate overstatement of loads"—fraud.

The above-mentioned strategy reveals an intentional and coordinated attempt to manipulate the western energy market for profit.

This is an important piece of the puzzle, and some former Enron traders helped fill in the blanks.

CBS news reported in May that former Enron traders admitted that the energy company was directly responsible for rolling blackouts in California. Yet, interestingly enough, no one has followed up on this report.

Anybody who has ever been through a rolling blackout knows what it is like. Everything goes off and you cannot predict where it goes off next. Street lights, hospitals—literally everything goes off.

According to CBS news, the traders said Enron's former President, Jeff Skilling, pushed them to trade aggressively in California and told them: If you can't do that, then you need to find a job at another company or go trade pork bellies.

The CBS article mentions that Enron traders played a disturbing role in blackouts that hit California. The report mentioned specific manipulative behavior by Enron on June 14 and 15 in the summer of 2000 when traders said they intentionally clogged Path 26. That is a key transmission path connecting northern and southern California. Here is what one trader said about that event:

> What we did was overbook the line we had the rights on during the shortage or in a heat wave. We did this in June of 2000 when the Bay Area was going through a heat wave and the ISO couldn't send power to the north. The ISO has to pay Enron to free up the line in order to send power to San Francisco to keep the lights on. But by the time they agreed to pay us rolling blackouts had already hit California and the price for electricity went through the roof.

California lost billions. Yet, according to the traders, Enron made millions of dollars by employing this strategy alone.

On top of all of this, traders disclosed that Enron's manipulative trading strategy helped force California to sign expensive long-term contracts. It is no surprise that Enron and others were able to profit so handsomely during the crisis.

Financial statements show that revenue and income surged for energy trading companies in 2000 and 2001. Many firms such as Duke, Dynegy, Enron, Mirant, Reliant, and Williams greatly increased their revenues by taking advantage—taking advantage—of the California market.

And the evidence suggests that other companies were—and may continue to be—engaging in these manipulative strategies and that the Enron memos may well be the tip of the iceberg. One of the Enron memos said: Enron may have been the first to use this strategy, others have picked up on it, too.

Dynegy, Duke Energy, El Paso, Reliant Resources, CMS Energy, and Williams all admitted engaging in false "round-trip" or "wash" trades.

What is a "round-trip" or "wash" trade, one might ask? "Round-trip" trades occur when one firm sells energy to another and then the second firm simultaneously sells the same amount of energy back to the first company at exactly the same price. No commodity ever changes hands. But when done on an exchange, these transactions send a price signal to the market and they artificially boost revenue for the company. Fraud again.

How widespread are "round-trip" trades? The Congressional Research Service looked at trading patterns in the energy sector over the last few years. This is what they reported:

> This pattern of trading suggests a market environment in which a significant volume of fictitious trading could have taken place. Yet since most of the trading is unregulated by the Government, we have only a slim idea of the illusion being perpetrated in the energy sector.

Consider the following recent confessions from energy firms about "round-trip" trades:

> Reliant admitted 10 percent of its trading revenues came from "round-trip" trades. The announcement forced the company's president and head of wholesale trading to both step down.

DMS Energy announced 80 percent of its trade in 2001 were "round-trip" trades.

That means 80 percent of all of their trades that year were bogus trades where no commodity changed hands, and yet the balance sheets reflect added revenue. If that isn't fraudulent, I do not know what is.

Remember, these trades are sham deals where nothing was exchanged.

Duke Energy disclosed that $1.1 billion worth of trades were "round-trip" since 1999. Roughly two-thirds of these were done on the InterContinental Exchange; that is, the online, nonregulated, nonaudited, nonoversight for manipulation and fraud entity run by banks in this country. That means thousands of subscribers would see false pricing.

A lawyer for J.P. Morgan Chase admitted the bank engineered a series of "round-trip" trades with Enron.

Dynegy and Williams have also admitted to "round-trip" trades.

Although these trades mostly occurred with electricity, there is evidence that suggests that "round-trip" trades were made in natural gas and even broad band.

By exchanging the same amount of commodity at the same price, I believe these companies have not engaged in meaningful transactions but deceptive practices to fool investors and drive up energy prices for consumers. It is, therefore, imperative that the Department of Justice, the Federal Energy Regulatory Commission, the Securities and Exchange Commission, the Commodities Futures Trading Commission, and every other oversight agency within this Federal Government conduct an aggressive and vigorous investigation into all of the energy companies that participated in these markets.

Beyond that, I believe Congress must reexamine what tools the Government needs to better keep watch over these volatile markets that are, frankly, little understood.

In the absence of vigilant Government oversight of the energy sector, firms have the incentive to create the appearance of a mature, liquid, and well-functioning market. But it is unclear, and I think improbable, that such a market actually exists.

The "round-trip" trades and the Enron memos raise questions about illusions in the energy market. To this end, I believe it is critical for the Senate to act soon on the legislation I offered last April to regulate online energy trading.

This week, I plan to reintroduce this legislation with Senators FITZGERALD, LUGAR, HARKIN, CANTWELL, WYDEN, and LEAHY, to subject electronic exchanges like Enron On-Line to the same oversight, reporting, and capital requirements as other commodity exchanges such as the Chicago Mercantile Exchange, the New York Mercantile Exchange, and the Chicago Board of Trade.

This legislation will be called the Energy Market Oversight Act. Without this type of legislation, there is insufficient authority to investigate and prevent fraud and price manipulation and, also, the parties making the trade are not required to keep any records, nor are the trades transparent. In other words, they are secret trades with no audit trails, no oversight for fraud and manipulation. They cannot exist over a regular exchange like that, but the Internet, the online trading community is exempt from this oversight. It is a huge loophole, and it has cost my State billions.

I strongly believe that in order to restore confidence in the economy, we must bolster the authority of the Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Commodity Futures Trading Commission, and other regulatory agencies.

The marketplace must be fair and transparent, and regulatory bodies such as FERC must show they will act in the public interest and release to the public all information on fraud and manipulation. This includes removing the "protective order" FERC has placed on evidence uncovered by the State of California and other interested parties, information the Commission has on wrongdoing in the energy sector but hasn't disclosed. With something as broadly based as energy, as important to people as energy, it is unconscionable to have all this information protected in a lockbox. It must change.

I strongly believe families and businesses that suffered during the western energy crisis have a right to know the extent of the fraud and manipulation that was wrought upon them. So I intend to help ensure that FERC fulfills its public duty so this abuse cannot happen again. Unfortunately, at this time, none of us can give this guarantee to the people of America. And that must change.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Arizona.

Mr. KYL. Mr. President, I will speak about the nomination of Miguel Estrada to be a judge for the District of Columbia Circuit Court of Appeals.

That is, of course, the pending business before the Senate, and it is the business which we will complete before we can move on to other matters, such as the adoption of a budget, and the consideration of the President's economic growth and jobs creation package. But I do not think the President is going to back down on his nomination. Yet I heard a member of the other side of the aisle yesterday, on television, say as far as he was concerned, that nomination would never come up for a vote; that is to say, at least until he "answered" the questions of the Members of the other side.

I would like to set the record straight. Through an entire day of hearings, and some 30 questions that were asked of him, Miguel Estrada answered the questions posed. There has been an opportunity to follow up with written questions. If Members have not availed themselves of that opportunity, then that is their problem, not his.

Miguel Estrada has answered all of the questions put before him. He is one of the most competent, qualified, brilliant lawyers the President could have nominated for this position. And really nobody disputes that. So the business about not answering questions is really a smokescreen. It is a smokescreen for opposition to his candidacy based upon the fact that President Bush nominated him and President Bush is a conservative President.

President Bush, I suspect, is more representative of the mainstream of the thinking in this country than certain people on the fringe of either the Democratic party or the Republican party. So I do not think one can simply say because President Bush has nominated somebody that they are extremist or rightwing or that they are ideologves. In fact, the people who have opposed Judge Estrada's nomination have confirmed as much by saying they simply do not know enough about him. So I am a little tired of those who say, on the one hand, we do not know enough about him but, on the other hand, he is some kind of an ideologve. The fact is, he isn't. They do not have anything to suggest he is. It seems to me in the great American idiom, it is time to put up or shut up.

Now, we are not going to shut the Democratic side up. If they want to keep talking about Miguel Estrada, they can talk, as far as we are concerned, as long as they want to. But they should be addressing his nomination instead of speaking about other things or simply not being here on the Senate floor debating his confirmation. His confirmation is the pending business. If Members have a concern about him, they ought to bring it forth. If they have some evidence that he has done something in his background that isn't right, then they ought to bring it forth. If they have an objection to one of his opinions, then they should bring that forth. None of this has happened or will happen because, in fact, there is nothing there. That is why they are regulated to saying: Well, we just don't know enough about him.

It is time for those who oppose Miguel Estrada to be honest about their opposition, to come forth and talk to the American people about it, and find out what the American people think about their opposition to Miguel Estrada.

I put together just a few quotations of people around the country who have commented on his nomination. I would like to just read a few of them.

We are all aware of the fact the American Bar Association—whose opinion used to be the "Gold Standard" for Democrat Members in the Senate on judicial nominations—rated Miguel Estrada well qualified unanimously. That is their highest rating. And they take into consideration everything, from judicial temperament, to educational background, to experience. Obviously, if someone were way outside the mainstream or too political, the American Bar Association would not have unanimously indicated their approval of the candidate.

This is from Ruben Navarette, who wrote in the Dallas Morning News—by the way, a very competent journalist who used to write for the Arizona Republic, one of my hometown newspapers:

> Miguel Estrada deserves a hearing, and Mr. Bush deserves to have his nominees considered in a timely manner. The only thing preventing that in the case of Mr. Estrada is Democrat fear of the political damage they could sustain from such a nomination.

So spoken by Ruben Navarette.

Ron Klain is a former counsel to Vice President Gore. He said this just about a year ago:

> I have no doubt that on the bench, Miguel will faithfully apply the precedents of his court, and the Supreme Court, without regard to his personal views or his political perspectives. His belief in the rule of law, in a limited judiciary, and in the separation of powers is too strong for him to act otherwise.

That goes directly to this business that somehow or other Miguel Estrada—though he has not written anything or said anything that would lead to this conclusion—could not be trusted to apply the rule of law as he understands it from the U.S. Supreme Court.

Here is a former counsel to Vice President Gore saying he knows Miguel Estrada is beyond that, that Miguel Estrada is a person who understands his role as a judge, his belief in the rule of law, and a limited judiciary, and the separation of powers and, therefore, that he would act in accordance with what we understand to be the correct role of a judge in these circumstances.

There was a statement I thought particularly interesting from former Solicitors General. Remember that Miguel Estrada was an Assistant Solicitor General. This is the office in the Department of Justice that actually represents the Government before the U.S. Supreme Court.

Miguel Estrada has argued 15 cases before the U.S. Supreme Court. In a letter signed by colleagues from the Office of the Solicitor General under Presidents Clinton and George H. W. Bush, dated September 19, 2002, I quote:

> Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge of an appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular for the rule of law.

Again, Democrats and Republicans alike affirm the fact that Miguel Estrada is above partisan politics and appreciates his role as a judge, applying the law of the precedents of the courts and of the Supreme Court.

Seth Waxman was former Solicitor General during the Clinton administration, a well-respected lawyer. This is what he wrote:

> During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected any consideration other than the long-term interests of the United States.

It is astounding to me that our friends on the other side of the aisle, despite the recommendations of high level Clinton administration lawyers affirming the professionalism and honesty and credentials of Miguel Estrada, would still contend that they don't have enough information about him. I suggest to my colleagues that they consult some of their friends in the former Clinton administration, former Solicitors General, and ask them about Miguel Estrada. If they are saying they don't know enough about him, there are some very highly qualified people to whom they could speak. I doubt there is anybody they could speak to who knows Miguel Estrada well that wouldn't confirm his qualifications to be on the court.

Instead they are relegated to dark, suspicious comments such as, "Well, maybe he believes things that we don't know about because he just hasn't answered our questions thoroughly enough." I suggest they talk to those who have worked with him on a day-in and day-out basis. They will find that he is not only highly qualified but very fair.

Just perhaps one or two other comments. Then I will yield to my friends.

Rick Davolina, LULAC national president, said:

> We are confident that Mr. Estrada will fulfill the duties of the United States Circuit Judge for the District of Columbia Circuit with fairness, intelligence, and commitment to the ideals of the United States.

I had a call from one of the local LULAC officials over the weekend who confirmed LULAC's position and support of his nomination.

Elizabeth Lisboa-Farrow, chair of the U.S. Hispanic Chamber of Commerce, said:

> From his humble beginnings as an immigrant from Honduras who achieved a stellar

> academic career . . . to his varied and impressive achievements in the Justice Department and private firms, Mr. Estrada has shown himself to be one of superior talents and accomplishments.

From the Hispanic community, from newspapers around the country, from former Clinton administration officials and others who know Miguel Estrada well, there is no doubt in their mind that he is not only qualified to serve but that he would do so applying the precedents of his court and the U.S. Supreme Court.

Therefore, I again ask my colleagues again on the other side of the aisle, if you have concerns about Miguel Estrada, bring them to the floor. Let's talk about them. Let's debate them. But at the end of the day, it is only fair to give Miguel Estrada a vote so that he can be confirmed as a judge on the DC Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Arizona and wish to join him in urging our colleagues to vote in favor of Miguel Estrada to be on the DC Circuit Court of Appeals. Senator KYL said it all and said it well. I compliment him. I compliment Senator HATCH for his leadership.

I urge my colleagues to support Miguel Estrada. I did something I haven't done in my many years in the Senate. I suggested to some of our colleagues that because, in the last couple of years, we had had a hard time moving forward circuit court nominees before the Senate, that we individually take one or two of these nominees and more or less adopt them, get to know them well and encourage their nomination.

We had good success. I thank my friend, the former chairman of the Judiciary Committee. We had good success in moving through a lot of the district court nominees. Senator LEAHY was very accommodating with us. We moved through four Oklahoma judges to serve on the district court. It didn't take very long. A lot of district court nominees were confirmed.

But on the appellate level, on the circuit court level, it wasn't the same. In fact, I believe in the last 2 years, the first 2 years, or the 107th Congress, President Bush submitted 32 nominees to the circuit court and only 17 were confirmed—53 percent. That compares to President Clinton. In his first 2 years he got 87 percent; President Bush, 96 percent; and President Reagan, 95 percent. This President Bush in the 107th Congress only got 53 percent.

I suggested to our colleagues, let's take special attention, individual Senators take special attention to some of the nominees and then encourage that they be confirmed. The reason I would do that is obviously home State Senators are going to encourage their particular nominees for district court, but maybe when you talk about the circuit court, since it applies to many States, many areas, it doesn't have quite the same degree of support from an individual Senator.

It so happens on Miguel Estrada, Senator PETE DOMENICI and I both decided that we would take particular interest in Miguel Estrada. By that we got to know him. We had meetings with him. We had press conferences on his behalf. We encouraged others to join in the effort to confirm Miguel Estrada. We were not successful in the last 2 years. He was eventually approved by the committee but not on the floor of the Senate.

That is with great regret. Now we are before the Senate trying to confirm Miguel Estrada. We haven't been able to get a vote. We have been talking for a long time. Now people want to talk, I don't know how long, but we will spend some time because this is an outstanding nominee.

I got to know him. He is a truly a success story. He immigrated to this country from Honduras at age 17. Then he graduated magna cum laude and Phi Beta Kappa from Columbia. He also graduated magna cum laude from Harvard Law School where he distinguished himself as editor of the Harvard Law Review. What a remarkable accomplishment for somebody who immigrated to this country at age 17 and could hardly speak English.

Since then he has argued 15 cases before the U.S. Supreme Court. He won 10 of those cases. Find the number of attorneys in the United States who have argued 15 cases before the Supreme Court. It is a pretty elite group. Almost by definition he is an outstanding attorney or he would not have argued 15 cases before the Supreme Court.

He was rated unanimously well qualified by the American Bar Association, its highest possible rating. President Clinton's Solicitor General, a Democrat, Seth Waxman, had this to say about Miguel Estrada:

> During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the [views] he propounded were colored in any way by his personal views—or indeed that they reflected anything other than the long-term interests of the United States.

That is from President Clinton's Solicitor General. Some people are saying, we want to see his notes when he was giving advice or memos as Assistant Solicitor General. That should not be done.

Ron Klain, former counsel to Vice President Gore, wrote to Senator LEAHY on January 16, 2002:

> Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. Miguel will rule justly towards all without showing favor towards any group or individual.

Is there any higher standard that we should hold our judges to than that? This is from the counsel to former Vice President Gore, also a Democrat.

Mr. Estrada has extensive appellate practice, and he is widely regarded as one of the country's best appellate lawyers. He is currently a partner in the prestigious Washington, DC, law firm of Gibson, Dunn & Crutcher. He also clerked for Judge Kearse, President Carter's well-respected appointee to the Second Circuit Court of Appeals. In 1998 and 1999, he clerked for Supreme Court Justice Anthony Kennedy. It goes without saying that somebody who clerks for a Supreme Court Justice is an exceptionally talented individual. He served as Assistant Solicitor General of the United States under both Presidents Clinton and Bush. He held that position for 5 years.

This is an exceptionally well-qualified individual. He has performed significant pro bono service, including representation of a death row inmate before the Supreme Court, a case to which he dedicated approximately 400 hours.

So I don't think anyone can dispute that he is well qualified, and he is an outstanding success story. I find no legitimate reason whatsoever to oppose his nomination. I am very concerned about colleagues trying to say, "Now, you are going to have to get 60 votes to confirm Miguel Estrada as a Federal judge." I am concerned about that.

I have been in the Senate for 22 years. I have heard people talk about filibustering judges, but it has never happened in my Senate career. We have filed cloture a few times—maybe for procedural reasons, or whatever; but most of the time, even when cloture was filed, it was granted overwhelmingly, with 85 or 90 votes in most cases. Those were not filibusters. The only successful filibuster goes back to 1968. So that is the only filibuster of a judicial nominee that has happened in the history of the United States. That was on Abe Fortas' nomination. It was filibustered by Democrats and Republicans. I am not saying it was right. I think it was probably wrong. But this hasn't been done since 1968.

I think it has been implied that many people in the Democrat Party are talking about filibustering several judges. So we are going to have a new standard now—that confirmation of judges is not 50 or 51, but it is going to be 60. We didn't do that with Judge Bork, Justice Thomas, or Justice Rehnquist, or in previous nominations that were fairly controversial.

I urge my colleagues to think about this. If they are going to march down this road and say you need 60 votes to confirm Mr. Estrada and others, that may be a serious mistake. One may look back on his or her Senate career and say we made a mistake. Both sides can play that game. I don't want this side to play that game, and I don't want the other side to play that game. Two wrongs don't make a right. We should not make the first bad mistake on Miguel Estrada.

Other people have said they want to have more information. They don't know enough about this young man. Compare. What did we know about many of the judges who have been confirmed? They don't commit themselves on how they would rule on a future case. Well, I hope they don't. They should not. He is not turning over his memoranda that he did as Assistant Solicitor General. First, those are confidential attorney-client memoranda, which were not requested by the seven previous nominees who worked in the Solicitor General's Office. We didn't request them previously, and we should not today. Every former Solicitor General, including Democrats Archibald Cox, Seth Waxman, Drew Days, and Walter Dellinger, signed a letter to the Judiciary Committee stating their opposition to the production of these documents, saying, "By doing that, they would have a debilitating effect on the ability of the Department of Justice to represent the United States before the Supreme Court."

Heaven forbid, if you have somebody working for a client saying, I cannot give a memo because it might not be politically correct, or it might not help me if I wish to be confirmed before the Senate in the future, that is a terrible idea. Seth Waxman, a Democrat Solicitor General under President Clinton, already said he represented the interests of the United States. That may not have coincided with his interest. It was in the interest of his client on whose behalf he was advocating.

Also, it so happens—I believe Mr. Estrada has said he would be willing to come forward with those, but the Justice Department rightly says that would be a very negative precedent to set, and they are rightfully saying they should be withheld, as all the former living Solicitors General have said. They are correct.

Again, we didn't request these memoranda from the seven other nominees who worked as Assistant Solicitors General. We should not do it in this case.

Somebody said: What about Judge Paez and Judge Berzon? They were both on the Ninth Circuit Court of Appeals, the most liberal circuit court in the country. Yes, there was a cloture vote on both of them. I will note that the cloture vote on both of them was—first, Marsha Berzon's was 86 to 13. Cloture on Richard Paez was 85 to 14. So there wasn't a filibuster on those two judges. We had a vote. I voted against them. I think I made a good vote. They were confirmed.

We should vote on Miguel Estrada, and if people don't wish to confirm him, they can vote no. The fact is, they know he would be confirmed, so they are trying to deny him a vote. I urge my colleagues to step back a little bit and ask what would this be doing to the Senate? The Constitution gives the right to the Senate in the confirmation to give advice and consent. That implies a vote. We should vote on Miguel Estrada and we should confirm Miguel Estrada. I have every confidence, having known him probably better than almost any circuit court nominee in my 22 years, that he will make an outstanding circuit court judge, one that we will be proud to have confirmed, one that the people who are obstructing his confirmation will regret. I think they will soon find out that he is an outstanding nominee and he will make an outstanding judge.

I urge my colleagues who have maybe participated in dragging this thing on—and we have been on it for a couple weeks—after talking to Majority Leader FRIST, I think we will be on it for a long time. Mr. Estrada deserves a vote. He deserves our vote of confidence, and he deserves to be confirmed by the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE AGREEMENT ON H.J. RES. 2

Mr. NICKLES. Mr. President, I submit for the RECORD a table which summarizes the conference agreement on H.J. Res. 2, the fiscal year 2003 omnibus appropriations resolution. This table was prepared by my staff based upon the estimates of the Congressional Budget Office.

I congratulate our majority leader and the chairman of the Appropriations Committee for working to provide no more in total appropriations for fiscal year 2003 than was requested by the President. The conference agreement on H.J. Res. 2 contains $397.855 billion in discretionary spending which, when added to amounts in the Defense and military construction appropriations bills already enacted, totals $763.184 billion in fiscal year 2003 discretionary spending. These totals increased from the Senate-passed levels primarily to accommodate additional defense spending requested by the President. The totals also include a 0.65 percent across-the-board reduction, amounting to $2.622 billion, from most accounts in the 11 appropriation bills included in the conference agreement.

Compared to fiscal year 2002, total discretionary spending after enactment of H.J. Res. 2 will grow by 3.9 percent. Defense discretionary spending will grow by 8.7 percent, and domestic discretionary spending will decline by 0.7 percent.

Compared to fiscal year 2002 less spending for one-time nonrecurring projects, total discretionary spending after enactment of H.J. Res. 2 will grow by 6.2 percent, defense discretionary spending will grow by 9.1 percent, and domestic discretionary spending will grow by 3.4 percent.

The conference agreement includes $25.385 billion in advance appropriations, an increase of $2.227 billion over the level of advance appropriations provide in fiscal year 2002 appropriations bills.

The conference agreement on H.J. Res. 2 also includes several increases in mandatory spending programs. The increased spending, which totals $4.257 billion in 2003 and $54.792 billion from 2003 to 2013 includes changes in agriculture payments for drought, payments to physicians and rural hospitals, and TANF payments to States.

Mr. President, I ask for unanimous consent that a table displaying the Budget Committee scoring of the conference agreement on H.J. Res. 2 and enacted appropriations, with a comparison to 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO ESTIMATES OF THE CONFERENCE APPROPRIATIONS BILLS FOR FY 2003 COMPARED TO FY 2002

[Budget authority, in billions of dollars]

Subcommittees	2002[1]	Senate appropriations bills[2]	Percent increase or decrease
Divisions A–K and Defense and Military Construction Bills:			
Agriculture	17.171	17.995	4.8
CJS	42.995	41.387	−3.7
Defense	0.560	0.574	2.5
Nondefense	42.435	40.813	−3.8
Defense	334.113	354.830	6.2
DC	0.607	0.512	−15.7
Energy and Water	25.334	26.164	3.3
Defense	15.164	15.898	4.8
Nondefense	10.170	10.266	0.9
Foreign Ops	16.433	16.300	−0.8
Interior	19.135	19.057	−0.4
Labor, HHS	127.659	133.399	4.5
Legislative	3.254	3.360	3.3
Mil Con	10.604	10.499	−1.0
Transportation[3]	23.095	21.200	−8.2
Defense	0.440	0.340	−22.7
Nondefense	22.655	20.860	−7.9
Treasury, Postal	18.515	18.326	−1.0
VA, HUD	95.758	90.350	−5.6
Defense	0.153	0.144	−5.9
Nondefense	95.605	90.206	−5.6
Deficiencies	−0.350	0.000	....
Defense	−0.196	0.000	....
Nondefense	−0.154	0.000	....
Total, Divisions A–K	734.323	753.379	2.6
Defense	360.838	382.285	5.9
Nondefense	373.485	371.094	−0.6
Division: Classified Defense Programs	0.000	10.000	....
Division N:			
Election Reform—Title I	0.000	1.500	....
Wildland Fire Management—Title III	0.000	0.825	....
Fisheries Disasters—Title V	0.000	0.100	....
0.65 percent across the board rescision on accounts (with exceptions) in 11 bills—Title V	0.000	−2.622	....
Subtotal	0.000	−0.197	....
Division P: U.S.-China Commission	0.000	0.002	....
Total, Discretionary	734.323	763.184	3.9
Defense	360.838	392.175	8.7
Nondefense	373.485	371.009	−0.7
One-time, non-recurring projects[4]	15.946	0.000	....
Defense	1.338	0.000	....
Nondefense	14.608	0.000	....
Total, Discretionary less one-time	718.377	763.184	6.2
Defense	359.500	392.175	9.1
Nondefense	358.877	371.009	3.4
Total, without enacted Defense and Mil Con	....	397.855	....
Defense	....	26.846	....

CBO ESTIMATES OF THE CONFERENCE APPROPRIATIONS BILLS FOR FY 2003 COMPARED TO FY 2002—Continued

[Budget authority, in billions of dollars]

Subcommittees	2002[1]	Senate appropriations bills[2]	Percent increase or decrease
Nondefense	....	371.009	....
Memo:			
Mandatory Items in Division N:.			
Title II—Agriculture Drought Relief, as amended	....	3.084	....
Title IV—Medicare Physicians	....	0.800	....
Title IV—Rural Hospitals	....	0.250	....
Title IV—Welfare Payments to States	....	0.098	....
Title IV—QI–1 Program	....	0.025	....
Title VII—Bonneville Power Administration	....	0.000	....
Total	....	4.257	....
Total, with Mandatories	....	767.441	....
Total, without enacted Defense and Mil Con	....	402.112	....

[1] The 2002 figures include the levels enacted in the FY 2002 appropriations bills, as well as the $24.2 billion in BA in P.L. 107–206 (the Emergency Supplemental Appropriations and Rescissions, 2002), as estimated by CBO.

[2] This represents Divisions A through P of the Conference Report on H.J. Resolution 2 (Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes), as well as the FY 2003 Defense (P.L. 107–248) and Military Construction (P.L. 107–249) appropriations bills. These bills also include $25.385 billion in advance appropriations, $2.227 billion more than the $23.158 billion in advances for the FY 2002 appropriation bills.

[3] Includes mass transit budget authority of $1.445 billion.

[4] The $15.946 billion in one-time, nonrecurring projects and activities were identified in Attachment C of OMB Bulletin 02–06, Supplement No. 1, dated October 4, 2002.

Source: Congressional Budget Office; Senate Budget Committee Republican Staff.

H.J. RES. 2: 2003 OMNIBUS APPROPRIATIONS BILL, CONFERENCE

[Fiscal year 2003, in millions of dollars]

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–13
Mandatory:												
Division N:												
Title 2—Agricultural assistance:												
BA	3,084	60	47	54	(10)	(213)	(375)	(498)	(603)	(703)	(849)	(3,090)
O	3,137	535	184	153	62	(168)	(344)	(479)	(599)	(702)	(848)	(2,206)
Title 4—Medicaid:												
Section 401:												
TANF:												
BA	64	....	....	....	....	....	....	....	....	....	....	....
O	71	6	3	(7)	....	(6)	(3)	....	....	....	....	(7)
Transitional Medicaid:												
BA	34	85	9	3	....	....	(2)	....	....	....	....	95
O	32	80	11	3	....	....	1	....	....	....	....	95
Total, section 401:												
BA	98	855	9	3	....	....	(2)	....	....	....	....	95
O	103	86	14	(4)	....	(6)	(2)	....	....	....	....	88
Section 402(a)—physicians' fee schedule:												
BA	800	2,200	3,000	4,000	5,200	6,500	7,300	7,000	6,300	5,800	5,500	52,800
O	800	2,200	3,000	4,000	5,200	6,500	7,300	7,000	6,300	5,800	5,500	52,800
Section 402(b)—Hospitals:												
BA	250	30	....	....	....	....	....	....	....	....	....	30
O	250	30	....	....	....	....	....	....	....	....	....	30
Section 403—QI-1 program:												
BA	25	....	....	....	....	....	....	....	....	....	....	....
O	25	....	....	....	....	....	....	....	....	....	....	....
Total, title 4:												
BA	1,173	2,315	3,009	4,003	5,200	6,500	7,298	7,000	6,300	5,800	5,500	52,925
O	1,178	2,316	3,014	3,996	5,200	6,494	7,298	7,000	6,300	5,800	5,500	52,918
Title 7—Bonneville Power Administration:												
BA	....	300	300	100	....	....	....	....	....	....	....	700
O	....	60	210	260	140	30	....	....	....	....	....	700
Total, H.J. Res. 2, mandatory:												
BA	4,257	2,675	3,356	4,157	5,190	6,287	6,923	6,502	5,697	5,097	4,651	50,535
O	4,315	2,911	3,408	4,409	5,402	6,356	6,954	6,521	5,701	5,098	4,652	51,412

Mr. LEAHY. Mr. President, I will speak for a few minutes regarding the debate on Mr. Estrada. The reason I say this, when I came on the floor I heard a great deal of discussion about the Hispanic National Bar Association. I heard from my friends on the other side of the aisle the current president of the Hispanic National Bar Association has led the support of this organization for Mr. Estrada's nomination, which is so. However, it jogged my memory that this morning I received a letter from 15 former presidents of the Hispanic National Bar Association. These 15 take an entirely different position than the current president: 15 well-respected former national leaders of this important bar association. They date back to the founding of it in 1972.

They have written to the Senate to oppose this nomination. They wrote to Senator HATCH and they wrote to Senator FRIST, as well as to Senator DASCHLE and myself. I am sure the speakers earlier this morning, when they spoke of the importance of the position of the president of the Hispanic National Bar Association, were probably not aware that but one is in favor of Mr. Estrada and 15 were opposed. It is very weighty opposition for 15 prior presidents of the Hispanic National Bar Association, based on the criteria to evaluate judicial nominees that this association has formally used since 1991, which has been the practical standard for the past 30 years, to make this assessment.

In addition to the candidate's professional experience and temperament, the criteria for endorsement includes the extent to which a candidate has been involved, supportive of, and responsive to the issues, needs, and concerns of Hispanic Americans and, secondly, the candidate's demonstrated commitment to the concept of equal opportunity and equal justice under the law.

In the view of the overwhelming majority of the living past presidents of the Hispanic National Bar Association, Mr. Estrada's record does not provide evidence that meets those criteria. But they say his candidacy "falls short in these respects."

They conclude:

> We believe that for many reasons including: his virtually non-existent written record, his verbally expressed and unrebutted extreme views, his lack of judicial or academic teaching experience (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his poor judicial temperament, his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community, his refusals to answer even the most basic questions about civil rights and constitutional law, his less than candid responses to other straightforward questions of Senate Judiciary Committee members, and because of the Administration's refusal to provide the Judiciary Committee the additional information and cooperation it needs to address these concerns, the United States Senate cannot and must not conclude that Mr. Estrada can be a fair and impartial appellate court judge.

This is a significant letter because during the tenure of these past presidents, the Hispanic National Bar Association has had a fair nonpartisan record of following its criteria, and endorsing or not endorsing or rejecting nominees, regardless of whether the nominee is Republican or Democrat. They follow the same criteria for Republicans and Democrats. The HNBA has been at the forefront of the effort to increase diversity on the Federal bench and improve the public confidence among Hispanics and others in the fairness of the Federal courts. They have supported Republican nominees as well as Democratic nominees. But these 15 individuals, who devoted a great deal of time in their legal careers to advancing the careers of Hispanics in the legal community, have felt compelled publicly to oppose the Estrada nomination, although they publicly supported both Democrats and Republicans before. This one they opposed.

I ask unanimous consent the letter that was sent to me, to Senator HATCH, to Senator FRIST, and to Senator DASCHLE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HNBA'S PAST PRESIDENTS' STATEMENT, FEBRUARY 21, 2003

We the undersigned past presidents of the Hispanic National Bar Association write in strong opposition to the nomination of Miguel A. Estrada for a judgeship on the Court of Appeals for the District of Columbia Circuit.

Since the HNBA's Establishment in 1972, promoting civil rights and advocating for judicial appointments of qualified Hispanic Americans throughout our nation have been our fundamental concerns. Over the years, we have had a proven and respected record of endorsing or not endorsing or rejecting nominees on a non-partisan basis of both Republican and Democratic presidents.

In addition to evaluating a candidate's professional experience and judicial temperament, the HNBA's policies and procedures governing judicial endorsements have required that the following additional criteria be considered:

1. The extent to which a candidate has been involved in, supportive of, and responsive to the issues, needs and concerns of Hispanic Americans, and
2. The candidate's demonstrated commitment to the concept of equal opportunity and equal justice under the law.

Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enough reasons to conclude that Mr. Estrada's candidacy falls short in these respects. We believe that for many reasons including: his virtually non-existent written record, his verbally expressed and un-rebutted extreme views, his lack of judicial or academic teaching experience, (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his poor judicial temperament, his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community, has refusals to answer even the most basic questions about civil rights and constitutional law, his less than candid responses to other straightforward questions of Senate Judiciary Committee members, and because of the Administration's refusal to provide the Judiciary Committee the additional information and cooperation it needs to address these concerns, the United States Senate cannot and must not conclude that Mr. Estrada can be a fair and impartial appellate court judge.

Respectfully submitted,
Signed by 15 past HNBA presidents.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now return to legislative session.

PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider S. 151, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, as follows:

[Strike the parts shown in boldface brackets and insert the parts shown in italic.]

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003" or "PROTECT Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: **[**(A) create depictions of virtual children that are indistinguishable from depictions of real children;**]** *(A) computer generate depictions of children that are indistinguishable from depictions of real children;* **[**(B) create depictions of virtual children using compositions of real children to create an unidentifiable child; or**]** *(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or* (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, **[**to make depictions of virtual children look real**]** *to computer generate realistic images of children.*

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, **[**and/or**]** *or* related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges **[**will likely increase**]** *increased significantly* after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic **[**delineation**]** *assessment* may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised

the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful.

[(10)] *(11)* In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. *Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.*

[(11)] *(12)* To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

[(12)] *(13)* The Supreme Court's 1982 Ferber [v. New York] decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary *now* to ensure that open and notorious trafficking in such materials does not reappear, *and even increase, on the Internet.*

SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) knowingly—

"(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

"(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that [conveys the impression] *reflects the belief, or that is intended to cause another to believe,* that the material or purported material is, or [contains, an obscene visual depiction of a minor engaging in sexually explicit conduct;";] *contains—*

"(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

"(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;";

(B) in paragraph (4), by striking "or" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, [of sexually explicit conduct] where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

"(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

"(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

"(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.";

(2) in subsection (b)(1), by striking "*paragraphs* (1), (2), (3), or (4)" and inserting "*paragraph* (1), (2), (3), (4), or (6)"; and

(3) by striking subsection (c) and inserting the following:

"(c) Affirmative Defense.—It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

"(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

"(B) each such person was an adult at the time the material was produced; or

"(2) the alleged child pornography was not produced using any actual minor or minors. No affirmative defense *under subsection (c)(2)* shall be available in any prosecution that involves [obscene child pornography or] child pornography as described in section [2256(8)(D)] *2256(8)(C)*. A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.".

SEC. 4. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(e) Admissibility of Evidence.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.".

SEC. 5. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "and shall not be construed to require proof of the actual identity of the person";

[(2) in paragraph (8)—

(A) in subparagraph (B), by inserting "is obscene and" before "is";

(B) in subparagraph (C), by striking "or" at the end; and

(C) by striking subparagraph (D) and inserting the following:

"(D) such visual depiction—

"(i) is, or appears to be, of a minor actually engaging in bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(ii) lacks serious literary, artistic, political, or scientific value; or

"(E) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct;"; and]

(2) in paragraph (2)—

(A) by striking "means actual" and inserting the following: "means—

"(A) actual";

(B) in subparagraphs (A), (B), (C), (D), and (E), by indenting the left margin 2 ems to the right and redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(C) in subparagraph (A)(v), as redesignated, by inserting "or" after the semicolon; and

(D) by adding at the end the following:

"(B)(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

"(ii) actual or lascivious simulated—

"(I) bestiality;

"(II) masturbation; or

"(III) sadistic or masochistic abuse; or

"(iii) actual lascivious or simulated lascivious exhibition of the genitals or pubic area of any person;";

(3) in paragraph (8)—

(A) by striking subparagraph (B) and inserting the following:

"(B) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; or";

(B) in subparagraph (C)—

(i) by inserting after "is engaging in sexually explicit conduct" the following: ", except that the term 'identifiable minor' as used in this subparagraph shall not be construed to include the portion of the definition contained in paragraph (9)(B)"; and

(ii) by striking "or" at the end; and

(C) by striking subparagraph (D); and

[(3)] *(4)* by striking paragraph (9), and inserting the following:

"(9) 'identifiable minor'—

"(A)(i) means a person—

"(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

"(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

"(II) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

"(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

["(B) means a computer or computer generated image that is virtually indistinguishable from an actual minor; and

"(10) 'virtually indistinguishable' means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor.".]

"(B) means a computer image, computer generated image, or digital image—

"(i) that is of, or is virtually indistinguishable from that of, an actual minor; and

"(ii) that depicts sexually explicit conduct as defined in paragraph (2)(B); and

"(10) 'virtually indistinguishable'—

"(A) means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor; and

"(B) does not apply to depictions that are drawings, cartoons, sculptures, diagrams, anatomical models, or paintings depicting minors or adults or reproductions of such depictions.".

SEC. 6. OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§2252B. Obscene visual representations of the sexual abuse of children

"(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

"(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

"(1) possessed less than 3 such visual depictions; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

"(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2); and

"(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

"2252B. Obscene visual representations of the sexual abuse of children.".

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 2252B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 2252B of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. [6.] 7. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking "of this section" and inserting "of this chapter or chapter 71,";

(2) in subsection (h)(3), by inserting ", computer generated image, *digital image*, or picture," after "video tape"; and

(3) in subsection (i)—

(A) by striking "not more than 2 years" and inserting "not more than 5 years"; and

(B) by striking "5 years" and inserting "10 years".

SEC. [7.] *8.* SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1), by inserting "or a violation of section 2252B of that title" after "of that title)";

[(1)]*(2)* in subsection (c), by inserting "or pursuant to" after "to comply with";

[(2)]*(3)* by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

[(3)]*(4)* by redesignating paragraph (3) of subsection (b) as paragraph (4); and

[(4)]*(5)* by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

SEC. [8.] *9.* CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "or" at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting "or" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. [9.] *10.* EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking "subsection (d)" each place that term appears and inserting "subsection (e)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

"(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.".

SEC. [10.] *11.* CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(f) CIVIL REMEDIES.—

"(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

"(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

"(A) temporary, preliminary, or permanent injunctive relief;

"(B) compensatory and punitive damages; and

"(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.".

SEC. [11.] *12.* ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting "chapter 71," before "chapter 109A," each place it appears.

SEC. [12.] *13.* SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. [13.] *14.* MISCELLANEOUS PROVISIONS.

(a) APPOINTMENT OF TRIAL ATTORNEYS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 15. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 1591 (sex trafficking of children by force, fraud, or coercion)," after "section 1511 (obstruction of State or local law enforcement),"; and

(2) by inserting "section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2252B (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes)," after "sections 2251 and 2252 (sexual exploitation of children),".

SEC. 16. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized," and inserting "the information specified in section 2703(c)(2)".

SEC. [14.] *17.* SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The PRESIDING OFFICER. Time for debate shall be limited to 2 hours to be equally divided between the chairman and ranking member of the Judiciary Committee or their designee.

Mr. LEAHY. Am I correct, at the request of the majority leader, there will be no vote prior to 5:30?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. LEAHY. Mr. President, because we are starting late, I ask unanimous consent—and obviously I would not object to a change should the majority leader or his designee ask otherwise—I ask unanimous consent the vote be at 5:30, and the time be equally divided between Senator HATCH and myself.

The PRESIDING OFFICER. In my capacity as a Senator from New Hampshire, I object.

Mr. LEAHY. I understand, Mr. President, having started the debate at 3:30, the time would run out at 5:30; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Were I to yield back my time, we would still be in a situation where it would occur prior to 5:30, unless we were in a quorum call; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I see your staff running around making suggestions to the Presiding Officer. I wanted to remind them that while Senators are merely constitutional impediments to the staff, in the minds of some, we could still have the vote at 5:30. I am trying to keep this schedule to what the distinguished majority leader wanted and do what was told others. Frankly, I don't care when the vote is, but I do thank the staff for trying to keep us on other schedules.

If we go the full time, then the vote would be, am I correct, unless some time is yielded back, it would be around 20 minutes to 6 and not 5:30?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. The distinguished senior Senator from Utah is on his way back from another engagement. I will begin.

I join with Senator HATCH, the Chairman of the Judiciary Committee, in urging passage of S. 151, the Hatch-Leahy PROTECT Act, a bill providing important new tools to fight child pornography. I commend Senator HATCH for his leadership and his unflagging efforts to protect our nation's children from exploitation by child pornographers.

When Senator HATCH and I introduced this bill last month, I supported passing a bill that was identical to the measure that we worked so hard on in the last Congress. That bill had passed the Judiciary Committee and the Senate unanimously in the 107th Congress. It did not become law last year because, even though the Senate was still meeting, considering and passing legislation, the House of Representatives had adjourned and would not return to take action on this measure that had passed the Senate unanimously or to work out our differences.

As I said when we introduced the Hatch-Leahy PROTECT Act and again as the Judiciary Committee considered this measure, although this bill is not perfect, it is a good faith effort to provide powerful tools for prosecutors to deal with the problem of child pornography within constitutional limits. We failed to do that in the 1996 Child Pornography Prevention Act—"CPPA", much of which the Supreme Court struck down last year. We must not make the same mistake again. The last thing we want to do is to create years of legal limbo for our nation's children, after which the courts strike down yet another law as unconstitutional.

I also said at our Judiciary Committee meeting that I hoped we could pass the bill in the same form as it unanimously passed in the last Congress. That is still my position and I believe it would have been wiser to proceed in that manner. Since my colleagues on the other side of the aisle and the Administration have jointly decided not to follow this route, however, I have nevertheless continued to work with Senator HATCH to craft the strongest bill possible that will produce convictions that will stick under the constitution.

I urge the Senate to pass this legislation, and I strongly urge the Republican leadership in the House of Representatives to take this second opportunity to pass this important legislation in the form that we send to them. I urge the Administration to support this bipartisan measure, instead of using this debate as an opportunity to add more changes that strive to make an ideological statement, but which may not withstand Constitutional scrutiny and may bog down the bill. If we act in a bipartisan manner, we can have a bill to the President that can begin working for America's children in short order.

I want to take a moment to speak again about the history of this important bill and the joint effort that it took to get to this point. In May of 2002, I came to the Senate floor and joined Senator HATCH in introducing the PROTECT Act, after the Supreme Court's decision in Ashcroft v. Free Speech Coalition "Free Speech". Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed that unlike legislative language proposed by the Administration in the last Congress, it was a good faith effort to work within the First Amendment.

Everyone in the Senate agrees that we should do all we can to protect our children from being victimized by child pornography. That would be an easy debate and vote. The more difficult thing is to write a law that will both do that and will produce convictions that stick. In 1996, when we passed the CPPA many warned us that certain provisions of that Act violated the First Amendment. The Supreme Court's decision last year in Free Speech has proven them correct.

We should not sit by and do nothing. It is important that we respond to the Supreme Court's decision. It is just as important, however, that we avoid repeating our past mistakes. Unlike the CPPA, this time we should respond with a law that passes constitutional muster. Our children deserve more than a press conference on this issue. They deserve a law that will last rather than be stricken from the law books.

It is important that we do all we can to end the victimization of real children by child pornographers, but it is also important that we pass a law that will withstand First Amendment scrutiny. We need a law with real bite, not one with false teeth.

After joining Senator HATCH in introducing the PROTECT Act in the 107th Congress, as chairman of the Judiciary Committee in the last Congress, I convened a hearing on October 2, 2002 on the legislation. We heard from the Administration, from the National Center for Missing and Exploited Children—"NCMEC", and from experts who came and told us that our bill, as introduced, would pass constitutional muster, but the House-passed bill supported by the Administration would not.

I then placed the Hatch-Leahy PROTECT Act on the Judiciary Committee's calendar for the October 8, 2002, business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Unfortunately the Judiciary Committee was unable to consider it because of procedural maneuvering by my colleagues that had nothing to do with this important legislation.

I still wanted to get this bill done. That is why, for a full week in October, I worked to clear and have the full Senate pass a substitute to the bill that tracked the Hatch-Leahy proposed committee substitute in nearly every area. Indeed, the substitute I offered even adopted parts of the House bill which would help the NCMEC work with local and state law enforcement on these cases. Twice, I spoke on the Senate floor imploring that we approve such legislation. As I stated then, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure—so similar to the joint Hatch-Leahy substitute—so that we could swiftly enact a law that would pass constitutional muster. Unfortunately, they did not. Facing the recess before the mid-term elections, we were stymied again.

Even after the last election, however, during our lame duck session, I continued to work with Senator HATCH to pass this legislation through the Senate. As I had stated I would do prior to the election, I called a meeting of the Judiciary Committee on November 14, 2002. In the last meeting of the Judiciary Committee under my Chairmanship in the 107th Congress, I placed S. 2520, the Hatch-Leahy PROTECT Act, on the agenda yet again. At that meeting the Judiciary Committee amended and approved this legislation. We agreed on a substitute and to improvements in the victim shield provision that I authored.

Although I did not agree with certain of Senator HATCH's amendments, because I thought that they risked having the bill declared unconstitutional, I nevertheless both called for the Committee to approve the bill and voted for the bill in its amended form. That is the legislative process. I compromised on some issues, and Senator HATCH compromised on others. Even though the bill was not exactly as either of us would have wished, we both worked fervently to seek its passage.

I sought, the same day as the bill unanimously passed the Judiciary Committee, to gain the unanimous consent of the full Senate to pass the Hatch-Leahy PROTECT Act as reported, and I worked with Senator HATCH to clear the bill on both sides of the aisle. I am pleased that the Senate did pass the bill by unanimous consent. I want to thank Senator HATCH for all he did to help clear the bill for passage in the 107th Congress. Unfortunately, the House failed to act on this measure last year and the Administration decided not to push for passage. If they had, we could have passed a bill, sent it to the President, and already had a new law on the books.

Instead, we were forced to repeat the entire process again, and I am here again with Senator HATCH asking yet again that this bill be enacted. I am glad to have been able to work hand-in-hand with Senator HATCH on the PROTECT Act because, it is a bill that gives prosecutors and investigators the tools they need to combat child pornography. The Hatch-Leahy PROTECT Act strives to be a serious response to a serious problem. Let me outline some of the bill's important provisions:

Section 3 of the bill creates two new crimes aimed at people who distribute child pornography and those who use such material to entice children to do illegal acts. Each of these new crimes carries a 15 year maximum prison sentence for a first offense and double that term for repeat offenders. First, the bill criminalizes the pandering of child pornography, creating a new crime to respond to the Supreme Court's recent ruling striking down the CPPA's definition of pandering. This provision is narrower than the old "pandering" definition in at least one way that responds to a specific Court criticism. The new crime only applies to the people who actually pander the child pornography or solicit it, not to all those who possess the material "downstream" and it requires the government to demonstrate that the defendant acted with the specific intent that the material is believed to be child pornography. The bill also contains a directive to the Sentencing Commission which asks it to distinguish between those who pander or distribute such material and those who only "solicit" the material. As with narcotics cases, distributors and producers are more culpable than users and should be more harshly punished for maximum deterrent effect.

I would have liked for the pandering provision to be crafted more narrowly so that "purported" material was not included and so that all pandering prosecutions would be linked to "obscenity" doctrine. That is the way that Senator HATCH and I originally wrote and introduced this provision in the last Congress. Unfortunately, the amendment process has resulted in some expansions to this once non-controversial provision that may subject it to a constitutional challenge. Thus, while it responds to some specific concerns raised by the Supreme Court there are constitutional issues that the courts will have to seriously consider with respect to this provision. I will discuss these issues later.

Second, the bill creates a new crime that I proposed to take direct aim at one of the chief evils of child pornography: namely, its use by sexual predators to entice minors either to engage in sexual activity or the production of more child pornography. This was one of the compelling arguments made by the government before the Supreme Court in support of the CPPA, but the Court rejected that argument as an insufficient basis to ban the production, distribution or possession of "virtual" child pornography. This bill addresses that same harm in a more targeted and narrowly tailored manner. It creates a new felony, which applies to both actual and virtual child pornography, for people who use such material to entice minors to participate in illegal activity. This will provide prosecutors a potent new tool to put away those who prey upon children using such pornography B whether the child pornography is virtual or not.

Next, this bill attempts to revamp the existing affirmative defense in child pornography cases both in response to criticisms of the Supreme Court and so that the defense does not erect unfair hurdles to the prosecution of cases involving real children. Responding directly to criticisms of the Court, the new affirmative defense applies equally to those who are charged with possessing child pornography and to those who actually produce it, a change from current law. It also allows, again responding to specific Supreme Court criticisms, for a defense that no actual children were used in the production of the child pornography—i.e. that it was made using computers. At the same time, this provision protects prosecutors from unfair surprise in the use of this affirmative defense by requiring that a defendant give advance notice of his intent to assert it, just as defendants are currently required to give if they plan to assert an alibi or insanity defense. As a former prosecutor I suggested this provision because it effects the real way that these important trials are conducted. With the provision, the government will have sufficient notice to marshal the expert testimony that may be needed to rebut this "virtual porn" defense in cases where real children were victimized.

This improved affirmative defense measure also provides important support for the constitutionality of much of this bill after the Free Speech decision. Even Justice Thomas specifically wrote that it would be a key factor for him. This is one reason for making the defense applicable to all non-obscene, child pornography, as defined in 18 U.S.C. §2256. In the bill's current form, however, the affirmative defense is not available in one of the new proposed classes of virtual child pornography, which would be found at 18 U.S.C. §2252B(b)(2). This omission may render that provision unconstitutional under the First Amendment, and I hope that, as the legislative process continues, we can work to improve the bill in this and other ways. I do not want to be here again in five years, after yet another Supreme Court decision striking this law down.

The bill also provides needed assistance to prosecutors in rebutting the virtual porn defense by removing a restriction on the use of records of performers portrayed in certain sexually explicit conduct that are required to be maintained under 18 U.S.C. §2257, and expanding such records to cover computer images. These records, which will be helpful in proving that the material in question is not "virtual" child pornography, may be used in federal child pornography and obscenity prosecutions under this Act. The purpose of this provision is to protect real children from exploitation. It is important that prosecutors have access to this information in both child pornography and obscenity prosecutions, since the Supreme Court's recent decision has had the effect of narrowing the child pornography laws, making more likely that the general obscenity statutes will be important tools in protecting children from exploitation. In addition, the Act raises the penalties for not keeping accurate records, further deterring the exploitation of minors and enhancing the reliability of the records.

Next, the Hatch-Leahy bill contains several provisions altering the definition of "child pornography" in response to the Free Speech case. One approach would have been simply to add an "obscenity" requirement to the child pornography definitions. Outlawing all obscene child pornography—real and virtual; minor and 'youthful-adult;' simulated and real—would clearly pass a constitutional challenge because obscene speech enjoys no protection at all. Under the Miller obscenity test, such material (1) "appeals to the prurient interest," (2) is utterly "offensive" in any "community," and (3) has absolutely no serious "literary, artistic or scientific value."

Some new provisions of this bill do take this "obscenity" approach, like the new §2252B(b)(1) and, to a lesser extent the new §2252B(b)(2), which I crafted with Senator HATCH. Other provisions, however, take a different approach. Specifically, the CPPA's definition of "identifiable minor" has been modified in the bill to include a prong for persons who are "virtually indistinguishable from an actual minor." This adopts language from Justice O'Connor's concurrence in the Free Speech case. Thus, while this language is defensible, I predict that this provision will be the center of much constitutional debate. Although I will explain in more detail later, these new definitional provisions risk crossing the constitutional line. I am not alone in this view and ask to have supporting letters from constitutional experts printed in the record.

This bill also contains a variety of other measures designed to increase jail sentences in cases where children are victimized by sexual predators. First, it enhances penalties for repeat offenders of child sex offenses by expanding the predicate crimes which trigger tough, mandatory minimum sentences. Second, the bill requires the U.S. Sentencing Commission to address a disturbing disparity in the current Sentencing Guidelines. The current sentences for a person who actually travels across state lines to have sex with a child are not as high as for child pornography. The Commission needs to correct this oversight immediately, so that prosecutors can take these dangerous sexual predators off the street. These are all strong measures designed to protect children and increase prison sentences for child molesters and those who otherwise exploit children.

The Hatch-Leahy PROTECT Act also has several provisions designed to protect the children who are victims in these horrible cases. Privacy of the children must be paramount. It is important that they not be victimized yet again in the criminal process. This bill provides for the first time ever an explicit shield law that prohibits the name or other non physical identifying information of the child victim (other than the age or approximate age) from being admitted at any child pornography trial. It is also intended that judges can and will take appropriate steps to ensure that such information as the child's name, address or other identifying information not be publicly disclosed during the pretrial phase of the case or at sentencing as well. The bill also contains a provision requiring the judge to instruct the jury, upon request of the government, that no inference should be drawn against the United States because of information inadmissible under the new shield law.

The Hatch-Leahy PROTECT Act also amends certain reporting provisions governing child pornography. Specifically, it allows federal authorities to report information they receive from the Center from Missing and Exploited Children, ("CMEC"), to state and local police without a court order. In addition, the bill removes the restrictions under the Electronic Communications Privacy Act, (ECPA) for reporting the contents of, and information pertaining to, a subscriber of stored electronic communications to the CMEC when a mandatory child porn report is filed with the CMEC pursuant to 42 U.S.C. §13032.

While this change may invite rogue federal, state or local agents to try to circumvent all subpoena and court order requirements under ECPA and allow them to obtain subscriber emails and information by triggering the initial report to the CMEC themselves, it should be well understood that this is not the intention behind this provision. These important safeguards are not being altered in any way, and a deliberate use of the tip line by a government agent to circumvent the well established statutory requirements of these provisions would be a serious violation of the law. Nevertheless, we should still consider further clarification to guard against subverting the safeguards in ECPA from government officials going on fishing expeditions for stored electronic communications under the rubric of child porn investigations.

As I made clear when this bill was introduced, I continue to express my disappointment in the Department of Justice information sharing regulations related to the CMEC tip line. According to a recent Government Accounting Office, (GAO) report, due to outdated turf mentalities, the Attorney General's regulations exclude both the United States Secret Service and the U.S. Postal Inspection Service from direct access to important tip line information. That is totally unacceptable, especially in the post 9-11 world where the importance of information sharing is greater than ever. How can the Administration justify support of this Hatch-Leahy bill, which allows state and local law enforcement officers such access, when they are simultaneously refusing to allow other federal law enforcement agencies access to the same information? I made this request in my statement when we introduced this bill, but once more I urge the Attorney General to end this unseemly turf battle and to issue regulations allowing both the Secret Service and the Postal Inspection Service, who both perform valuable work in investigating these cases, to have access to this important information so that they can better protect our nation's children.

The Hatch-Leahy bill also provides for extraterritorial jurisdiction where a defendant induces a child to engage in sexually explicit conduct outside the United States for the purposes of producing child pornography which they intend to transport to the United States. The provision is crafted to require the intent of actual transport of the material into the United States, unlike the House bill from the last Congress, which criminalized even an intent to make such material "accessible." Under that overly broad wording, any material posted on a web site internationally could be covered, whether or not it was ever intended that the material be downloaded in the United States. Under the bill we consider today, however, proof of a specific intent to send such material to the United States is required.

Finally, the bill provides a new private right of action for the victims of child pornography. This provision has teeth, including injunctive relief and punitive damages that will help to put those who produce child pornography out of business for good. I commend Senator HATCH for his leadership on this provision and his recognition that such punitive damages provisions are important means of deterring misconduct. These provisions are important, practical tools to put child pornographers out of business for good and in jail where they belong.

As I mentioned previously, the PROTECT Act is a good faith effort to tackle the child pornography problem, and I have supported its passage from the outset. I am also glad that because of our bipartisan cooperation, Senator HATCH and I were able to offer a joint amendment in Committee that strengthened the bill further against constitutional attack. Here are some of the improvements that we jointly made to the bill as introduced.

The Hatch-Leahy amendment created a new specific intent requirement in the pandering crime. The provision is now better focused on the true wrongdoers and requires that the government prove beyond a reasonable doubt that the defendant actually intended others to believe that the material in question is obscene child pornography. This is a positive step.

The Hatch-Leahy amendment narrowed the definition of "sexually explicit conduct" for prosecutions of computer created child pornography. Although I continue to have serious reservations about the constitutionality of prosecuting cases involving such "virtual child pornography" after the Supreme Court's decision in Free Speech Coalition v. Ashcroft, narrowing the definition of the conduct covered provides another argument that the provision is not as overbroad as the one in the CPPA. I had also proposed a change that contained an even better definition, in order to focus the provision to true "hard core" child pornography, and I hope we will consider such a change as the process continues.

The Hatch-Leahy amendment the saved the existing "anti-morphing" provision from a fresh constitutional attack by excluding 100% virtual child pornography from its scope. That morphing provision was one of the few measures from the CPPA that the Supreme Court did not strike down last year. I am pleased that we are avoiding placing this measure in constitutional peril in this bill.

The Hatch-Leahy amendment refined the definition of virtual child pornography in the provision that Senator HATCH and I worked together to craft last year, which will be new 18 U.S.C. § 2252B. These provisions rely to a large extent on obscenity doctrine, and thus are more rooted in the constitution than other parts of the bill. I was pleased that the Hatch-Leahy amendments includes in new 2252B(2) a definition that the image be "graphic"—that is one where the genitalia are actually shown during the sex act for two reasons.

First, because the old law would have required proof of "actual" minors in cases with "virtual" pictures, I believe that this clarification will remove a potential contradiction from the new law which pornographers could have used to mount a defense. Second, it will provide another argument supporting the law's constitutionality because the new provision is narrowly tailored to cover only the most "hard core" child pornography. I am disappointed that we could not include a similar definition in the S. 151's other virtual child pornography provision, which was included at the request of the Administration. I hope that will be considered as this bill moves forward.

The Hatch-Leahy amendment also clarifies that digital pictures are covered by the PROTECT Act, an important addition in today's world of digital cameras and camcorders.

These were important changes, and I was glad to work with Senator HATCH to craft them.

This law is not perfect, however, and I would have liked to see some additional improvements to the bill. Let me outline some of them.

First, regarding the tip line, I would have liked to further clarify that law enforcement agents may not and should not "tickle the tip line" to avoid the key protections of the Electronic Communications Privacy Act (ECPA). This might have included clarifying 42 U.S.C. § 13032 that the initial tip triggering the report may not be generated by the government's investigative agents themselves. A tip line to the CMEC is just that—a way for outsiders to report wrongdoing to the CMEC and the government, not for the government to generate a report to itself without following otherwise required lawful process. It was not the intent of any part of this bill to alter that purpose.

Second, regarding the affirmative defense, I would have liked to ensure that there is an affirmative defense for each new category of child pornography and for all cases where a defendant can prove in court that a specific, non-obscene image was made using not any child but only actual, identifiable adults. That will no doubt be a basis for attacking the constitutionality of this law.

As a general matter, it is worth repeating that we could be avoiding all these problems were we to take the simple approach of outlawing "obscene" child pornography of all types, which we do in one new provision that I suggested. That approach would produce a law beyond any possible challenge. This approach is also supported by the National Center for Missing and Exploited Children, which we all respect as the true expert in this field.

Following is an excerpt from the Center's answer to written questions submitted after our hearing, which I will place in the record in its entirety and I quote:

> Our view is that the vast majority (99–100%) of all child pornography would be found to be obscene by most judges and juries, even under a standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene. . . .
>
> In the post Free Speech decision legal climate, the prosecution of child pornography under an obscenity approach is a reasonable strategy and sound policy.

Based on this letter, according to the National Center for Missing and Exploited Children, the approach that is least likely to raise constitutional questions—using established obscenity law—is also an effective one. In short, the obscenity approach is the most narrowly tailored to prevent child pornography. New section 2252B adopts this obscenity approach, but because that is not the approach that other parts of the PROTECT Act uses, I recognize that it contains provisions about which some may have legitimate Constitutional questions.

Specifically, in addition to the provisions that I have already discussed, there were two amendments adopted in the Judiciary Committee in the last Congress and one on this Congress to which I objected that are included in the bill as we consider it today. I felt and still feel that these alterations from the original way that Senator HATCH and I introduced the bill needlessly risk a serious constitutional challenge to a bill that provided prosecutors the tools they needed to do their jobs, and that the bill would be even stronger than it is now were they changed. Let me discuss my opposition to these changes adopted by the Judiciary Committee in this Congress and the last.

Although I worked with Senator HATCH to write the new pandering provision in the PROTECT Act, I did not support two of Senator HATCH's amendments extending the provision to cover (1) "purported" material, and (2) material not linked to obscenity.

First, in the last Congress during our markup I objected to an amendment from Senator HATCH to include in the pandering provision "purported" material, which criminalizes speech even when there is no underlying material at all—whether obscene or non-obscene, virtual or real, child or adult. The pandering provision is an important tool for prosecutors to punish true child pornographers who for some technical reason are beyond the reach of the normal child porn distribution or production statutes. It is not meant to federally criminalize talking dirty over the internet or the telephone when the person never possesses any material at all. That is speech, and that goes too far.

The original pandering provision in S. 2520 as introduced last Congress was quite broad, and some argued that it presented constitutional problems as written, but I thought that prosecutors needed a strong tool, so I supported Senator HATCH on that provision.

I was heartened that Professor Schauer of Harvard, a noted First Amendment expert, testified at our hearing last year that he thought that the original provision was Constitutional, barely. Unfortunately, Professor Schauer has since written to me stating that this new amendment to include "purported" material "would push well over the constitutional edge a provision that is now up against the edge, but probably barely on the constitutional side of it" I placed his letter in the record upon introduction of the bill in this Congress on January 13, 2003.

The second amendment to the pandering provision to which I objected expanded it to cover cases not linked in any way to obscenity. It would allow prosecution of anyone who "presented" a movie that was intended to cause another person to believe that it included a minor engaging in sexually explicit conduct, whether or not it was obscene and whether or not any real child was involved. Any person or movie theater that presented films like Traffic, Romeo and Juliet, and American Beauty would be guilty of a felony. The very point of these dramatic works is to cause a person to believe that something is true when in fact it is not. These were precisely the overbreadth concerns that led 7 justices of the Supreme Court to strike down parts of the 1996 Act. We do not want to put child porn convictions on hold while we wait another 6 years to see if the law will survive constitutional scrutiny.

Because these two changes endanger the entire pandering provision, because they are unwise, and because that section is already strong enough to prosecute those who peddle child pornography, I oppose those expansions of the provision and still hope that we can reconsider them.

Although I joined Senator HATCH in introducing this bill, even when it was introduced last year I expressed concern over certain provisions. One such provision was the new definition of "identifiable minor." When the bill was introduced, I noted that this provision might "both confuse the statute unnecessarily and endanger the already upheld 'morphing' section of the CPPA." I said I was concerned that it "could present both overbreadth and vagueness problems in a later constitutional challenge." Unfortunately, this provision remains problematic and susceptible to constitutional challenge.

As the bill developed, a change to the definition of "identifiable minor" expanded it to cover "virtual" child pornography—that is, 100% computer generated pictures not involving any real children. For that reason, it presented additional constitutional problems similar to the Administration supported House bill. I objected to this amendment when it was added to the bill in the last Congress in Committee, and I continue to have serious concerns with it now.

The "identifiable minor" provision in the PROTECT Act may be used without any link to obscenity doctrine. Therefore, what potentially saved the original version we introduced in the 107th Congress was that it applied to child porn made with real "persons." The provision was designed to cover all sorts of images of real kids that are morphed or altered, but not something entirely made by computer, with no child involved.

The change adopted in the Judiciary Committee last year and supported by the Administration, however, redefined "identifiable minor" by creating a new category of pornography for any "computer generated image that is virtually indistinguishable from an actual minor" dislodged, in my view, that sole constitutional anchor. The new provision could be read to include images that never involved real children at all but were 100 percent computer generated.

That was not the original goal of this provision, and that was the reason it was constitutional. There are other provisions in this bill that deal with obscene virtual child pornography that I support, such as those in new section 2252B, which are linked to obscenity doctrine. This provision, however, was intended to ease the prosecutor's burden in cases where images of real children were cleverly altered to avoid prosecution. By changing the identifiable minor provision into a virtual porn provision, the Administration has needlessly endangered its constitutionality.

For these reasons, I was glad to work alongside Senator HATCH to narrow this provision before the Judiciary Committee. Unfortunately, despite our best efforts, I fear we did not do everything possible to strengthen it against constitutional attack. Let me explain.

Although the Hatch-Leahy amendment adopted in Committee included a slightly narrower definition of sexually explicit conduct and excluded cartoons, sculptures, paintings, anatomical models and the like, the virtual porn provision still sweeps quite broadly and is potentially vague. New section 2252A(2)(B)(i) lumps in such truly "hard core" sexual activities such as intercourse, bestiality, and s&m in with simple lascivious exhibition of the genitals and simulated intercourse where any part of a breast is shown. Equating such disparate types of conduct, however, does not mesh with community standards and is precisely the type of "one size fits all" approach that the Supreme Court rejected in the area of virtual pornography in the Free Speech case. The contrast between this broad definition and the tighter definition in new Section 2252B(b)(2), crafted by Senator HATCH and myself, is striking. In fact, I suggested that we include the same definition of "graphic" conduct found in new section 2252B in the new Section 2252A virtual child porn provision to better focus it on hard core conduct. Unfortunately, the Administration rejected that proposal and the provision may be open to overbreadth attacks.

I also believe that there is a vagueness concern in the new statute 2252A because, while it is clearly aimed at "virtual" child pornography (where no real children are involved), it still requires "actual" conduct. In the realm of computer generated images, however, the distinction between actual and simulated conduct makes no sense. It is so vague and confusing that I fear that clever defendants might seek to argue that this new provision still requires proof "actual" sexual acts involving real children. I hope that this language is further clarified in order to address these concerns.

The Supreme Court made it clear that we can only outlaw child pornography in two situations: No. 1, it is obscene, or No. 2, it involves real kids. That is the law as stated by the Supreme Court, whether or not we agree with it.

Senator HATCH and I agree that legislation in this area is important. But regardless of our personal views, any law must be within constitutional limits or it does no good at all. The amended identifiable minor provision, which would include most "virtual child pornography" in the definition of child pornography, in my view, crosses the constitutional line, however, and needlessly risks protracted litigation that could assist child pornographers in escaping punishment.

Another new provision in the bill includes a mandatory directive to the United States Sentencing Commission to establish penalties for these new crimes at certain levels. In my experience, however, the non-partisan Sentencing Commission operates best when it is allowed to study an issue carefully and come up with a particular sentencing guideline based upon its expertise in these matters. In fact, in child pornography cases the Sentencing Commission has established appropriately high penalties in the past, and there is no reason to believe that it would not do so again with respect to these new laws.

While most all of the provisions of the Hatch-Leahy PROTECT Act are designed to withstand constitutional scrutiny, unfortunately legal experts could not vouch for the constitutionality of the bill supported by the Administration in the last Congress, which seemed to challenge the Supreme Court's decision, rather than accommodate the restraints spelled out by the Supreme Court. That proposal and the associated House bill from the 107th Congress simply ignored the Supreme Court's decision, reflecting an ideological response rather than a carefully drawn bill that would stand up to scrutiny.

I supported passage of the PROTECT Act as Senator HATCH and I introduced it and as it passed the Senate unanimously in the last Senate. Even so, I was willing to work with him to further amend the bill in the Judiciary Committee. Some amendments that we considered in committee I supported because they improved the bill. Others went too far.

These provisions raise legitimate concerns, but in the interest of making progress I support consideration and passage of the measure in its current form. I hope that we can work to further improve this bill so that it has the best possible chance of withstanding a constitutional challenge.

That is not everyone's view. Others evidently think it is more important to make an ideological statement than to write a law. A media report on this legislation at the end of the last Congress reported the wide consensus that the Hatch-Leahy bill was more likely than the House bill to withstand scrutiny, but quoted a Republican House member as stating: "Even if it comes back to Congress three times we will have created better legislation."

To me, that makes no sense. Why not create the "better legislation" right now for today's children, instead of inviting more years of litigation and putting at risk any convictions obtained in the interim period before the Supreme Court again reviews the constitutionality of Congress' effort to address this serious problem? That is what the PROTECT Act seeks to accomplish.

Even though this bill is not perfect, I am glad to stand with Senator HATCH to secure its approval by the Senate as I did in the last Congress. The floor statements, including my statement today and the statement and material I placed in the CONGRESSIONAL RECORD on introduction of this bill on January 13, 2003, will be important to the legislative history of this matter, and so I seek consent to place letters from experts in the record commenting upon aspects of the bill. Creating a comprehensive record is especially important for statutes that face constitutional challenges, as this law nearly certainly will.

As I have explained, I believe that this issue is so important that I have been willing to compromise and to support a measure even though I do not agree with each and every provision that it contains. That is how legislation is normally passed. I hope that the administration and the House do not decide to play politics with this issue and seek further changes that could bog the bill down. I urge swift consideration and passage of this important bill as it is currently written. It is aimed at protecting our Nation's children.

Just to further explain my support for this measure and to reiterate, let me continue. As I said when we introduced the Hatch-Leahy PROTECT Act, again, as the Judiciary Committee considered this measure, although the bill is not perfect, and on this subject it is difficult to get a perfect bill, it is a good-faith effort to provide powerful tools for prosecutors to deal with the problem of child pornography within constitutional limits, We failed to do that in 1996 with the Child Pornography Prevention Act, much of which the Supreme Court struck down last year.

I hope we would not make the same mistake again. The last thing we want to do is to create years of legal limbo for our Nation's children, after which the courts strike down yet another law as unconstitutional.

I also said at our Judiciary Committee meeting that I hoped we could pass the bill in the same form as unanimously passed in the last Congress. That is still my position. I believe it would have been wiser to have proceeded in that manner. Since my colleagues on the other side of the aisle, at the request of the administration, have decided not to follow this route, I have nevertheless continued to work with Senator HATCH to craft the strongest bill possible to produce convictions that will stick under the Constitution.

In my years as a prosecutor, I learned that it was important to make sure that any cases we brought were based on legislation that was constitutional in the first place so the prosecution would stick.

I urge the Senate to pass the Hatch-Leahy bill, and I urge the Republican leadership in the House of Representatives to take the second opportunity to pass this important legislation. As I said earlier, the Senate did pass it last year. The other body did not take up our bill.

I also urge the administration to support this bipartisan measure. It is not a partisan issue to be against child pornographers. We are all against child pornographers, Republican or Democrats. Those who are parents or grandparents feel very strongly the desire to pass this legislation. If we act in a bipartisan manner we can have a bill to the President that begins working to protect America's children, and we can do it in very short order.

Our children deserve more than a press conference on this issue. It is easy enough for people to stand up and say they are against child pornographers, as though anyone here would be for them. But it is one thing to have a press conference and another thing to give to prosecutors tools they can use. Our children deserve a law that will last rather than one that is passed to make political points but will be struck down as unconstitutional.

Let me describe a few of the provisions in the Hatch-Leahy bill. Section 3 of the bill creates two new crimes aimed at people who distribute child pornography and those who use such material to entice children to do illegal acts. The bill creates a new crime that I propose to take direct aim at one of the chief evils of child pornography; namely, its use by sexual predators to entice minors to either engage in sexual activity or other crimes. This 15-year felony will provide prosecutors a potent new tool to put away those who actually prey upon children in using such pornography.

Next, this bill revamps existing affirmative defense of child pornography cases, both in response to criticisms of the Supreme Court. As a former prosecutor, I made sure that the provision is drafted to protect prosecutors from unfair surprise in the use of affirmative defense by requiring a defendant give advance notice of his intent to assert.

Frankly, what I did was put myself in the position of what prosecutors would have to do to get convictions. I tried to make sure by the provisions I put into this bill, that prosecutors would have the tools to give them the best chance to get such convictions.

Next, the Hatch-Leahy bill contains several provisions altering the definition of child pornography in response to the free speech case in allowing prosecution of virtual or computer-created child porn. Some such provisions take the traditional obscenity approach, like the new section 2252(b) which I crafted with Senator HATCH. Other provisions, however, take a broader approach as advocated by the administration last year. I predict this provision will be the center of much constitutional debate. I am afraid that some in the administration were more eager to have a debating point than they were to have something on which prosecutors could rely.

The bill also contains a variety of other measures designed to increase jail sentences in cases where victims are actually sexually victimized by sexual predators. The bill requires the U.S. Sentencing Commission to address what I believe is a disturbing disparity in the current sentencing guidelines.

What is disturbing to me is that the current sentences for a person who actually travels across State lines to have sex with a child are not as high as they are for child pornography. The Commission needs to correct this oversight immediately so prosecutors can take such dangerous sexual predators off the streets.

The Hatch-Leahy PROTECT Act also has several provisions designed to protect the children who are victims in these horrible cases. Privacy of the children must be paramount. Unfortunately, sometimes, if you drag the name of a child who has been the victim of a sexual predator out into the public, then they are victimized yet again, even as you go after the predator. The bill provides for the first time ever an explicit shield law that prohibits a name or other nonphysical identifying information of the child victim from being admitted at child pornography trials.

Finally, the bill provides a new private right of action for the victims of child pornography. This is something we have not done before in this arena. This provision has real teeth. It includes injunctive relief and punitive damages to help put those who produce child pornography out of business for good. I commend Senator HATCH for his recognition that punitive damage provisions are an important means for deterring misconduct.

Some of these people think if they just move from place to place and nothing happens to them, they are free. If they know that whatever profits they make are gone and they are going to have punitive damages assessed and still may face, on top of that, criminal action, then they will think twice. These are important, practical tools not only to put child pornographers out of business but to put them in jail.

The law is not perfect. As I said, I wish we had adopted the version that had unanimously passed the Senate last Congress, that all Republicans and Democrats supported. That was the decision made by the majority not to do that.

As a general matter, it is worth repeating that we could be avoiding all problems if we were to take the simple approach of outlawing obscene child pornography of all types. The reason I say that is because of the experts in this area, and it is a very difficult area, agree. This approach is supported by the National Center for Missing and Exploited Children. I think we all respect them as true experts on protecting the children. I wish we had followed their approach.

Following, again, is an excerpt from the answer to the Senator's written questions submitted after a hearing and I quote:

> Our view is that the vast majority (99–100 percent) of all child pornography would be found to be obscene by most judges and juries, even under a standard of beyond a reasonable doubt in criminal cases. . . .
>
> In the post Free Speech decision legal climate, the prosecution of child pornography under an obscenity approach is a reasonable strategy and sound policy.

Thus, according to the National Center for Missing and Exploited children, the approach least likely to raise constitutional questions—using established obscenity law—is also an effective one.

Because certain provisions do not follow this approach, I recognize that some may have legitimate constitutional questions about provisions in this act. These provisions raise legitimate concerns, but in the interests of making progress, I support consideration and passage of the measure in its current form, and I hope we can work to improve the bill so it has the best possible chance of withstanding a constitutional challenge.

The bill is not perfect but I am glad to stand with Senator HATCH to secure its approval by the Senate, as I did in the last Congress.

I know I speak for the Senator from Utah that the thing both of us want is that we have a bill that can be used by those attacking pornographers, prosecutors attacking pornographers, that will stand up in court. It is not a case of there are people for or against child pornographers. We are all against them. But we want to make sure for the prosecutor, if you sue them, if you seek injunctive relief if you prosecute, that you win.

I believe this issue is so important that I have been willing to compromise and to support a measure, even though I do not agree with each and every provision it contains. I hope the administration, and the other body, do not decide to play politics with this issue and seek further changes that could bog down the bill. Had they allowed the bill to go forward last year, the one Senator HATCH and I brought to the floor of the Senate and passed unanimously, we would have a bill in law—a law on the books today. But I urge swift consideration and passage of this important bill as it is currently written. It is aimed at protecting our Nation's children.

It is important we do all we can to end the victimization of real children by child pornographers, but it is also important that we pass a law that will withstand first amendment scrutiny. We need a law with real bite, not one with false teeth.

I ask unanimous consent to have expert views on this legislation printed in the RECORD, in addition to the supporting letters and materials to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CENTER FOR MISSING
AND EXPLOITED CHILDREN,
October 17, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Thank you for the opportunity to express the views of the National Center for Missing and Exploited Children on these critically important issues for our nation's children. Your stewardship of the Committee's tireless efforts to craft a statute that will withstand constitutional scrutiny is wise and in the long-term best interest of the nation. The National Center for Missing and Exploited Children is grateful for your leadership on this issue.

Please find below my response to your written questions submitted on October 9, 2002 regarding the "Stopping Child Pornography: Protecting our Children and the Constitution."

1. Our view is that the vast majority (99–100%) of all child pornography would be found to be obscene by most judges and juries, even under the standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene.

There is a legitimate concern that the obscenity standard does not fully recognize, and therefore punish the exceptional harm to children inherent in child pornography. This issue can be addressed by the enactment of tougher sentencing provisions if the obscenity standard is implemented in the law regarding child pornography. Moreover, mere possession of obscene materials under current law in most jurisdictions is not a criminal violation. If the obscenity standard were implemented for child pornography the legislative intent should be clear concerning punishment for possession of child obscene pornography.

In the post—Free Speech decision legal climate the prosecution of child pornography cases under an obscenity approach is a reasonable strategy and sound policy.

2. Based on my experience all the images in actual criminal cases meet the lawful definition of obscenity, irrespective of what community you litigate the case. In my experience there has never been a visual depiction of child pornography that did not meet the constitutional requirements for obscenity.

3. The National Center for Missing and Exploited Children fully supports the correction of this sentencing disparity and welcomes the provision of additional tools for federal judges to remove these predators from our communities. These types of offenders belong to a demographic that is the highest percentile in terms of recidivism than any other single offender category.

4. The National Center for Missing and Exploited Children fully supports language that allows only "non-government sources" to provide tips to the CyberTipline. The role of the CyberTipline at the National Center for Missing and Exploited Children is to provide tips received from the public and Electronic Communication Services communities and make them available to appropriate law enforcement agencies. Due in part to the overwhelming success of the system and in part to the tragedies of September 11, 2001, federal law enforcement resources cannot address all of the legitimate tips and leads received by the CyberTipline. Allowing the National Center for Missing and Exploited Children and appropriate federal agencies to forward this valuable information to state and local law enforcement while at the same time addressing legitimate privacy concerns is fully supported.

5. The victim shield provision is an excellent and timely policy initiative and one that is fully supported by the National Center for Missing and Exploited Children. This provision should allow the narrow exception to a general non-disclosure clause that anticipates the need for law enforcement and prosecutors to use the victim's photography and other relevant information for the sole purpose of verification and authentication of an actual child victim in future cases. This exception would allow the successful prosecution of other cases that may involve a particular victim and still provide the protection against the re-victimization by the criminal justice system.

6. The National Center for Missing and Exploited Children fully supports extending the terms of authorized supervised release in federal cases involving the exploitation of minors. The evidence for extended supervision in such cases is overwhelming. Without adequate treatment and continued supervision, there is a significantly higher risk for re-offending by this type of offender. Moreover, thee is a significant link between those offenders who possess child pornography and those who sexually assault children. Please see the attached studies that the National Center for Missing and Exploited Children has produced on these issues.

Thank you again for the opportunity to address these important issues. Should you need further input or assistance please contact us at your convenience.

Sincerely,

DANIEL ARMAGH,
Director, Legal Resource Division.

MAY 13, 2002.

Chairman PATRICK J. LEAHY,
U.S. Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our grave concern with the legislation recently proposed by the Department of Justice in response to the Supreme Court's decision in *Ashcroft, et al.* v. *The Free Speech Coalition, et al.*, No. 00–795 (Apr. 16, 2002). In particular, the proposed legislation purports to ban speech that is neither obscene nor unprotected child pornography (indeed, the bill expressly targets images that do not involve real human beings at all). Accordingly, in our view, it suffers from the same infirmities that led the Court to invalidate the statute at issue in *Ashcroft*.

We emphasize that we share the revulsion all Americans feel toward those who harm children, and fully support legitimate efforts to eradicate child pornography. As the Court in *Ashcroft* emphasized, however, in doing so Congress must act within the limits of the First Amendment. In our view, the bill proposed by the Department of Justice fails to do so.

Respectfully submitted,

Jodie L. Kelley, Partner, Jenner and Block, LLC, Washington, DC.

Erwin Chemerinsky, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California Law School, Los Angeles, CA.

Paul Hoffman, Partner, Schonbrun, DeSimone, Seplow, Harris and Hoffman, LLP, Venice, CA.

Adjunct Professor, University of Southern California Law School, Los Angeles, CA.

Gregory P. Magarian, Assistant Professor of Law, Villanova University School of Law, Villanova, PA.

Jamin Raskin, Professor of Law, American University, Washington College of Law, Washington, DC.

Donald B. Verrilli, Jr., Partner, Jenner and Block, LLC, Washington, DC.

HARVARD UNIVERSITY,
Cambridge, MA, October 3, 2002.

Re S. 2520.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR SENATOR LEAHY: Following up on my written statement and on my oral testimony before the Committee on Wednesday, October 2, 2002, the staff of the Committee has asked me to comment on the constitutional implications of changing the current version of S. 2520 to change the word "material" in Section 2 of the bill (page 2, lines 17 and 19) to "purported material."

In my opinion the change would push well over the constitutional edge a provision that is now right up against that edge, but probably barely on the constitutional side of it.

As I explained in my statement and orally, the Supreme Court has from the Ginzburg decision in 1966 to the Hamling decision in 1973 to the Free Speech Coalition decision in 2002 consistently refused to accept that "pandering" may be an independent offense, as opposed to being evidence of the offense of obscenity (and, by implication, child pornography). The basic premise of the pandering prohibition in S. 2520 is thus in some tension with more than thirty-five years of Supreme Court doctrine. What may save the provision, however, is the fact that pandering may also be seen as commercial advertisement, and the commercial advertisement of an unlawful product or service is not protected by the Supreme Court's commercial speech doctrine, as the Court made clear in both Virginia Pharmacy and also in *Pittsburgh Press* v. *Human Relations Commission*, 413 U.S. 376 (1973). It is important to recognize, however, that this feature of commercial speech doctrine does not apply to noncommercial speech, where the description or advocacy of illegal acts is fully protected unless under the narrow circumstances, not applicable here, of immediate incitement.

The implication of this is that moving away from communication that could be described as an actual commercial advertisement decreases the availability of this approach to defending Section 2 of S. 2520. Although it may appear as if advertising "material" that does not exist at all ("purported material") makes little difference, there is a substantial risk that the change moves the entire section away from the straight commercial speech category into more general description, conversation, and perhaps even advocacy. Because the existing arguments for the constitutionally of this provision are already difficult ones after Free Speech Coalition, anything that makes this provision less like a straight offer to engage in commercial transaction increases the degree of constitutional jeopardy. By including "purported" in the relevant section, the pandering looks less commercial, and thus less like commercial speech, and thus less open to the constitutional defense I outlined in my written statement and oral testimony.

I hope that this is helpful.

Yours sincerely,

FREDERICK SCHAUER,
Frank Stranton Professor
of the First Amendment.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Utah, the chairman of our committee, in the Chamber. As I said earlier, I would certainly yield once he arrived. I commend him for his cosponsorship of this bill. I yield the floor, reserving the remainder of my time.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

Mr. HATCH. Mr. President, I am delighted that we are considering S. 151, the PROTECT Act of 2003. Senator LEAHY and I introduced this bill last May following the Supreme Court's decision in Ashcroft v. Free Speech Coalition, a ruling that made child pornography prosecutions immeasurably more difficult. This problem is intolerable and demands our immediate attention. Because we could not get this bill to the President's desk last year, it has been my top priority this year.

I want to begin by thanking Senator LEAHY and his staff for working so diligently with me in writing the PROTECT Act during the past ten months. While we have not seen eye to eye on every provision, we have agreed about most of them. We still have some honestly held disagreements, but that is hardly unusual when people talk about the First Amendment. Senator LEAHY's valuable input and insights helped to make this a better bill. I very much hope that he is as proud of the final result as I am.

Mr. President, Congress has long recognized that child pornography produces three distinct and lasting harms to our children. First, child pornography whets the appetites of pedophiles and prompts them to act out their perverse sexual fantasies on real children. Second, child pornography is a tool used by pedophiles to break down the inhibitions of children. Third, child pornography creates an immeasurable and indelible harm on the children who are abused to manufacture it.

It goes without saying that we have a compelling interest in protecting our children from harm. The PROTECT Act strikes a necessary balance between this goal and the First Amendment.

First—and most significantly—the bill plugs a gaping loophole that exists in current law. Following the Supreme Court's decision last April, child pornographers can evade even legitimate prosecutions by falsely claiming that their sexually explicit materials did not depict real children. This frivolous argument is made possible by the growth of technology. Computer imaging technology has become so sophisticated that even experts often cannot say with absolute certainty that an image is real or a "virtual" computer creation. The PROTECT Act therefore permits a prosecution to proceed when the child pornography involves life-like computer images of real kids. The bill balances this provision by creating a new and powerful affirmative defense. In virtually every prosecution for child pornography, the PROTECT Act affords the accused a complete defense to liability upon a showing that the child pornography did not involve an actual minor. In creating this new balance, the bill responds directly to the concerns expressed by the Supreme Court in the Free Speech Coalition decision.

Second, the PROTECT Act creates three brand new offenses that are designed to target some particular problems that stem from child pornography. One provision prohibits the use of child pornography to entice a minor to participate in sexual activity or some other crime. Another prohibits offers to buy, sell or trade either obscene or actual child pornography. The third creates a new offense for obscene child pornography that will be punished more severely than ordinary obscenity.

Third, the PROTECT Act expands the record keeping requirements in existing law that apply to those who decide to produce sexually explicit materials. Section 7 of the bill expands the scope of materials covered to reflect the computerized manner in which they are increasingly being distributed and sold. Producers of such sexually explicit materials must make and maintain records confirming that no actual minors were involved in the making of the sexually explicit materials. In light of the difficulty experts face in determining an actor's true age and identity just by viewing the material itself, maintaining these records is vital to ensuring that only adults appear in such productions.

Fourth, in recognition of the enormous breadth and scope of the problem, the PROTECT Act broadens enforcement efforts in order to create a more level playing field. Section 9 of the bill provides extra-territorial jurisdiction over those foreign producers of child pornography who transport, or intend to transport, such materials to the United States. Because this is one area of the law where we can truly benefit from more vigorous enforcement, section 14 of the bill directs the Department of Justice to appoint 25 additional attorneys dedicated to enforcing child pornography laws, and section 11 creates a new civil action for those aggrieved by such violations. The PROTECT Act also toughens existing penalties for offenders. Not only does it broaden the category of repeat offenders subject to more stringent criminal sentences, but it also calls on the U.S. Sentencing Commission to review the appalling low sentences that currently apply to offenders who travel across state lines in order to have sex with children.

Finally, the PROTECT Act contains new provisions to refine and enhance the government's existing authority to tackle child sex crimes. Section 15 adds a number of child crimes into the section of Title 18 that authorizes the government to apply for wiretaps. Without this new provision, the government could not seek a wiretap to investigate cases where, for example, children are being forced to engaging in sex for money. Section 16 updates the type of information the government can obtain from telephone companies with an administrative subpoena in, among other things, an investigation involving the sexual exploitation of children. Other sections of the bill, moreover, enhance the ability of internet service providers to report instances when they spot child pornography, and authorize the release of that information to state and local officials for prosecution.

The PROTECT Act has been carefully drafted to avoid constitutional concern. I wish it could be stronger. But because of the Supreme Court decisions, we have had to draft it the way we have. From the beginning, I have worked very hard to digest the relevant legal issues and to make the PROTECT Act square with the law as articulated by the Supreme Court. This bill has gone through more than a dozen rounds of edits since we began drafting it in April 2002. The issues are complex, and we have meticulously gone over every word and phase numerous times in order to write a carefully tailored law that will withstand judicial review. I am confident that we have done just that. The end result of all of our hard work is a bill that we can all be proud of: One that is tough on pedophiles and child pornographers in a measured and constitutional way.

Congress has consistently acted in a bipartisan manner to address the harms of child pornography. I am pleased to report that we are doing so again with the PROTECT Act. This has been a bipartisan effort from the beginning, and it remains a bipartisan effort today.

I respect my colleagues on the other side for being willing to work with us to fashion this bill in a constitutionally sound form. We expect the overwhelming support of Members on both sides of the aisle, and, quite frankly, our Nation's children deserve no less.

Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for the PROTECT Act, S. 151, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 19, 2003.
Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 151, the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,
DOUGLAS HOLTZ-EAKIN.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, FEBRUARY 19, 2003

S. 151: PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003

[As reported by the Senate Committee on the Judiciary on January 30, 2003]

SUMMARY

S. 151 would establish new federal crimes and expand authorities under existing crimes against child pornography. It also would give law enforcement agents additional powers to investigate offenders. The bill would authorize the appropriation of such sums as may be necessary for the Attorney General to appoint 25 additional trial attorneys to prosecute child pornographers.

Assuming appropriations of the necessary amounts, CBO estimates that implementing S. 151 would cost about $55 million over the 2003–2008 period for new attorneys and for anticipated costs to the federal court and prison system as a result of those hires. About $30 million of the total estimated would be to accommodate more convicted offenders in federal prisons. This legislation could affect direct spending and receipts, but we estimate that any such effects would be less than $500,000 annually.

S. 151 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs resulting from the voluntary disclosure of stored communications by public electronic communications providers would be insignificant. The bill would impose a private-sector mandate as defined in UMRA on producers involved in interstate and foreign commerce of certain sexually explicit material. CBO estimates that the cost of the mandate would not exceed the annual threshold by UMRA ($117 million in 2003, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 151 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorized Level	1	5	9	12	14	15
Estimated Outlays	1	5	9	12	14	15

In addition to the costs shown above, enacting S. 151 could affect direct spending and receipts. However, we estimate that any such effects would be less than $500,000 in any year.

BASIS OF ESTIMATE

CBO estimates that implementing S. 151 would cost about $55 million over the 2003–2008 period, mostly to hire attorneys and to accommodate more prisoners in the federal prison system. For this estimate, CBO assumes that the bill will be enacted during 2003 and that the necessary amounts will be appropriated for each fiscal year. In addition, we estimate that the bill would increase revenues and direct spending by less than $500,000 each year.

Spending subject to appropriation

Based on information from the Department of Justice, CBO estimates that the costs of hiring 25 additional attorneys and necessary support staff would reach $3 million in fiscal year 2004 and would total $18 million over the 2003–2008 period, subject to the appropriation of the necessary amounts.

Because the bill would establish new federal crimes and would provide funding for more attorneys to prosecute offenders, the government would be able to pursue more cases than it could under current law. Based on information from the Administrative Office of the United States Courts, CBO expects the 25 new attorneys to generate roughly 600 new cases each year against child sex offenders, which would increase court costs by about $9 million over the 2003–2008 period. Those costs would be subject to the availability of appropriated funds.

In addition, implementing S. 151 would increase costs to the federal prison system to accommodate more convicted offenders. The effects of this legislation on the prison system cannot be predicted with certainty, but based on incarceration rates and prison sentences for current sex offenders, CBO expects that the additional cases generated by S. 151 would increase the prison population by roughly 1,000 prisoners per year by 2008. At an annual cost per prisoner of about $7,000 (at 2003 prices), CBO estimates that the cost to support those additional prisoners would be a little less than $30 million over the 2003–2008 period.

Direct spending and receipts

Because those prosecuted and convicted under S. 151 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Collections of such fines are recorded in the budget as revenues (i.e., governmental receipts), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would be less than $500,000 annually.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 151 contains no intergovernmental mandates as defined in UMRA. Any costs resulting from the voluntary disclosure of stored communications by public electronic communications providers would be insignificant.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 151 would impose a private-sector mandate as defined by UMRA on producers involved in interstate and foreign commerce of certain sexually explicit material. Under current law, those producers are required to create and maintain records of all performers portrayed in certain sexually explicit conduct displayed in any book, magazine, periodical, film, or video tape. This bill would expand the recordkeeping requirement to include performers portrayed in a computer-generated image, digital image, or picture. CBO estimates that the cost for additional recordkeeping would be small and would not exceed the annual threshold established by UMRA ($117 million in 2003, adjusted annually for inflation).

Estimate Prepared By: Federal Costs: Mark Grabowicz (226-2860); Impact on State, Local, and Tribal Governments: Greg Waring (225-3220); and Impact on the Private Sector: Jean Talarico (226-2949)

Estimate Approved By: Peter H. Fontaine; Deputy Assistant Director for Budget Analysis.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, how much time remains for the Senator from Vermont or his designees?

The PRESIDING OFFICER. Thirty-nine minutes and 13 seconds.

Mr. LEAHY. Mr. President, I ask how much time is remaining to the Senator from Vermont and how much time to the Senator from Utah.

The PRESIDING OFFICER. The Senator has 33 minutes; the Senator from Utah has no time remaining.

Mr. HATCH. Mr. President, would I be correct, if I yielded back my time, then all time would be yielded back? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. While sorely tempted only as a chance to demonstrate an earlier point, I will refrain from that and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise today in support of the PROTECT Act, which I am proud to be co-sponsoring with Senators HATCH, LEAHY and others. I have been greatly concerned with the increase in reports of child abductions and murders, so I am glad to be a part of this effort to address this growing problem. In my tenure on the Judiciary Committee, I have long fought for our Nation's children, and have ardently supported laws that bring them and their families greater protection.

This legislation comes at a critical time because we are hearing more and more about children being taken from their homes or schools and abused, or worse, murdered. Our children are a gift to us, are our national treasure, and are our future. We must do all that we can to protect these innocents and give law enforcement every tool possible to ferret out the criminals who would do our children harm. With this legislation, we will be ensuring a greater measure of protection for our children.

This bill helps the public know about sexual predators in their communities, improves the Nation's ability to respond to child abduction reports, and aids criminal investigators and prosecutors in their efforts to protect the public by identifying and locking-up child predators.

I urge my fellow Senators to vote for this important bill.

Mr. SCHUMER. Mr. President, I rise today in support of S. 151, the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act, or the PROTECT Act, a critical piece of legislation which is desperately needed to fight the war on child pornography.

And make no mistake, the fight against child pornography is indeed a war. It's a worldwide war being fought out largely on the worldwide web. Child pornographers are organized and spread across the globe, but the globe is a lot smaller now that the Internet reaches from Antwerp, Belgium, to Antwerp, New York, and everywhere in between.

As I speak, prosecutors across our country are fighting an exponential growth in child pornography, from here and abroad, and they are struggling to keep up with the wily tactics of the child pornographers.

To fight this critical fight, our prosecutors need new, more, and better weapons. Just as our local police in so many communities are taking to the streets outgunned by drug dealers, our cybercops are working at a technological disadvantage as they go after cybersmut purveyors.

The enemy does not sit still and neither should we. The PROTECT Act gives prosecutors more of the weapons they need.

We cannot and we will not permit child pornographers to hide behind the courts or modern technology. We cannot and we will not permit them to continue to abuse children, real, live children, children from all races, backgrounds and creeds.

We must send child pornographers the message that Congress will not tolerate child abuse or child pornography, today, tomorrow, or ever, no matter what the state of technology is. Technology is intended to help children, not hurt them. This bill helps us take a big step in that direction.

The PROTECT Act goes a long way toward strengthening federal law against child pornography.

For starters, it creates two new crimes which target distributors of child pornography and people who entice new children to engage in it.

The bill provides tough punishment with both of these crimes carrying a maximum penalty of 15 years in prison for a first offense and double that for repeat offenders. Only through serious measures like these can we show that we are serious about fighting this war on child pornography.

Like our anti-terrorism laws which deal with the threat from overseas, the PROTECT Act deals with the threat to our children from those who make child pornography overseas then bring it into the United States. This new law will say that if you force a child to participate in pornography and intend to send that pornography to the United States, you are committing a crime and answerable to our system of justice. In short, you are going to jail, and you're not looking at a short stint in any country club prison. You are doing serious time.

The PROTECT Act specifically increases penalties for people who commit repeat acts of sex offenses by expanding the types of crimes which can trigger mandatory minimum sentences. In this bill, we back up our tough talk on penalties by requiring the U.S. Sentencing Commission to fix a disparity in the current sentencing scheme.

Believe it or not, under current law, under some circumstances you can get less jail time for having sex with a child than you'd get for possessing child pornography. The PROTECT Act fixes this absurd disparity.

The PROTECT Act also provides protection for the true victims of child pornography, the children who are used and abused to make it.

A recent New York Times article highlighted the horrific truth about who these children are. In the article, in the Sunday New York Times from February 9, 2003, the author wrote that "most children depicted in child pornography are prepubescent, with most of them appearing to be from 6 to 11 years old" and "many of the victims appear to be toddlers or infants." These are real children, our children, children who need to be protected from this despicable evil.

And as its name implies, the PROTECT Act protects these children. This legislation provides, for the first time, a "child victim shield provision" to protect the names of victims. Under this provision, the Government can file a motion in a child pornography case to keep the name, address, social security number and other nonphysical identifying information of the real child victim from being revealed.

This is critical to successful child pornography prosecutions. To get child victims to cooperate, we must protect their identities. To reveal the name of a child pornography victim without good cause and through a judge, would be to victimize that child twice. We cannot permit that to happen.

This bill also protects victims by creating, again for the first time, a new private right of action for victims of child pornography against those who produce it. We are hearing a lot about tort reform here these days, but I hope my colleagues will agree that victims of child pornography should have the right to collect punitive damages from their abusers. If anyone deserves punitive damages, they do.

But the bill does not stop there. It also addresses a subject that has been of some controversy in light of the Supreme Court decision last year, but which we need to address. That subject is the use of modern technology by child pornographers to attempt to hide the fact that their images are made using real children.

In the old days, child pornographers would ply their filthy craft by taking photographs and distributing them. With the advent of television, child pornographers began to take video images, images which displayed real, live children engaged in sick, perverted sexual or obscene acts.

With the development of the video recorder, child pornographers were able to store these images and distribute them more widely. With the development of the CD and DVD, the images could be stored on a disk which could literally fit in the palm of your hand.

The greatest growth in the creation and distribution of child pornography, however, has come in recent years with the development of the Internet and the digital image. These developments have permitted child pornographers to disseminate their product exponentially, not only across America, but around the world, with a few simple strokes of a keyboard.

As the New York Times observed, "the combination of digital photograph and high-speed home Internet across has set off what authorities say is an explosion of homemade child pornography in recent years, with growing numbers of victims." We need to stop the number of victims by shrinking the number of child pornographers.

In fact, today, it has become apparent through evidence submitted to Congress by the National Center for Missing and Exploited Children and other groups that child pornographers use technology to disguise depictions of real children to make them unidentifiable and appear to be computer generated.

Some efforts are being undertaken to deal with so-called "virtual porn" which distorts the images of real children, but those efforts don't go far enough.

We need to do more to bring the law up to speed with the technology of child pornography. The PROTECT Act attempts to do so.

One of our Nation's biggest law enforcement problems is the failure of Federal authorities to work closely with their state counterparts. This is especially true when it comes to child pornography. There are countless cases where Federal officials have stepped on state officers' toes while conducting parallel investigations and never talking with each other. This bill requires a greater degree of Federal local coordination than has ever happened before in these kinds of cases.

In sum, the time has come to send a message to child pornographers. We are telling them that no matter how advanced their computers and cameras are, child porn makers and puveryors cannot run and hide from American law enforcement.

This is a 21st century problem in need of a 21st century solution. The PROTECT Act does not solve all of our problems in this area, but it's a step in the right direction.

Mr. LEAHY. Mr. President, we are near 5:30. Even though I have more time remaining, in a couple of minutes I am going to yield back that time. I understand from both the Republican side and the Democratic side that Members prefer to vote at 5:30.

Let me first ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I thank the Chair.

Mr. President, as I said earlier in my speech, I would much prefer that we pass exactly the bill Senator HATCH and I wrote last year and which passed the Senate unanimously. It was then for some reason that leadership in the other body decided not to bring it up. Now we have written one that is very much like the original Hatch-Leahy bill with some modification. I am worried about some of the modifications because of the constitutional problem that may arise, but I am willing to support this bill and will vote for this bill.

I would hope the other body would take this bill as it is and not add further to it. I think what happened last year was the case where we passed a good piece of legislation. Republicans and Democrats came together across the political spectrum and passed a good bill on child pornography. And some, I guess, were more concerned about making speeches and all than to actually pass a piece of legislation that would protect children.

I have looked at this with the eyes of a former prosecutor. I want to be able to go after child pornographers. There is nobody in this body—Republican or Democrat—who is on the side of child pornographers. This is not a free speech question; this a child abuse question. Nobody supports those who abuse children for this purpose.

So let us understand that and know we can pass this piece of legislation. Let's hope nobody tries to change it to make a political football of it. Let it go forward.

Mr. President, I ask unanimous consent that Senator BLANCHE LINCOLN of Arkansas be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. With that, Mr. President, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. WYDEN) would each vote "aye."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 0, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—84

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Bunning
Burns
Campbell
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nickles
Pryor
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—16

Biden
Brownback
Byrd
Chafee
Daschle
Graham (FL)
Jeffords
Kerry
Lieberman
Lincoln
Murkowski
Nelson (FL)
Nelson (NE)
Reed
Stevens
Wyden

The bill (S. 151), as amended, was passed, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003" or "PROTECT Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: (A) computer generate depictions of children that are indistinguishable from depictions of real children; (B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess

are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful.

(11) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(12) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(13) The Supreme Court's 1982 Ferber decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) knowingly—

"(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

"(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

"(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

"(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;";

(B) in paragraph (4), by striking "or" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

"(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

"(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

"(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.";

(2) in subsection (b)(1), by striking "paragraphs (1), (2), (3), or (4)" and inserting "paragraph (1), (2), (3), (4), or (6)"; and

(3) by striking subsection (c) and inserting the following:

"(c) Affirmative Defense.—It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

"(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

"(B) each such person was an adult at the time the material was produced; or

"(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.".

SEC. 4. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.".

SEC. 5. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "and shall not be construed to require proof of the actual identity of the person";

(2) in paragraph (2)—

(A) by striking "means actual" and inserting the following: "means—

"(A) actual";

(B) in subparagraphs (A), (B), (C), (D), and (E), by indenting the left margin 2 ems to the right and redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(C) in subparagraph (A)(v), as redesignated, by inserting "or" after the semicolon; and

(D) by adding at the end the following:

"(B)(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

"(ii) actual or lascivious simulated—

"(I) bestiality;

"(II) masturbation; or

"(III) sadistic or masochistic abuse; or

"(iii) actual lascivious or simulated lascivious exhibition of the genitals or pubic area of any person;";

(3) in paragraph (8)—

(A) by striking subparagraph (B) and inserting the following:

"(B) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; or";

(B) in subparagraph (C)—

(i) by inserting after "is engaging in sexually explicit conduct" the following: ", except that the term 'identifiable minor' as used in this subparagraph shall not be construed to include the portion of the definition contained in paragraph (9)(B)"; and

(ii) by striking "or" at the end; and

(C) by striking subparagraph (D); and

(4) by striking paragraph (9), and inserting the following:

"(9) 'identifiable minor'—

"(A)(i) means a person—

"(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

"(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

"(II) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

"(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

"(B) means a computer image, computer generated image, or digital image—

"(i) that is of, or is virtually indistinguishable from that of, an actual minor; and

"(ii) that depicts sexually explicit conduct as defined in paragraph (2)(B); and

"(10) 'virtually indistinguishable'—

"(A) means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor; and

"(B) does not apply to depictions that are drawings, cartoons, sculptures, diagrams, anatomical models, or paintings depicting minors or adults or reproductions of such depictions.".

SEC. 6. OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§2252B. Obscene visual representations of the sexual abuse of children

"(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

"(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

"(1) possessed less than 3 such visual depictions; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

"(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2); and

"(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

"2252B. Obscene visual representations of the sexual abuse of children.".

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 2252B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 2252B of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 7. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking "of this section" and inserting "of this chapter or chapter 71,";

(2) in subsection (h)(3), by inserting ", computer generated image, digital image, or picture," after "video tape"; and

(3) in subsection (i)—

(A) by striking "not more than 2 years" and inserting "not more than 5 years"; and

(B) by striking "5 years" and inserting "10 years".

SEC. 8. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1), by inserting "or a violation of section 2252B of that title" after "of that title)";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

SEC. 9. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "or" at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting "or" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 10. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking "subsection (d)" each place that term appears and inserting "subsection (e)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

"(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.".

SEC. 11. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(f) Civil Remedies.—

"(1) In general.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

"(2) Relief.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

"(A) temporary, preliminary, or permanent injunctive relief;

"(B) compensatory and punitive damages; and

"(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.".

SEC. 12. ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting "chapter 71," before "chapter 109A," each place it appears.

SEC. 13. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 14. MISCELLANEOUS PROVISIONS.

(a) Appointment of Trial Attorneys.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) Report to Congressional Committees.—

(1) In general.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) Contents.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 15. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 1591 (sex trafficking of children by force, fraud, or coercion)," after "section 1511 (obstruction of State or local law enforcement),"; and

(2) by inserting "section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2252B (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes)," after "sections 2251 and 2252 (sexual exploitation of children),".

SEC. 16. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized," and inserting "the information specified in section 2703(c)(2)".

SEC. 17. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

• Mr. NELSON of Florida. Mr. President, I strongly support S. 151, the PROTECT Act. Unfortunately, I was detained in Florida earlier today and was not able to cast my vote in favor of this important legislation.

Current law not only provides a convenient defense for child pornographers, but also allows a practice to continue which endangers the Nation's kids regardless of whether actual children are used in the production of the pornographic materials in question.

Because of the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases are now arguing that the pornographic images at issue are computer generated and are therefore legal and harmless. This defense requires the government, in nearly every child pornography prosecution, to prove that the child portrayed in the image is in fact a minor. Unfortunately, those who would prey on our children have already successfully used this defense.

Even when pornographic materials are not generated using actual children, simply implying that the image is of child contributes to behaviors, which endanger the Nation's kids by encouraging exploitive practices.

The exploitation of children through child pornography is one of the most despicable crimes in our society. The government clearly has a compelling interest in curbing child pornography, whether virtual or real, and I believe this legislation was drafted narrowly enough to withstand constitutional scrutiny.

I hope the House will join the Senate in quickly passing this legislation, so that it can be sent to the President as soon as possible.•

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING RESOLUTION OF THE COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a copy of the funding resolution, adopted by the committee on Finance for the 108th Congress, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. RES.—

Resolved, that, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,511,241, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $6,179,693, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,634,121, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 4, 2002 in Alexandria, VA. A man threw a brick through the window of an Afghan man's car. The incident began when 28 year-old Michael Woolls approached the victim on the street and demanded to know his national origin. When the man said he was from Afghanistan, Woolls hit his car with a stick and threw a brick through the window, striking a passenger.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DISTRICT OF COLUMBIA SOUTHWEST WATERFRONT, WASHINGTON MARINA

Mr. BREAUX. Mr. President, I thank Senator LANDRIEU and Ms. Kate Eltrich of her staff for their good work in crafting the District of Columbia provisions of the Omnibus Appropriations bill. I was very pleased to see that the bill included $2,800,000 to continue improvements on the historic Potomac Southwest Waterfront. It is my understanding that this appropriation will be used to fund certain improvements and repairs to the portion of the Southwest Waterfront currently leased to the Washington Marina.

Ms. LANDRIEU. The Senator's understanding of the purpose of this appropration is correct. Furthermore, through this appropriation a good-faith partnership between the Federal Government, the District of Columbia, the U.S. Army Corps of Engineers and the marina lessee, the marina will be restored for the benefit of all District of Columbia citizens.

Mr. BREAUX. I thank the Senator for providing her understanding and clarification of this issue.

RULES OF THE COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a copy of the Rules of Procedure, adopted by the Committee on Finance for the 108th Congress, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Adopted February 14, 2003)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be schedule to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subject to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

BLACK HISTORY MONTH

Ms. CANTWELL. Mr. President, I rise today in honor of Black History Month. On February 1, 1960, four brave freshmen from North Carolina A&T conducted the first major sit-in protest of the civil rights movement. The "Greensboro Four," as they came to be known, acted on the American principle that all people are created equal. Although the United States was founded on that premise, it is too often denied.

We know that when one person breaks a barrier to equality, the potential opportunities for all Americans are redefined. That is why every February, we teach our students about pioneers like Ralph J. Bunche, the first African American to win a Nobel Peace Prize, and Jackie Robinson, the first African American in the major leagues. We must also remember, however, that individual success does not assure universal progress.

My State is proud that the University of Washington accepted its first Black student in 1874. This was an important step towards equal access to education. At the time, the Puget Sound Dispatch declared, "Every child of African descent born in this country has the same right of access to our public schools as the children of the most privileged of Caucasian blood. No teacher or school officer has any more legal right to exclude one than the other." However, it took 70 more years for the Supreme Court to endorse this standard. Now we face racial inequities in education and the resegregation of our schools. In fact, this year a study found that public schools have been undergoing a "process of continuous resegregation" since the early 1990s. We must ensure that our legal ideal of equality is a reality for every American.

Hiram Revels, the son of former slaves, became the first African-American Senator in 1870. He overcame many obstacles and forever changed this institution. Because of leaders such as Senator Revels, this is the most diverse Senate in the history of the United States. And yet at the same time, there is not a single African-American Senator serving in this body.

The American people want leaders who represent their values, ideas, and life experiences. For this reason, I am optimistic that as our country moves forward, we will continue to select leaders who value diversity and the representation of all people. It is the right way to protect our founding principle of equality, and the best way to ensure our prosperity. As Dr. Martin Luther King explained in his letter from Birmingham jail, we are bound by a "single garment of destiny where whatever affects one directly, affects all indirectly." Our world is even more intertwined today. Like the great Americans before us, from Thomas Jefferson to the "Greensboro Four," this month we reaffirm our commitment to the fundamental premise that all people are created equal, and must be treated equally.

ADDITIONAL STATEMENTS

TRIBUTE TO WINTON "RED" BLOUNT

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, a beloved family man, a successful business man, and a treasure to the State of Alabama. Winton 'Red' Blount, a native of Union Springs, AL passed on October 24, 2002. He was one of those people who everyone should emulate, because he took advantage of everything life had to offer—having a loving family, running a successful business, standing up for justice during the Civil Rights movement, enjoying the arts, and pursuing civil service. It is my hope, that in this tribute, I can draw a bit of a picture to describe the kind of life that Red Blount lived.

During the 1960s civil rights movements, the State of Alabama was home to some tumultuous times. When Governor George Wallace blocked integration into the University of Alabama, Red Blount calmly and constructively worked with U.S. Attorney General Robert Kennedy and Governor Wallace to keep the peace and allow African-American students into the University. Blount, at that time, served as a member of the University's Board of Trustees, and, more importantly, served as a voice of reason during a time when reasonable voices were few and far between.

As a businessman, Blount was straight-forward, hard working, and honest in his practices. He founded Blount Brothers and quickly developed a reputation for delivering products on time and without unexpected costs. Blount's company can be credited with building the launch pad at the Kennedy Space Center in Cape Canaveral, FL, which sent the first space flight to the moon. Blount Brothers also built the Nation's first ballistic missile site, the New Orleans Superdome, and international projects including King Saud University, near Riyadh, Saudi Arabia.

Since I can remember, Red was a dedicated civil servant and a devoted member of the Republican Party. Known as Mr. Republican, he wanted to make a difference in Alabama and across the Nation. In 1960, Red headed up then-Vice President Richard Nixon's unsuccessful bid for the presidency as his southeastern campaign chairman. In 1968, Red became president of the U.S. Chamber of Commerce, and then he went on to serve as President Richard Nixon's Postmaster General. In this capacity, he advocated for and implemented massive reform, making the postal service less political and more efficient. Red even threw his hat into the ring for a bid to the U.S. Senate in 1972. Unfortunately, he lost, but there is no question that he would've made a great Senator.

Among Red Blount's many business and political achievements, having a family was his most important accomplishment. His five children are grown and successful in their own right, and there is no question that Blount instilled a strong work ethic into them and fostered their ability to succeed in whatever they chose to do. Blount's family expanded when he married his second wife, Carolyn Self Varner Blount, and he became step father to her two children. They enjoyed gathering at the holidays with all the children and grandchildren in the extended Blount family.

One of the things that Alabamians will remember most about Red Blount was his love of the arts. In 1982, Red discovered that the Alabama Shakespeare Festival, of which his wife, Carolyn served on the board, was very much in debt. He was able to assist them with their financial difficulties by building a theater on the 250-acre grounds behind his home. This became Montgomery's Blount Cultural Park, and the theater was named for his wife.

The theater grew with the support of State grants, but mostly because of the investment that Red and Carolyn made in it. They made nearly $15 million in donations of art work, which encouraged the Montgomery Museum of Fine Arts, which was looking to change locations, to move to the park grounds. The park continued to grow with gardens and an amphitheater, and Blount expanded the land by buying more acres. He made contributions totaling $21.5 million to the Alabama Shakespeare Festival, which remains the single-largest gift ever given to a regional theater in the country.

Blount's philanthropic heart turned Montgomery into a leading cultural center. Had Red and Carolyn not made the financial and creative investment, the theater, museum, and park would not be what it is today. They helped to create a priceless treasure for the area, encouraging the young and old to experience the arts.

There aren't too many people in the world who loved life as much as Red did. He was the kind of person we all want to be, and the State of Alabama is a better place for having Red Blount as part of our history. We are all grateful to Red and his family for giving so much of themselves, and allowing Red to leave us with a wonderful legacy we will never forget.•

TRIBUTE TO COMMANDER JUDI JO ROGERS

• Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for 22 years in the Navy Nurse Corps: CDR Judi J. Rogers. Commander Rogers began her career as a staff nurse at Naval Medical Center, San Diego, CA. She quickly rose through the ranks and served at Naval bases throughout the world, including Naval Hospital Okinawa, Japan, Naval Hospital Long Beach, CA, National Naval Medical Center Bethesda, MD, and Naval Medical Center Portsmouth, VA. Following in her father's footsteps, the late LCDR Kenneth Rogers, USN, Retired, Commander Rogers served aboard combatant ships independently providing anesthesia services as a certified registered nurse anesthetist, CRNA, to the sailors and marines aboard the U.S.S *Theodore Roosevelt*, CVN–71, and the U.S.S *WASP*, LHD–1, during all underway periods including two 6-month Mediterranean deployments. She was then assigned as the first woman to serve as the Assistant Group Surgeon for Combatant Amphibious Assault Group Two. In each assignment, Commander Rogers excelled and met every challenge, and was rewarded with greater responsibilities and opportunities.

Her talent for teaching and mentoring personnel, as well as her creativity and skill in management, were instrumental in providing Military Medicine the cadre of CRNAs serving today. As an advanced cardiac life support, ACLS, instructor, Commander Rogers continually supported mission readiness by providing ACLS courses to hundreds of active duty and reserve troops, and trauma skills and training vital for battlefield survival of our troops. Above all, she is a stellar leader and a compassionate nurse who always put the welfare of her staff and patients first.

Commander Rogers is a committed health care professional who has positively influenced the practice of nursing nationally. She is an active member of the American Association of Nurse Anesthetists, AANA. A faculty member for AANA's Education and Research Foundation since 1988, Commander Rogers personally provided 18 Special Epidural Workshops to 450 CRNAs across the country. She also authored a chapter of AANA's official text, The Clinical Techniques of Regional Anesthesia, titled "Acute Pain Management." Commander Rogers always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Commander Rogers on behalf of a grateful nation for her dedicated military service. Congratulations and I wish you Godspeed.•

TRIBUTE TO PAT KELLER

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to one of Kentucky's finest educators. Pat Keller, a music teacher at Potter Gray Elementary School, was recently named Kentucky Elementary Music Teacher of the Year by the Kentucky Music Educators Association.

Pat Keller has done more than teach her south central Kentucky students the concepts of music. Through Pat's 15 years as an educator, her efforts have instilled a sense of self-confidence that her students have benefitted from well beyond the classroom. Pat's students have gained the same respect and love for music that their teacher has and have also been given the self-assurance to contribute to the field of music.

I am glad that Pat Keller chose to be a teacher in the Commonwealth of Kentucky and it is a source of great pride to call attention to her excellence. Her contributions have made all the difference in the lives of her students.

The citizens from the Potter Gray Elementary School community are fortunate to call Pat Keller one of their own. They should be privileged to be served by such a fine educator. Her example should be followed by teachers across Kentucky.•

REMEMBERING RUSS ROURKE

• Mr. MILLER. Mr. President, I note with deep regret the recent passing of a dedicated public official, defense leader, and a fellow Marine, Russell A. Rourke.

From his humble beginnings in the Bronx, Russ Rourke put himself through the University of Maryland and Georgetown Law School. Through hard work and perseverance, he went on to great success here on Capitol Hill, at the White House, the Pentagon, and later in the private sector.

He served as a top legislative aide in the Congress for 20 years, was a Special Assistant to President Ford, Assistant Secretary of Defense for Legislative Affairs, and Secretary of the Air Force under President Ronald Reagan.

Despite these many high honors, Russ made it clear that the highest honor he ever hoped to attain was when he earned the right to wear the eagle, globe and anchor. Throughout his life, nothing else transcended the honor and title of United States Marine. He revered the Marine Corps, its way of life, its traditions and values.

Russ was on active duty in the U.S. Marine Corps from 1953 to 1956, including service in Korea. He remained in an active capacity with the Marine Corps Reserve, and retired after 32 years of service with the rank of colonel in July 1985.

Throughout his career, Russ was recognized as a proponent for a strong national defense. When he served in the Reagan administration as Assistant Secretary of Defense for Legislative Affairs, he was once described by the New York Times as Defense Secretary Cap Weinberger's "chief scout and musket loader in defending the military budget against a siege of skeptics in Congress."

As in my life, Russ Rourke's life experience were embodied in the Marine Corps culture and ethos. In all that he did, he conducted himself at all times as foremost a Marine, with honesty and conviction, with a high sense of duty and great pride. His devotion to family, country, and Corps was legendary and an inspiration. His distinguished career demonstrated the highest standards of integrity, professionalism, and devotion to public service.

Russ died at the age of 71 on January 19 after a lengthy battle with malignant melanoma. He leaves his lovely wife and partner of 41 years, Judith Muller Rourke, of Annapolis, MD, their three married daughters, and four grandchildren. Russ also leaves a Marine Corps legacy. His nephew, Col. Arthur White, is the current State liaison for the Marine Corps.

I am extremely proud of my fellow Marine, the Honorable Russell A. Rourke. He will be greatly missed by his family and friends, many in the House and the Senate, and the men and women in the uniformed services. Our Nation's military might is stronger today because of his sterling leadership and his numerous contributions in service to his country.•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on February 18, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill.

H.J. Res. 2. A joint resolution making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the Acting President pro tempore (Mr. FRIST) on February 19, 2003.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 337. An act to extend certain hydroelectric licenses in the State of Alaska; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3. A bill to prohibit the procedure commonly known as partial-birth abortion.

S. 13. A bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 414. A bill to provide an economic stimulus package, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, without amendment:

S. Res. 61. An original resolution authorizing expenditures by the Committee in Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 427. A bill to amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 428. A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, and Mr. LEVIN):

S. 429. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 430. A bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VOINOVICH:

S. 431. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 432. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 61. An original resolution authorizing expenditures by the Committee in Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself, Mr. GRAHAM of Florida, Mr. FRIST, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. SESSIONS, Mr. REID, and Mr. SANTORUM):

S. Res. 62. A resolution calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. INHOFE:

S. Res. 63. A resolution authorizing expenditures by the Committee on Environment and Public Works; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. SANTORUM, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

S. 56

At the request of Mr. JOHNSON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 68

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 83

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 150

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 151

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 151

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 151, supra.

S. 160

At the request of Mr. BURNS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 227

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 227, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes.

S. 229

At the request of Mr. JOHNSON, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 238

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 251

At the request of Mr. LOTT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 255

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 255, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 261

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 261, a bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 298

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 298, a bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle *Columbia*, and for other purposes.

S. 314

At the request of Mr. KENNEDY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 314, a bill to make improvements in the Foundation for the National Institutes of Health.

S. 315

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 315, a bill to support first responders to protect homeland security and prevent and respond to acts of terrorism.

S. 330

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 342

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 342, a bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

S. 365

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 365, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 372

At the request of Mr. THOMAS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 372, a bill to amend the National Environmental Policy At of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 378

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 378, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 392

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 397

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 397, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes.

S.J. RES. 3

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S.J. Res. 3, a joint resolution expressing the sense of Congress with respect to human rights in Central Asia.

S. CON. RES. 7

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 7, supra.

S. RES. 46

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as "National Civilian Conservation Corps Day".

S. RES. 48

At the request of Mr. AKAKA, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 52

At the request of Mr. CAMPBELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

S. RES. 54

At the request of Mr. MCCAIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 54, a resolution to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, certain Senate gift reports, and Senate and Joint Committee documents.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 427. A bill to amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 430. A bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to address the threat of bioterrorist attacks on American agriculture by introducing the Agriculture Security Preparedness Act, ASPA, and the Agriculture Security Assistance Act, ASAA.

Thomas Jefferson described the four pillars of American prosperity as agriculture, manufacturing, commerce and navigation. Two hundred years later, our government is working to protect and defend all critical sectors of our society. But are we doing enough to protect American agriculture from either deliberate or naturally occurring disease outbreaks?

Secretary of Health and Human Services Tommy Thompson stated in September 2002 that the administration has not paid enough attention to protecting agriculture while Secretary of Agriculture Ann Venneman stated that agricultural biosecurity is her highest priority.

What is at risk when I speak of "agricultural security?" Quite simply, a threat to agriculture is a threat to the Nation. My legislation will assist efforts by the U.S. Department of Agriculture, USDA, new Department of Homeland Security, DHS, to ensure the first pillar of American prosperity.

Agriculture terrorism can impact the safety of our food supply and public health. A large scale agricultural disaster, much like risks to our information and communication systems, also would undermine American economic security. Agricultural activity accounts for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment. Based on the economic damage caused by the 2001 foot and mouth disease, FMD, epidemic in Great Britain, a single outbreak of FMD could cost the U.S. economy over $10 billion.

Every State has its own agricultural strengths and economy. My State of Hawaii generates more than $1.9 billion in agricultural sales. The agriculture sector employs, either directly or indirectly, 38,000 people in Hawaii. The State's crops range from sugarcane and pineapple to coffee and macadamia nuts. However, Hawaii also has to $28 million milk industry and nearly $25 million worth of cattle and hogs. When the additional losses in tourism and travel are considered, we can see the economic impact on Hawaii or any State from an agricultural disease emergency would be devastating.

Pests and diseases are difficult to control when they are introduced accidentally. According to a National Academy of Sciences study on agricultural security, a deliberate infestation demands even more precautions and research and development.

The Agriculture Security Preparedness Act and the Agriculture Security Assistance Act give Federal and State partners responsible for responding to threats against our agriculture the tools they need to operate efficiently and effectively. Moreover, my legislation amends the Homeland Security Act to give agriculture security the attention it deserves as a component of our critical infrastructure.

An agricultural disease outbreak, whether of natural or deliberate origin, will require coordinated efforts by the USDA, the Federal Emergency Management Agency, FEMA, and DHS, the Environmental Protection Agency, EPA, and the Departments of Health and Human Services, HHS, Defense, Transportation, and Justice. USDA is the lead agency in responding to agricultural emergencies and has created a homeland defense council and increased border inspection and research activities. These are promising steps. I am happy to see that the USDA and FEMA are in the process of drafting a national response plan for emerging agriculture diseases. My legislation will compliment these efforts and encourage coordination and preparedness on the Federal, State, regional, and local level.

The Agriculture Security Preparedness Act will enhance agricultural biosecurity through strengthened interagency and international coordination. The Act will establish senior level liaisons in DHS and HHS to coordinate with USDA on agriculture disease emergency management and response. My legislation also tasks DHS and USDA to work with the Department of Transportation to address one of the largest risk factors in controlling the spread of a plant or animal disease—the movement of animals, plants, and people between and around farms.

Agricultural disease outbreaks will continue to be rare occurrences in the United States. However, high-risk animal and plant diseases are endemic in some part of the world. The Agriculture Security Preparedness Act will help train American veterinarians and emergency responders, and provide much needed help overseas, through bilateral mutual aid agreements. The Act also directs the Department of Justice and USDA to take a long-overdue look at local and State laws that may impede or contradict response plans for an agricultural disease emergency.

The Agricultural Security Assistance Act will assist States and communities preparing for and responding to threats to the Nation's agriculture. Rapid detection and swift response is imperative to contain the spread of any disease, and my bill will help remove delays and impediments for local and state officials responding to outbreaks.

The bill directs USDA to work with each State to develop and implement response plans. My legislation establishes grant programs for communities and states to incorporate modeling and geographic information systems into planning and response activities totaling over $15 million. This funding also will help animal health professionals participate in community emergency planning activities and assist farmers and ranchers strengthen the biosecurity measures on their own property.

In most cases of a suspected or actual agricultural disease outbreak, initial response will come from the impacted community and State. Federal resources, coordinated by USDA, will augment State capabilities. Federal assistance and guidance also is needed long before an outbreak occurs. My legislation will increase Federal, State, and local abilities to develop resources and response mechanisms to contain and eradicate agricultural diseases when they are discovered on U.S. soil.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Security Assistance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) some agricultural diseases pose a direct threat to human health;

(2) economic sabotage, in the form of agroterrorism, is also a concern;

(3) the United States has an $80,000,000,000 livestock industry;

(4) an outbreak of an agricultural disease, whether naturally occurring or intentionally introduced, could—

(A) have a profound impact on the infrastructure, economy, and export markets of the United States; and

(B) erode consumer confidence in the Federal Government and the safety of the food supply of the United States;

(5) as with human health and bioterrorism preparedness, enhancing current monitoring and response mechanisms to deal with a deliberate act of agricultural terrorism would

strengthen the ability of the United States to diagnose and respond quickly to any animal health crisis;

(6)(A) activities to ensure the biosecurity of farms are an important tool in preventing—

(i) the intentional or accidental introduction of an agricultural disease; and

(ii) the spread of an introduced agricultural disease into an outbreak; and

(B) most surveys of producers indicate discouraging and dangerous trends in basic elements of farm security activities;

(7)(A) a national response plan, developed by the Department of Agriculture and the Federal Emergency Management Agency, would determine how interdependent agricultural health and emergency management response functions will be coordinated to ensure an orderly, immediate, and unified response to all aspects of an outbreak of an agricultural disease;

(B) the Department of Agriculture, in cooperation with State and industry partners, would implement the plan as needed; and

(C) State and local partners would need assistance to implement their shares of the plan;

(8) States and communities also require assistance to prepare and plan for agricultural disasters;

(9)(A) rapid detection of an agricultural disease is imperative in containing the spread of the agricultural disease; and

(B) potential delays and difficulty in detection may complicate decisions regarding appropriate control measures; and

(10)(A) planning for a response to an outbreak of an agricultural disease will vary from State to State, reflecting—

(i) the level of awareness;

(ii) the perception of risk;

(iii) competing time demands; and

(iv) the availability of resources; and

(B) State response capability would be significantly enhanced if State agricultural and emergency management officials were to jointly develop a comprehensive agricultural disease response plan.

SEC. 3. AGRICULTURE SECURITY ASSISTANCE.

(a) In General.—Title VIII of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2220) is amended by adding at the end the following:

"Subtitle J—Agriculture Security Assistance

"SEC. 899A. DEFINITIONS.

"In this subtitle:

"(1) Agricultural disease.—The term 'agricultural disease' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

"(2) Agricultural disease emergency.—The term 'agricultural disease emergency' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment, as determined by the Secretary of Agriculture under—

"(A) section 415 of the Plant Protection Act (7 U.S.C. 7715); or

"(B) section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).

"(3) Agriculture.—The term 'agriculture' includes—

"(A) the science and practice of activities relating to food, feed, and fiber production, processing, marketing, distribution, use, and trade;

"(B) family and consumer science, nutrition, food science and engineering, agricultural economics, and other social sciences; and

"(C) forestry, wildlife science, fishery science, aquaculture, floraculture, veterinary medicine, and other environmental and natural resource sciences.

"(4) Agroterrorism.—The term 'agroterrorism' means the commission of an agroterrorist act.

"(5) Agroterrorist act.—The term 'agroterrorist act' means a criminal act consisting of causing or attempting to cause damage or harm to, or destruction or contamination of, a crop, livestock, farm or ranch equipment, a material, any other property associated with agriculture, or a person engaged in agricultural activity, that is committed with the intent—

"(A) to intimidate or coerce a civilian population; or

"(B) to influence the policy of a government by intimidation or coercion.

"(6) Biosecurity.—

"(A) In general.—The term 'biosecurity' means protection from the risks posed by biological, chemical, or radiological agents to—

"(i) plant or animal health;

"(ii) the agricultural economy;

"(iii) the environment; and

"(iv) human health.

"(B) Inclusions.—The term 'biosecurity' includes the exclusion, eradication, and control of biological agents that cause agricultural diseases.

"SEC. 899B. RESPONSE PLANS.

"(a) In General.—

"(1) State plans.—The Secretary of Agriculture, in consultation with the Director of the Federal Emergency Management Agency, shall assist States in developing and implementing State plans for responding to outbreaks of agricultural diseases.

"(2) Required elements.—Each State response plan shall include—

"(A) identification of available authorities and resources within the State that are needed to respond to an outbreak of an agricultural disease;

"(B) identification of—

"(i) potential risks and threats due to agricultural activity in the State; and

"(ii) the vulnerabilities to those risks and threats;

"(C) potential emergency management assistance compacts and other mutual aid agreements with neighboring States; and

"(D) identification of local and State legal statutes or precedents that may affect the implementation of a State response plan.

"(3) Regional and national response plans.—The Secretary of Agriculture shall work with States in developing regional and national response plans to carry out this subsection.

"(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal year 2004 and each fiscal year thereafter.

"(b) Modeling and Statistical Analyses.—

"(1) In general.—In consultation with the Steering Committee of the National Animal Health Emergency Management System and other stakeholders, the Secretary of Agriculture shall conduct a study—

"(A) to determine the best use of epidemiologists, computer modelers, and statisticians as members of emergency response task forces that handle foreign or emerging agricultural disease emergencies; and

"(B) to identify the types of data that are not collected but that would be necessary for proper modeling and analysis of agricultural disease emergencies.

"(2) Report.—Not later than 180 days after the date of enactment of this subtitle, the Secretary of Agriculture shall submit a report that describes the results of the study to—

"(A) the Secretary of Homeland Security; and

"(B) the heads of other appropriate governmental agencies involved in response planning for agricultural disease emergencies.

"(c) Geographic Information System Grants.—

"(1) In general.—The Secretary of Agriculture, in consultation with the Secretary of Homeland Security and the Secretary of the Interior, shall establish a program to provide grants to States to develop capabilities to use geographic information systems and statistical models for epidemiological assessments in the event of agricultural disease emergencies.

"(2) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection—

"(A) $2,500,000 for fiscal year 2004; and

"(B) such sums as are necessary for each fiscal year thereafter.

"(d) Grants To Facilitate Participation of State and Local Animal Health Care Officials.—

"(1) In general.—The Secretary of Homeland Security, in coordination with the Secretary of Agriculture, shall establish a program to provide grants to communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.

"(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2004.

"SEC. 899C. BIOSECURITY AWARENESS AND PROGRAMS.

"(a) In General.—The Secretary of Agriculture shall implement a public awareness campaign for farmers, ranchers, and other agricultural producers that emphasizes—

"(1) the need for heightened biosecurity on farms; and

"(2) the reporting of agricultural disease anomalies.

"(b) On-Farm Biosecurity.—

"(1) In general.—Not later than 240 days after the date of enactment of this subtitle, in consultation with associations of agricultural producers and taking into consideration research conducted under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), the Secretary of Agriculture shall—

"(A) develop guidelines—

"(i) to improve monitoring of vehicles and materials entering or leaving farm or ranch operations; and

"(ii) to control human traffic entering or leaving farm or ranch operations; and

"(B) disseminate the guidelines to agricultural producers through agricultural education seminars and biosecurity training sessions.

"(2) Authorization of appropriations.—

"(A) In general.—There are authorized to be appropriated to carry out this subsection—

"(i) $5,000,000 for fiscal year 2004; and

"(ii) such sums as are necessary for each fiscal year thereafter.

"(B) Education program.—Of the amounts made available under subparagraph (A), the Secretary of Agriculture may use such sums as are necessary to establish in each State an education program to distribute the biosecurity guidelines developed under paragraph (1).

"(c) BIOSECURITY GRANT PILOT PROGRAM.—

"(1) IN GENERAL.—Not later than 240 days after the date of enactment of this subtitle, the Secretary of Agriculture shall develop a pilot program to provide incentives, in the forms of grants or low-interest loans, each in an amount not to exceed $10,000, for agricultural producers to restructure farm and ranch operations (based on the biosecurity guidelines developed under subsection (b)(1))—

"(A) to control access to farms or ranches by persons intending to commit an agroterrorist act;

"(B) to prevent the introduction and spread of agricultural diseases; and

"(C) to take other measures to ensure biosecurity.

"(2) REPORT.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture shall submit to the appropriate committees of Congress a report that—

"(A) describes the implementation of the pilot program; and

"(B) makes recommendations on expansion of the pilot program.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

"(A) $5,000,000 for fiscal year 2004; and

"(B) such sums as are necessary for each of fiscal years 2005 through 2007.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by adding at the end of the items relating to title VIII the following:

"Subtitle J—Agriculture Security Assistance

"Sec. 899A. Definitions.
"Sec. 899B. Response plans.
"Sec. 899C. Biosecurity awareness and programs.".

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agriculture Security Preparedness Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Agricultural biosecurity.

"Subtitle J—Agricultural Biosecurity

"Sec. 899A. Definitions.

"CHAPTER 1—INTERAGENCY COORDINATION

"Sec. 899D. Agricultural disease liaisons.
"Sec. 899E. Transportation.
"Sec. 899F. Regional, State, and local preparation.
"Sec. 899G. Study on feasibility of establishing a national plant disease laboratory.

"CHAPTER 2—INTERNATIONAL ACTIVITIES

"Sec. 899J. International agricultural disease surveillance.
"Sec. 899K. Inspections of imported agricultural products.
"Sec. 899L. Bilateral mutual assistance agreements.

"CHAPTER 3—RESPONSE ACTIVITIES

"Sec. 899O. Study on feasibility of establishing a national agroterrorism and ecoterrorism incident clearinghouse.
"Sec. 899P. Review of legal authority.
"Sec. 899Q. Information sharing.

Sec. 4. Inclusion of agroterrorism in terrorist acts involving weapons of mass destruction.

SEC. 2. FINDINGS.

Congress finds that—

(1) the intentional use of agricultural disease agents to attack United States agriculture threatens an industry that accounts for approximately 13 percent of the gross domestic product of the United States;

(2) the economic impact of a worst-case agricultural disease affecting multiple farms in multiple States could be measured in billions of dollars, including the costs of eradication, production losses, and other market repercussions;

(3) agricultural diseases can be naturally occurring (such as the outbreak of foot-and-mouth disease in Great Britain during 2001) or intentionally created by malicious actors;

(4) risk factors affecting the spread of a plant or animal disease include—

(A) animal density;

(B) animal and plant concentration points (such as auction markets, sale barns, and grain lots);

(C) plant and animal movement;

(D) individuals moving on and off farms;

(E) wildlife; and

(F) weather conditions;

(5) the rapid and widespread movement of animals and crops is an integral part of United States agriculture and the principle means by which an agricultural disease will spread if an agricultural disease occurs;

(6) response planning and mitigation requires the coordination between the animal health and agricultural community, transportation officials, and representatives of the shipping and trucking industry;

(7) the United States Department of Agriculture and State departments of agriculture have responsibility for the protection of the agricultural resources of the United States;

(8) in the event of an agricultural disease, the Department of Agriculture and State departments of agriculture will need the support and resources of other Federal, State, and local agencies that carry out traditional emergency management and response functions;

(9) while the introduction of an infectious foreign animal disease (such as foot-and-mouth disease) will be the primary threat addressed by an agricultural security plan, the principles used to prevent, detect, control, or eradicate such a disease will apply to large-scale outbreaks of other diseases and other agricultural diseases that affect agriculture;

(10) numerous Federal agencies have authorities and responsibilities relating to public, animal, and wildlife health, safety, and management;

(11) the highest priority of the United States, in connection with agricultural diseases, is to prevent the introduction of, detect, control, and eradicate an agricultural disease as quickly as practicable and return the United States to a disease-free status;

(12)(A) the Incident Command System was adopted by the National Fire Academy as the model system of the Academy in 1987 and was later endorsed by the International Association of Chiefs of Police and the American Public Works Association;

(B) the Incident Command System is used by many Federal agencies, such as the Environmental Protection Agency and the United States Fire Administration, while responding to emergencies; and

(C) the Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, should incorporate the Incident Command System in all agricultural disaster emergency response plans; and

(13) since agricultural diseases will continue to be rare occurrences in the United States, the Department of Agriculture and Federal, State, and local partners will need to reinforce preparedness, training, and response mechanisms—

(A) through an all-hazard approach to all agricultural disaster emergencies; and

(B) by gaining field experience in foreign countries where high-risk agricultural diseases are endemic.

SEC. 3. AGRICULTURAL BIOSECURITY.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2220) is amended by adding at the end the following:

"Subtitle J—Agricultural Biosecurity

"SEC. 899A. DEFINITIONS.

"In this subtitle:

"(1) AGRICULTURAL DISEASE.—The term 'agricultural disease' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

"(2) AGRICULTURE.—The term 'agriculture' includes—

"(A) the science and practice of activities relating to food, feed, and fiber production, processing, marketing, distribution, use, and trade;

"(B) family and consumer science, nutrition, food science and engineering, agricultural economics, and other social sciences; and

"(C) forestry, wildlife science, fishery science, aquaculture, floraculture, veterinary medicine, and other environmental and natural resource sciences.

"(3) AGROTERRORISM.—The term 'agroterrorism' means the commission of an agroterrorist act.

"(4) AGROTERRORIST ACT.—The term 'agroterrorist act' means a criminal act consisting of causing or attempting to cause damage or harm to, or destruction or contamination of, a crop, livestock, farm or ranch equipment, a material, any other property associated with agriculture, or a person engaged in agricultural activity, that is committed with the intent—

"(A) to intimidate or coerce a civilian population; or

"(B) to influence the policy of a government by intimidation or coercion.

"(5) BIOSECURITY.—

"(A) IN GENERAL.—The term 'biosecurity' means protection from the risks posed by biological, chemical, or radiological agents to—

"(i) plant or animal health;

"(ii) the agricultural economy;

"(iii) the environment; and

"(iv) human health.

"(B) INCLUSIONS.—The term 'biosecurity' includes the exclusion, eradication, and control of biological agents that cause plant or animal diseases.

"(6) ECOTERRORISM.—The term 'ecoterrorism' means the use of force or violence against a person or property to intimidate or coerce all or part of a government or the civilian population, in furtherance of a social goal in the name of an environmental cause.

"CHAPTER 1—INTERAGENCY COORDINATION

"SEC. 899D. AGRICULTURAL DISEASE LIAISONS.

"(a) AGRICULTURAL DISEASE MANAGEMENT LIAISON.—The Secretary shall establish a senior level position within the Federal Emergency Management Agency to serve, as a primary responsibility, as a liaison for agricultural disease management between—

"(1) the Department; and

"(2)(A) the Federal Emergency Management Agency;

"(B) the Department of Agriculture;

"(C) other Federal agencies responsible for agriculture disease emergency response;

"(D) the emergency management community;

"(E) State emergency officials and agricultural officials; and

"(F) affected industries.

"(b) ANIMAL HEALTH CARE LIAISON.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services a senior level position to serve, as a primary responsibility, as a liaison between—

"(1) the Department of Health and Human Services; and

"(2)(A) the Department of Agriculture;

"(B) the animal health community;

"(C) the emergency management community; and

"(D) affected industries.

"SEC. 899E. TRANSPORTATION.

"The Secretary of Transportation, in consultation with the Secretary of Agriculture and the Secretary, shall—

"(1) publish in the Federal Register proposed guidelines for restrictions on interstate transportation of an agricultural commodity or product in response to an agricultural disease;

"(2) provide for a comment period for the proposed guidelines of not less than 90 days;

"(3) establish the final guidelines, taking into consideration any comments received under paragraph (2); and

"(4) provide the guidelines to officers and employees of —

"(A) the Department of Agriculture;

"(B) the Department of Transportation; and

"(C) the Department .

"SEC. 899F. REGIONAL, STATE, AND LOCAL PREPARATION.

"(a) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture, shall cooperate with regional, State, and local disaster preparedness officials to include consideration of potential environmental impacts of response activities in planning responses to agricultural diseases.

"(b) DEPARTMENT OF AGRICULTURE.—The Secretary of Agriculture, in consultation with the Secretary, shall—

"(1) develop and implement information-sharing procedures to provide information to and share information among Federal, regional, State, and local officials regarding agricultural threats, risks, and vulnerabilities; and

"(2) cooperate with State agricultural officials, State and local emergency managers, representatives from State land grant colleges and research universities, agricultural producers, and agricultural trade associations to establish local response plans for agricultural diseases.

"(c) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary of Agriculture, shall—

"(1) establish a task force, consisting of agricultural producers and State and local emergency response officials, to identify best practices for regional and State agricultural disease programs;

"(2) distribute to States and localities a report that describes the best practices; and

"(3) design and distribute packages containing exercises for training, based on the identified best practices, in the form of printed materials and electronic media, for distribution to State and local emergency managers and State agricultural officials.

"SEC. 899G. STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL PLANT DISEASE LABORATORY.

"Not later than 270 days after the date of enactment of this subtitle, the Secretary of Agriculture shall submit to the appropriate committees of Congress a report on the feasibility of establishing a national plant disease laboratory, based on the model of the Centers for Disease Control and Prevention, with the primary task of—

"(1) integrating and coordinating a nationwide system of independent plant disease diagnostic laboratories, including plant clinics maintained by land grant colleges and universities; and

"(2) increasing the capacity, technical infrastructure, and information-sharing capabilities of laboratories described in paragraph (1).

"CHAPTER 2—INTERNATIONAL ACTIVITIES

"SEC. 899J. INTERNATIONAL AGRICULTURAL DISEASE SURVEILLANCE.

"Not later than 1 year after the date of enactment of this subtitle, the Secretary of Agriculture, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress a report on measures taken by the Secretary of Agriculture—

"(1) to streamline the process of notification by the Secretary of Agriculture to Federal agencies in the event of agricultural diseases in foreign countries; and

"(2) to cooperate with representatives of foreign countries, international organizations, and industry to devise and implement methods of sharing information on international agricultural diseases and unusual agricultural activities.

"SEC. 899K. INSPECTIONS OF IMPORTED AGRICULTURAL PRODUCTS.

"The Secretary shall—

"(1) cooperate with the Secretary of Agriculture and appropriate Federal intelligence officials to improve the ability of the Department of Agriculture to identify agricultural commodities and products, livestock, and other goods imported from suspect locations recognized by the intelligence community as having—

"(A) experienced agricultural terrorist activities or unusual agricultural diseases; or

"(B) harbored agroterrorists; and

"(2) use the information collected under paragraph (1) to establish inspection priorities.

"SEC. 899L. BILATERAL MUTUAL ASSISTANCE AGREEMENTS.

"The Secretary of State, in coordination with the Secretary of Agriculture and the Secretary, shall—

"(1) enter into mutual assistance agreements with other countries for assistance in the event of an agricultural disease—

"(A) to provide training to veterinarians and agriculture specialists of the United States in the identification, diagnosis, and control of foreign agricultural diseases;

"(B) to provide resources and personnel to foreign governments with limited resources to respond to agricultural diseases; and

"(C) to participate in bilateral training programs and exercises; and

"(2) provide funding for personnel to participate in related exchange and training programs.

"CHAPTER 3—RESPONSE ACTIVITIES

"SEC. 899O. STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL AGROTERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

"Not later than 240 days after the date of enactment of this subtitle, the Attorney General, in conjunction with the Secretary of Agriculture, shall submit to the appropriate committees of Congress a report on the feasibility and estimated cost of establishing and maintaining a national agroterrorism incident clearinghouse to gather information for use in coordinating and assisting investigations on incidents of—

"(1) agroterrorism committed against or directed at—

"(A) any plant or animal enterprise; or

"(B) any person, because of any actual or perceived connection of the person with, or support by the person of, agriculture; and

"(2) ecoterrorism.

"SEC. 899P. REVIEW OF LEGAL AUTHORITY.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Agriculture, shall conduct a review of State and local laws relating to agroterrorism and biosecurity to determine—

"(1) the extent to which those laws facilitate or impede the implementation of current or proposed response plans with respect to agricultural diseases;

"(2) whether an injunction issued by a State court could—

"(A) delay the implementation of a Federal response plan; or

"(B) affect the extent to which an agricultural disease spreads; and

"(3) the types and extent of legal evidence that may be required by State courts before a response plan may be implemented.

"(b) REPORT.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to the appropriate committees of Congress a report that describes the results of the review conducted under subsection (a) (including any recommendations of the Attorney General).

"SEC. 899Q. INFORMATION SHARING.

"The Secretary of Agriculture, in cooperation with the Attorney General, shall develop and implement a system to share information during all stages of an agroterrorist act.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by adding at the end of the items relating to title VIII the following:

"Subtitle J—Agricultural Biosecurity
"Sec. 899A. Definitions.
"CHAPTER 1—INTERAGENCY COORDINATION
"Sec. 899D. Agricultural disease liaisons.
"Sec. 899E. Transportation.
"Sec. 899F. Regional, State, and local preparation.
"Sec. 899G. Study on feasibility of establishing a national plant disease laboratory.
"CHAPTER 2—INTERNATIONAL ACTIVITIES
"Sec. 899J. International agricultural disease surveillance.

"Sec. 899K. Inspections of imported agricultural products.
"Sec. 899L. Bilateral mutual assistance agreements

"CHAPTER 3—LEGAL DEFINITIONS AND RESPONSE ACTIVITIES

"Sec. 899O. Study on feasibility of establishing a national agroterrorism and ecoterrorism incident clearinghouse.
"Sec. 899P. Review of legal authority.
"Sec. 899Q. Information sharing.".

SEC. 4. INCLUSION OF AGROTERRORISM IN TERRORIST ACTS INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 2332a(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the comma at the end and inserting "; or"; and

(3) by inserting after paragraph (3) the following:

"(4) against private property, including property used for agricultural or livestock operations;".

By Mr. BAUCUS:

S. 428. A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, I rise today to reintroduce a bill I had introduced during the 107th Congress, which will provide for the use and distribution of judgment funds awarded to the Assiniboine and Sioux Tribes of the Fort Peck Reservation in northeast Montana.

In 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation brought suit against the United States to recover interest earned on their trust funds while those funds were in Special Deposit and IMPL-Agency accounts. The case was filed in the U.S. Claims court, and docketed as No. 773–87–L.

After the court ruled that the United States was liable to the Fort Peck Tribes and individual Indians for interest on those funds, the tribes and the United States reached an agreement for settling the claims in the case, for the sum of $4,522,551.84. The court approved the settlement agreement.

The settlement agreement further provided that the judgment be divided between the Fort Peck Tribes and those individual Indians who are found to be eligible to share in the judgment. On January 31, 2001, the court approved a stipulation between the parties that defined the procedures by which the Fort Peck Tribes' and individual Indians' respective shares in the judgment would be determined and distributed to them.

Pursuant to the court-approved stipulation in the case, on February 14, 2001, a portion of the tribe's share of the judgment was deposited into an account in Treasury for the use of the Fort Peck Tribes. As provided by the court-approved stipulation, those funds are to be available for immediate use by the tribe pursuant to a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act, 25 U.S.C. 1401 et seq. The court-approved stipulation further recognized that the tribe will most likely receive additional payments from this settlement once the work identifying all individuals eligible to share in the judgment is complete and the pro rata shares are finally computed. Those funds, too, are to be available for use by the tribe in accord with a plan adopted under the Tribal Judgment Funds Use or Distribution Act.

As required by the stipulation and the Tribal Judgment Funds Use or Distribution Act, the tribe developed a plan for the use of the tribe's share of the settlement. Under the plan, the Tribe's share of the judgment will be used for tribal health, education, housing, and social services programs.

The tribe submitted its plan to the Department of the Interior for review and approval. Public hearings were held during which the views and recommendations of tribal members were heard regarding the plan. The tribe has been advised that the Department of Interior has no objection to the tribe's plan and can approve it. However, although the plan was developed and public hearing held during 2001, the Interior Department did not complete its review of the plan, nor submit the approved plan to Congress within the 1-year deadline imposed by the Tribal Judgment Fund Use or Distribution Act. As a result, in order for the Fort Peck Tribe to make use of the judgment awarded to the tribe, it is necessary for Congress to formally adopt legislation approving the tribe's plan. The proposed bill language, would serve this purpose.

This judgment is based on money that rightfully belongs to the Fort Peck tribes and should be moved expeditiously through Congress. I look forward to working with the Committee on Indian Affairs to move this legislation forward.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, and Mr. LEVIN):

S. 429. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senators KENNEDY, SCHUMER, CORZINE, LAUTENBERG, DURBIN, and LEVIN to introduce the "Anti-Terrorism Military Sniper Weapon Reclassification Act of 2003."

This bill, identical to legislation I have introduced in the last two Congresses, will reclassify powerful fifty-caliber military sniper rifles under the National Firearms Act, thus making it much more difficult for terrorists, doomsday cults, and criminals to obtain these guns for illegitimate use.

Fifty-caliber sniper rifles, manufactured by a small handful of companies and individuals, are deadly, military style assault weapons, designed for armed combat with wartime enemies. They weight up to 28 pounds and are capable of piercing light armor at more than 4 miles. The guns enable a single shooter to destroy enemy aircraft, jeeps, tanks, personnel carriers, bunkers, fuel stations, and even communication centers. As a result, their use by military organizations worldwide has been spreading rapidly.

But along with the increasing military use of the gun, we have also seen increased use of the weapon by violent criminals and terrorists around the world.

These weapons are deadly accurate up to 2,000 yards. This means that a shooter using a 50-caliber weapon can reliably hit a target more than a mile away. In fact, according to a training manual for military and police snipers published in 1993, a bullet from this gun "even at one and a half miles crashes into a target with more energy than Dirty Harry's famous .44 magnum at point-blank" range.

And the gun is "effective" up to 7,500 yards. In other words, although it may be hard to aim at this distance, the gun will have its desired destructive effect at that distance—more than 4 miles from the target.

The weapon can penetrate several inches of steel, concrete, or even light armor. In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns—they are just too powerful.

Recent advances in weapons technology allow this gun to be used by civilians against armored limousines, bunkers, individuals, and even aircraft—in fact, one advertisement for the gun apparently promoted the weapon as able to "wreck several million dollars' worth of jet aircraft with one or two dollars worth of cartridge."

This gun is so powerful that one dealer told undercover GAO investigators "You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50-calibers. This gun is just too powerful."

When I first introduced this bill, I commented that a study by the General Accounting Office revealed some eye-opening facts about how and where this gun is used, and how easily it is obtained. The GAO reports that many of these guns wind up in the hands of domestic and international terrorists, religious cults, outlaw motorcycle gangs, drug traffickers, and violent criminals.

According to a special agent at ATF's Atlanta Field Division, the Barrett .50-caliber rifle is "a devastatingly powerful weapon against which most troops, most law enforcement and no civilians have any means of defense." He added that the rifle is "a tremendous threat" for "those most shocking and horrifying crimes, assassinations, murders, assaults on law enforcement officers."

In 1998, Federal law enforcement apprehended three men belonging to a radical Michigan militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate the State's Governor, a U.S. Senator and Federal judges. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming, so it is clear that the guns are making their way into the hands of criminals worldwide.

Another .50-caliber sniper rifle, smuggled out of the United States, was used by the Irish Republican Army to kill a large number of British soldiers.

Even more recently we have learned that Al Qaeda has received .50-caliber sniper rifles—rifles that were manufactured right here in the United States. Nearly 2 years ago today, Essam al Ridi, a U.S. agent for Al Qaeda, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to Al Qaeda members in Afghanistan. We have no way of knowing whether Al Qaeda has obtained more or who has supplied them with these weapons, but we can be sure that any .50-caliber weapon in the hands of Al Qaeda will almost certainly be used against Americans or American interests.

Ammunition for these guns is also readily available, even over the Internet. Bullets for these guns include "armor piercing incendiary" ammunition that explodes on impact, and even "armor piercing tracing" ammunition reminiscent of the ammunition that lit up the skies over Baghdad during the Persian Gulf war.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to "take down" a helicopter. In fact, our own military helps to provide thousands of rounds of .50-caliber ammunition, by essentially giving away tons of spent cartridges, many of which are then refurbished and sold on the civilian market.

This bill will begin the process of making these guns harder to get and easier to track.

Current law classifies .50-caliber guns as "long guns," subject to the least government regulation for any firearm. Sawed-off shotguns, machine guns, and even handguns are more highly regulated than this military sniper rifle. In fact, many States allow possession of .50-caliber guns by those as young as 14 years old, and there is no regulation on second-hand sales.

Essentially, this bill would reclassify .50-caliber guns under the National Firearms Act, which imposes far stricter standards on powerful and destruction weapons. For instance: NFA guns may only be purchased from a licensed dealer, and not second-hand. This will prevent the sale of these guns at gun shows and in other venues that make it hard for law enforcement to track the weapons.

Second, purchasers of NFA guns must fill out license transfer applications and provide fingerprints to be processed by the FBI in detailed criminal background checks. By reclassifying the .50-caliber, Congress will be making a determination that sellers should be more careful about to whom they give these powerful, military guns.

ATF reports that this background check process takes about 60 days, so prospective gun buyers will face some delay. However, legitimate purchasers of this $7,000 gun can certainly wait that long.

Clearly, placing a few more restrictions on who can get these guns and how is simply common sense. This bill will not ban the sale, use or possession of .50-caliber weapons. The .50-caliber shooting club will not face extinction, and "legitimate" purchasers of these guns will not lose their access—even though that, too, might be a reasonable step, since I cannot imagine a legitimate use of this gun.

I do not view the reclassification of .50-caliber weapons so much as an issue of firearm safety, but rather as a matter of national security. And I can say for a fact that I am not alone in that view.

Indeed the U.S. Air Force has studied the scenario of a potential terrorist attack with a .50-caliber weapon. According to a November 2001 article in the Air Force's official magazine, Airman, an antisniper assessment claimed that planes parked on a fully protected U.S. airbase are as vulnerable as "ducks on a pond" because the weapons can shoot from beyond most airbase perimeters. The Air Force has addressed the issue and the effectiveness of specially trained countersnipers to respond to a .50-caliber weapon attack on aircraft, fuel tanks, control towers, and personnel.

While I am glad to know our military has given due consideration to the threats posed by .50-caliber weapons, I have real concerns over the threats posed to civilian aviation.

Our Nation's airports in no way match the security measures at air force bases. These commercial facilities handle millions of passengers and tons of cargo each day and are especially vulnerable to the threats posed by .50-caliber weapons.

The threats to civilian aviation have been made abundantly clear over the last year and a half. The events of September 11 certainly showed the ability of terrorists to find loopholes in aviation security.

The recent attack on an Israeli airliner last November in Kenya serves as an example of the threat these weapons pose. Less than 4 months ago, an Israeli airliner, loaded with hundreds of innocent civilians, became the target of a terrorist attack. Two heat-seeking, Russian-made missiles known as SA–7s were launched at Arkia Flight 582 a few minutes after it took off from the Mombasa airport bound for Israel.

Fortunately, the two missiles passed by the jet, and the flight, with 271 people on board, was able to land safely in Tel Aviv a few hours later. A shoulder-fire missile launcher was found on the ground near the airport.

A previously unknown group calling itself the Army of Palestine claimed responsibility for the attacks, but government officials in Kenya and Israel, along with terrorism experts, said the operation was well coordinated and bore the trademarks of Al Qaeda or an affiliated group.

This type of attack, one on civilian aircraft, is exactly the sort that a .50-caliber weapon is capable of. Experts have agreed that .50-caliber weapons aimed at a plane while stationary, or taking off or arriving could be just as disastrous as a hit from a missile launcher. Gal Luft, co-Director of the Institute for the Analysis of Global Security has described .50-caliber weapons as "lethal to slow moving planes."

For further assurance of the potential destruction of these weapons, simply listen to the manufacturers themselves. According to a Barrett Firearms Manufacturing Model 82A1 .50 caliber sniper rifle brochure.

"The cost effectiveness of the Model 82A1 cannot be overemphasized when a round of ammunition purchased for less than 10 U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area."

The Nordic Ammunition Company is the developer of the Raufoss multipurpose ammunition for .50-caliber weapons that combines armor-piercing, incendiary, and explosive features and was used by U.S. forces during the gulf war. According to the company, the ammunition can ignite military jet fuel and has "the equivalent firing power of a 20-mm projectile to include such targets as helicopters, aircrafts, light armor vehicles, ships, and light fortifications."

The bill will simply place stricter requirements on the way in which these guns can be sold, and to whom. The measure is meant to offer a reasoned solution to making it harder for terrorists, assassins, and other criminals to obtain these powerful weapons. If we are to continue to allow private citizens to own and use guns of this caliber, range, and destructive power, we should at the very least take greater care in making sure that these guns do no fall into the wrong hands.

I urge my colleagues to support this bill.

By Mr. VOINOVICH:

S. 431. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that will allow States to finally obtain relief from the seemingly endless stream of solid waste that is flowing into States like Ohio, Pennsylvania, Indiana, Michigan, Virginia and many others.

My bill, "the Municipal Solid Waste Interstate Transportation and Local Authority Act," gives State and local governments the tools they need to limit garbage imports from other States and manage their own waste within their own States.

Ohio receives more than 1.5 million tons of municipal solid waste annually from other States and this number has been increasing regularly. In fact, estimates for 2001 indicate that Ohio imported almost 2 million tons of municipal solid waste, which is almost 600,000 more tons of waste than Ohio imported in 1997. While I am pleased that these shipments have been reduced since our record high of 3.7 million tons in 1989, I believe it is still entirely too high.

Because it is cheap and because it is expedient, communities in other States have simply put their garbage on trains or on trucks and shipped it to be landfilled in States like Ohio, Indiana, Michigan, Pennsylvania and Virginia. This is wrong and it has to stop.

Many State and local governments in importing States have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other States. We saw limited relief. Ohio has no assurance that our out-of-state waste numbers won't rise significantly, particularly in light of the closure of the Fresh Kills landfill on Staten Island in 2001. Unfortunately, the Federal courts have prevented States from enacting laws to protect our natural resources from being utilized as landfill space. What has emerged is an unnatural pattern where Ohio and other States—both importing and exporting—have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, State and local governments' hands are tied. Lacking a specific delegation of authority from Congress, States that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, this has undermined our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other States' trash. Our citizens already have to live with the consequences of large amounts of out-of-state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other States have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal from other States has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the Commerce Clause requires us to service other States at the expense of our own citizens' efforts.

A national solution is long overdue. When I became Governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor Bayh, now Senator BAYH, of Indiana, Governor Engler of Michigan and Governor Casey, and later Governors Ridge and O'Bannon, of Pennsylvania—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked by Congress to reach an agreement with Governors Whitman and Pataki on interstate waste provisions. Our States quickly came to an agreement with New Jersey—the second largest exporting State—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that I am introducing today reflects the agreement that my State, along with Indiana, Michigan and Pennsylvania, reached with then-Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for States to limit future waste flows. For instance, they would have the option to set a "permit cap," which would allow a State to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a State could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other States that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, in 1996, Ohio EPA had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the State and they need to ensure a steady out-of-state waste flow to make the plan feasible.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other States until local governments approve its receipt. States could also freeze their out-of-state waste at 1993 levels, while some States would be able to reduce these levels to 65 percent by the year 2008. This bill also allows States to reduce the amount of construction and demolition debris they receive by 50 percent in 2014 at the earliest.

States also could impose up to a $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide States with the funding necessary to implement solid waste management programs.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, I am not asking for outright authority for States to prohibit all out-of-state waste, nor am I seeking to prohibit waste from any one State. I am merely asking for reasonable tools that will enable State and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other States. Such measures would give substantial authority to limit imports and plan facilities around each States' needs.

I believe the time is right to consider and pass an effective interstate waste bill. The bill I am introducing today is a consensus of importing and exporting States—States that have willingly come forward to offer a reasonable solution.

Congress must act this year to give citizens in Ohio and other affected States the relief they need from the truckloads of waste that daily pass through their communities. We have waited too long for a solution. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Interstate Transportation and Local Authority Act of 2003".

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) In General.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

"(a) Definitions.—In this section:

"(1) Affected local government.—The term 'affected local government', with respect to a facility, means—

"(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

"(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

"(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

"(2) Authorization to receive out-of-state municipal solid waste.—

"(A) In general.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

"(B) Specific authorization.—

"(i) Sufficient formulations.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

"(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

"(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

"(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

"(ii) Insufficient formulations.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

"(II) An agreement to pay a fee for the receipt of out-of-State municipal solid waste.

"(C) Form of authorization.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

"(3) Disposal.—The term 'disposal' includes incineration.

"(4) Existing host community agreement.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 2003.

"(5) Facility.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

"(6) Governor.—The term 'Governor', with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

"(7) Host community agreement.—The term 'host community agreement' means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

"(8) Municipal solid waste.—

"(A) In general.—The term 'municipal solid waste' means—

"(i) material discarded for disposal by—

"(I) households (including single and multifamily residences); and

"(II) public lodgings such as hotels and motels; and

"(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

"(I) is essentially the same as material described in clause (i); or

"(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

"(B) Inclusions.—The term 'municipal solid waste' includes—

"(i) appliances;

"(ii) clothing;

"(iii) consumer product packaging;

"(iv) cosmetics;

"(v) disposable diapers;

"(vi) food containers made of glass or metal;

"(vii) food waste;

"(viii) household hazardous waste;

"(ix) office supplies;

"(x) paper; and

"(xi) yard waste.

"(C) Exclusions.—The term 'municipal solid waste' does not include—

"(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

"(ii) solid waste resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

"(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

"(III) a corrective action taken under this Act;

"(iii) recyclable material—

"(I) that has been separated, at the source of the material, from waste destined for disposal; or

"(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

"(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

"(v) solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

"(aa) that is owned or operated by the generator of the waste;

"(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

"(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

"(vi) medical waste that is segregated from or not mixed with solid waste;

"(vii) sewage sludge or residuals from a sewage treatment plant; or

"(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

"(9) New host community agreement.—The term 'new host community agreement' means a host community agreement entered into on or after the date of enactment of this section.

"(10) Out-of-state municipal solid waste.—

"(A) In general.—The term 'out-of-State municipal solid waste', with respect to a State, means municipal solid waste generated outside the State.

"(B) Inclusion.—The term 'out-of-State municipal solid waste' includes municipal solid waste generated outside the United States.

"(11) Receive.—The term 'receive' means receive for disposal.

"(12) Recyclable material.—

"(A) In general.—The term 'recyclable material' means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

"(B) Virgin material.—In subparagraph (A), the term 'virgin material' includes petroleum.

"(b) Prohibition of Receipt for Disposal of Out-of-State Waste.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

"(c) Existing Host Community Agreements.—

"(1) In general.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

“(A) the owner or operator of the facility has complied with paragraph (2); and

“(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

“(2) PUBLIC INSPECTION OF AGREEMENT.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

“(A) provide a copy of the existing host community agreement to the State and affected local government; and

“(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

“(d) NEW HOST COMMUNITY AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

“(A) the agreement meets the requirements of paragraphs (2) through (5); and

“(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

“(2) REQUIREMENTS FOR AUTHORIZATION.—

“(A) IN GENERAL.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

“(i) be granted by formal action at a meeting;

“(ii) be recorded in writing in the official record of the meeting; and

“(iii) remain in effect according to the terms of the new host community agreement.

“(B) SPECIFICATIONS.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

“(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

“(ii) the duration of the authorization.

“(3) INFORMATION.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

“(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

“(i) the size of the facility;

“(ii) the ultimate municipal solid waste capacity of the facility; and

“(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

“(B) A map of the facility site that indicates—

“(i) the location of the facility in relation to the local road system;

“(ii) topographical and general hydrogeological features;

“(iii) any buffer zones to be acquired by the owner or operator; and

“(iv) all facility units.

“(C) A description of—

“(i) the environmental characteristics of the site, as of the date of application for authorization;

“(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

“(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

“(D) A description of—

“(i) environmental controls required to be used on the site (under permit requirements), including—

“(I) run-on and run off management;

“(II) air pollution control devices;

“(III) source separation procedures;

“(IV) methane monitoring and control;

“(V) landfill covers;

“(VI) landfill liners or leachate collection systems; and

“(VII) monitoring programs; and

“(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

“(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

“(F) A list of all required Federal, State, and local permits.

“(G) Estimates of the personnel requirements of the facility, including—

“(i) information regarding the probable skill and education levels required for job positions at the facility; and

“(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

“(H) Any information that is required by State or Federal law to be provided with respect to—

“(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

“(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

“(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

“(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

“(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

“(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

“(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

“(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

“(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

“(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

“(A) the Governor;

“(B) contiguous local governments; and

“(C) any contiguous Indian tribes.

“(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

“(1) PERMIT.—

“(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

“(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

“(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

“(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

“(2) DOCUMENTED RECEIPT DURING 1993.—

“(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

“(i) the date of receipt of the out-of-State municipal solid waste;

“(ii) the volume of out-of-State municipal solid waste received in 1993;

“(iii) the place of origin of the out-of-State municipal solid waste received; and

“(iv) the type of out-of-State municipal solid waste received.

“(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

“(i) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

“(ii) may omit any proprietary information contained in the documentation.

“(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

“(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

“(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

“(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

“(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

"(A) facility design and operation; and

"(B)(i) in the case of a landfill—

"(I) facility location standards;

"(II) leachate collection standards;

"(III) ground water monitoring standards; and

"(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

"(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

"(2) the noncompliance constitutes a threat to human health or the environment.

"(g) Authority To Limit Receipt of Out-of-State Municipal Solid Waste.—

"(1) Limits on quantity of waste received.—

"(A) Limit for all facilities in the state.—

"(i) In general.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

"(ii) No conflict.—

"(I) In general.—A limit under clause (i) shall not conflict with—

"(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

"(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

"(II) Conflict.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

"(B) Limit for particular facilities.—

"(i) In general.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

"(ii) No conflict.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

"(C) Effect on other laws.—Nothing in this subsection supersedes any State law relating to contracts.

"(2) Limit on quantity.—

"(A) In general.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

"(B) Documentation.—

"(i) Contents.—Documentation submitted under subparagraph (A) shall include information about—

"(I) the date of receipt of the out-of-State municipal solid waste;

"(II) the volume of out-of-State municipal solid waste received in 1993;

"(III) the place of origin of the out-of-State municipal solid waste received; and

"(IV) the type of out-of-State municipal solid waste received.

"(ii) False or misleading information.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

"(3) No discrimination.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

"(h) Authority To Limit Receipt of Out-of-State Municipal Solid Waste to Declining Percentages of Quantities Received During 1993.—

"(1) In general.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

"(A) In calendar year 2004, 95 percent of the quantity received in calendar year 1993.

"(B) In each of calendar years 2005 through 2008, 95 percent of the quantity received in the previous year.

"(C) In each calendar year after calendar year 2008, 65 percent of the quantity received in calendar year 1993.

"(2) Uniform applicability.—A limit under paragraph (1) shall apply uniformly—

"(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

"(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

"(3) Notice.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

"(4) Alternative authorities.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

"(i) Cost Recovery Surcharge.—

"(1) Definitions.—In this subsection:

"(A) Cost.—The term 'cost' means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

"(i) the issuance of new permits and renewal of or modification of permits;

"(ii) inspection and compliance monitoring;

"(iii) enforcement; and

"(iv) costs associated with technical assistance, data management, and collection of fees.

"(B) Processing.—The term 'processing' means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

"(2) Authority.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

"(3) Amount of surcharge.—The amount of a cost recovery surcharge—

"(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

"(B) in no event may exceed $3.00 per ton of waste.

"(4) Use of surcharge collected.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

"(5) Conditions.—

"(A) In general.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

"(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

"(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

"(iii) the surcharge is compensatory and is not discriminatory.

"(B) Prohibition of surcharge.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

"(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

"(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

"(C) Subsidy; non-discrimination.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

"(j) Implementation and Enforcement.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

"(k) Annual State Report.—

"(1) Facilities.—On February 1, 2004, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

"(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

"(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

"(2) Transfer stations.—

"(A) Definition of receive for transfer.—In this paragraph, the term 'receive for transfer' means receive for temporary storage pending transfer to another State or facility.

"(B) Report.—On February 1, 2004, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

"(i) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

"(ii) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

"(iii) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

"(3) No preclusion of state requirements.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

"(4) False or misleading information.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

"(5) Report.—On March 1, 2004, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.".

(b) Conforming Amendment.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.".

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) Amendment.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

"SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

"(a) Definitions.—In this section:

"(1) Terms defined in section 4011.—The terms 'authorization to receive out-of-State municipal solid waste', 'disposal', 'existing host community agreement', 'host community agreement', 'municipal solid waste', 'out-of-State municipal solid waste', and 'receive' have the meaning given those terms, respectively, in section 4011.

"(2) Other terms.—The term 'facility' means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

"(b) Authority To Deny Permits or Impose Percentage Limits.—

"(1) Alternative authorities.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

"(2) Authority to deny permits.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

"(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

"(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

"(3) Authority to impose percentage limit.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

"(c) New Host Community Agreements.—

"(1) In general.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

"(2) No effect on state permit denial.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

"(d) Uniform and Nondiscriminatory Application.—A law under subsection (b) or (c)—

"(1) shall be applicable throughout the State;

"(2) shall not directly or indirectly discriminate against any particular facility; and

"(3) shall not directly or indirectly discriminate against any shipment of out-of-State municipal solid waste on the basis of place of origin.".

(b) Conforming Amendment.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.".

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) Amendment.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

"SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

"(a) Definitions.—In this section:

"(1) Terms defined in section 4011.—The terms 'affected local government', 'Governor', and 'receive' have the meanings given those terms, respectively, in section 4011.

"(2) Other terms.—

"(A) Base year quantity.—The term 'base year quantity' means—

"(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2004, as determined under subsection (c)(2)(B)(i); or

"(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 2003.

"(B) Construction and demolition waste.—

"(i) In general.—The term 'construction and demolition waste' means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

"(ii) Exclusions.—The term 'construction and demolition waste' does not include debris that—

"(I) is commingled with municipal solid waste; or

"(II) is contaminated, as determined under subsection (b).

"(C) Facility.—The term 'facility' means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

"(D) Out-of-state construction and demolition waste.—The term 'out-of-State construction and demolition waste' means—

"(i) with respect to any State, construction and demolition debris generated outside the State; and

"(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

"(b) Contaminated Construction and Demolition Debris.—

"(1) In general.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

"(2) Submission of results.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

"(3) Disposal of contaminated debris.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

"(c) Limit on Construction and Demolition Waste.—

"(1) In general.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

"(2) Required action by the state.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

"(A) not later than January 1, 2004, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

"(i) disposed of in the State; and

"(ii) imported into the State; and

"(B) not later than March 1, 2005—

"(i) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2004; and

"(ii) report the tonnage received during calendar year 2004 to the Governor of each exporting State.

"(3) Reporting by facilities.—

"(A) In general.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

"(i) in calendar year 2003, not later than February 1, 2004; and

"(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

"(B) No preclusion of state requirements.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

"(C) Penalty.—Each submission under this paragraph shall be made under penalty of perjury under State law.

"(4) Limit on debris received.—

"(A) Ratchet.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

"(B) Reduced annual percentages.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

"(i) in calendar year 2005, 95 percent of the base year quantity;

"(ii) in calendar year 2006, 90 percent of the base year quantity;

"(iii) in calendar year 2007, 85 percent of the base year quantity;

"(iv) in calendar year 2008, 80 percent of the base year quantity;

“(v) in calendar year 2009, 75 percent of the base year quantity;

“(vi) in calendar year 2010, 70 percent of the base year quantity;

“(vii) in calendar year 2011, 65 percent of the base year quantity;

“(viii) in calendar year 2012, 60 percent of the base year quantity;

“(ix) in calendar year 2013, 55 percent of the base year quantity; and

“(x) in calendar year 2014 and in each subsequent year, 50 percent of the base year quantity.

“(5) EXPEDITED IMPLEMENTATION.—

“(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

“(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 2003; and

“(ii) the State complies with paragraphs (2) and (3).

“(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

“(i) in calendar year 2004, 95 percent of the base year quantity;

“(ii) in calendar year 2005, 90 percent of the base year quantity;

“(iii) in calendar year 2006, 85 percent of the base year quantity;

“(iv) in calendar year 2007, 80 percent of the base year quantity;

“(v) in calendar year 2008, 75 percent of the base year quantity;

“(vi) in calendar year 2009, 70 percent of the base year quantity;

“(vii) in calendar year 2010, 65 percent of the base year quantity;

“(viii) in calendar year 2011, 60 percent of the base year quantity;

“(ix) in calendar year 2012, 55 percent of the base year quantity; and

“(x) in calendar year 2013 and in each subsequent year, 50 percent of the base year quantity.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4013. Construction and demolition debris.”.

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

“SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

“(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

“(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

“(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

“(A) was in effect on the suspension date;

“(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

“(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

“(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

“(A) on or before the suspension date, presented eligible bonds for sale;

“(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

“(C) on or before the suspension date, executed a legally binding contract or agreement that—

“(i) was in effect as of the suspension date;

“(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

“(iii) either—

“(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

“(II) otherwise imposes liability for damages resulting from such failure.

“(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

“(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

“(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

“(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

“(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

“(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

“(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit. The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

“(d) INDEMNIFICATION FOR CERTAIN TRANSPORTATION.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

“(e) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

“(f) LIMITATION ON REVENUE.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

“(1) Principal and interest on any eligible bond.

“(2) Principal and interest on a bond issued for a qualified environmental retrofit.

“(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

“(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

“(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

“(g) INTERIM CONTRACTS.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

"(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

"(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

"(h) AREAS WITH PRE-1984 FLOW CONTROL.—

"(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

"(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

"(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

"(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or 'B) of subsection (a)(3), respectively.

"(3) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

"(i) EFFECT ON AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.—Nothing in this section shall be interpreted—

"(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

"(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

"(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

"(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

"(j) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

"(k) STATE SOLID WASTE DISTRICT AUTHORITY.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

"(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

"(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

"(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

"(l) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

"(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

"(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

"(3) the facility was designated as of the suspension date by at least one of such members;

"(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

"(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

"(m) RECOVERY OF DAMAGES.—

"(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

"(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Municipal Solid Waste Interstate Transportation and Local Authority Act of 2003, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

"(n) DEFINITIONS.—For the purposes of this section—

"(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

"(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

"(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

"(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

"(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

"(4) ELIGIBLE BOND.—The term 'eligible bond' means—

"(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

"(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

"(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

"(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

"(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

"(B) does not include—

"(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

"(ii) waste generated during scrap processing and scrap recycling; or

"(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

"(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

"(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

"(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

"(A) May 16, 1994;

"(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

"(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

"(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.".

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.".

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

By Mr. CRAIG:

S. 432. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, today I am introducing the Wood Preservation Safety Act of 2003 with my Idaho colleague Senator CRAPO and our friend from Nevada, Mr. ENSIGN. If enacted, this legislation would authorize the Forest Products Laboratory of the US Forest Service to study the effectiveness of silver-based biocides as a wood preservative treatment. This legislation was also introduced in the 107th Congress.

According to silver experts and academics, silver biocides could serve as a viable, safe and cost effective alternative wood preservative. Given silver's long-standing role as an effective biocide, testing should be undertaken to determine silver's suitability as a wood preservative. Thus, I feel it is important to study and fully explore the potential of silver as a wood preservative.

Mining has been an important part of Idaho's history since the late 1800s. It became Idaho's first industry and remains a critical part of Idaho and the nation's economy. Mining in Idaho has supplied the nation with minerals necessary for today's modern lifestyle which many of us take for granted. In 1985, the mines of Idaho's Coeur d'Alene mining district produced their one billionth ounce of silver. The Sunshine Mine was America's richest silver mine, producing over 300 million ounces of silver, more than the entire output of Nevada's famous Comstock Lode. Silver contributes to our quality of life in many ways, and its use as a biocide in wood products is an important application that must be explored.

I look forward to working with my colleagues to pass legislation that would create a comprehensive research program to test the viability of silver-based biocides for the treatment of wood products.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 61—AUTHORIZING EXPENDITURES BY THE COMMITTEE IN FINANCE

Mr. GRASSLEY submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 61

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under title XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,511,241, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $6,179,693, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,634,121, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There authorized such sums as may be necessary for agency contributions related to the compensation of the committee from March 1, 2003, through September 30, 2003; October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 62—CALLING UPON THE ORGANIZATION OF AMERICAN STATES (OAS) INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, THE EUROPEAN UNION, AND HUMAN RIGHTS ACTIVISTS THROUGHOUT THE WORLD TO TAKE CERTAIN ACTIONS IN REGARD TO THE HUMAN RIGHTS SITUATION IN CUBA

Mr. ENSIGN (for himself, Mr. GRAHAM of Florida, Mr. FRIST, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. SESSIONS, Mr. REID, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 62

Whereas the democracies of the Western Hemisphere have approved an Inter-American Democratic Charter that sets a regional standard regarding respect for human rights and fundamental freedoms;

Whereas the government of the Republic of Cuba approved and is bound to respect the Charter of the Organization of American States (OAS) and the American Declaration of the Rights and Duties of Man;

Whereas in 2001, 2000, 1999, 1998, and previous years, the government of the Republic of Cuba declined to reply to the OAS Inter-American Commission on Human Rights when it sought the government's views on human rights violations in the Republic of Cuba;

Whereas all countries have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and the Universal Declaration of Human Rights;

Whereas the United Nations Commission on Human Rights considered and passed a resolution in 2002 regarding the situation of human rights in the Republic of Cuba and called for the United Nations High Commissioner for Human Rights to send a personal representative to the Republic of Cuba;

Whereas the United States and other countries remain concerned about violations of human rights and fundamental freedoms in the Republic of Cuba, including the freedoms of expression, association, and assembly, and the rights associated with the administration of justice;

Whereas, according to the Department of State, Cuban authorities use exile as a means of repression and continue to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers with the goal of coercing them into leaving the country;

Whereas Cuban citizens are routinely jailed solely because their views do not coincide with those of the government;

Whereas Amnesty International in its 2002 report noted an increase in human rights violations in the Republic of Cuba, including short-term arbitrary arrests, threats, summonses, evictions, interrogations, losses of employment, restrictions on travel, house arrests, and other forms of harassment directed by the government against political dissidents, independent journalists, and other activists in an effort to limit their ability to exercise fundamental freedoms;

Whereas Amnesty International also noted with concern the beginning of a trend toward the increased use of violence by Cuban authorities in order to repress dissent;

Whereas Cuban political prisoners are deliberately exposed to harm and poor conditions as a means of punishment, including beatings, denial of medical treatment, forced labor against medical advice, unsanitary eating conditions, and coexistence with inmates carrying highly infectious diseases;

Whereas peaceful dissidents in the Republic of Cuba, such as Oscar Elias Biscet, who upon finishing more than 3 years in jail for "instigation to commit a crime" is again in police custody and facing a possible year-long sentence, are subjected to ongoing harassment and imprisonment;

Whereas many Cubans, such as journalist Bernardo Arevalo Padron who is currently in jail serving a 6 year sentence, are routinely jailed under the charge of "disrespect" for making negative statements about the government of the Republic of Cuba;

Whereas many Cubans, such as Carlos Oquendo Rodriguez who is serving 2 years in prison, are routinely jailed under the charge of "public disorder" for criticizing the Castro regime;

Whereas many Cubans, such as Francisco Chaviano Gonzalez, the longest serving current Amnesty International prisoner of conscience in the Republic of Cuba, are imprisoned on charges of "revealing state security secrets" and "falsifying public documents" for promoting democratic practices and human rights;

Whereas many Cubans, such as Juan Carlos Gonzalez Leiva, a blind lawyer and president of the Cuban Foundation for Human Rights, are imprisoned on charges of "disobedience" and tortured while incarcerated for peacefully protesting the Republic of Cuba's brutal treatment of dissidents;

Whereas many Cubans, such as Leonardo Miguel Bruzon Avila, president of the 24th of February Movement (named for both a turning point in the Spanish-American War and the day in 1996 when 2 civilian aircraft carrying 4 members of the Cuban American Brothers to the Rescue movement were shot down over international waters by Cuban fighter jets), are charged with "public disorder" and held without trial for planning peaceful public ceremonies;

Whereas many Cubans, such as Nestor Rodriguez Lobaina, who is president of the Cuban Youth for Democracy Movement and currently serving a 6 year prison sentence, are charged with "damages" for denouncing violations of human rights by the Cuban government and communicating the brutality of the Cuban regime to Cuban citizens and the world;

Whereas many Cubans, such as Jorge Luis García Pérez, who is a founder of the Pedro Luis Boitel Political Prisoners Movement and serving a 15 year prison sentence, are charged with "enemy propaganda" and suffer systematic abuse and a lack of medical assistance while in prison, for criticizing communism;

Whereas Amnesty International reports that participants in Oswaldo Paya's Varela Project collecting the required 10,000 signatures on a petition for peaceful change to the legal system of the Republic of Cuba have been harassed, detained, subjected to confiscation of signed petitions, and "kicked, punched, and threatened" by Cuban state security officials; and

Whereas the European Parliament rightfully recognized Oswaldo Paya for his work on the Varela Project with the 2002 Sakharov Prize for his human rights work in the Republic of Cuba: Now, therefore, be it

Resolved, That the Senate calls upon—

(1) the Organization of American States Inter-American Commission on Human Rights to continue its reporting on the human rights situation in the Republic of Cuba and to request a visit to the Republic of Cuba for the purposes of reviewing and reporting to the international community on the human rights situation there;

(2) the United Nations High Commissioner for Human Rights and his newly appointed personal representative to vigorously pursue the implementation of the 2002 Resolution regarding the situation of human rights in the Republic of Cuba;

(3) the European Union, to build upon the European Parliament's recognition of Cuban dissidents and, through the appropriate bodies and mechanisms, request to visit the Republic of Cuba for the purpose of reviewing the human rights situation there and issue a report to the international community on its findings; and

(4) human rights organizations throughout the world to issue statements of solidarity with the Cuban human rights activists, political dissidents, prisoners of conscience, independent journalists, and other Cubans seeking to secure their internationally recognized human rights and fundamental freedoms.

Mr. ENSIGN. Mr. President, I rise today to submit a resolution expressing the grave concern of the United States Senate over the horrific human rights conditions in Cuba under the regime of Fidel Castro, and calling on the international community to take concrete steps to help the peaceful dissidents in Cuba who are pressing for democratic change, and being brutally repressed as a result.

The American and Cuban peoples share many things in common—a love of freedom, a fierce spirit of independence, and a desire that our two nations will one day live as friends and neighbors in a hemisphere where the scourge of tyranny has been eradicated.

There is one obstacle to the common aspirations of our two peoples—Fidel Castro. And because of him, our peoples share one more thing in common. Both of our countries have had innocent civilians killed on his orders by his brutal security apparatus.

Seven years ago, on this day, February 24, Cuban MIG fighters confronted three planes flying in international airspace by members of Brothers to the Rescue, a group whose principal mission was to search for rafters in the Florida Straits risking their lives to escape Castro's oppression. Three planes left. Only one plane returned. The other two—unarmed Cessnas—were shot down on the direct orders of Fidel Castro. Three American citizens and one legal resident were murdered in cold blood.

Here is how the Organization of American States Inter-American Commission on Human Rights described the incident: "The Cuban Air Force never notified nor warned the civil small aircraft, did not attempt to make use of other methods of interception, and never gave them the opportunity to land. The first and only response of the MIGs was the international destruction of the civil aircraft and of their four occupants."

This event seven years ago shocked our nation. But for Cubans living in Castro's tropical gulag, this sort of brutality is not shocking in the least—it is their every day reality.

And so we introduce this resolution today to express our solidarity with the families of the victims who perished that day, to be sure. However, we also do it to show our solidarity with all those still suffering in Fidel Castro's Cuba—and those brave dissidents who risk their lives each day to press for freedom, democracy and rule of law.

Leonardo Miguel Bruzon Avila, is one such dissident. He is president of the 24th of February Movement and is being held without trial by the Castro regime. His crime? Planning peaceful public ceremonies to commemorate the shoot-down of the Brothers to the Rescue planes.

It is a travesty that more than a decade after the Cold War has ended, a brutal communist dictator is still oppressing people in our hemisphere. Castro's Cuba is like a modern day Jurassic Park—a lost island, where the political dinosaurs of an earlier era still roam, leaving death and destruction in their wake. Our challenge, our mission, is to help the Cuban people escape—to join the 21st century as a free nation.

For some reason, there are still those who see Castro as a romantic revolutionary. It is an image he works hard to promote. But there is nothing romantic about life in Castro's Cuba.

Thus, it is important to call attention to the reality of the conditions he imposes on his people. The UN, the OAS, the EU, and non governmental organizations such as Amnesty International and Human Rights Watch have done this, but exposing the truth is only the first step. This resolution calls on these entities to do more, because the situation in Cuba is not improving—it is deteriorating.

Amnesty International's 2002 report notes an increase in human rights violations, including short-term arbitrary arrests, threats, summonses, evictions, interrogations, losses of employment, restrictions on travel, and house arrests directed by the government against political dissidents, independent journalists, and other activists in an effort to limit their ability to exercise fundamental freedoms.

No one who disagrees with the Castro brothers' communist dictatorship can live peacefully in Cuba. No one who loves liberty is allowed to flourish. No one who dares to speak out against the Castro government's brutality and repression is permitted to remain free.

And once imprisoned, Cuban political prisoners are deliberately exposed to harm and poor conditions as a means of punishment, including beatings, denial of medical treatment, forced labor against medical advise, and coexistence with inmates carrying highly infectious diseases.

It is critical that we send a message—to Fidel Castro and the world—that we know what is happening under his rule. And we must make sure these peaceful freedom fighters know they are not forgotten.

Natan Sharansky tells the story about his time in the Soviet gulag, when word came that President Reagan had called the Soviet Union an "Evil Empire." The Soviet press had reprinted his remarks, as evidence of his anti-Soviet attitudes. But for the prisoners in the Soviet gulag, it was the first sign that they had not been forgotten—that the leader of the world's most powerful democracy had no illusions about the true nature of that regime—that he knew of their plight and was ready to call the Soviet system what is was—evil.

He spoke about how Reagan and Senator Scoop Jackson became beacons of light to all the political prisoners through the long days and nights of their struggle against the Soviet Union. He said Jackson and Reagan knew the value of freedom and they understood the nature of totalitarian evil. They inspired all of the dissidents with their integrity, their values, and their courage.

With this resolution, we send a signal to all the dissidents and political prisoners in Cuba—that we have no illusions about the nature of Fidel Castro's regime—that we know of their plight and stand ready to help them.

Specifically, this resolution highlights the plight of eight Cuban dissidents who are currently in jail: Oscar Elias Biscet, Bernardo Arevalo Padron, Carlos Oquendo Rodriguez, Francisco Chaviano Gonzalez, Juan Carlos Gonzales Leiva, Leonardo Miguel Bruzon Avila, Nestor Rodriguez Lobaina and Jorge Luis Garíca Pérez.

Unfortunately, as the resolution makes, clear, there are many other political prisoners, charged with the same offenses, enduring the same horrible fate. It is my hope that by engaging the help of the international community, we will improve their condition, secure their release, and eliminate the harassment of human rights activists in the future.

Castro and his cronies must know that the world is watching; that Cuba will remain an international pariah until the human rights situation dramatically improves. And those suffering under the jackboot of his oppression must know that we are watching—and that we will not rest and will not tire and will keep working to support them until they are finally free.

SENATE RESOLUTION 63—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 63

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $2,516,590, of which amount (1) not to exceed $4,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946), and (2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $4,427,783 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $1,886,876 of which amount (1) not to exceed $3,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946), and (2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003 through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, February 25, 2003, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 26, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee business, to be followed immediately by a hearing on the President's FY 2004 Budget for Indian Programs.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 26, 2003, at 9:15 a.m. in room 301 of the Russell Office Building, to mark up an original resolution authorizing expenditures by committees of the Senate for the period March 1, 2003, through February 28, 2005.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Monday, February 24, 2003, at 5:30 p.m. to conclude a business meeting regarding S. 195, Underground Storage Tank Compliance Act of 2003; Several Committee Resolutions on GSA Prospectuses; and Committee Funding Resolution.

The meeting will be held in the President's Room (S. 216).

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Steven Dettelbach, a detailee to the Committee on the Judiciary, be granted the privilege of the floor during the rest of today and during any votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I also ask unanimous consent to extend the privilege of the floor for the remainder of the first session of the 108th Congress to Michael Volkov, Wan Kim, and Reed O'Connor, three detailees from the Department of Justice to the majority staff of the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John P. Dowd:									
Italy	Dollar		1,412.00		4,994.68				6,406.68
Gretchen Saries:									
Italy	Dollar		1,765.00		5,537.18				7,302.18
Total			3,177.00		10,531.86				13,708.86

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition and Forestry, Jan 7, 2003.

AMENDMENT TO 3RD QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Keith Luse:									
North Korea	Dollar		746.66		950.00		54.30		1,750.96
China	Dollar		676.53		367.61		225.77		1,269.91
Japan	Dollar		6.55						6.55
United States	Dollar		12.00		1,552.83		54.54		1,619.37

Total			1,441.74		2,870.44		334.61		4,646.79

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Nov. 22, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel K. Inouye:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Senator Ted Stevens:									
United States	Dollar				2,700.89				2,700.89
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Senator Thad Cochran:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Senator Patrick Leahy:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Sid Ashworth:									
United States	Dollar				2,700.89				2,700.89
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Jennifer Chartrand:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Kay Webber:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Charles Houy:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Lesley Kalan:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Brussels	Euro		299.00						299.00
Paul Grove:									
United States	Dollar				5,872.76				5,872.76
Hong Kong	Dollar		411.00						411.00
Cambodia	Dollar		675.00						675.00
Indonesia	Dollar		494.00						494.00
Thailand	Dollar		232.00						232.00
Christina Evans:									
United States	Dollar				4,269.16		70.00		4,339.16
South Korea	Won		1,256.00						1,256.00
Barry G. Wright:									
United States	Dollar				4,269.16				4,269.16
South Korea	Won		1,256.00						1,256.00
David Davis:									
United States	Dollar				4,269.16				4,269.16
South Korea	Won		1,256.00						1,256.00
Total			23,416.02		24,082.02		70.00		47,568.04

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
England	Pound		1,722.25						1,722.25
Senator Ben N. Campbell:									
England	Pound		1,722.25						1,722.25
Senator Thad Cochran:									
England	Pound		1,722.25						1,722.25
Senator Richard Shelby:									
England	Pound		1,722.25						1,722.25
Andy Givens:									
England	Pound		1,722.25						1,722.25
Steve Cortese:									
England	Pound		1,722.25						1,722.25
Charles Houy:									
England	Pound		1,722.25						1,722.25
Kraig Siracuse:									
England	Pound		1,722.25						1,722.25
Kathy Casey:									
England	Pound		1,722.25						1,722.25
Sid Ashworth:									
England	Pound		1,722.25						1,722.25
Jennifer Chartrand:									
England	Pound		1,722.25						1,722.25
Terry Sauvain:									
England	Pound		1,722.25						1,722.25
Kevin Linskey:									
Japan	Yen		596.00						596.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Yuan		1,031.00						1,031.00
Katherine Hennessey:									
Japan	Yen		596.00						596.00
China	Yuan		1,031.00						1,031.00
James Morhard:									
Japan	Yen		596.00				443.15		1,039.15
China	Yuan		1,031.00						1,031.00
Barry G. Wright:									
United States	Dollar				5,015.70				5,015.70
Barry G. Wright:									
Italy	Euro		554.77						554.77
Austria	Euro		402.75						402.75
France	Euro		1,677.73						1,677.73
Total			28,183.25		5,015.70		443.15		33,642.10

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel K. Inouye:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Senator Ted Stevens:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Charles Houy:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Tom Hawkins:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Steve Cortese:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Sid Ashworth:									
China	Yuan		839.00						839.00
Singapore	Dollar		1,004.00						1,004.00
Phillipines	Peso		487.71						487.71
Senator Arlen Specter:									
United Kingdom	Pound		688.00						688.00
Netherlands	Euro		221.00						221.00
Senator Arlen Specter:									
Saudi Arabia	Riyal		125.00						125.00
Israel	Shekel		362.00						362.00
Jordan	Dinar		235.00						235.00
Syria	Pound		186.00						186.00
Italy	Euro		334.00						334.00
Thomas Dower:									
United Kingdom	Pound		688.00						688.00
Netherlands	Euro		221.00						221.00
Saudi Arabia	Riyal		125.00						125.00
Israel	Shekel		362.00						362.00
Jordan	Dinar		235.00						235.00
Syria	Pound		472.00						472.00
Italy	Euro		334.00						334.00
Steve Cortese:									
United States	Dollar			4,938.46					4,938.46
Serbia	Dollar		426.00						426.00
Germany	Euro		924.42						924.42
Jennifer Chartrand:									
United States	Dollar			4,938.46					4,938.46
Serbia	Dollar		426.00						426.00
Germany	Euro		924.42						924.42
Sid Ashworth:									
United States	Dollar			4,938.46					4,938.46
Serbia	Dollar		426.00						426.00
Germany	Euro		924.42						924.42
Tom Hawkins:									
United States	Dollar			4,938.46					4,938.46
Serbia	Dollar		426.00						426.00
Germany	Euro		924.42						924.42
Paul Grove:									
United States	Dollar			5,189.37					5,189.37
Serbia	Dollar		990.00						990.00
Montenegro	Dollar		324.00		75.75				399.75
Total			25,287.94		25,018.96				50,306.90

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sid Ashworth:									
United States	Dollar				6,474.53				6,474.53
Singapore	Dollar		1,387.78						1,387.78
Cambodia	Riel		495.00						495.00
Vietnam	Dong		410.00						410.00
Hong Kong	Dollar		411.00						411.00
Charlie Houy:									
United States	Dollar				6,474.53				6,474.53
Singapore	Dollar		1,387.78						1,387.78
Cambodia	Riel		495.00						495.00
Vietnam	Dong		410.00						410.00
Hong Kong	Dollar		411.00						411.00
Jennifer Chartrand:									
United States	Dollar				6,474.53				6,474.53
Singapore	Dollar		1,387.78						1,387.78
Cambodia	Riel		495.00						495.00
Vietnam	Dong		410.00						410.00
Hong Kong	Dollar		411.00						411.00
Steve Cortese:									
United States	Dollar				6,474.53				6,474.53
Singapore	Dollar		1,387.78						1,387.78
Cambodia	Riel		495.00						495.00
Vietnam	Dong		410.00						410.00
Hong Kong	Dollar		411.00						411.00
Nicole Rutberg:									
United States	Dollar				393.30				393.30
Canada	Dollar		200.00				271.08		471.08
Howard Walgren:									
United States	Dollar				393.30				393.30
Canada	Dollar		200.00				270.08		470.08
Cheh Kim:									
United States	Dollar				5,674.00				5,674.00
France	Euro		897.00						897.00
Italy	Euro		1,110.00						1,110.00
Tim Rieser:									
United States	Dollar				719.00				719.00
Colombia	Dollar		1,187.00						1,187.00
United States	Dollar				6,233.00				6,233.00
Lebanon	Dollar		60.00						60.00
Jordan	Dollar		340.00						340.00
Israel	Dollar		1,166.00						1,166.00
Egypt	Dollar		422.00						422.00
Netherlands	Dollar		220.00						220.00
Susan Hogan:									
United States	Dollar				5,481.74				5,481.74
Belgium	Dollar		257.00						257.00
Austria	Dollar		392.00						392.00
Germany	Dollar		588.00						588.00
Italy	Dollar		864.00						864.00
Paul Grove:									
United States	Dollar				6,233.00				6,233.00
Lebanon	Dollar		202.00						202.00
Jordan	Dollar		640.00						640.00
Israel	Dollar		1,466.00						1,466.00
Total			34,309.12		57,655.96		541.16		92,506.24

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Australia	Dollar		1,513.00						1,513.00
Singapore	Dollar		508.00						508.00
Thailand	Baht		464.00						464.00
Cambodia	Riel		225.00						225.00
Vietnam	Dong		410.00						410.00
China	Yuan		828.00						828.00
Lila Helms:									
Australia	Dollar		1,513.00						1,513.00
Singapore	Dollar		508.00						508.00
Thailand	Baht		464.00						464.00
Cambodia	Riel		225.00						225.00
Vietnam	Dong		410.00						410.00
China	Yuan		828.00						828.00
Elizabeth Pittleman:									
Australia	Dollar		1,513.00						1,513.00
Singapore	Dollar		508.00						508.00
Thailand	Baht		464.00						464.00
Cambodia	Riel		225.00						225.00
Vietnam	Dong		410.00						410.00
China	Yuan		828.00						828.00
Paul Grove:									
Ecuador	Dollar		672.00						672.00
Total			12,516.00						12,516.00

ROBERT C. BYRD,
Chairman, Committee on Appropriations, January 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael J. McCord:									
United States	Dollar				6,925.89		40.60		6,966.49
United Kingdom	Dollar		114.70						114.70
Germany	Dollar		122.15						122.15
Italy	Dollar		290.35						290.35
Portugal	Dollar		287.20						287.20
Senator E. Benjamin Nelson:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Belgium	Euro		299.00						299.00
Senator Pat Roberts:									
Italy	Euro		804.12						804.12
France	Euro		878.66						878.66
Belgium	Euro		299.00						299.00
Senator Bill Nelson:									
Belgium	Dollar		1,795.00						1,795.00
Bosnia	Dollar		254.00						254.00
Italy	Dollar		702.00						702.00
Senator Jack Reed:									
Korea	Won		419.00						419.00
Japan	Yen		129.00						129.00
Elizabeth King:									
Korea	Won		419.00						419.00
Japan	Yen		77.00						77.00
Mark Powers:									
Ghana	Cedi		100.00						100.00
	Dollar		247.00						247.00
Senator Jim Inhofe:									
Ghana	Dollar		271.00						271.00
Benin	Dollar		167.58						167.58
Total			9,358.54		6,925.89		40.60		16,325.03

CARL LEVIN,
Chairman, Committee on Armed Services, Jan. 14, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Matthew Paxton:									
United Kingdom	Pound		1,050.00		728.99				1,778.99
Andrew Minkiewicz:									
Spain	Euro		1,000.00		1,936.46				2,936.46
Floyd DesChamps:									
India	Rupees		960.00		2,688.06				3,648.06
Marvin A. Nixon:									
United Kingdom	Pound		2,055.00		728.55				2,783.75
Gael E. Sullivan:									
United Kingdom	Pound		1,544.00		1,045.16				2,589.16
Samuel E. Whitehorn:									
United Kingdom	Pound		1,544.00		630.16				2,174.16
David G. Wonnenberg:									
United Kingdom	Pound		2,466.00		713.38				3,179.38
Robert M. Freeman:									
United Kingdom	Pound		4,878.97		729.18				5,608.35
Robert W. Chamberlin:									
United Kingdom	Pound		1,544.00		1,045.16				2,589.16
Carl W. Bentzel:									
United Kingdom	Pound		1,644.00		720.75				2,364.75
Total			18,685.97		10,966.25				29,652.22

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Bryan Hannegan:									
India	Rupee		960.00		7,326.06				8,286.06
Total			960.00		7,326.06				8,286.06

JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Dec. 20, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden:									
Israel	Dollar		726.00						726.00
Qatar	Dollar		234.00						234.00
Saudi Arabia	Dollar		125.00						125.00
Turkey	Dollar		273.00						273.00
United States	Dollar				5,102.89				5,102.89
Senator Samuel Brownback:									
United Kingdom	Dollar		310.00						310.00
India	Dollar		240.00						240.00
China	Dollar		1,240.00						1,240.00
United States	Dollar				7,811.77				7,811.77
Senator Chuck Hagel:									
Israel	Dollar		726.00						726.00
Qatar	Dollar		234.00						234.00
Saudi Arabia	Dollar		125.00						125.00
Turkey	Dollar		273.00						273.00
United States	Dollar				8,849.89				8,849.89
Anthony Blinken:									
Israel	Dollar		726.00						726.00
Qatar	Dollar		234.00						234.00
Saudi Arabia	Dollar		125.00						125.00
Turkey	Dollar		273.00						273.00
United States	Dollar				5,376.89				5,376.89
Robert Epplin:									
Egypt	Dollar		868.00						868.00
Turkey	Dollar		1,077.00						1,077.00
Germany	Dollar		330.00						330.00
United States	Dollar				5,777.19				5,777.19
Heather D. Flynn:									
Ethiopia	Dollar		550.00						550.00
Eritrea	Dollar		550.00						550.00
Zambia	Dollar		550.00						550.00
Zimbabwe	Dollar		550.00						550.00
Djibouti	Dollar		550.00						550.00
United States	Dollar				7,830.18				7,830.18
Michael H. Haltzel:									
Austria	Dollar		304.00						304.00
Czech Republic	Dollar		543.00						543.00
Lithuania	Dollar		431.00						431.00
United States	Dollar				6,257.50				6,257.50
Sara Hessenflow:									
United Kingdom	Dollar		620.00						620.00
India	Dollar		400.00						400.00
China	Dollar		1,060.00						1,060.00
United States	Dollar				8,334.27				8,334.27
Jamie Metzl:									
France	Dollar		665.00						665.00
United States	Dollar				6,090.00				6,090.00
Andrew Parasiliti:									
Turkey	Dollar		1,280.00						1,280.00
United States	Dollar				5,523.91				5,523.91
Israel	Dollar		726.00						726.00
Qatar	Dollar		234.00						234.00
Saudi Arabia	Dollar		125.00						125.00
Turkey	Dollar		273.00						273.00
United States	Dollar				5,376.89				5,376.89
Italy	Dollar		1,248.00						1,248.00
United States	Dollar				5,296.68				5,296.68
Puneet Talwar:									
Turkey	Dollar		1,280.00						1,280.00
United States	Dollar				5,523.91				5,523.91
Israel	Dollar		726.00						726.00
Qatar	Dollar		234.00						234.00
Saudi Arabia	Dollar		125.00						125.00
Turkey	Dollar		273.00						273.00
United States	Dollar				5,239.89				5,239.89
Italy	Dollar		1,248.00						1,248.00
United States	Dollar				5,356.69				5,356.69
Peter Zimmerman:									
Austria	Dollar		536.00						536.00
Netherlands	Dollar		536.00						536.00
United States	Dollar				6,474.84				6,474.84
Total			23,756.00		100,223.39				123,979.39

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, Jan. 13, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Torricelli:									
Israel	Dollar		576.00						576.00
United States	Dollar				7,169.00				7,169.00
Jonah Blank:									
Pakistan	Dollar		1,350.00						1,350.00
Saudi Arabia	Dollar		880.00						880.00
Afghanistan	Dollar		1,050.00						1,050.00
United States	Dollar		120.00						120.00
United States	Dollar				7,784.27				7,784.27
John Bradshaw:									
Israel	Dollar		712.00						712.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				4,828.50				4,828.50
Robert Epplin:									
Thailand	Dollar		696.00						696.00
Vietnam	Dollar		1,227.00						1,227.00
Cambodia	Dollar		225.00						225.00
Hong Kong	Dollar		713.00						713.00
United States	Dollar				6,134.39				6,134.39
Deb Fiddelke:									
South Africa	Dollar		2,040.00						2,040.00
United States	Dollar				6,139.82				6,139.82
Walter Fischer:									
Saudi Arabia	Dollar								
Qatar	Dollar		513.80						513.80
United States	Dollar				6,979.38				6,979.38
Heather Flynn:									
Nigeria	Dollar		2,120.00						2,120.00
Nigeria	Dollar				55.40				55.40
Angola	Dollar		1,240.00						1,240.00
United States	Dollar				7,773.61				7,773.61
Michelle Gavin:									
Kenya	Dollar		600.00						600.00
Somalia	Dollar		125.00						125.00
Eritrea	Dollar		175.00						175.00
Ethiopia	Dollar		300.00						300.00
United States	Dollar				8,343.02				8,343.02
Michael H. Haltzel:									
Bulgaria	Dollar		512.00						512.00
Romania	Dollar		592.00						592.00
United States	Dollar				5,799.52				5,799.52
Frank Jannuzi:									
China	Dollar		4,577.00						4,577.00
United States	Dollar				6,402.50				6,402.50
Walter Lohman:									
China	Dollar		1,900.00						1,900.00
South Korea	Dollar		592.00						592.00
Taiwan	Dollar		720.00						720.00
United States	Dollar				2,240.89				2,240.89
Kenneth A. Myers III:									
United Kingdom	Dollar		772.00						772.00
Russian Federation	Dollar		2,240.00						2,240.00
United States	Dollar				4,985.34				4,985.34
David Andrew Olson:									
France	Dollar		119.76						119.76
Gabon	Dollar		580.00						580.00
Nigeria	Dollar		580.00						580.00
Ghana	Dollar		545.00						545.00
United Kingdom	Dollar		386.00						386.00
United States	Dollar				7,334.28				7,334.28
Maurice A. Perkins:									
South Africa	Dollar		672.00						672.00
United States	Dollar				6,421.82				6,421.82
Jedidiah Royal:									
Saudi Arabia	Dollar		213.33						213.33
Qatar	Dollar		234.00						234.00
United States	Dollar				6,483.61				6,483.61
Dallas Scholes:									
South Africa	Dollar		456.54						456.54
United States	Dollar				7,122.32				7,122.32
Kelly Siekman:									
Bosnia	Dollar		328.00						328.00
Austria	Dollar		183.37						183.37
Austria	Dollar				114.72				114.72
United States	Dollar				5,121.16				5,121.16
Puneet Talwar:									
Saudi Arabia	Dollar		160.00						160.00
Jordan	Dollar		185.00						185.00
Israel	Dollar		626.00						626.00
Turkey	Dollar		446.00						446.00
United States	Dollar				6,368.74				6,368.74
Brian Thomas:									
China	Dollar		2,506.00						2,506.00
United States	Dollar				5,728.50				5,728.50
Paul Unger:									
Bosnia	Dollar		144.76						144.76
United States	Dollar				4,522.59				4,522.59
Susan Williams:									
Chad	Dollar		850.00						850.00
Cameroon	Dollar		500.00						500.00
Nigeria	Dollar		550.00						550.00
France	Dollar		200.00						200.00
United States	Dollar				7,263.03				7,262.03
Peter D. Zimmerman:									
Norway	Dollar		1,045.00						1,045.00
United States	Dollar				4,611.09				4,611.09
Total			38,078.56		135,726.50				173,805.06

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, Jan. 13, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1, 2002 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kim Corthell:									
United States	Dollar				3,490.02				3,490.02

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1, 2002 TO DEC. 31, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Pound		565.90						565.90
Laura Stuber:									
United States	Dollar				873.75				873.75
United Kingdom	Pound		1,561.00						1,561.00
Dan Berkovitz:									
United States	Dollar				923.75				923.75
United Kingdom	Pound		1,462.54						1,462.54
Senator Durbin:									
United States	Dollar				1,964.00				1,964.00
Mexico	Peso		800.00						800.00
William Weber:									
United States	Dollar				1,499.41				1,499.41
Mexico	Peso		400.00						400.00
Clarisol Duque:									
United States	Dollar				1,486.60				1,486.60
Mexico	Peso			622.00					622.00
Total			5,411.44		10,237.53				15,648.97

JOSEPH I. LIEBERMAN,
Chairman, Committee on Governmental Affairs, Jan. 13, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			3,648.00						3,648.00
Peter Dorn			3,648.00						3,648.00
Kathleen Casey			3,648.00						3,648.00
Ann Caldwell			3,648.00						3,648.00
Vicki Cox			3,648.00						3,648.00
Barbara Schenck			414.00						414.00
Steven Cash			576.69						576.69
	Dollar				5,928.40				5,928.40
Senator John Edwards			513.16						513.16
	Dollar				7,002.55				7,002.55
Vicki Divoll			426.00						426.00
	Dollar				7,002.55				7,002.55
Miles Lackey			513.16						513.16
	Dollar				7,002.55				7,002.55
Derek Chollet			513.16						513.16
	Dollar				7,002.55				7,002.55
Lorenzo Goco			1,775.00						1,775.00
	Dollar				5,830.26				5,830.26
Randy Bookout			2,358.00						2,358.00
	Dollar				5,830.26				5,830.26
Robert Filippone			1,811.00						1,811.00
	Dollar				5,830.26				5,830.26
Robert K. Johnson			874.00						874.00
	Dollar				5,386.05				5,386.05
Total			28,014.17		56,815.43				84,829.60

PAT ROBERTS,
Chairman, Committee on Intelligence, Jan. 23, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janice Helwig:									
United States	Dollar				5,385.69				5,385.69
Austria	Dollar		16,872.93		1,125.15				17,998.08
Portugal	Dollar		1,380.00						1,380.00
Marlene Kaufmann:									
United States	Dollar				715.85				715.85
Canada	Dollar		460.78						460.78
Donald Kursch:									
United States	Dollar				5,455.38				5,455.38
Montenegro	Dollar		823.80						823.80
Ronald McNamara:									
United States	Dollar				6,448.80				6,448.80
Netherlands	Dollar		170.00						170.00
United States	Dollar				5,194.93				5,194.93
Portugal	Dollar		409.00						409.00
Michael Ochs:									
United States	Dollar				6,275.50				6,275.50
Azerbaijan	Dollar		1,692.00						1,692.00
Georgia	Dollar		660.00						660.00
Erika Schlager:									
United States	Dollar				4,545.85				4,545.85
Hungary	Dollar		1,237.91						1,237.91
Dorothy Taft:									
United States	Dollar				5,194.93				5,194.93
Portugal	Dollar		603.00						603.00
H. Knox Thames:									
United States	Dollar				6,971.39				6,971.39

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Azerbaijan	Dollar		1,751.52						1,751.52
Georgia	Dollar		549.00						549.00
Hungary	Dollar		1,273.95						1,273.95
Total			27,883.89		47,313.47				75,197.36

BEN NIGHTHORSE CAMPBELLS,
Chairman, Committee on the Commission on Security and Cooperation in Europe, Jan. 15, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Corzine:									
Israel	Dollar						1,446.94		1,446.94
Simon Brandler:									
Israel	Dollar						1,446.94		1,446.94
Total							2,893.88		2,893.88

TOM DASCHLE,
Majority Leader.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that there be an additional 6 hours for debate on the Estrada nomination; provided further that the time be equally divided between the chairman and ranking member or their designees; and that following the conclusion of that time the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I modify my request to 8 additional hours.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. FRIST. Mr. President, I was hoping that the recent Presidents Day recess would have convinced my colleagues that everything has been said and, thus, it is time now to vote. But we will continue to work with the other side with the hope that at some point they will allow an up-or-down vote on this qualified nominee.

MEASURE PLACED ON THE CALENDAR—S. 3

Mr. FRIST. Mr. President, I understand that S. 3 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion.

Mr. FRIST. Mr. President, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—S. 13

Mr. FRIST. Mr. President, I understand that S. 13 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 13) to provide financial security to small farm and small business owners by ending the unfair practice of taxing someone at death.

Mr. FRIST. Mr. President, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—S. 414

Mr. FRIST. Mr. President, I understand that S. 414 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 414) to provide an economic stimulus package, and for other purposes.

Mr. FRIST. Mr. President, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that the appointments at the desk appear separately in the RECORD as if made by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Iowa (Mr. GRASSLEY); the Senator from Utah (Mr. HATCH); the Senator from Oklahoma (Mr. NICKLES); the Senator from Montana (Mr. BAUCUS); the Senator from West Virginia (Mr. ROCKEFELLER).

ORDERS FOR TUESDAY, FEBRUARY 25, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, February 25; I further ask that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate return to executive session and resume the consideration of the nomination of Miguel Estrada to be a circuit judge for the District of Columbia Circuit.

I further ask unanimous consent that the Senate recess from the hour of 12:30 p.m. to 2:30 p.m. for the weekly party caucuses.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will begin its 9th day of consideration of the Estrada nomination. I believe that both sides of the debate have had adequate time and the Senate should now be able to work its will.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, February 25, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 25, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

9:15 a.m.

Rules and Administration

Business meeting to consider an original resolution authorizing certain expenditures for committee operations.

SR–301

9:30 a.m.

Armed Services

To hold a closed briefing to examine planning for the post-conflict Iraq.

SR–222

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Federal Deposit Insurance System.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine issues involving Sport Utility Vehicle (SUV) safety, including data relating to vehicle rollovers, crash compatibility, and seatbelt use.

SR–253

Environment and Public Works

To hold hearings to examine the proposed Fiscal Year 2004 Environmental Protection Agency budget.

SD–406

10 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Finance

Business meeting to mark up the Miscellaneous Trade and Technical Correction Act of 2003.

SD–215

Indian Affairs

Business meeting to consider the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, S. 162, to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona; to be followed by hearings to examine the President's proposed budget for Fiscal Year 2004 for Indian Affairs.

SR–485

10:30 a.m.

Foreign Relations

Committee will meet to receive a perspective on the revitalization and reconstruction of post conflict Afghanistan.

SD–419

2:30 p.m.

Budget

To hold hearings to examine the President's Fiscal Year 2004 Budget proposal for Medicare and Medicaid.

SD–608

Joint Economic Committee

To hold hearings to examine the Economic Report of the President.

SD–628

4 p.m.

Veterans' Affairs

To hold hearings to examine the Administration's proposed Fiscal Year 2004 Department of Veterans Affairs Budget.

SR–418

FEBRUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, and Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ellen G. Engleman, of Indiana, Richard F. Healing, of Virginia, and Mark V. Rosenker, of Maryland, each to be a Member of the National Transportation Safety Board, Department of Transportion.

SR–253

Foreign Relations

To hold hearings to examine American public diplomacy with respect to Islam.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings to examine the Federal Highway Administration's Fiscal Year 2004 budget.

SD–406

10 a.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy production on federal lands.

SD–366

Finance

To hold hearings to examine the Administration's Fiscal Year 2004 health care priorities.

SD–215

Aging

To hold hearings to examine the impact of global aging on the U.S. economy.

SD–628

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine U.S. involvement in aerospace research.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 32, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West, S. 203, to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining, S. 278, to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and S. 246, to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

SD–366

MARCH 4

2:30 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims, and John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

SR–418

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the federal government's initiatives regarding the school breakfast and lunch programs.

SH–216

Banking, Housing, and Urban Affairs

To hold hearings to examine the Administration's proposed Fiscal Year 2004 Budget for the Department of Housing and Urban Development.

SD–538

Energy and Natural Resources

To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on financial conditions of the electricity market.

SD–366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MARCH 5

3 p.m.
Foreign Relations
To hold hearings to examine the Tax Convention with the United Kingdom and Protocols amending Tax Conventions with Australia and Mexico.
SD–419

MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
Employment, Safety, and Training Subcommittee
To hold hearings to examine the Workforce Investment Act.
SD–430

Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy use in the transportation sector.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Vererans Association, and the Non-Commissioned Officers Association.
345 Cannon Building

MARCH 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation.
SD–366

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Administration's proposed Fiscal Year 2004 Budget for the Federal Transit Administration.
SD–538

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Seargents Association.
345 Cannon Building

MARCH 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345 Cannon Building

MARCH 27

9:30 a.m.
Armed Services
To hold hearings to examine the future of the North Atlantic Treaty Organization; to be followed by closed hearings (in Room SH–219).
SH–216

POSTPONEMENTS

FEBRUARY 26

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430